The Governor
Professor DAVID de KRETSER, AC

The Lieutenant-Governor
The Honourable Justice MARILYN WARREN, AC

The ministry
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Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation ............................ The Hon. J. M. Allan, MP
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Minister for Community Development and Minister for Energy and Resources ...................................................... The Hon. P. Batchelor, MP
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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
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Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphine, 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 Somuyrek.

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

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe
Parliamentary Services — Secretary: Dr S. O’Kane
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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL
Deputy Speaker: Ms A. P. BARKER

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

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The Hon. J. M. BRUMBY

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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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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Tuesday, 13 October 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to recognise the following consular and community representatives present in the gallery today: Ms Julie Grant, the deputy consul general of the United States of America; Mr Budiarman Bahar, the consul general of the Republic of Indonesia; Mr Lotomau Komiti, the secretary of the Samoan Advisory Council of Victoria; the Reverend Aviti Etuale of the Congregational Church of Samoa; Achmed Subardjor, the president, PERWIRA Indonesian Society of Victoria; Lucky Kalonta of the Indonesian Club of Melbourne; and the Reverend Feke Kamitoni of the Tongan Uniting Church. Welcome to the Parliament of Victoria.

BUSINESS OF THE HOUSE

Standing orders

Mr BATCHelor (Minister for Community Development) — By leave, I move:

That so much of standing orders be suspended immediately so as to allow:

(1) precedence to be given to a motion of condolence to the people affected by the recent natural disasters in the South Pacific, Indonesia and Asia;

(2) the debate to be no longer than 1 hour and the time limit for each member to be 10 minutes.

Motion agreed to.

CONDOLENCES

South Pacific, Indonesia and Asia: natural disasters

Mr BRUMBY (Premier) — I move:

That the following resolution be agreed to by this house —

We, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the families of the victims of the recent natural disasters in the South Pacific, Indonesia and Asia and the survivors of these disasters, and join with the people of Victoria in expressing our sympathy to those affected.

The past few weeks have been an extremely difficult time for our region, both in Asia and in the Pacific, where a series of large-scale natural disasters have struck. The breadth of the resulting destruction has been immense, and the suffering of the grieving, the injured and the displaced continues.

As we all know, in February this year Victorians experienced the worst natural disaster in our history. The wonderful sympathy and the generosity shown by our fellow Australians in our time of great need and by others from around the world is still fresh in our minds. It is against this background that I express on behalf of all Victorians my sincere condolences to the families, the friends and the communities of all of those killed in the recent disasters in the Asia-Pacific region.

On Tuesday, 29 September, which was Wednesday, 30 September, in Australia, a magnitude 8.2 earthquake near Samoa caused a devastating tsunami which struck Samoa, American Samoa and parts of Tonga. At this stage the confirmed lives lost in Samoa number 137, with 310 injured. There are 31 dead in American Samoa and 9 dead in Tonga, with 4 critically injured.

Only 17 hours later a magnitude 7.5 earthquake occurred on the west coast of Sumatra close to the city of Padang. The quake was followed by many aftershocks and a second earthquake of magnitude 7.0. Current Indonesian official estimates are 793 dead and 121,679 houses destroyed or seriously damaged. The number of fatalities is expected to increase. Many members will have seen the graphic television footage of affected areas, as I have. In some of the more remote areas whole villages have been declared mass grave sites, having been buried by mudslides.

Vietnam, Cambodia and Laos have experienced flooding and landslides caused by Typhoon Ketsana, which hit on the evening of 29 September. The Philippines has also experienced floods caused by Tropical Storm Ondoy, which hit the island of Luzon on 26 September. Many hundreds have been killed, and the number of displaced is in the thousands. In addition, since 29 September heavy rains have caused extensive floods in the southern Indian states of Andhra Pradesh and Karnataka. The death toll is in excess of 300 people, and 1.5 million people have been displaced. These facts are sobering, and it is with extreme sadness we contemplate the suffering of so many.

Victorians care deeply about these events because we have very close ties with all those countries affected. We have those ties through our families, through our friends, through our associates and through business links.
Tragically Victorian schoolteacher Vivien Hodgins lost her life while holidaying in Samoa. Her memorial service was held this morning at the Wendouree Performing Arts Centre. Ms Hodgins had taught drama and media studies at Mount Clear College near Ballarat for the past 33 years of what was a 37-year teaching career. She was passionate about the performing arts and inspired generations of students to take part in the college’s drama productions. I understand the college plans to establish an arts scholarship in Vivien’s memory, along with another yet-to-be-determined lasting memorial.

On behalf of the Victorian people I express my deepest condolences to Vivien’s family, her husband and two daughters in particular; to her friends; and to her colleagues and students at Mount Clear College. I also express my appreciation for her 37 years of dedicated service to the Victorian education system.

Our thoughts also go out to Victorian Claire Rowlands and her family. Claire was Vivien’s travel companion. She was critically injured and is recovering in a Sydney hospital. We wish her a speedy and full recovery.

I would like to take this opportunity today to acknowledge the contribution to the recovery effort made by the Australian government and other state governments around Australia. Here in Victoria our response was swift. At the first news of the Pacific tsunami the Department of Human Services activated its emergency coordination centre. It brought together key staff from the Department of Health, the Office of the Emergency Services Commissioner and Victoria Police to begin planning Victoria’s response. Later that same evening the government of Victoria received a request from AusAID to provide two medical assistance teams in support of a request from the Samoan government.

The next day those two teams were airlifted by the Australian Defence Force to the Samoan capital, Apia. The contingent comprised surgeons, emergency department doctors and registered nurses from the Royal Melbourne and Royal Children’s hospitals, as well as urban search and rescue paramedics. Their swift deployment to the National Hospital in Apia provided relief to exhausted local staff who had been working non-stop since the tsunami hit. These teams returned to Melbourne at the end of last week. Again, on behalf of the Parliament and the people of Victoria I would like to thank them for their professionalism and their willingness to undertake such a gruelling assignment to help our neighbours.

Additional medical and search-and-rescue teams were placed on stand-by to relieve teams in Samoa and to deploy to Indonesia, but these were not required.

In Victoria itself the Department of Human Services is working to ensure that local communities impacted by the disasters are receiving information and support as required. The Victorian government has donated $500 000 to the Australian Red Cross Pacific tsunami appeal. I am also pleased to report that Melbourne’s Metropolitan Fire Brigade is sending a tanker to Samoa to replace a tanker damaged in an accident during the tsunami response. The tanker is scheduled to be shipped from Melbourne on 18 October. In addition a number of disaster relief appeals have been established, and I encourage Victorians to contribute to them.

In conclusion, it is true in every sense to say that in our state we have a renewed appreciation of the critical importance of a rapid response to natural disasters. But we also understand that the recovery and rebuilding process — and the healing process — requires a long-term effort. Many Victorians will have friends and relatives in the affected areas. Earlier today, when I was at St Mary’s House of Welcome, one of the people I met had family members who had lost their lives in Samoa. Many Victorians will be affected in this way. There will be many with family, friends and relatives throughout Samoa, Indonesia, India, the Philippines and other regions. To these Victorians, who have been so personally and deeply affected, we extend our deepest sympathies and support. Finally, we assure them that our state stands ready to assist further and as required in the recovery and rebuilding of these devastated areas.

Mr BAILLIEU (Leader of the Opposition) — I join with the Premier in seconding this motion. Our world has been a much-troubled and restless place this year. Financial meltdown has devastated economies; natural disasters have devastated communities; and terrorism and war are never far from our minds. It has been an experience shared across the globe. For Victorians 2009 began with the continuing agony of drought and the tragedy of bushfire, and there remains much for us to do to recover, to rebuild and to restore hope and dignity to our own state. The assistance Victoria has received in that task has been unprecedented. It has come not only from our own but also from interstate, from our neighbours, from our region and from across the world.

This Parliament has had cause already to express its collective gratitude for that support. That help has included in particular financial and other contributions from the Indonesian government, Papua New Guinea and other Pacific and South-East Asian nations. It has
been an extraordinary sharing of goodwill, of compassion and of the human spirit. It is just a simple observation, but that sharing of the pain and that sharing of the determination to begin anew provides great strength to those suffering most.

We too have shared the pain of others: the tragic earthquakes in L’Aquila in Italy; the shocking mudslides in Messina in Sicily; and horrific fires in Greece, the United States and, of course, more recently in São Paolo in Brazil. Victorians, in particular our multicultural communities, have been untried in their efforts to reach out and lend a hand wherever possible, just as they have reached out after earthquakes in Turkey and China and the tsunamis through Indonesia and Southern India in recent years.

In Victoria, even with all the challenges at hand, the end of September and the first week of October is often a time of quiet. It is a moment of calm between the excitement of football finals and that even sunnier mood of spring. But this year that respite was shattered by disasters across our region. Earthquakes, tidal waves, roaring winds, floods, mudslides and landslides came roaring through the lives of millions. Those across our region sharing the glow of the waxing moon as September closed had little warning of what was to follow.

On 29 September Typhoon Ketsana roared into central Vietnam, devastating communities, as the Premier said. In the early hours of 30 September a tsunami generated by an undersea earthquake swept across the southern Pacific. It shattered Samoa. It devastated American Samoa. It tore apart Tonga. At around 5.00 p.m. on the same day another earthquake rocked the island of Sumatra in Indonesia, the sixth biggest island in the world, with a population of over 45 million. Within 24 hours another earthquake just a few hundred kilometres to the south had repeated the pummelling. The force of those earthquakes left Sumatra broken. The city of Padang was particularly hard hit.

Then, just as Chinese communities across our region stepped out to mark the full moon and to celebrate the lunar festival, the forces of nature struck yet again, and on 3 October Typhoon Parma belted the Philippines and Typhoon Ketsana, which had become a tropical storm, continued to devastate the area. Floods then consumed the Philippines and extraordinary scenes filmed from the air showed desperate Filipinos stranded in cities with endless flooded streets. In a further cruel blow, on 10 October mudslides following those torrential rains ripped through Filipino communities.

The Premier has outlined the toll — the toll in lives, the toll in property, the toll in housing and the toll in economies. It is an extraordinary toll: hundreds dead in the South Pacific, perhaps thousands in Indonesia, and hundreds again in the Philippines and Vietnam — and hundreds of thousands displaced and devastated and suffering in the process.

The help that has been offered by Australians in particular, and of course by Victoria, as perhaps we have come to expect, has been extraordinary. That help, as the Premier has suggested, has, appropriately, come through the government with a significant donation to the Red Cross appeal fund, support through Oxfam, through World Vision, through Save the Children, through the Sumatra appeals, through Caritas, through SurfAid, through Muslim Aid Australia and through others. This support is, as I said, perhaps a part of what makes Victoria a great place and what makes our heritage of sharing so significant.

I join with the Premier in expressing our condolences to the family of Vivien Hodgins, a Ballarat teacher, and as the Premier said, someone who had been in the teaching service in Victoria for over 30 years and who during that time made an extraordinary contribution. No doubt Vivien and her friend, Claire Rowlands, who were in Samoa at the time, were in pursuit of a time of peace, and the tragedy of their loss is at the forefront of the minds of all Victorians.

In the face of these tragedies I join the Premier in offering the thoughts and prayers of members on all sides of this house in reaching out to communities ripped apart by these disasters. As has been the case before, we share that pain, and we share the determination to be strong and to rebuild. We offer all possible support in that task, and we say thank you to those who have already made sacrifices to do just that. That sharing is very much part of our heritage and very much part of what makes Victoria the multicultural capital of Australia. It is very much part of our multicultural heritage.

At the risk of singling out one person, I note that Mr Budiarmar Bahar, the Indonesian consul general, is in the gallery. He will be departing Victoria in the months ahead. I know the sadness with which he will do that and the sadness which consumes all the communities — Samoan, Sumatran, Indonesian, Filipino, Vietnamese and Tongan — and all who have been affected by these devastating natural disasters.

Mr HULLS (Attorney-General) — Some of our closest neighbours in the Asia-Pacific region have, as we have heard recently, been beset by appalling
tragedy. Today, on behalf of all Victorians, our thoughts are of the families of those who perished as well as of the countless number who continue to grapple with the aftermath of such devastating natural disasters.

As members of the house have heard, at least 170 people died on the Pacific islands of Samoa, American Samoa and Tonga. They included one Victorian amongst five Australians, as the Premier has explained and as the member for Ballarat East will no doubt detail. They died after an 8.2 magnitude earthquake resulted in a devastating tsunami that washed entire villages away and left many people homeless and, of course, grief stricken.

In the days that followed, Samoa faced the horrendously difficult task of burying its dead, with a mass funeral for over 100 of the victims. I understand such a step is a radical departure from Samoan tradition, and we can only extend our compassion to communities who are not only grieving for their loved ones but whose grief is compounded in this way. As almost 20 per cent of Australia’s Samoan population lives in Victoria, the government also takes this opportunity to offer its sympathies to our Samoan and Tongan communities as they grapple with their terrible loss.

Meanwhile, the people in the region surrounding Padang in Sumatra face the inconceivable task of recovering from two devastating earthquakes that, less than 24 hours later, flattened well over 100 000 houses, and as the Premier has outlined, the latest official count is 793 people dead, with the final toll sadly expected to rise significantly. It is difficult to overstate the devastating effects these earthquakes will have on this region of Indonesia. It is also difficult to overstate the time it will take to rebuild infrastructure, health and education facilities and livelihoods. It is impossible to state the time it will take to rebuild lives. This state also has a significant Indonesian population, and today we offer our compassion and our support to those here, as well as overseas, as they come to terms with what has occurred.

Victorians recently grappled with their own natural disaster, after a devastating summer of bushfires. While no tragedy is the same and these circumstances are vastly different, I believe it is possible for Victorians to relate particularly to what has occurred — to understand the trauma and the terror associated with these disasters. For that reason it is especially important that Victorians extend not only their sympathies but also their assistance, with Australia playing a crucial part in the international effort to bring recovery teams, medical resources and aid to the most stricken regions. As the Premier has outlined, the Victorian government has donated $500 000 to the Australian Red Cross Pacific Tsunami Appeal.

As we offer this support we should not forget that the Asia-Pacific region has recently endured a number of other quite devastating disasters. The worst floods the Philippines have seen in 50 years killed many hundreds and left something like 80 per cent of Manila still under water; Vietnam, Cambodia and Laos endured floods and landslides caused by a typhoon; while the worst floods in over a century have killed hundreds and displaced around 1.5 million people in the southern states of India.

Sadly, these events do not just represent catastrophe in the immediate here and now. These events will have a terrible ripple effect — the destruction extending as hopes for food production are decimated and poverty is cemented. These events in India, in the Philippines, in Vietnam, Cambodia and Laos, in Samoa and Tonga and in Indonesia are all reminders not only of the fragility of human life and of how so much can be destroyed in such a short time but also of the fragility of our planet. All of us share this fragility. All of us love our kids and hold out great hope for their future. All of us share this planet and have the responsibility to care for it.

On behalf of all members of the house today I offer our condolences to the friends and families of Vivian Hodgins, a Victorian cherished by the wider Ballarat community, and to the other Australians killed, injured or traumatised by these recent events.

We also extend our heartfelt sadness and compassion for the wider loss not only to the people of the Asia-Pacific region but to the global community as a whole.

Mr RYAN (Leader of The Nationals) — I rise to support the motion which has been moved by the Premier. I begin by welcoming the visitors who are with us today from the various nations from which they are drawn. All too often it is, tragically, that we have condolence motions before the house. It becomes no less difficult in each instance to speak to them.

Yesterday marked the seventh anniversary of the bombings in Bali when 88 Victorians died and many others died as well. We recall that tragic and appalling event with much sorrow.

In addition to that event we have had instances of natural disasters occurring over the course of the past
years. Again and all too often we have had cause to stand to speak to these condolence motions.

In the events that have occurred recently we have seen disaster wrought across the Pacific and through the South-East Asian region, particularly in the Philippines, Vietnam, Cambodia and Laos.

The day of 30 September was an appalling day by any standard. Two major earthquakes occurred: one off the coast of Sumatra and another near the Samoan islands. They caused widespread damage and loss of life, and indeed the Premier has recounted much of that detail.

In Samoa the earthquake struck at about 6.48 a.m. local time on the morning of 29 September. It had a magnitude of about 8. A 76-millimetre rise in sea levels was recorded at the epicentre of the undersea quake, which triggered a series of tsunamis. Indeed in some of the material I have read there has been expert opinion that the first of the waves that left the site travelled from that position at a speed of approximately 700 kilometres an hour.

The media reports have given us the awful grim toll of death and injury, and those continue. We have lost four Australians: amongst them was Vivien Hodgins. Our thoughts are also with Claire Rowlands, who was so terribly injured.

Samoa bore the brunt of the tsunami. Reports have estimated the death toll at about 149. The New Zealand Herald has reported instances where a mother playing on the beach with three of her children saw them washed away before her eyes. The ABC reported that a Samoan living in Australia lost nine members of his family as a result of this appalling tragedy.

In American Samoa there were reports of waves 5 and 6 metres high coming ashore. In Tonga at the northern island of Niuatoputapu, about 500 km north of the main area of Tonga, the waves went across this coral outlet at about 5 to 6 metres in height; many people died and many others were injured.

In addition to those events we saw the tragedies that occurred in Sumatra: a major quake, again, which occurred at about 5.16 p.m. on 30 September of a magnitude of 7.6. The death toll was in the hundreds upon hundreds, with tens of thousands displaced from their homes. The United Nations estimates that up to half a million people could be homeless as a result of this disaster.

Then there were the typhoons that struck throughout South-East Asia. They wrought their own havoc. More than 4.1 million people have been affected. They hit early on the morning of 26 September bringing one month’s rain in 12 hours in the Philippines. A state of calamity was declared in the capital, Manila, with 80 per cent of the city submerged — the worst flooding in more than 40 years — 450,000 people displaced and hundreds dead.

In Vietnam the typhoon made landfall on 29 September, and many lives were lost. Laos similarly experienced major flooding.

In Cambodia there were about 20 people killed as a result of Typhoon Ketsana. Typhoon Parma followed eight days later when it came to the Philippines with more rain, causing more landslides, mudslides and floods, with 2.2 million people being affected by this disaster and 193 deaths confirmed.

We see this appalling toll reflected in the reports arising from these dreadful tragedies. As is the wont with these events, they tend to go off the front page only days later. As I came in here today I flicked through our major dailies, even getting up to page 20 of each of them, and with due respect to those who are responsible for producing those outlets, there is little reference to these terrible events. That is because the world moves on; other things happen. But for the people caught up in the dreadful tragedies represented by these events there is of course no escape.

As we saw earlier this year in Victoria when 173 of our citizens died, a terrible toll is to be paid. It is ongoing. I convey to those represented here today by representatives from their different nations the sincere condolences of all of us here in the Parliament. Victoria and Australia have advanced aid to these different nations, and that will continue, and quite rightly so, because our hearts, our minds and our prayers go out to those who have suffered and who continue to suffer.

Mr Howard (Ballarat East) — The events which took place recently in Samoa, in American Samoa, in Sumatra, Indonesia, in the Philippines and surrounding regions again demonstrated the massive and tragic effects of earthquakes and typhoons. We saw graphically in the media how whole villages can be quickly destroyed as a direct result of earthquakes, the tsunamis that can follow or typhoons.

Thousands of homes were lost along with public buildings, including hospitals and schools. All the more tragic is that hundreds of lives were lost, devastating the lives of so many families left to deal with the terrible loss. As we have heard, at around 6.30 a.m. local time on 29 September the beautiful and peaceful havens of Samoa suddenly experienced a massive earthquake,
which was followed by four giant walls of water between 3 and 9 metres high sweeping across parts of Samoa, wiping out villages and holiday resorts.

Soon after that, many residents from my electorate learnt that two Ballarat teachers who had been enjoying a holiday in this part of paradise were caught up in this tragic event. We learnt that while Claire Rowlands, a teacher from Ballarat High School, was found alive, her travelling companion, Vivien Hodgins, had died. As a teacher who had taught for 33 years at Mount Clear College, and in the other roles she had played as a community member, Viv has touched the lives of so many people across Ballarat and the Hepburn town of Blampied, where Ms Hodgins and her partner, Hepburn Shire councillor Rod May, lived.

Viv was always the most positive of teachers, mostly remembered for her cheerful and caring nature:

Mrs Hodgins was the most caring teacher and I will miss her a lot. She told me she was always there to talk to me, and she was right. Keep strong is what she would say.

These were the memories of one student reported in the Ballarat Courier. Another student reflected:

Mrs Hodgins was a great teacher and always had such a cheerful laugh and a smile on her face. Wish there were more teachers like you.

Similar stories have been shared around Mount Clear College since school has resumed, but it is of course very challenging for the students and staff to deal with the knowledge that Viv did not return from her holiday. My heartfelt sympathies go out to Rod and to daughters Carla and Stephanie and to all who are grieving Viv’s death.

Our thoughts also go out to Claire Rowlands, now back in Australia and slowly recovering from her extensive injuries as well as from the loss of her close friend.

The thoughts of Ballarat residents also go out to Lili Aiesi, a Samoan woman who has lived in Ballarat since 1997. Eleven of her family members were killed, including six children aged between 2 and 14. Lily learnt that her sister’s body was found still clinging to her two-year-old baby.

Such stories help to bring home to us the realities of this disaster. In this house today I join with all members to share sympathy for so many people such as Lily, for the other Samoans living in Australia and for those in Samoa who are trying to deal with their loss and rebuild their lives. We know they need a great deal of help to reinstate water supplies and power, to provide shelter and to counter the threat of disease that has followed.

We learnt following the news from Samoa that a powerful earthquake also hit Sumatra, Indonesia, causing much destruction and with the toll of dead and injured feared to be in the thousands. We also learnt that schools and hospitals, as well as over 100 000 houses, had collapsed.

Devastation on this scale is hard for many of us to comprehend. We know, however, that many people have been devastated emotionally as a result of these terrible disasters and there is much that needs to be done to support them. I am pleased that our government has provided practical assistance in a range of ways, including support with search and rescue personnel, and I am also pleased that the federal government has committed financial assistance. I know that many individuals across our communities will be supporting the Red Cross appeal as well as the many other appeals from organisations collecting to help those who have been affected.

As well as passing on our sympathy through this condolence motion to the many people traumatised by these disasters, I hope members and the broader Victorian community will find ways to direct real, practical assistance to those in need in the aftermath of these traumatic disasters.

Ms ASHER (Brighton) — I wish to contribute briefly on this condolence motion moved by the Premier, in particular to convey our sympathies to the families of victims in the South Pacific, Indonesia and Asia, and more importantly to also convey our support for the survivors.

Other speakers have talked about the tsunami in Samoa, American Samoa and Tonga and have outlined the loss and destruction caused by that tsunami. Likewise other speakers have described the earthquake in Sumatra and the typhoons experienced in the Philippines, Vietnam, Cambodia and Laos. Suffice it to say the death toll is horrendous. We express sympathy for the families of the five Australians who were killed, particularly the family of the one Victorian who lost her life, Vivien Hodgins. We also note the huge number of injuries and the dislocation. It is that dislocation I wish to concentrate on.

The number of villages that have been destroyed is significant, and vast numbers of people are homeless. The Australian aid effort has also been touched on — the financial contributions, medical personnel and their work, disaster relief, search and rescue and a whole range of other forms of support from Australians and Victorians.
I want to briefly touch on the long-term impact on the survivors of these sorts of tragedies. We have condolecne motions from time to time in this house. Unfortunately there was one relating to our own community earlier this year, and we had a condolecne motion after the 2004 tsunami. I think the initial response from Victorians and from the Parliament is enormous sympathy for the human loss. However, there is a much greater challenge for all of us, and that is the reconstruction efforts — which have been mentioned by a number of the previous speakers. It is not just the issue of food production; it is a question of how we transform that immediate response of wanting to give relief into actually contributing to long-term reconstruction.

I refer very briefly to the impact of the 2004 tsunami because, as I said earlier, we had a condolecne motion at that time and we spoke at length about the immediate human response by the world and the immediate ramifications for humans in the countries affected. A number of the economies that were affected are particularly dependent on tourism — for example, the economies of the Maldives and Thailand. Obviously there are great similarities between those countries and Samoa and Sumatra in particular.

One of the things we all need to think about long term is how best to assist in reconstructing that industry. For example, 62 per cent of gross domestic product in the Maldives was dependent on tourism, and that recovery has been very, very slow because people obviously think, rightly or wrongly, it is unsafe to visit. In Thailand, particularly in the area of Phuket, tourist numbers have been slashed dramatically. The figure of most relevance here is that in the first year after the tsunami revenue from foreign tourists in Phuket was down by 79 per cent.

Whilst the airport was virtually untouched and the water supply and water treatment were fine, people justifiably and understandably felt unsafe visiting those countries, yet that is the worst possible reaction in terms of long-term recovery. There is little wonder why newspaper headlines saying Samoa’s tourism industry fears a ‘second tsunami’ have appeared. That terminology was used by the chief executive of the Samoa Hotel Association. Indeed one of the great fears is for long-term recovery in this area. Tourism constitutes 25 per cent of Samoa’s gross domestic product, and in dollar terms is worth between $130 million and $135 million per annum.

Likewise, Sumatra is significantly dependent upon tourism. Whilst in the short term I, too, wish to express my sympathy for those who have suffered the loss of family and friends and the loss of their amenity in life — those who are homeless and displaced — I also wish to focus on the survivors of these disasters and to express a deep and sincere belief that Australia and Victoria will be there for the long-term recovery of these communities.

Mr CRISP (Mildura) — It is with sadness that I join other members of this Parliament in supporting this condolecne motion. I would also like to acknowledge the dignitaries from the affected countries who are in the gallery today. The events of the last months have touched Murray River communities, particularly those in the Swan Hill and Mildura electorates. Floods in the Philippines, a typhoon in Vietnam, an earthquake and a tsunami in the South Pacific, the devastation of the Indonesian earthquake and, as we have heard, other equally devastating events show that it has not been a good four weeks for this planet. Modern communications bring these events almost live into our lounge rooms. Most of us are moved by compassion and empathy for those affected. For many reasons we in Victoria have much to be thankful for. We should also remember that those affected by these disasters offered their condolences after our tragic bushfires.

Most of the people in the electorate of Mildura who are deeply affected by these disasters live in Mildura and Robinvale. As I understand it, the Samoan families living in Robinvale have not lost any immediate relatives but share in the grief that has affected their home country. Samoan families are part of the larger Pacific Island community, which comprises mostly Tongans, living in Robinvale and totalling around 500 individuals. Many of these people now live permanently in Robinvale, and the Pacific Islander community is supported by the Wesley Methodist Church, the Church of Latter Day Saints, the Seventh Day Adventist Church and the Catholic Church. There is also a strong Christian fellowship in Robinvale. All have offered prayers and donations. The Pacific Islander community is very community minded.

As many of us who have had personal experience would know, Pacific Islander people have wonderful musical ability, particularly singing and playing instruments. Members of that community have offered support for those in need of their assistance. They have also helped in the past as well. The younger generations of Islanders have participated in our education and training systems and are now working in jobs beyond the farms that brought their parents to the Murray Valley. In Mildura the Samoan community is larger than that of Robinvale, but as with Robinvale, it is part of a larger and very supportive Islander community.
I have spoken to Pastor Albert Tufonga, who conducted a memorial service in the Mormon church last Saturday. The service was attended by about 160 people, of whom, Pastor Albert informs me, about 100 were Samoans. Because Samoa is a small country, Pastor Albert told me, many of the congregation have felt great loss. All have been affected in some way or another. Pastor Albert’s church has contributed to the aid effort, which at this stage has been food and clothing. People in the Samoan community in the Murray Valley stand ready to contribute to the recovery effort once the emergency has passed. There will be much to be reconstructed, and I am sure that members of the Samoan community will not be alone in making efforts to assist in the reconstruction. I note that the Victorian government has made a contribution on behalf of the people of Victoria, and various other appeals are running. Pastor Albert also informed me that other denominations have conducted memorial services or have offered prayers for those who have suffered loss.

The floods in the Philippines have also touched my electorate. The Filipino community has an organisation in my electorate called the Filipino Community of Sunraysia. I have spoken to its community contact, Yolanda Taverna. Members of the Filipino community also use the arts to make themselves known in the community, and the community has a wonderful dance group that has performed at many functions and community events, and it particularly supports our elderly.

The Filipino community of Sunraysia has about 60 members, and the floods have affected their relatives and others. The assistance so far offered has been through sending money to those affected. The Sacred Heart Church in Mildura is taking part in the appeal for the flood victims organised by Father Tom Brophy, who I understand has a niece who is a nun working in the flood-affected areas of Manila. My community has been affected by these disasters. I offer my condolences and the prayers of my constituents to all those who grieve, and I pay tribute to those in my electorate who will be thinking of those in their former homelands who are devastated by the recent disasters and would want immediate sympathy, but there is also the long-term reconstruction.

The Premier mentioned the impact of flooding in India, Vietnam, Cambodia and Laos, and I am very familiar with that. Flooding washes away not only whole villages but also people’s livelihoods for a year or two, so there is a reconstruction effort to be considered as well as the impact of the tragedy of lives lost. We have become familiar over the last few years with the impact of tsunamis. I ask the representatives present to convey our profound sympathy and support to the people of the South Pacific. Help has been provided by the people of Victoria and Australia to reconstruct the lives of those who survived, but we are also with them in sympathy for the loss of their families and communities.

Mrs Powell — I rise to support the condolence motion moved by the Premier. I offer my deepest and sincerest condolences and those of my electorate in the Shepparton district to the families of the victims and survivors of the recent national disasters in the South Pacific, Indonesia and Asia and join with the rest of Victoria in expressing our deepest sympathy to those affected. I pass on my condolences and those of the people of the Shepparton district, which has a large multicultural population, including over 100 people from Samoa, Tonga and Fiji, who are well established in our community and have formed an islander group.

We also have people from Indonesia, Asia and Vietnam. I know them to be gentle, happy, warm and generous people who care about their families and their community and are very proud of their heritage. They will be thinking of those in their former homelands who are devastated by the recent disasters and would want me to pass on their thoughts and sympathies to the families and friends of those who have been affected.

On 30 September there was a massive earthquake about 240 kilometres from Samoa, and 15 minutes later a tsunami hit Samoa and American Samoa. We can only imagine the fear felt by those hit by the tsunami, with waves 6 metres high washing over the land, dragging people out to sea, destroying homes, buildings, livelihoods, personal belongings and taking lives. In some cases whole villages were lost. Hundreds of people were killed, including Victorian Vivien Hodgins, and many thousands were injured, including Victorian Claire Rowlands. Many thousands are now...
homeless. People will live not just with physical but also with psychological scars for many years.

Through the media we have heard and seen many tragic stories. Because of the recent landslides, typhoons and floods across other parts of Asia and Indonesia many other lives have been lost and homes and buildings have been destroyed. There has been great support from emergency services from Victoria, Australia and around the world, which have swung into action immediately. They have given not just money but doctors, nurses and people to help the survivors. Our thoughts are with the survivors and families who have lost loved ones, and we sincerely hope they can rebuild their lives again and move strongly into the future.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Sitting suspended 2.56 p.m. until 3.01 p.m.

CONDOLENCES

Hon. Brian William Mier

Mr BRUMBY (Premier) — I move:

That this house expresses its sincere sorrow at the death of the Honourable Brian William Mier and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Council for the electoral province of Waverley from 1982 to 1996 and Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs from 1990 to 1991.

The Honourable Brian William Mier passed away on Saturday, 12 September 2009, aged 74 years. Brian Mier was a proud Victorian. He devoted his life to serving his community, his union, his party and this Parliament. It is fitting today that we offer condolences to honour such a life.

Brian was born in Footscray in 1935 and educated at the Geelong Road State School, Williamstown High School, Footscray Technical School and the Royal Melbourne Institute of Technology. In his early working life he was a plumber, which meant he was able to bring to this Parliament a real knowledge and understanding of the working life of tradespeople in Victoria.

Following national service he joined the Victorian branch of the Australian Labor Party in 1956. That was the year of the Melbourne Olympics and the year television first came to our state. It was also the year after the ALP, under John Cain, Sr, lost power in Victoria. Twenty-seven years later Labor won office under John Cain, Jr, and that was the year Brian Mier was elected to Parliament for the first time as a member of the Legislative Council for Waverley Province.

Those years in the wilderness were long and difficult for the Australian Labor Party, but they were also the years in which people like Brian Mier fought for Labor values. During this time Brian served as a party member, a branch secretary, a party official and a campaign organiser. When he was endorsed as the Labor candidate for a by-election in Waverley he described himself to his local paper — the Waverley Gazette — as a ‘hard worker’ who was ‘Labor to his bootstraps’. And that is how many of his friends and colleagues would remember him.

His time in the Plumbers and Gasfitters Employees Union as an organiser, and later as federal vice-president, reinforced his commitment to Victorian workers and their families. He knew their stories, and he knew their struggles and concerns.

In his inaugural speech to the Legislative Council he highlighted the plight of injured workers and their families and the ‘severe financial hardships’ they had to endure when they were forced to make their cases in protracted workers compensation board hearings. In those circumstances he was a person who understood better than most the importance of workers’ rights.

In almost 14 years as a parliamentarian Brian served as Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs. He was a member of several committees, including the Natural Resources and Environment Committee, the Road Safety Committee and the WorkCare Committee.

Outside of this Parliament, Brian was a member of the Waverley RSL and vice-president of the Victorian Parliamentary Former Members Association. As many members of this house would know, he was a passionate Bulldogs supporter and a respected member of the Footscray-Western Bulldogs Past Players and Officials Association.

Our deepest sympathies go to Brian’s wife, Sheila, his sons, David, Paul and Philip, and his grandchildren, Regan, Sam and Sophie. They should be proud of the man they knew as a husband, father and grandfather, and the man we knew as a servant of the working people of Victoria and a significant contributor to this Parliament.

Mr BAILLIEU (Leader of the Opposition) — I join with the Premier in this condolence motion for the Honourable Brian William Mier. Brian Mier served this
Parliament for 14 years as the member for Waverley Province in the Legislative Council from 1982 to 1996 — two terms — which is a significant contribution to the people of Victoria.

As the Premier said, Brian Mier was born in Footscray and educated at the Geelong Road State School in Williamstown — he was a Willy boy — and at Footscray Technical School, and thereafter through the Royal Melbourne Institute of Technology as an apprentice plumber. He came to this house as a plumber. There have been many fine plumbers who have come to this house — —

Honourable members interjecting.

Mr Bailieu — Including the member for Bass! Brian Mier was also a national serviceman from 1954 to 1956. It is easy for people these days to think of nashos as those who only did national service in the 60s because they were impacted on by the Vietnam War. There is another band of nashos — the 50s nashos. I mention them particularly because they are a special band, and they regard themselves as a special group. These days the National Servicemen’s Association is housed in my electorate at the Camberwell Returned and Services League. They do a fantastic job, and to the nashos — both 1950s and 1960s — our thanks remain.

Obviously Brian Mier was a great contributor to the Australian Labor Party. As the Premier said, he joined the ALP in 1956. I was just three years old in 1956. Brian gave great service to the ALP, serving in many roles before being endorsed as the candidate and then elected member for Waverley Province in 1982 at the time of the ascension of the Cain government. In this Parliament he became the Minister for Prices, the Minister for Aboriginal Affairs and the Minister for Consumer Affairs from 1990 to 1991. He had various other roles on a variety of committees, and he made a significant contribution to the Parliament.

Brian Mier died on 12 September aged 74 years. As the Premier said, he was a passionate member of the Footscray-Western Bulldogs Football Club Past Players and Officials Association and a passionate Doggy. No doubt he died on 1 September with hope in his heart for an end to the great Bulldog drought. He may have drawn comfort from a victory that weekend, but perhaps he had some premonition of less favourable results ahead.

There is no doubt Brian Mier will be long remembered. I suspect he will continue to oversee the ALP and members of Parliament, and that he will also rouse the Bulldogs, albeit in renewed spirit and no doubt charged by the arrival of Barry Hall at the Western Oval.

Brian Mier made a huge contribution to the ALP, to the Parliament, to the people of Waverley Province and to the state of Victoria. I join with the Premier in extending our sympathies and our condolences to his wife, to his children and to his extended family.

Mr Batchelor (Minister for Community Development) — I join with the Premier, the Leader of the Opposition and with other members of the Victorian Parliament to pay my respects to Brian Mier, and to offer my condolences to his wife, Shelia, and their three sons, David, Paul and Philip.

Brian Mier dedicated much of his life to ensure that the rights of workers were upheld. He made a valuable contribution not only to his immediate community of Mount Waverley, where he lived for much of his adult life, but also to the wider community of Victoria as a member of the Victorian Parliament.

Brian Mier was born in Footscray on 21 February 1935. He attended the Geelong Road State School, Williamstown High School and later Footscray Technical School and RMIT. All his life he had fond memories of Footscray, and of course that was manifested in his support for the Footscray Football Club, which is now the Western Bulldogs Football Club.

He started work as a plumber before commencing his national service in 1954. He was also a member of the Plumbers and Gasfitters Employees Union, and in 1964 became an organiser, a position he held until 1969 when, through a promotion, he became the assistant secretary, a position he held until 1975. During this period he also served as state chairman and federal vice-president of the union. It was during his time as assistant secretary that I first met Brian Mier, and his involvement in the union really set the values that shaped his political involvement. He remained a Labor man all his working life — in fact for all of his life.

Brian’s interest in the Labor Party saw him become a full-time officer for the Labor Party. He was secretary of the party’s national industrial relations committee between 1980 and 1982, a position he was extremely proud of. He also held various other positions including a time on the industrial affairs committee.

At the time of his preselection Brian was married with three children and had been living in the Mount Waverley area for some 18 years. At a time when there were few facilities Brian remembered with much pride the setting up of the Wayburne kindergarten at Syndal,
being one of the foundation members of the committee who got the kindergarten off to a start.

At the age of 47 Brian Mier began his parliamentary career in the Legislative Council as a member for Waverley Province. In 1982 he succeeded Tony Van Vliet, whose tragic death occurred after the 1982 election, at which John Cain came to power after 27 years of Labor being in opposition. Tony Van Vliet was elected but tragically died before being sworn in, causing a by-election to be held. Brian Mier had the strong backing of party leaders at the time — John Cain and Bob Hawke — and went on to take his place in this Parliament as a result of that by-election triggered by such a tragic circumstance.

In 1990 Brian made it into state cabinet as the Minister for Aboriginal Affairs, Minister for Prices and Minister for Consumer Affairs. Having come from a working family in Footscray to being elected a Labor minister he more than fulfilled his greatest ambitions. However, his time on the frontbench was short lived, and he resigned his ministry a year later.

Unlike many of the people in this place who dedicate their inaugural speech to family, friends, supporters and even to some of the people who have inspired them, Brian Mier came into the Parliament with a determination to make a difference to the rights of workers. He dedicated much of his inaugural speech to the struggle of trade unions to assist with workers compensation. True to his word, Brian left Parliament on a similar note, with his last contribution to parliamentary debate being on the Melbourne City Link Bill when he questioned the then Minister for Roads and Ports on the impact of reducing the traffic flow along Footscray Road. He was concerned about the impact that might have on such important workplaces located there, such as the fish and fruit and vegetable markets, the headquarters of national trucking companies and Australia’s largest shipping and container terminals.

In his statement to the media on the day of his resignation from cabinet Brian said his life had been devoted to the fight against injustice, inequality and discrimination. Brian was a man of great Labor values who spent much of his life working to bring industrial peace to the state. He was respected by his colleagues, and made a valuable contribution to the Parliament and to the state of Victoria, and again I offer my condolences to his wife, Sheila, and to his family.

Mr Ryan (Leader of The Nationals) — I rise to support the condolence motion for Brian William Mier. He died on 12 September at the age of 74. He is survived by his wife, Sheila, to whom he was married for some 51 years. He is also survived by his sons, David, Paul and Philip.

As a boy he attended Geelong Road State School and Williamstown High School before moving to Footscray Technical School and then on to RMIT. He was a lifelong supporter of the Doggies, and as has been said, in essence he embodied the club’s determination.

In 1949 he became an apprentice plumber, and that in turn led him to become an organiser with the Plumbers and Gasfitters Employees Union. He had active involvement in the union for a further period of about 10 years. He served a period as assistant secretary and as federal vice-president. Like many others of his era, he served a period in national service, and just as I often reflect on the fact that my brother served a period of national service and served under his nation’s flag, people such as Brian Mier should be congratulated for having done likewise.

In his political life he served 14 years as the upper house member for Waverley Province. As the Leader of the House has remarked, he was elected to the seat in extraordinary circumstances. A by-election was held in 1982 after Tony Van Vliet, the elected Labor candidate, tragically died very suddenly on 16 October of that same year prior to being sworn in as a member of the Parliament.

For the purposes of making a contribution today, as I usually do in these instances I had regard to some of the input my colleagues were able to give me regarding Brian Mier. They say in varying ways that Brian was a colourful and pugnacious character. He had a very dry sense of humour. It is said universally that he was unwaveringly loyal to the ALP. As is probably the case with his contemporaries, he never believed his side of politics to be wrong and he never believed his opponents’ side of politics to be right.

In the Waverley Gazette article to which the Premier has referred Brian described himself as being ‘Labor to his bootstraps’. I am told it was not uncommon to see Brian and the current member for Bass, Ken Smith — both former plumbers, of course — going toe to toe across the chamber, although they were not as toe to toe as I understand Brian was in some instances in the way he conducted himself. Indeed some would say he was a man who pulled no punches!

Whatever might be the case, I am reliably informed that Brian was never reluctant to tell people what he thought about particular circumstances and situations. He served in various ministerial roles. He was the Minister
Ms KOSKY (Minister for Public Transport) — I rise to join other members of this house in extending my deepest sympathies to Brian Mier’s wife, Sheila, and his sons David, Paul and Philip.

I knew Brian through the party but also when I was an adviser, when Brian was a member of Parliament. He was a very likeable chap. He did not shy away from a good argument, but he was always on for a good chat about those issues that were important to him and the reasons he wanted to be a member of Parliament.

As members have mentioned, he was born in Footscray on 21 February 1935 and died on 12 September this year aged 74. He won the by-election for Waverley Province and had been an ALP member for more than 50 years, which I think demonstrates his absolute commitment both to the party and particularly to workers’ rights and fighting for them. He saw the party as the best means by which he could actually represent workers’ rights and get change occurring for them.

He was also a life member of Legacy. Much has been said about his commitment to national service and also some of his experience with that. He was very much a western suburbs guy, particularly in his early years, going to Geelong Road State School, Williamstown High School, Footscray Technical School and then to RMIT. Not only was he a very proud Victorian but he was a very proud western suburbs man. Even after moving to Glen Waverley he always kept a close eye on the western suburbs.

As has been mentioned, as well as being a strong supporter of the western suburbs he was a strong supporter of the Western Bulldogs. He did get a chance to see the Bulldogs win a flag. Some of us are still waiting, but hopefully it will not be for too long.

I well remember how loud, vocal and sometimes raucous Brian could be at Bulldogs matches, particularly when we might have been just a little bit behind. There were times when we probably had to settle him down just a bit so that he would live to see the next match of the Bulldogs. He was a very passionate and a very strong supporter of the Bulldogs. As has been mentioned, he was also very committed to the party and to the underdog.

He was a very generous man, and he would go out of his way to help people but also to stop and have a chat.

Ms ASHER (Brighton) — I wish to express my sympathy on the passing of Brian Mier, who was the member for Waverley Province in the upper house from 1982 to 1996.

I had the opportunity, when I was a member of the upper house, to serve with Brian between 1992 and 1996. I was able to witness him in full flight, lecturing us Liberals on the rights of the working person.

Unfortunately Brian died in September at 74 years of age. He was, as others have said, Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs. He served on a range of parliamentary committees such as the Legal and Constitutional Committee, the Natural Resources and Environment Committee, the Economic Development Committee and particularly the Road Safety Committee. I think that committee has been regarded as one of the most important committees of the Parliament over many years. Brian was one of the people who served on the committee at the time it produced its landmark drugs and driving report. Many of those recommendations have been picked up by the Parliament.

Brian was a strong union man and a long-time ALP member. I think amongst careerists and professionals he was what was called an old-fashioned Labor man. He conveyed regularly to us Liberals that he was an old-fashioned Labor man and a union man supporting workers’ rights; we heard that in debate on many occasions in the upper house. His first speech was on WorkCover.

I remember Brian’s speech when the Kennett government introduced changes to WorkCover, and I recall many other speeches he made from the heart about the rights of workers and how he saw those rights. Brian was a very passionate individual. He was passionate about consumer affairs and a range of other activities.

I pass on my condolences to his wife, Sheila, and to his three sons. I would also like to convey the condolences
of my husband, Ron Best, who served eight years in Parliament with Brian Mier and served with him on the Road Safety Committee. My husband’s conversations with me in recent times absolutely confirm that Brian Mier was what is called a colourful character.

**Mr ROBINSON** (Minister for Gaming) — Brian Mier was, unquestionably, of the old school. He came to this Parliament with his priorities firmly set, and they were to do the best he could to improve the lot of working men and women in Victoria. Today we are not in the habit of using class-based technology to describe Victoria or Victorians, but the world in which Brian Mier grew up was a world in which those descriptions were used, and Brian was proudly working class. He had a blue-collar pedigree, and this was evident from his attendance at Geelong Road State School, Williamstown High School, Footscray Technical School and then RMIT, followed by a plumbing apprenticeship. Brian’s formal education was followed by another very long apprenticeship in the Labor Party; he served as a member of the party for some 53 years.

As the Leader of the House has outlined, Brian’s entry to Parliament was unexpected and followed the untimely death in 1982 of Tony Van Vliet, the elected member for Waverley Province. Even though Brian’s parliamentary career of 14 years rose to his appointment to the ministry, I suspect his proudest moment might have been during his inaugural speech, which was, of course, on a worker’s compensation reform bill, something he believed in passionately for his whole working life.

My acquaintance with Brian did not begin until the latter part of his parliamentary career when I decided I would nominate for preselection in the seat he held at the time. Some members here might have some familiarity with the experience, but what made the situation very delicate was that Brian at that stage had not actually decided to retire. Many of us have experienced that rite of passage on our way to this Parliament with Brian and George in a quiet corner of the Legislative Council and work out which way we were going to go on issues that affected the plumbing industry. Brian and I were both plumbers, but then he went down the wrong track and became a union organiser, which was a little bit of a problem.

I only have fond memories of Brian. I can honestly say quite honestly that I felt quite proud, even though I was from the other side of politics, that a humble plumber, as Brian was — although a boisterous one and a colourful speaker who did not mince his words — had become a minister of the Crown in the Parliament of Victoria. He held positions as the Minister for Prices, the Minister for Aboriginal Affairs and Minister for Consumer Affairs. As a plumber I felt it was a privilege to sit alongside Brian, who had managed to achieve so
much, and alongside Rod Mackenzie, who was President of the upper house. There was a collection of colourful characters in the upper house who came from the plumbing fraternity, and I was very saddened to read in the paper about Brian’s passing.

I did not realise he was 74 years old, which is quite a young age to pass away. I offer his wife Sheila and his three sons, David, Paul and Philip my sincere condolences. May he rest in peace.

Ms MORAND (Minister for Children and Early Childhood Development) — I am pleased to say a few words on the condolence motion for Brian Mier. I am speaking as the member for Mount Waverley and as someone who only met Brian when I became the member for Mount Waverley. Although he grew up in the west and was very much part of the west, he lived in Mount Waverley for many decades.

As the Minister for Energy and Resources said, Brian came into this place at a by-election in very unusual circumstances. Labor had won the seat of Waverley Province in April 1982 but the elected Labor member was never sworn in due to ill-health and his subsequent death. In fact at the by-election Brian Mier increased the margin for Labor in Waverley Province, which was something I know that Brian was very proud of.

For those members who are interested in the history of politics, the Liberal candidate at the by-election was a 29-year-old Bruce Atkinson, now a member for Eastern Metropolitan Region, who then had to wait another 10 years before becoming a member of the Legislative Council.

As other members have said, Brian’s career included being a member of the Cain government cabinet, where for a number of years he was Minister for Aboriginal Affairs, Minister for Prices and Minister for Consumer Affairs. I was told by his friend, former colleague and member for Waverley Province, Cyril Kennedy, that Brian was someone who always made his presence felt in the chamber. I think that has been articulated very well by the Leader of The Nationals and the member for Bass. I think that was code for vigorous interjections. Cyril also told me that Brian was a popular member and that some of those who attended his funeral included former Labor and Liberal colleagues. Cyril, who also still lives in Waverley, told me that Brian played in the junior divisions of the then Footscray Football Club, which led to his great passion for Footscray. When the club was under threat he came into the chamber wearing a Bulldogs jumper, such was his passion.

I had not met Brian before I became the member for Mount Waverley but I certainly have a lot of fond memories of my meetings with him over the past seven years, particularly at the Waverley RSL, where he was a very active member. I always found Brian to be an incredibly friendly person, very approachable and always with a very friendly and ready smile for anybody he met. As others have said, he was very active in Labor activities and campaigns and he helped me on election days. My deepest sympathies go to Sheila, his sons and grandchildren and his many friends in the Waverley community and the Labor family.

Mr JASPER (Murray Valley) — In joining the condolence motion for Brian William Mier, a member for Waverley Province from 1982 to 1996, I acknowledge the earlier comments of the Premier and other speakers. I am one of those members of Parliament who was here in 1982 when Brian entered Parliament. I became friendly with him, as did other members at the time. I noted his trade training background as a plumber, and the member for Bass mentioned that other plumbers were also members of Parliament. I am associated with trade training in the motor industry so I had a strong connection with him anyway in that respect. I noted also his strong connection with the Australian Labor Party and the union movement prior to his entering Parliament.

I listened to earlier comments about his first contribution in Parliament, and I want to read some extracts from that speech because it emphasises some issues that members will relate to. In his speech during debate on the Workers Compensation (Amendment) Bill on 15 December 1982 he stated:

“One of the major causes of increased costs in workers compensation premiums is the legal argument mounted before the various boards. The legal profession in Victoria has transformed the workers compensation area into a financial bonanza.

That has happened, and I can understand why he made that comment. He went on further to say:

Industry has changed dramatically with modern technology, and the handling of new and unknown materials.

That was an excellent contribution from a person who had grown up in the trade union movement and who was a member of the Australian Labor Party in speaking on this workers compensation bill.

My connection with Brian started in 1983 when he joined the Legal and Constitutional Committee. I got to know him quite well because, as members would know, when you are a member of a committee you get to know the other members of the committee, regardless
of their political persuasions. It was a very important time for the Legal and Constitutional Committee because the government was considering changes to the way regulations were reviewed in the state of Victoria. I recall that Jocelynne Scutt was the executive officer at the time. It was an important time for members of the committee. We were working on massive changes to the review and scrutiny of regulations and, importantly, the introduction of regulatory impact statements, which are now a major issue in the regulation review process and the other provisions that are contained within that act. Brian and I developed a close relationship while working on those issues.

I also noted some of the comments made by earlier speakers, who mentioned his strong connection with the union movement, the Australian Labor Party and the important part he played within those organisations, including the period when he joined the Parliament. I refer to a statement he made in the latter part of his career which highlights how Brian lived his life:

My whole life as a trade union official, an ALP party organiser and a member of Parliament, has been devoted to the fight against injustice, inequality and discrimination.

I think that sums him up. I found him a good bloke who was very friendly. We talked across politics. I had a number of discussions with him on a range of issues over the time that he was in Parliament. He made a major contribution to the Parliament in the upper house. Often you do not have the same connection with members in the upper house as you do in the lower house but because we had those two years on the then Legal and Constitutional Committee together we maintained that friendship over a long period and discussed a range of issues. I, like other members of this house, add my condolences to his family.

Mr NARDELLA (Melton) — I also pass on my sympathies to Brian Mier’s family. I served with Brian from 1992 to 1996 in the upper house. I was very sad when Jean McLean called me to inform me that Brian had passed away. Like the member for Altona, the Minister for Public Transport, I saw Brian a couple of months ago after he attended a retired members function. I saw him and Sheila on the corner of Spring Street and Bourke Street. As you do with old comrades, as you do with your fellow parliamentarians or ex-parliamentarians, we had a talk about how politics was going. Brian was always someone to talk to about politics.

The first time I met Brian was around the 1983 or 1984 elections when I went to ALP head office and he was organising volunteers. He was no longer an organiser at head office, but he kept his hand in and was still doing that work to assist in the election campaigns through the party.

I then had the absolute privilege of serving with him in the upper house. He was what you would call a solid working-class bloke, not only because of his pedigree and his football following but because of his working life through both his apprenticeship and work in the plumbing trade and then through the trade union movement, where he served his members and his union in a very admirable way. He then had the privilege of coming to this Parliament in the Legislative Council. He certainly contributed in the Parliament when I was in that house. In many debates he was extremely passionate about the things he believed in. He was extremely passionate about the trade union movement, especially in those really difficult debates we had after 3 October 1982 over WorkCover, over workers’ rights and over changes to industrial relations legislation. He was extremely passionate about the rights working people should have and how the Parliament and the government should protect those rights. Many a day and night was spent with Brian talking about those issues.

He was proud when he became a minister. Once when we were having a coffee out on the back balcony he told me that he was proud that a working-class person like himself could have the privilege of becoming a minister and, through the Labor Party, be able to serve his constituents in that way. I also had the privilege of being his organiser, along with the Honourable Cyril Kennedy, in Waverley Province in the late 1980s and early 1990s. He was a very staunch supporter of the Australian Labor Party and worked tirelessly out there for the party.

I will miss Brian. He was somebody you could easily talk to. He was a very keen fisherperson. He understood Victoria’s national parks inside out; he had an encyclopaedic knowledge of our national parks.

I will miss Brian; I will miss his smile and I will miss him talking to me when we used to catch up. My sympathies go to Sheila and the whole Mier family.

Mr FOLEY (Albert Park) — Brian Mier’s life in many ways was a monument to the capacities of the Labor movement and what it can do for working people. A working-class boy from the western suburbs, he worked his way through his apprenticeship, his trade and his trade union; he worked through his role in the plumbers union as a rank-and-file member and then as an official in the Victorian branch of the union, and then in his role as an organiser with the ALP. These activities put him at the heart of some of the most
massive industrial and political events of his time, including the reform and modernisation of the Labor Party — as I understand it, Brian was perhaps not always supportive of some of those reforms; the election of the Whitlam government; and the national dramas of the dismissal of the Whitlam government — and just as an aside there, aficionados will see on the front cover of Gough Whitlam’s book, *The Truth of the Matter*, a picture of Gough going up the steps at the City Square, and they will also see a picture of Brian in his role as party organiser assiduously directing traffic.

Then, very much in typical Brian fashion, his support for getting a number of reforms through the hard yards of modernising the Victorian branch of the Labor Party after more than a generation in opposition saw him play a key role in the re-election of the Cain government in 1982. It was in that context, as a young Labor Party member, that I first met Brian. We were working on Tony Van Vliet’s campaign in Waverley Province at the time to time I was able to stay in touch with Brian as his parliamentary career moved on and he continued his active participation in ALP organisational issues, as the member for Melton said.

I read with some interest in the material provided by the library about Brian’s surprise when he became a member of the ministry in his roles as Minister for Consumer Affairs, Minister for Prices and Minister for Aboriginal Affairs, but it should not have come as a real surprise, because his lifelong commitment over 50 years of membership of the party, his regular contributions to the party organisation and the Parliament as well as the local party campaign out in the Waverley area all saw him shine.

Through my own subsequent role as a union official I came into contact with Brian’s son Dave, who is a union official with the Electrical Trades Union. Dave shares many of his father’s characteristics — his genuineness, his commitment to trade unionism, his organisational skills and his fundamental belief in the righteousness of the position of the Australian Labor Party in all things.

It was interesting to read Brian’s contribution when he somewhat controversially resigned his portfolios after a year as minister when, as we have already heard from those before me, he saw the values that underlined and underpinned his contribution to public and political life as the values of fighting against injustice, inequality and discrimination. I personally recall in the early years of the Cain government in the 1980s his steadfast leadership through various party forums in a number of internal debates within the party around the then emerging equal opportunity acts and his personal campaign to ensure that gay and lesbian citizens should be included and treated in the same way as any other group in this community and should not be discriminated against and unfairly held up to ridicule.

In many respects Brian was well and truly ahead of his time and did not always fit the mould of what you would expect from a stereotypical westie plumber. Incredible as it seems today, the champion qualities that Brian led in at that time were relatively controversial in the party, but his contributions have withstood the test of time.

As we have seen from the material provided, Brian’s political life was not without controversy. He stood toe to toe in many respects with friend and foe alike. I know from my own experience with Brian and Dave that the commitment they showed to the enduring principles of the Labor Party — to collective action as the basis for social change — through a number of progressive causes, and indeed his support for his family and friends, shone on him and marked him as a true champion of the Australian Labor Party.
Mrs MADDIGAN (Essendon) — I would like to speak briefly about Brian, perhaps less about his parliamentary service than about the time after he had left Parliament. In the last Parliament I had a great deal to do with Brian in his role as a committee member and then as vice-president of the Victorian Parliamentary Former Members Association. What we have heard today showed he was very involved in helping the community throughout his life — more recently, I suppose in relation to the Waverley RSL but also in the work he did with the former members association. Certainly Brian and Sheila, who normally attended with him, brightened up the former members lunches considerably.

If I look back at some of the things mentioned by the Leader of The Nationals, I note that at those lunches Brian was still very keen to support the decisions made by the Labor Party and the role of the Labor Party. He had many energetic conversations with both his own former colleagues and former members from other parties who attended those functions.

Whilst we have heard a considerable amount about Brian’s role in supporting workers, he had a much broader role than that. As the member for Albert Park mentioned, he was very strongly aware of the concerns of the community at large and especially those of the underprivileged. He was a strong supporter of the anti-apartheid movement, was very active over the years in his support of that movement and is warmly remembered by parts of the African community in relation to that period.

Brian also strongly opposed the dictatorship in Chile, and he is still the subject of very fond memories of many people in the Latin American communities for the work he did and support he gave to those communities. It was not just workers he was supporting; he had a strong multicultural role at a time when perhaps the multicultural role was less recognised than it is today. Many things about Brian’s life and his contribution to the community were well worthwhile. I express my condolences to his wife and his family. I am sure he will be sadly missed by a broad group of people in the community.

Mr WYNNE (Minister for Housing) — I first got to know Brian Mier when I was working for the Honourable Barry Pullen when he was an upper house member for Melbourne Province. During that time we had the opportunity to observe, as the member for Bass indicated, some pretty fierce debates in the upper house — some also involving the current member for Brighton. Luminaries of the Labor Party such as David White, Jim Kennan, Joan Kirner, Caroline Hogg and Brian Mier were going hammer and tongs in the upper house against the member for Bass, as he is now, and his colleagues. It was a great training ground for young and enthusiastic members of the party, such as me, to learn a bit about how politics really worked in the upper house.

The contribution of Brian Mier as a member for Waverley Province was part of what was by any measure a passionate career in politics. Brian was very much a knockabout and gregarious man who mixed easily with people in all strata of society. He always looked out for young people such as me, and he not only encouraged us to remain committed to the Labor cause but saw the opportunities for us and other young people coming through to learn how Parliament operated. Of course, as has been indicated by other members of the house, Brian had the classic Labor background — that of a plumber, trade unionist, organiser and official — and he was ultimately to become, in extraordinary circumstances, a member of Parliament and a minister of the Crown.

I want to briefly touch on part of Brian’s ministerial career — his period as Minister for Aboriginal Affairs from 1990 to 1992. He was dedicated to this challenging ministerial role and was a passionate advocate for the rights of Victoria’s first people. During his time as minister, Brian was involved in the Victorian Aboriginal tripartite health council, which focused on improving the health services afforded to Aboriginal people. Brian also oversaw the initial Victorian response to the interim report of the Royal Commission into Aboriginal Deaths in Custody. The work that evolved from the royal commission served as a basis of reform for both sides of Parliament for many years. We should thank and acknowledge Brian for his contribution to the continued effort of governments of all persuasions to improve the lives of indigenous people resident in Victoria.

I extend my sympathies to his wife, Sheila, and to his sons, David, Paul and Philip.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr BRUMBY (Premier) — I move:

That, as a further mark of respect to the memory of the late Honourable Brian William Mier, the house do now adjourn until 5.00 p.m. today.

Motion agreed to.
House adjourned 3.57 p.m.

The SPEAKER took the chair at 5.04 p.m.

QUESTIONS WITHOUT NOTICE

India: extradition arrangements

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the case of the fugitive Puneet Puneet and to the Premier’s comment in India in September that he had not raised the matter because ‘it was not a priority’. I also refer to the Premier’s subsequent statement: ‘I have not raised the matter in India and do not intend to, as the strong advice from agencies is that doing so could make an extradition even more difficult’, and I ask: when did the Premier first receive this advice, in what form was this advice given and who provided it?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. It is important to understand in relation to extradition matters that extradition requests are initiated by the police in the relevant jurisdiction. What occurs is that the state or commonwealth director of public prosecutions (DPP) provides advice and then drafts the extradition request. Part of the consideration by the DPP is an undertaking to prosecute the person upon their return to Australia. Extradition is properly regarded as a law enforcement matter between Victoria Police, the relevant director of public prosecutions, the commonwealth and the relevant foreign country. As I understand, the clips released in Australia while I was overseas stated that the commissioner of police said it was not appropriate for state ministers to involve themselves in extradition matters.

On a number of occasions I made it very clear when I was speaking to the media in India and when I was interviewed on the radio back here that the advice I was given by my department prior to travelling was that it was not appropriate for these matters. It was not appropriate for the reasons I have outlined. Firstly, extradition treaties are matters between national governments, for a start. Secondly, they are police operational matters, and thirdly — —

Honourable members interjecting.

The SPEAKER — Order! The Minister For Health!
I ask the member for Scoresby not to interject in the manner in which he has been interjecting.

Mr BRUMBY — Thirdly, of course, Puneet Puneet is a person who has absconded once already, and the more commentary there is about these matters the more likely he is to abscond again. While it might be easy for the opposition to score cheap political points in relation to this matter — that is what it is — the reality is that if the common interest here is to see this person returned to justice — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The question sought explicit detail about the source of advice, what form it came in and who provided it, but the Premier has not yet answered that question.

The SPEAKER — Order! As the Leader of the Opposition has been advised previously, the preamble to any question is taken as part of that question. The Premier is being relevant to the question as asked by the Leader of the Opposition.

Mr BRUMBY — I can only repeat that in relation to this case I am advised that it is at a very sensitive stage. The worst things that one could do would be, firstly, to alert the person concerned by giving unnecessary media coverage to it, and secondly, to breach the long-established and well-established protocols between Australia and India in relation to extradition treaties. At all times I have acted in the best interests of seeing this person returned to justice. I repeat that, while it may be easy for the Leader of the Opposition to make cheap political points, the fact of the matter is that I acted exactly appropriately and consistently with advice from my department and Victoria Police.

Employment: government initiatives

Mr DONNELLAN (Narre Warren North) — My question is for the Premier. I refer to the government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the government is taking action to provide job opportunities for working Victorian families?

Mr BRUMBY (Premier) — I thank the member for Narre Warren North for his question. As the house would be aware, I am delighted that the most recent Australian Bureau of Statistics unemployment data shows that the unemployment rate in Victoria is now at 5.6 per cent, below the national average and the second lowest rate anywhere in Australia.

When the Parliament last sat I remember being asked a question about employment in our state — about the unemployment rate — and I indicated to the Parliament at that stage that over the course of calendar year 2009
our state had produced and generated more new jobs than any other state in Australia. I am pleased to say that, despite the continuing negative comments and the continuing knocking of our economy by the opposition, over 2009 we have created an extra 17,800 jobs in our state, which is the highest for any state in Australia.

Our state is weathering the global financial crisis. For economies of our size around the world — and remember our economy is the size of the Singapore economy, the Malaysian economy and the Irish economy — less than a handful are performing anywhere near as well as we are. Through this crisis we have been able to deliver a budget surplus, continuing strong economic growth and continuing strong job growth. We have done that despite the criticism of our budget strategy by those opposite, who took the opportunity to criticise every single element of our budget strategy, our fiscal strategy, our infrastructure strategy and our job strategy. As we have made very clear across the state: we are not waiting; we are building, and we are generating jobs.

I will give some examples. Construction of the new $21.4 million Sunbury day hospital has begun, with 100 jobs and stage 1 expected to be completed in late 2010. In Bacchus Marsh we are developing public housing for completion in mid-2010, with up to 80 new construction jobs. Work has also begun on Kyneton’s new $12.2 million police station, creating hundreds of jobs in the construction stage. Specsavers’ Asia-Pacific headquarters was built in our state with 200 jobs, and over the next year it will employ through its new Asia-Pacific regional headquarters approximately 200 technicians, warehouse staff and office personnel. I am pleased to say, too, that planning has started for HRL’s dual gas demonstration project in the Latrobe Valley. That will generate something like 350 new jobs through the construction process.

We have also seen recently the completion of a whole range of new hotel developments — Mantra Tullamarine, Hilton Melbourne South Wharf, Crown Metropol, the Docklands Travelodge and the refurbishment of the Grand Hyatt. All of these things are delivering jobs across the state.

Yesterday the Minister for Water was in the Wimmera–Mallee. They are off restrictions there — they are down to stage 1 — and I suspect he will say more about that later today. This is a great story about government investment creating jobs, creating confidence and creating the right environment for the future.

One of the other things we have done is create a competitive environment for the building and construction industry and for new housing development. In August this year around 3900 new dwelling units were approved in Victoria — 10 per cent higher than for the same time last year — while for Australia as a whole there has been no growth. I am proud to report to the house that Victoria has had the highest number of dwellings approved of all states for 16 consecutive months — not a bad effort! — and it continues to lead all states and territories on building approvals, with $18.7 billion worth approved in the year to August.

The world is not yet through the global financial crisis. The fact of the matter is that in some parts of the United States the unemployment rate is still above 20 per cent and in some parts of Europe the unemployment rate is still between 15 and 20 per cent, so the world economy has by no means recovered. But the world economy is on the right path. Consistent with our budget forecasts I expect that we will continue to see some increase in the unemployment rate as we move through to the end of the year — it is a lag indicator, as the commentators would describe it — but in Victoria the fundamentals are very strong indeed: strong national accounts figures, strong building approval figures, strong population growth and, as I said at the beginning of my answer, more jobs generated in our state over the course of calendar year 2009 than in any other state in Australia.

Water: food bowl modernisation project

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Will the Premier confirm that the Victorian government has guaranteed the Commonwealth 100 gigalitres of water savings from the second stage of the food bowl modernisation project, irrespective of the total level of savings achieved?

Mr BRUMBY (Premier) — I am pleased that the Leader of The Nationals has asked a question about investment in irrigation infrastructure, because over the years in this place we have had a barrage of criticism from those opposite about our proposals for investing in irrigation infrastructure. If you ever wanted an example of the short-sightedness — the backward looking, in fact — of the opposition, have a look at the Wimmera–Mallee pipeline!

Honourable members interjecting.

The SPEAKER — Order! The Premier is clearly debating the question, and I ask him to cease.
Mr BRUMBY — The Leader of The Nationals has asked a question about the food bowl project, and it is a project which involves investment in irrigation infrastructure, so I am simply making the point that we have virtually completed one project six years ahead of schedule delivering huge water savings and we are in the process of delivering a second major water project.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question and in so doing is blatantly ignoring the ruling you have just made.

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

Mr BRUMBY — What we are seeing with the food bowl project is an unprecedented investment by our government, and soon by the federal government, in what is a great partnership with the people of country Victoria. We have people coming from right around the world to look at the leadership projects we have in water infrastructure, and the food bowl project is one of them. We have shown through the Wimmera–Mallee pipeline how these projects deliver for country Victorians, and again we are showing through the food bowl project how these projects deliver for country Victoria.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He has been asked a question about food bowl modernisation stage 2 as to whether a guarantee has been given on 100 gigalitres going to the commonwealth. I ask that he answer it.

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

Mr BRUMBY — As we have said in relation to the food bowl modernisation, it is a great project. We have seen significant investments and works occur this winter, and we will see that next winter. We have made it very clear that the savings generated from the food bowl project will be shared. Stage 1 is being shared one-third, one-third and one-third, and stage 2 is being shared half for farmers and half for the commonwealth, which half will go to the environment.

Rail: regional passenger services

Mr TREZISE (Geelong) — My question is to the Minister for Public Transport. I refer to the government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house about recent achievements of regional passenger rail and say whether she is aware of any alternative policies?

Ms KOSKY (Minister for Public Transport) — I thank the member for Geelong for his question. He has had a strong interest in regional passenger rail in the state, as has the Brumby government. We have invested more than $1 billion in the regional passenger network since coming to office.

We are incredibly proud of our record, of the investment we have made and of the response of Victorians to that investment. We have invested in upgrading the system. We have invested in regional fast rail. We have provided new stations, more services, reduced fares and the new world-class V/LoCity trains. I am extremely pleased to report to the house today that we have achieved an all-time record for V/Line rail services across Victoria. I am pleased to inform — —

Honourable members interjecting.

Ms KOSKY — Those opposite may laugh at this, but we are incredibly proud of our record — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to engage the opposition in that manner.

Ms KOSKY — We are incredibly proud of our investment in the regional rail network. I am pleased to inform the house that over 12 million passenger trips were made on the V/Line rail network last financial year. We have had an astonishing 78 per cent growth in patronage over the last three years. Nowhere else around the world has there been such patronage growth on a rail network. It has happened because of the incredible investment we have made — and regional Victorians have responded to our investment.

It does not stop there for the Brumby government. It would stop for other governments, but it does not stop for the Brumby government. Over $4 billion is being spent on the regional rail link, which will provide dedicated rail lines for Geelong, Bendigo and Ballarat services, and that is in partnership with the Rudd federal government. We have the upgrade of the north-east rail line, which is a fantastic project, the soon-to-return passenger rail to Maryborough next year and a station at Creswick as part of that. More rolling stock is coming on line. We have an extra 54 carriages on order, 17 of which have been received so far. They are rolling out at one per month, and there are more to come.

It is not only the government that believes this was the right investment to make. Others are taking notice of our achievement and investment. An article about rail
right across Australia published in the *Australian* of 1 October states:

The upshot is that Victoria is the nation’s leader in country rail services, a business that other states have largely written off as being something from another era.

We are being acclaimed for the investment and the changes we have made to rail services. It is hard to believe not everyone has jumped on board about our commitment and our investment. Not only did some not support regional fast rail and were very negative about regional fast rail in the beginning — —

**Mr McIntosh** — On a point of order, Speaker, this is question time. It is an opportunity to discuss government business. I suggest to you, Speaker, that the minister is now debating the question. She is entitled to talk about government business, which includes government policy. If it does not amount to government policy, she should not be going down this path. She should confine herself entirely to government policy and not canvass anything she may have dismissed, discounted or otherwise. Accordingly, I ask you to bring her back to the question and to discuss government business — indeed, government policy.

**Mr Batchelor** — On the point of order, Speaker, the question that was directed to the minister asked the minister about alternative policies; it specifically asked her about that. It has been the custom and practice for some considerable time for alternative policies to be canvassed — to be asked about and then for an answer to be given. Question time is about the answering of questions about elements of government business but also the answering of questions about alternative policies. We have been allowed to do that in the past, and we should be allowed to continue to do it going forward. This is just another attempt by the Liberal Party to disguise the fact that it has no policies whatsoever. More seriously it is an attempt by the Liberal Party to make a farce of question time so we are unable to canvass material that is in the public domain.

**Mr Ryan** — On the point of order, Speaker, the Leader of the House makes the point very well. Question time should be dedicated to the government answering questions about government-related business. Question time is not an opportunity for the canvassing of policies which may or may not be being advanced by other parties. This is really a furtherance of the ploy that the government has engaged in for some considerable time, which takes it down an inevitable path as we saw played out in the last sitting week, where ultimately the proverbial punchline has to do with other policies — that is, those that are purportedly, according to this government, being advanced by the opposition parties. That is the ploy. We in this place, with respect, Speaker, are all painfully aware of it. The basic function of question time is to discuss government business, and that is what the minister should be required to do.

*Honourable members interjecting.*

**The SPEAKER** — Order! Can I remind members that the footy season has come and gone.

**Mr Hulls** — On the point of order, Speaker, the opposition’s argument is that in question time the government is not allowed to talk about or canvass anything the government may have considered. If we were to go down that path, there would be no chance at all for the opposition to ask any questions. It is a nonsense point of order.

**Mr Clark** — On the point of order, Speaker, the argument put by the Minister for Energy and Resources and the Attorney-General is wrong insofar as it says that a question relating to any alternative policy is fully in order. It is only in order if it relates to government administration. To the extent to which the question does not relate to government administration, the question itself is out of order. It does not give an opportunity for the government to canvass opposition policies, or indeed anybody else’s policies other than government policies, in the course of question time.

**The SPEAKER** — Order! The question asked was whether the minister was aware of any alternative policies. Alternative policies can be alternative policies of community groups and organisations as well as — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Lara will not conduct himself in that manner or he will not stay for the remainder of question time.

Questions such as this have been asked and answered in the past. Question time should not be used as an opportunity to attack the opposition, but I believe the question is in order. To allow the opportunity for debate on alternative policies as they may affect government business surely is in the realm of what this Parliament should be about. This is not the first question that has canvassed alternative policies. I advise the government that attacks on the opposition under the guise of these questions will not be tolerated.

**Mr Ryan** — On a further point of order, Speaker, consistent with your ruling I ask you with respect to consider the solution to this position as being that the
government should disclose as it proceeds with this answer from whom this policy is said to emanate. That process would avoid this ridiculous ploy down which the government is otherwise about to go yet again, in complete contravention of the rules.

The SPEAKER — Order! I thank the Leader of The Nationals for raising that point of order. As the Leader of The Nationals knows, the Chair cannot direct a minister as to how to answer a question, which leads to the position that the Chair cannot predict or anticipate what a minister may say. However, I suggest to the government that I will take a very dim view of attacks on the opposition under the guise of questions such as we have had today.

Ms KOSKY — As I said, we are incredibly proud of our record in relation to the regional passenger network. It has grown enormously in terms of funding and in terms of the passengers that are using the system on a very, very, very regular basis. Every day right across the state we are delivering more services more often to more people. We have revived the public transport network right across Victoria. We believe in it, we have invested in it, we have a policy, we have a plan and we are putting that plan into place. Members opposite should look at what we are doing and learn from it.

Government: advertising

Ms ASHER (Brighton) — My question is to the Premier. I refer to an email to rural and regional newspapers regarding National Water Week. The email, dated 16 September, is from the state government account manager for the Victorian Country Press Association, Kurt Francis, and states:

VCPA has been in discussions with the state government to run — —

An honourable member — Sorry, who was that?

Ms ASHER — The Victorian Country Press Association, and I am quoting verbatim:

VCPA has been in discussions with the state government to run an advertising feature week commencing 18 October to coincide with National Water Week.

The DSE will most likely advertise with a half page on page 1 of the feature, and in addition there will be a message from the minister which must run without being subbed on the same page.

The quote continues:

It is imperative that this format is adhered to and your booking is conditional on this factor.

I ask: why did the government issue this threat to rural and regional newspapers that government advertising would be withdrawn if its propaganda was not run in full by those newspapers?

Mr BRUMBY (Premier) — I thank the Deputy Leader of the Opposition for her question. Obviously I am not aware of the email, so I cannot vouch for its content — —

Mr Hulls — Or its existence.

Mr BRUMBY — Or its existence. But on the basis that it does exist and that it has been read accurately to the Parliament, because as I said I am not aware of it, I would not have thought that there is an issue about government advertising with the country press. I am struggling to understand what the issue is there. Governments have always advertised through the Victorian Country Press Association and through the regional newspapers. We advertise in the dailies, we advertise in the non-dailies and we advertise in the regionals, and they do a great job getting the message out to their communities.

I have addressed the Victorian Country Press Association on a number of occasions in the past, and I think the Minister for Regional and Rural Development may be addressing its annual meeting in the next few weeks. It does a great job; it does a fantastic job. If you want to get out a message to country people, that is how you choose to advertise. These papers are in touch with the public; they are in touch with country Victorians. I have not seen the email, but it seems to me the Deputy Leader of the Opposition was trying to say that an advertiser cannot determine the form of words that appears in an advertisement. That is news to me, because when you put an ad in the paper — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for South-West Coast and Polwarth to cease interjecting in that manner.

Mr BRUMBY — My understanding is that if you take out advertisements — —

Honourable members interjecting.

Mr BRUMBY — I am sure if members of the Liberal Party took out advertisements, they would want to write the text. That is what you pay for.

Dr Napthine — On a point of order, Speaker, to assist the Premier, who seems to be confused, the question said that the newspapers had to run the
government editorial or they would lose the advertising. That is what the question said, and the Premier is deliberately confusing the matter.

Mr Batchelor — On the point of order, Speaker, this is an abuse of question time. The member for South-West Coast has used the point of order to rephrase the question in a manner that he regards as being more appropriate than the way it was asked by the member for Brighton. Having her question rephrased is a huge embarrassment for the member for Brighton, but nevertheless he should not be allowed to abuse question time by making the point of order.

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

Mr BRUMBY — As I said, I have not seen the email, but it is completely legitimate for governments to advertise. Governments have always done that. The Deputy Leader of the Opposition would do well to go back and have a look at some of the country newspapers — the country press — back in the 1990s. I am sure there were some advertisements taken out by the government of the day at that time.

We have a good record of investment in water. It is an area of vital public interest. It is important that the public has information about water investments and water policies, and I cannot think of a better way of getting that message to the people of country Victoria than through the country press.

Transport: Victorian plan

Mr NOONAN (Williamstown) — My question is for the Minister for Roads and Ports. I refer to the government’s commitment to building a better transport system so people can spend more time with family and less time in traffic, and I ask: can the minister outline to the house what consultation is taking place in relation to its proposal to create a second east–west route across metropolitan Melbourne, and is the minister aware of any alternative policies?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Williamstown for his question and for his continuing support for the government’s commitment to introducing the Victorian transport plan, a plan which recognises that in delivering on our transport needs for the future we have to not only balance the amenity of communities but also recognise that the economic vitality of this state is enhanced by our logistics connections. For example, our freight and logistics sector constitutes 14.7 per cent of gross state product, which means that over 300 000 Victorians are directly employed in this industry. We are seeing the tangible benefits of the delivery of the Victorian transport plan and the pre-existing policies of this government.

On this side of the house we have a real plan for the introduction of east–west travel right across metropolitan Melbourne. It is already in the process of being delivered, and of course we are well aware of the M1 upgrade project — —

Mr K. Smith interjected.

Mr PALLAS — No doubt the member for Bass is well aware of it.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bass not to interject in that manner. I also ask the minister not to invite interjections from the member for Bass. I ask the member for Narre Warren North not to interject in the manner he has perfected today.

Mr PALLAS — Some $1.39 billion has been invested by this government, which is the largest, single state road funded investment in Victoria’s history. In December last year the government outlined its $38 billion — —

Mr O’Brien interjected.

The SPEAKER — Order! I ask for some cooperation from the member for Malvern. If he would like to stand in his place at the appropriate time, I will call him to ask a question. Otherwise I would like his cooperation for question time to continue.

Mr PALLAS — One of the vital constituent elements of the government’s Victorian transport plan — our $38 billion plan to upgrade our road and public transport connections — is a new road tunnel to cross the Maribyrnong River costing more than $2.5 billion.

Westlink is a vital project for Melbourne that will reduce overreliance on the West Gate Bridge, remove trucks from local streets and improve amenity in the western suburbs of metropolitan Melbourne. Since December I have attended more than 50 community and stakeholder meetings on the plan, including information forums in Footscray and Sunshine. In total more than 160 community members and groups have been consulted about our plan to provide some input into alternatives to that plan, and indeed what best alignment should be put in place as an alternative to the West Gate Bridge. As we have said consistently, our
reliance upon the West Gate corridor into the long term is unsustainable. While there are a number of important amenity issues which need to be addressed and which have been raised as a consequence of that consultation process, we must also recognise that we have to consider the planning for this project. The responses we have received from stakeholders and the community so far have been generally quite encouraging.

This is particularly the case for people in the growth areas of the outer west of Melbourne who insist upon access to metropolitan Melbourne, effectively for their livelihoods, and also for those who live in the inner suburbs of metropolitan Melbourne, particularly the inner west, where they rely upon a dedicated transport alignment in order to improve their amenity and to remove 1.2 million trucks per annum from inner western suburbs streets. The planning study for this project will include a thorough social impact assessment and extensive consultation and community engagement including community workshops, information displays and public submissions. We are committed to a very substantial engagement with the community, and an alternative plan would be to replicate the West Gate Bridge.

Mr Mulder interjected.

The SPEAKER — Order! I ask the minister to stop for one moment. The member for Polwarth’s behaviour is hardly conducive to the smooth running of question time in inviting the minister to criticise opposition policy in the face of the points of order that have already been taken. I ask the member for Polwarth not to interject in that manner. I ask the minister to conclude his answer; he has been speaking for some 6 minutes.

Mr PALLAS — An alternative plan would be to replicate the West Gate Bridge. I ask the house to consider whether this would be a good plan or not. Replicating the West Gate Bridge would be a ridiculous addition to the existing requirement on movements into the metropolitan area. This issue was considered by government as part of the Eddington study, and it was rejected essentially because it put far too much pressure on the alignment of traffic movements between the western and eastern suburbs. One of the key problems is in deciding where existing traffic from a duplicated bridge would actually end up. The CityLink tunnels are already constrained in terms of their east–west movements. It would in effect pour more and more traffic through those constrained areas.

Dr Napthine — On a point of order, Speaker, under standing order 58 all answers to questions are required to be direct, factual and succinct. You have already warned the member to conclude his answer in terms of succinctness. I ask you to bring him to a conclusion on his answer on the basis of being more succinct.

The SPEAKER — Order! I uphold the point of order. I have asked the minister to conclude his answer. I do so again.

Mr PALLAS — Such a proposal of course is not part of the government strategy. It was considered and not thought to be relevant. It would have, in effect, punched a $3 billion hole in the government’s capacity to deliver. Who would argue for such a proposal? Those opposite have been advocating for it. That is why — —

The SPEAKER — Order! The minister has concluded his answer.

Water: Yering Gorge pumping station

Mr WALSH (Swan Hill) — My question is to the Minister for Water. Will the minister confirm that the limited capacity of the pumps at Yering Gorge has seen billions of litres flow down the Yarra River that might otherwise have topped up the Melbourne storages?

Mr HOLDING (Minister for Water) — I thank the member for Swan Hill for his foray into urban water policy in Victoria. I welcome his question. It invites the proposition which has been advanced by those opposite whenever it rains in any part of Victoria: that the response ought to be the construction of additional storage facilities. That is exactly the proposition that is being advanced by those opposite.

In the last few weeks 80 billion litres of additional water has flowed into Melbourne’s water storages because of the welcome rainfall that we have received. Even after those inflows of 80 billion litres our water storages are at just over 35 per cent. This is exactly the position that the Victorian government has been putting to the Victorian people — that is, if we are to provide water security for Victorians, the answer is not the construction of yet more storage capacity when our storages are at 35 per cent but rather the construction of alternative water supplies and the use of our existing water in a more efficient way.

That is exactly what the state government is doing. We are investing in irrigation upgrades which will enable us to use irrigation water more efficiently and share the savings that accrue with farmers and stressed river systems in the urban environment, and we are constructing Australia’s largest desalination plant.
Mr Ryan — On a point of order, Speaker, the minister is plainly debating the question, which was directed toward the capacity to pump more of the water that is available at Yering Gorge into existing storages. Why is that not happening? Why is that not being done? That is the point of the question.

The SPEAKER — Order! I uphold the point of order.

Mr HOLDING — In addition to those measures that I have already described, today Melbourne Water has provided further information for Victorians about the measures it is taking to harvesting water that is flowing through rivers as a consequence of the recent rains. Some of the things it is doing include pumping the maximum entitlement, which is 1.1 billion litres, as well as any additional spillage which can be picked up from O'Shannassay, and then storing it in Sugarloaf. All of those measures are being taken by Melbourne Water at the moment. These are exactly the prudent measures you would expect Melbourne Water to be taking in order to ensure that we harvest the maximum possible amount of water.

Mr Ryan — You should be pumping the excess. Your pumps do not have the capacity.

Mr HOLDING — The Leader of The Nationals has interjected, saying that we should be pumping basically all the water that is flowing through. That is exactly what he is saying.

Honourable members interjecting.

The SPEAKER — Order! Question time will continue much more smoothly if the minister does not respond to interjections from across the table. I ask the Leader of The Nationals not to interject in that manner from his advantageous position at the table.

Mr HOLDING — On the one hand we hear about the additional water that we ought to be harvesting and on the other hand we hear that when Melbourne seeks to take a greater water quantity from the Thomson members of the opposition are out there collecting signatures for petitions to present in this Parliament to condemn the government for the very measures it is taking to provide water security for our state.

This government has a comprehensive water plan in place to provide water security for Victorians. We have taken extraordinary measures to make sure that, as a state, we have the water we need for our community. The answer does not lie in the construction of yet more storage. It lies in more efficiently using the water we have got and investing in critically needed additional infrastructure to provide water security for our state.

Water: Victorian plan

Mr HOWARD (Ballarat East) — My question is also to the Minister for Water. I refer to the government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how our water plan is providing reliable water supplies for farmers, families and businesses?

Mr HOLDING (Minister for Water) — I thank the member for — —

Mr Delahunty — Thanks to John Forrest. Well done!

Mr HOLDING — That is very well anticipated by the member for Lowan. He might know where I am going with this question.

Mr Delahunty — Yes, I do.

Mr HOLDING — I thank the member for Ballarat East for his question because this week has seen some fantastic news for towns and communities across regional Victoria which have been doing it tough. In the midst of our longest and driest drought and faced with the reality of climate change, we have seen communities faced with severe water restrictions. This week brought welcome news for communities in different parts of Victoria.

Yesterday I was very pleased to travel to Horsham to be able to celebrate the announcement by Grampians Wimmera Mallee Water that more than 40 towns across its region have had water restrictions eased.

Mr Delahunty interjected.

Mr HOLDING — The honourable member for Lowan interjects with ‘Thank you for the rain’. Let us make it absolutely clear: we are grateful for the rain. We are very pleased about the rain that has been received, but if it were rain alone that had flowed into those storages, then we would not have been able to ease water restrictions.

What has enabled us to make this decision to ease water restrictions? It is the construction of the Wimmera–Mallee pipeline. This is one of the biggest water savings projects in the country. It is six years ahead of schedule. It is saving 103 billion litres worth of water. We have taken a system that operated at 10 per cent efficiency — a system where for every
100 litres you put down the 17 500 kilometres of open channels only 10 litres of water was actually used productively — and we have been able to lay almost 9000 kilometres in pipelines and upgrade and rejuvenate the system. It took a Labor government to deliver this regional development project.

It is this pipeline development that has enabled water restrictions to be eased. More than 35 towns have gone from stage 4 restrictions to stage 1 water restrictions. Some towns have gone from stage 2 to permanent water-saving rules. This is a great investment in providing not just greater water security for those towns but greater water quality as well, with the further dividend of being able to return environmental water to stressed river systems, with the Wimmera River having a natural base-passing flow for the first time in 90 years. Again it took a Labor government to invest in this project. For the first time in many years we are seeing some significant allocations of recreational water to recreational lakes in the area, and that is great for local community spirit as well as being great for the tourism industry.

Today Central Highlands Water has been able to announce the easing of water restrictions in Ballarat. It has gone to stage 4 with exemptions. That is great news for the people of Ballarat. They have been some of the best water savers in the state, reducing their water use dramatically. When Central Highlands made this announcement today it did not just make reference to the encouraging inflows following rains in recent times. What did it make reference to? It made reference to the goldfields super-pipe. Of course the goldfields super-pipe —

Mr Ryan interjected.

Mr HOLDING — The Leader of The Nationals laughs because that has always been his party’s approach to this project. This is a project that took a Labor government to deliver. It has seen the recovery of Ballarat’s water storages. In 2008 there was four months supply in Ballarat’s storages; they were at 7.4 per cent. As of today they are at more than 23 per cent. The people of Ballarat have more than two and a half years in supply. That is great news for them and a great reward for those residents who have made such fantastic water-saving efforts. They will now be able to water their gardens twice per week for an hour. We have put aside 500 megalitres of water which will be used as a reserve for watering public open spaces, sportsgrounds and recreational reserves, which is great news for community facilities in the Ballarat region and another great endorsement of the irrigation and infrastructure investments that the state government is making across Victoria.

It is great news because of the investment in the Wimmera–Mallee pipeline project and great news because of our investment in the goldfields super-pipe. Not only are we seeing the benefit of encouraging rain in recent weeks but we are also now seeing the response to the investment in significant water infrastructure projects — and it took a Labor government to deliver it.

Youth: protection strategy

Mr DELAHUNTY (Lowan) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the vulnerable youth framework draft strategy the government released in August 2008 that promised to strengthen action across government to protect vulnerable youth in Victoria, and I ask: why, after more than 13 months, has the government failed to release the final strategy?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for his question. Can I say that I have been waiting since December 2006 for a question from the opposition.

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

Mr MERLINO — I am very pleased that I finally have an opportunity to answer a question, and it is an important question that the member asks in terms of vulnerable youth in this state. A huge amount of work is being conducted on the vulnerable youth framework, and a large part of the focus in terms of providing evidence for the vulnerable youth framework is the efforts of youth services across the state, including in regional Victoria.

We conducted youth service pilots at three sites originally, and then we introduced and expanded that to another three sites; it is all about providing additional youth services. It is about early intervention; it is about coordination of youth services. There is a great span of youth services being provided in Victoria by the federal government, the state government, local government and the private sector, but it is a case of getting the coordination right. We are conducting those youth service pilots, and they are providing the evidence to go towards the vulnerable youth framework which the government will be releasing.

In terms of supporting young people in metropolitan Melbourne and in regional Victoria, it is not about
closing down schools, it is not about reducing services — —

Honourable members interjecting.

Mr MERLINO — The vulnerable youth framework — —

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members, particularly the members for Warrandyte, Kew and South-West Coast, to cease interjecting in that manner.

Mr MERLINO — The vulnerable youth framework is being conducted in cooperation with the Minister for Community Services and the Minister for Education, and it is actually under extensive consultation right across Victoria. For example, the interface councils are doing a lot of work in this space. We are working collaboratively and undertaking extensive consultation with those service providers and with local government, and that is going to deliver the vulnerable youth framework. On this side of the house we will be providing services and releasing the vulnerable youth framework shortly.

Mr Batchelor — On a point of order, Speaker, earlier during question time the member for Brighton quoted verbatim from a document, and I ask that that document be tabled.

The SPEAKER — Order! The member for Warrandyte is now warned.

Mr Batchelor — It is not too late. The reason for asking now is that I have just been advised that the basis on which the question was framed was incorrect and the document was misinterpreted. We would like to see a copy of the document so that we can establish the veracity of the member for Brighton’s question.

The SPEAKER — Order! The member for Warrandyte is now warned.

Mr Batchelor — Further on the point of order, Speaker, I understand the point you are making about the short elapsing of time and the difficulties you are alluding to. This might be overcome by asking the member for Brighton if she is prepared to table the document she was quoting from earlier, because very serious allegations have been made about her use of this document — that she falsely inferred positions which were not true — and that this falls into a pattern of deceit which describes the modus operandi of the Liberal Party in this chamber. If the member for Brighton is not prepared to table the document, she stands condemned and the accusations stand confirmed.

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

Housing: affordability

Mr FOLEY (Albert Park) — My question is for the Minister for Housing. I refer to the Brumby government’s commitment to create a fairer Victoria, and I ask: can the minister update the house on recent initiatives to ensure that all Victorians have access to housing that is safe, affordable and secure?

Mr R. Smith interjected.

The SPEAKER — Order! I suggest to all members that when the Chair stands it is time to cease interjecting. I suggest to the members for Warrandyte, Bass and Hastings that the Chair does not need their advice. I warn the Minister for Community Development that that behaviour will not be tolerated in the chamber.

Mr FOYLE (Albert Park) — My question is for the Minister for Housing. I refer to the Brumby government’s commitment to create a fairer Victoria, and I ask: can the minister update the house on recent initiatives to ensure that all Victorians have access to housing that is safe, affordable and secure?

Mr R. Smith interjected.

Mr WYNNE (Minister for Housing) — I thank the member for Albert Park for his question and for his longstanding interest in public and social housing. I am pleased to advise the house that this week will see the Brumby government begin construction of the 500th unit of social housing to be delivered through the Nation Building economic stimulus plan. These 500 units are just the beginning of the program of delivery in partnership with the commonwealth government through Nation Building. It is the largest addition to public and social housing in decades. We will be delivering these units, as I have indicated to the house before, right across Victoria, with one-third of the stock being built in regional Victoria and two-thirds in metropolitan areas, reflecting the existing distribution of our housing stock.

As the member for Albert Park and members right across the house are no doubt aware, this investment will deliver a significant economic benefit. In fact in
this financial year alone the Nation Building program will directly support over 4000 jobs. By any measure, this is a once-in-a-generation opportunity for us to deliver the most significant boost to public and social housing and to make a real difference in the lives of some of the poorest people in our community.

In that context it was disturbing to read recent media reports of public meetings. These were inspired by ill-informed commentary from some corners about what the government is seeking to do with the stimulus package. As I have indicated a number of times in the house, Melbourne 2030 is our guiding principle in seeking to build our new public housing, which will be built in and near our major activity centres and located near or on public transport routes, close to jobs, close to training and close to community facilities.

This is of course our core strategy. There are some in the community who do not welcome public and social housing. I refer the house to an important article in the Age last week which rightly indicated that some people are seeking to use public housing as a political football to encourage local discontent within the community. As the article states, people at these meetings raised concerns about the types of tenants these new housing developments would attract. I quote from the Age article:

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

as the government is doing. The article continues:

Clearly, there is a stigma to public housing, with some people afraid that should it be built in their area their houses will lose value or their new neighbours may not be the class of people they would like to live near.

‘The class of people they would like to live near’! Is there something wrong with the member for Mordialloc? Is there something wrong with the member for Derrimut? Is there something wrong with the member for Lara? Is there something wrong with the member for Polwarth? All those members were raised in public housing. They would like to live near.

I say to the Leader of the Opposition that he should counsel some on his side of the house against spurious and ill-informed attacks on public housing.
That statement confirms that the minister did actually say there were two female Liberal members of the House of Representatives. The issue therefore is whether changing ‘two’ to ‘three’ in the Hansard record is appropriate. I again quote from the Speaker’s email — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Health and the member for Footscray will not interject in that manner.

Dr Napthine — This is an important issue about the accuracy of Hansard. I quote again from the Speaker’s email of 17 September:

… the correction of the error made by the Minister for Women’s Affairs was made by Hansard consistent with its editorial policy.

On 6 October I received an email from Joanne Truman, manager, Hansard, which states:

In this case, the minister made a suggestion for this correction by returning her proof (‘green’) to Hansard, and the editor determined that this change could be made, consistent with Hansard editorial policy.

Now we can conclude that the minister did say ‘two’ instead of ‘three’ and that the minister actively sought to change the Hansard record. The question now arises whether you as Speaker and the house should allow this change to Hansard.

I refer to chapter 20.2 of the Members Guide headed ‘Admissibility of corrections’, which states:

The following guidelines are used by Hansard when considering corrections. The general basis on which Hansard is prepared and published flows from the following definition of a Hansard report by a select committee of the House of Commons in 1893:

… one which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted and with obvious mistakes corrected, but which, on the other hand, leaves out nothing that adds to the meaning of the speech or illustrates the argument.

Chapter 20.2 goes on further to say that it is inappropriate to change the sense of the speech and that changes can be made ‘provided there is no change in the meaning or flavour of the speech’.

At page 260 the 23rd edition of Erskine May states:

Corrections are allowed to be made in reports of speeches in the daily part for reproduction in the bound volume, but only if, in the opinion of the editor, they do not alter substantially the meaning of anything that was said in the house.

The thrust of what is allowable in terms of corrections and alterations deals with slips of the tongue or inadvertent mistakes but does not allow members to change the meaning of what they said or to correct clear statements which are subsequently found to be wrong.

I put it to you, Speaker, that the Minister for Women’s Affairs clearly meant to say ‘two’, and that is what she said — in other words, she meant what she said and she said what she meant. This was not a slip of the tongue. This was not a misreading of notes. This was not an inadvertent error. This was a mistake made by the minister due to her own lack of research or lack of understanding. Indeed the actual speech she made — the whole speech — was about the number of female Liberal MPs who were members of the House of Representatives. That was the nub of her speech.

I put it to you, Speaker, that it is inappropriate for any member who makes a mistake through their own lack of research or their own lack of knowledge of a subject to change their greens. For example, a member who came into this house, criticised the government, said there was unemployment of 20 per cent in Victoria and made their speech based on that and later found out that number was wrong should not be allowed to change their greens.

I put it to you that it was only after the minister was alerted to her mistake that she sought to change the figure. When the minister realised she had made a mistake, she had two options. The correct option was to come into the house and make a personal explanation. The wrong option was to try to cover up a mistake by doctoring Hansard. She chose the latter option, which goes to her integrity and honesty. But you, Speaker, have a greater responsibility — to ensure the integrity of the Hansard record.

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton should not interject in that manner.

Dr Napthine — I understand, as do other members like me who have been here for a number of years, that members can and do make slips of the tongue or inadvertent mistakes. These can and are appropriately corrected by Hansard. However, when a member makes a mistake due to her own lack of research and it is a key issue of her speech, I put it that by changing that through changing the greens and thereby changing Hansard is fundamentally inconsistent with what is said in Erskine May and fundamentally inconsistent with the thrust of chapter 20.2 of the Members Guide with regard to corrections to Hansard. I make no
criticism of the editors at Hansard for their decision. They must trust the changes members submit through the greens. However, we now know that that is not an accurate representation of the issue here.

I ask you, Speaker, to investigate this further and, in discussions with the Minister for Women’s Affairs, to check exactly what the situation is here with a view to making appropriate changes to Hansard to ensure that Hansard accurately reflects what the minister meant to say, and actually said, on the day. I firmly believe she meant to say ‘two’ — and she did say ‘two’. Instead of making a personal explanation to correct her mistake, she sought to cover it up by altering the Hansard record, and I ask you to investigate the matter thoroughly.

Mr Batchelor — On the point of order, Speaker, to help you make sense of the point of order raised by the member for South-West Coast, I draw your attention to two previous rulings by eminent speakers who have preceded you that deal exactly with this issue. The member for South-West Coast would have been in this Parliament during both of those, and he has conveniently chosen to forget them or has overlooked them in his extensive research.

First I refer to a ruling by Speaker Delzoppo on 7 September 1993, when he made a ruling in relation to a matter like this. I am referring to Rulings from the Chair, which is quite an august tome. Under the heading ‘Rights of members — procedure over consideration of proof copies’, it states:

Following a point of order being raised alleging that a minister may have altered or tampered with Hansard, the Speaker advised the House that members have no rights as such to alter their speeches. What they do have is the right to suggest changes and it is up to the chief reporter of Hansard or the reporter’s deputies to decide whether those suggestions accord with the guidelines and should be adopted.

He went on to elaborate a number of positions. That ruling has to be read alongside a ruling given by Speaker Andrianopoulos on 23 August 2001, which under the heading ‘Correction of obvious errors’ — and this is very pertinent — states:

Hansard staff are required to correct obvious mistakes and factual errors. Members should correct their proofs and Daily Hansard before the official version is released.

You can see, Speaker, by looking at the circumstances, which you have already done in this case, that the correction of the factual record has been carried out in accordance with the previous procedures of this house. We do not need to look at other documents; we just need to look at what this house has done in resolving these matters when they have occurred in the past. The procedures that have been adopted by you and by ministers in fact are correct and in accordance with the custom and practice of this house. Therefore there is no point of order, notwithstanding the verbose and misleading construction that the member for South-West Coast tried to place on these circumstances through his largely, if not totally, irrelevant point of order.

Mr McIntosh — On the point of order, Speaker, the obvious situation can be demonstrated by way of a cogent example that occurred recently in this chamber when, in answer to a question, the Minister for Energy and Resources said in his response, which everybody heard, that the government was in favour of nuclear power or nuclear energy. Clearly — and I will accept it — that was an error; it was an inadvertent comment. He corrected the statement, and the following day in Hansard it had been corrected. It was just an inadvertent error that was made by the minister, and no-one joined issue with that as it was clearly an inadvertent error, because whatever else we could say about the government, and certainly the minister, he has consistently said that he is opposed to nuclear energy. That was clarified; it was an inadvertent comment.

However, in the circumstance that the member for South-West Coast has raised, a minister in a 90-second statement apparently made a fundamental error. Of course that fundamental error must stand as part of the record, and the only way it can be corrected is for the minister not to suggest the correct answer but to make a personal explanation. That is the tried and proved process for correcting such an error. The minister should have come into the chamber, indicated that she had made an error because of poor research and not being aware of the total facts, and said that ‘two’ should have been ‘three’ — and she should have apologised to the house.

It was an error in the minister’s research, and that does not mean it was an inadvertent error. That is certainly not what the circumstances suggest, and accordingly I support the point of order raised by the member for South-West Coast.

The SPEAKER — Order! I do not uphold the point of order raised by the member for South-West Coast. My advice from Hansard is quite clear — that all the normal practices and procedures of Hansard were followed in this instance.
FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Fair Work (Commonwealth Powers) Act 2009 and to make related amendments to other acts and for other purposes.

Read first time.

ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) introduced a bill for an act to amend the Electricity Industry Act 2000 to provide for the protection of critical electricity infrastructure and critical electricity infrastructure plant or equipment or related vehicles and for other purposes.

Read first time.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) — On behalf of the Minister for Police and Emergency Services, I move:

That I have leave to bring in a bill for an act to amend the Crimes Act 1958, the Criminal Procedure Act 2009, the Infringements Act 2006, the Major Crime (Investigative Powers) Act 2004, the Major Crime Legislation Amendment Act 2009, the Sheriff Act 2009, the Telecommunications (Interception) (State Provisions) Act 1988 and other acts and for other purposes.

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

Mr BATCHELOR (Minister for Community Development) — The title of this bill will be the Justice Legislation Miscellaneous Amendments Bill, and it will contain a number of miscellaneous amendments of a technical nature — —

Mr McIntosh — Which you don’t know anything about, do you?

Mr BATCHELOR — Righto, you will be sorry you challenged! They include proposed amendments to the Crimes Act which will support new digital audiovisual technology Victoria Police would like to roll out. The bill includes amendments that are largely technical in nature in relation to major crime legislation. It proposes amendments to the Sheriff Act which will clarify elements of the operation of that act in relation to a number of matters, and it will improve the efficiency and flexibility of the infringements systems through a number of steps that will all become clear during the second-reading speech.

Motion agreed to.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Payroll Tax Act 2007 and the Taxation Administration Act 1997 and to make consequential amendments to other acts, to repeal the Taxation (Reciprocal Powers) Act 1987 and for other purposes.

Read first time.

LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL

Introduction and first reading

Mr WYNNE (Minister for Local Government) introduced a bill for an act to dismiss the Brimbank City Council and provide for a general election for that council and for other purposes.

Read first time.
Mr WYNNE (Minister for Local Government) — I move:

That this bill be read a second time immediately.

I can advise the house that members of the other parties and the Independent member have been provided with a copy of the bill and with a briefing in accordance with section 61(2) of the standing orders.

Motion agreed to.

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 (Brimbank City Council) Bill 2009.

In my opinion, the Local Government (Brimbank City Council) 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 (Brimbank City Council) Bill 2009 (‘the bill’) is to provide for the implementation of a key recommendation of Mr William Ivan Scales’s second report on the monitoring of the ongoing activities and performance of the Brimbank City Council (‘the council’).

Specifically, Mr Scales in his report recommended that there is a need for substantial and urgent change in the culture of the council, and that this could only occur if the council is removed.

Thus, the bill achieves this by providing for the dismissal of the council, and appointment of a panel of administrators, to constitute the council, until the council’s next scheduled general election in 2012.

Human rights issues

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 5 clearly engages and purports to restrict the right under section 18 of the charter. However, the limitation appears to be 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

The right to participate in public affairs is a broad concept, which embraces the exercise of governmental power by all arms of government at all levels. 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, the right to occupy public office is not conferred on all Victorians; it is limited to eligible persons where the criteria and processes for appointment, promotion, suspension and dismissal are objective, reasonable and non-discriminatory.

(b) the importance of the purpose of the limitation

The appointment of Mr Scales as an inspector of municipal administration under the Local Government Act 1989 (‘the act’) to perform the role of monitoring and reviewing the governance of the council, was in response to recommendation no. 1 of the Victorian Ombudsman report following his investigation into the alleged improper conduct of councillors at the Brimbank City Council, which was tabled in Parliament on 7 May 2009.

Recommendation no. 1 of the Ombudsman report was that:

The Minister for Local Government closely monitor the activities of the council and, should the poor practices that occurred prior to the 2008 election continue, that he consider suspending and/or dismissing the council and appointing an administrator.

The monitoring and investigations performed by Mr Scales following his appointment demonstrated that the council since it was elected had continued to exhibit the very same poor practices that led to the Ombudsman’s initial investigation and recommendations. Mr Scales found that despite the Ombudsman’s warnings and his own specific guidance and support to remedy the council’s serious deficiencies, there was a clear ongoing failure and unwillingness to reform and understand basic requirements of good governance and good government, and that there was no evidence that the promised change in behaviour had occurred or would occur in the future. This entrenched culture of poor governance, inappropriate conduct, conflicting interests and outside influence meant that the council failed to keep an open and impartial mind and represent the best interests of the community in performing its powers, functions and duties.

The serious nature of Mr Scales’s findings, including the continuation of severe deficiencies previously identified by the Ombudsman, and the serious loss of confidence in council by the local community as a result, clearly warrant removal of the council as soon as possible. This action ensures and recognises the right of electors to be represented with probity, integrity and accountability, and in the interests of the community rather than competing sectional or personal interests.

Removal of an elected council is a last resort, and undertaken only in exceptional circumstances. It is regrettable that this is one of those very rare cases, but the government has a responsibility to protect communities from misgovernance by their local representatives. In Brimbank, a clear message received from the community has been the complete loss of confidence in those representatives.
LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL
Tuesday, 13 October 2009 ASSEMBLY 3485

(c) the nature and extent of the limitation

Clauses 5, 6 and 10 purport to limit section 18 of the charter by dismissing the Brimbank City Council, and providing for the appointment of a panel of administrators to constitute the council for a period until the council’s next scheduled general election in November 2012.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of ensuring that elected councillors properly undertake the duties of their office.

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

In a less restrictive and more immediate measure, the council has been suspended by order in council dated 15 September 2009, for a maximum period of 12 months, pursuant to section 219(1) of the act.

Section 219 provides only for the appointment of a single administrator, indicating the expectation that a single person will be sufficient to govern in the council’s stead for the limited period of the suspension.

However, as Mr Scales’s report clearly demonstrates, the council is fundamentally dysfunctional, and characterised by the continuation of entrenched failures of the kind which the Ombudsman identified in the previous council. It is considered that the serious deficiencies at Brimbank will require a significantly longer period than 12 months so that good government can be restored, and the confidence of the local community can be rebuilt. Further, the appointment of a panel of administrators rather than one individual would provide a structure more suited to governing a municipality as large and complex as Brimbank, and to undertake the extensive necessary reforms.

Mr Scales’s report also indicates that he considered whether it was more appropriate to recommend that certain councillors be referred to a councillor conduct panel. However, Mr Scales decided against this option given the matters related to a significant number of the eleven councillors, and that a long drawn-out process of consideration by a councillor conduct panel would significantly undermine the ability of the council to provide good government to the people of Brimbank while these considerations proceeded.

(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 limitation strikes the correct balance by providing persons the right to take part in public life and ensuring councillors perform to appropriate standards of probity, integrity and in the public interest.

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 will dismiss the Brimbank City Council, in response to the recommendations of two recent separate reports — the first by the Victorian Ombudsman, and the second by Mr William Ivan Scales, AO.

The proposal to dismiss the council follows an order in council dated 15 September 2009, which suspended all Brimbank city councillors pursuant to section 219 of the Local Government Act 1989.

In his May 2009 report into alleged improper conduct by councillors of the Brimbank City Council, the Ombudsman made a range of serious adverse findings, and recommended amongst other things that ‘The Minister for Local Government closely monitor the activities of the council and, should the poor practices that occurred prior to the 2008 election continue, that he consider suspending and/or dismissing the council and appointing an administrator’.

Mr Scales was appointed to monitor the council in response to that recommendation. Mr Scales subsequently recommended in his report that the council should be suspended and/or dismissed. The government decided to implement both, with the immediate suspension taking effect on 15 September 2009, and the proposal to dismiss contained in the present bill.

In his report, which was tabled in this house on 15 September 2009, Mr Scales expressed the strong view that many of the most serious failures of the previous council continued to persist in the present.

In summary, his findings demonstrate a profound and systemic failure by the council to provide acceptable standards of government to the municipality of Brimbank.

The government implemented the temporary suspension through the mechanism of section 219 of the Local Government Act.

Section 219 provides only for a maximum period of suspension of 12 months, and it is clear that a longer period will be required for the task. Furthermore, section 219 provides only for a single administrator.

It is the government’s view that a panel of three administrators, working together, will be the most effective governance structure to bring about
comprehensive reform in a council as large and complex as Brimbank. It is hard to overstate the scale of that task, which will require rebuilding of effective governance from the ground up, as well as the restoration of community confidence, which is presently in a fragile state.

Accordingly, this bill provides for a panel of administrators to be appointed by order in council, to act as the council in every respect, for the period until the next municipal elections, scheduled in 2012. The costs of the administration will be met by the council.

The decision to propose this legislation has been a difficult one. The removal of an elected council is a last resort, exercised only in the most exceptional cases where no appropriate alternative will suffice. Brimbank City Council is such a case.

The removal of elected councillors is also a limitation of their right to participate in public life. This right is not of course absolute, and the government is confident that in the present case the limitation on that right is reasonable. These matters are fully addressed in the statement of compatibility.

Finally, it is important to add here that Brimbank is not regarded as representative of the local government sector in Victoria, and the government is confident that most councils govern properly and effectively in the interests of their communities. The services they provide are essential to the lives of all Victorians, and indeed it is for this very reason that they must be held to high standards of governance and probity.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until next day.

PETITIONS

Following petitions presented to house:

Liquor: licences

To the Legislative Assembly of Victoria:

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

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

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

By Dr SYKES (Benalla) (1308 signatures), Mr DELAHUNTY (Lowan) (380 signatures) and Mr WELLER (Rodney) (135 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) (77 signatures).

Western Highway: access

To the Legislative Assembly of Victoria:

The petition of we, the undersigned citizens of Victoria, draw the attention of the house, requesting assistance in our campaign regarding the following:

1. Preservation of appropriate access to Western Highway (Melbourne-based ramp at Hopetoun Park Road).
Appropriate access to Long Forest Road and the Hopetoun Park estate needs to be preserved as part of the redevelopment of the Western Highway (Anthonys Cutting).

Current plans would have a negative impact for residents travelling towards Melbourne, forcing local traffic to travel through Melton to access the Western Highway (via Coburns Road). Residents have for decades enjoyed direct access onto this highway and respectfully ask this situation not to be altered.

We seek inclusion of a Melbourne-bound ramp at Hopetoun Park Road to improve local access in this area.

2. Fire-risk danger

Removal of appropriate access would endanger residents because of the fire risk in the area.

3. Review of Bulmans-Clarke Road interchange

We seek an immediate review regarding plans scrapping the Bulmans-Clarke Road interchange and community consultation to occur immediately regarding this matter.

Your petitioners therefore request that the Legislative Assembly of Victoria take immediate steps to have the matters above reviewed and dealt with at the earliest possible time.

By Mr NARDELLA (Melton) (712 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 delay.

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) (52 signatures).

Planning: Mildura

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the petitioners register their opposition to the C58 amendment to the Mildura planning scheme which prevents land-holders from subdividing or building a house in a farming zone on less than 40 hectares of land which will cause financial and social hardship to those affected.

The petitioners therefore request that the Legislative Assembly of Victoria call on the minister to withdraw C58.

By Mr CRISP (Mildura) (22 signatures).

Rail: Traralgon line

To the Legislative Assembly of Victoria:

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

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

By Mr NORTHE (Morwell) (46 signatures).

Rail: Shepparton line

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to reinstate some of the existing Traralgon V/Line services at Flinders Street station.

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

By Mr JASPER (Murray Valley) (46 signatures).

Gas: Heathcote supply

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that future growth and development in the Heathcote district is being restricted by the absence of a natural gas supply to the area.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the state government to commit to a further round of funding through the natural gas extension program to subsidise natural gas reticulation to Heathcote.

By Mr WELLER (Rodney) (716 signatures).

Barwon Heads Airport: skydiving

To the Legislative Assembly of Victoria:

The petition of the residents of the Connewarre area in the electorate of South Barwon draws to the attention of the house that we loudly deplore any plans for the
We enjoy the relative tranquility of this rural area and are fearful that any skydiving activities will destroy this sense of peace and quiet. Our past experience of skydiving operations flown out of Barwon Heads Airport remains strongly negative. At weekends and certain weekdays there was the almost constant drone of loud planes gaining altitude overhead, the screams of descending parachutists and the unease produced by some of these parachutists landing in our property, some distance from the target zone.

The petitioners therefore request that the Legislative Assembly of Victoria, in pursuit of maintaining this area free from skydiving, seek a commitment from the owners of the Barwon Heads Airport that they will not support any moves that would lead to parachute activities in the future.

By Mr CRUTCHFIELD (South Barwon) (92 signatures).

Public holidays: show days

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the inequitable nature of the current policy on the allocation of show day holidays in lieu of the Melbourne Cup Day holiday.

The petitioners point out to the house that this legislation is having devastating effects on the survival of traditional A and P show days due to the inability of local schools and businesses to close and thus attend on the day of the show.

The petitioners therefore request that the Legislative Assembly of Victoria amends its legislation thus allowing local government councils the flexibility to allocate the show day holiday to individual communities according to the day in which the community deems it is appropriate to conduct its show day event.

By Mr WALSH (Swan Hill) (120 signatures).

Housing: Ringwood development

To the Honourable Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the community of the City of Maroondah draws the attention of the house to the lack of consultation undertaken by the Victorian government in relation to the public and social housing development proposed for Larissa Avenue, Ringwood.

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

By Mr R. SMITH (Warrandyte) (114 signatures).

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

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

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

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

Ordered that petition presented by honourable member for South Barwon be considered next day on motion of Mr CRUTCHFIELD (South Barwon).

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

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr CARLI (Brunswick) presented Alert Digest No. 12 of 2009 on:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill
Deakin University Bill
Fair Work (Commonwealth Powers) Bill
La Trobe University Bill
Land (Revocation of Reservations and Other Matters) Bill
Local Government Amendment (Offences and Other Matters) Bill
Monash University Bill
Personal Property Securities (Commonwealth Powers) Bill
Planning Legislation Amendment Bill (No. 2)
Sentencing Amendment Bill
Statute Law Amendment (Evidence Consequential Provisions) Bill
Superannuation Legislation Amendment Bill
University of Melbourne Bill
together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Shepparton Public Garden Reserve

*Duties Act 2000* — Reports 2008–09 of exemptions and refunds under ss 250B and 250DD (two documents)

*Estate Agents Act 1980* — Notice of approval under s 10C (Gazette G38, 17 September 2009)

*Gambling Regulation Act 2003* — Amendment to Category 2 Public Lottery Licence

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

- Ballarat — C123
- Banyule — C61
- Bass Coast — C95
- Boroondara — C64, C104
- Brimbank — C110
- Cardinia — C123, C136
- East Gippsland — C72, C77
- Glen Eira — C72
- Glenelg — C51
- Greater Bendigo — C114
- Hobsons Bay — C66
- Knox — C76, C100
- Mansfield — C14, C17
- Maribyrnong — C80, C81
- Mildura — C59
- Mitchell — C68
- Monash — C65
- Mornington Peninsula — C84, C95
- Mount Alexander — C23
- Moyne — C39
- Murrindindi — C22
- Nillumbik — C61
- Surf Coast — C43 Part 2
- Victoria Planning Provisions — VC59, VC60
- Warmabool — C55
- Whitehorse — C92
- Whittlesea — C117
- Wyndham — C129
- Yarra — C119
- Yarra Ranges — C82, C91

Public Record Office Victoria — Report 2008–09

Statutory Rules under the following Acts:

- *Associations Incorporation Act 1981* — SR 113
- *Coroners Act 2008* — SR 109
- *Gambling Regulation Act 2003* — SRs 108, 114
- *Guardianship and Administration Act 1986* — SR 107
- *Infringements Act 2006* — SR 106
- *Magistrates’ Court Act 1989* — SR 110
- *Road Safety Act 1986* — SRs 115, 116
- *Sheriff Act 2009* — SR 112
- *Supreme Court Act 1986* — SRs 109, 111

Subordinate Legislation Act 1994:

- Minister’s exception certificate in relation to Statutory Rule 109

Surveillance Devices Act 1999:

- Report 2008–09 under s 30L
- Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

*Courts Legislation Amendment (Judicial Resolution Conference) Act 2009* — Whole Act — 15 September 2009

(Gazette S319, 16 September 2009)
CEMETERIES AND CREMATORIA AMENDMENT BILL

Council’s amendment

Returned from Council with message relating to amendment.

Ordered to be considered next day.

ROYAL ASSENT

Messages read advising royal assent to:

22 September
Justice Legislation Further Amendment Bill

29 September
Major Transport Projects Facilitation Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill
Deakin University Bill
La Trobe University Bill
Land (Revocation of Reservations and Other Matters) Bill
Monash University Bill
Statute Law Amendment (Evidence Consequential Provisions) Bill
University of Melbourne Bill.

UNIVERSITY OF MELBOURNE BILL, MONASH UNIVERSITY BILL, LA TROBE UNIVERSITY BILL and DEAKIN UNIVERSITY BILL

Concurrent debate

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

That this house authorises and requires the Speaker to permit the second-reading and subsequent stages of the University of Melbourne Bill, the Monash University Bill, the La Trobe University Bill and the Deakin University Bill to be moved and debated concurrently.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 15 October 2009:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill
Deakin University Bill
La Trobe University Bill
Land (Revocation of Reservations and Other Matters) Bill
Monash University Bill
Sentencing Amendment Bill
Statute Law Amendment (Evidence Consequential Provisions) Bill
University of Melbourne Bill.

In moving the government business program for this week I identify the substantive part of the government business we are hoping to deal with. Members of the house would already have heard in the previous by-leave motion that the four university bills on the business program will be debated concurrently. In this context a concurrent debate — effectively over half of the government business program — should enable us to complete this business program and a number of other matters during the course of this week in the lead-up to 4.00 p.m. on Thursday.

In addition to the government business program we will be dealing, by leave, with the Local Government (Brimbank City Council) Bill on Wednesday, and I thank the shadow Minister for Local Government and the opposition for their facilitation of that process. It is important that we deal with the matters contained in that bill in an expeditious way, and we are providing time for that in the midst of our government business program. On Wednesday we also intend to deal with the amendments that have come back from the upper house on the Cemeteries and Crematoria Amendment Bill. I think we will be able to deal quite satisfactorily
with all of these items during this week, and I commend the motion to the house.

Mr McIntosh (Kew) — The opposition does not oppose the government business program. While the opposition is not concerned at this stage about the government business program, it expresses some disquiet about the fact that the Brimbank council bill, which is not on the government business program, is due for debate tomorrow. I think it will take a considerable amount of time because there are a number of people who, for obvious reasons, want to speak on that bill. The other thing is that the amendments to the cemeteries bill will make an unforeseen change to the debating time available, although again that bill is not on the government business program. The Leader of the House has indicated he wishes to deal with that matter tomorrow.

There are essentially six other bills on the government business program. The university bills will all be dealt with as a cognate debate. The opposition has agreed to participate in that cognate debate as the issues raised are obviously similar across each of those four bills. While it appears that there will probably be adequate time on the government business program — and the last two sitting weeks have demonstrated that there has been adequate time to deal with government business programs of similar length, and there have been other interruptions — I express concern that the Brimbank council bill, which was second-read earlier this evening and will be debated in full tomorrow given the urgency of that bill, will take up some substantial time. Having expressed those matters, as I said, the opposition does not have any concerns at this stage, but it will monitor the position over the next few days.

In conclusion I express my gratitude to the member for Bulleen. Last week while I was in New South Wales attending the under-13s national hockey championships at which my son played left half for the state of Victoria — there are two representatives of the state of Victoria in my family — the member for Bulleen very generously filled my place last week in detailed negotiations with the Leader of the House about the government business program. I understand it took up an enormous amount of his intellectual capacity, but it facilitated a positive outcome for the house, and I express my gratitude to the member for Bulleen. It was also a very successful under-13s national hockey championships in Coffs Harbour.

Mr Delahunt (Lowan) — I do not know how to follow that! The Nationals will not be opposing this government business program. Like the member for Kew, we have some concerns about the fact that we came into this place earlier today anticipating six bills, and it has now been dropped on us that there will be amendments from the Legislative Council in relation to the cemeteries bill. It is common sense to amalgamate the four university bills and debate them cognately, but the other bills deal more with legal matters, so the legal people here — the real lawyers — will be able to have a feast in relation to the criminal procedure in the sentencing and statute law bills.

An honourable member interjected.

Mr Delahunt — Some people say there are too many of them in here, but there are a few bush lawyers who bring us back to reality. Members of The Nationals have some concerns with the Land (Revocation of Reservations and Other Matters) Bill 2009, and we will be raising those issues in the debate on that bill.

In relation to the government business program, as The Nationals Whip I was kept well informed by the member for Bulleen. I could not believe it when on Thursday night we received an email saying what the government business program would be, and that must have been after consultation with the Leader of the House. It was very rewarding to get the information on Thursday night. I do not know whether it was the member for Bulleen pushing the Leader of the House or just better operations from the Liberal Party point of view, but I attribute it to the fact that the member for Bulleen did a great job.

It was disappointing that the member for Kew was not around last week, but he was up there barracking for the under-13s hockey championship team, and I am informed it did very well up there. Again, we will not be opposing the government business program this week.

Mr Langdon (Ivanhoe) — I will briefly speak on the government business program. I commend it to the house and commend the logic of it. I am not sure if the government business program has become a roasting for the member for Bulleen or a members statement for the member for Kew. On the business of the actual house, I think we can manage the six bills plus the Brimbank bill as well. I am sure there will be ample debating time. I know we are sitting late today because of the condolence motions, but those sorts of things do happen. If we all work together collectively, I am sure everyone can be heard. I commend the government business program.

Mr Hodgett (Kilsyth) — As has been stated, we do not oppose the government business program for
this sitting week. I share the concerns that have been stated about our ability to get through the eight items listed on the government business program plus the Local Government Amendment (Brimbank City Council) Bill, which we will debate by leave, and also the upper house amendment to the Cemeteries and Crematoria Amendment Bill. Unlike the government, I am aware of a number of people who want to speak on the amendment and on the Local Government Amendment (Brimbank City Council) Bill. I am concerned about whether we can get through them by the 4.00 p.m. deadline on Thursday.

However, while I have no comments to add to your performance, Acting Speaker, in the absence of the member for Kew and in the interests of getting on to statements by members, I will conclude my comments there.

Ms MUNT (Mordialloc) — I rise to speak briefly in support of the government business program. I have every faith that the three whips can organise our parliamentary sitting days in such a way that all of this business can be accommodated. I note the University of Melbourne Bill, the Monash University Bill, the La Trobe University Bill and the Deakin University Bill are associated bills, so while there may be eight bills on the program, some are associated and can be dealt with expeditiously. I have no doubt the government business program can be managed within this parliamentary sitting week.

Motion agreed to.

MEMBERS STATEMENTS

Water: government performance

Ms ASHER (Brighton) — I wish to draw to the attention of the house the government’s appalling record on water projects in Ballarat, Bendigo and Geelong. Of the new water projects which were announced in 2007–08, according to budget information paper 1 by 2008–09, 163 projects experienced a cost blow-out of more than $109 million — that is, $109 million within 12 months.

For example, for Barwon Water, 79 of the 126 projects announced in 2007–08 have recorded a blow-out of $93 million; for Central Highlands Water, 6 of the 15 projects announced in 2007–08 recorded a blow-out of over $10 million; for Coliban Water, 9 of the 22 projects announced in that year recorded a blow-out, with a total amount over budget of $5.5 million. Furthermore, of the 75 new projects announced in 2007–08 where some funds were due to be expended prior to June 2008, 47 were experiencing problems in that the amount of expenditure forecast was lower than that actually forecast. With few exceptions these are not grand projects. They are routine water and sewerage infrastructure projects that Victorians expect to be delivered on time and on budget.

Social Traders: website

Mr BATCHELOR (Minister for Community Development) — The new Social Traders website was launched recently at www.socialtraders.com.au. Social Traders is a new agency funded jointly by the Brumby Labor government and a private philanthropic foundation. It aims to help establish new social enterprises and build a robust and cohesive social enterprise sector by increasing awareness of the benefits of social enterprise; improving social enterprise access to markets; increasing the finance available to social enterprise; increasing the capability of social enterprises and their operators, and encouraging more effective coordination across the sector. It is an extension of the government’s community enterprise strategy which has helped establish new enterprises through seeding grants and business advice since 2005.

Social and community enterprises are social mission-driven organisations which trade in goods or services for a social purpose. They are often referred to as having a triple bottom line because they aim to accomplish targets that are social and environmental as well as financial.

The new Social Traders website includes information about current initiatives and funding opportunities as well as a discussion forum and question-and-answer section. Visitors can also sign up to receive a regular newsletter from the organisation. The website was also used as a portal of information for the Social Enterprise World Forum, which I had the pleasure of opening recently.

Bushfires: roadblocks

Mr DELAHUNTY (Lowan) — With only 15 days to the start of the fire season, one issue of enormous concern to Western Victorians is police roadblocks, and that issue has been highlighted at hearings of the bushfires royal commission. While they have an important function, they are a particular source of frustration and annoyance to some people during fires.

Unfortunately my electorate has had many large bushfires, including those on Black Saturday and in the Grampians during 2006–07, so we are pleased to see
that one of the royal commission’s recommendations is that the police, in consultation with the Country Fire Authority and the Department of Sustainability and Environment, review roadblocks to allow for returning residents, people delivering relief, essential service crews and to expedite the exercise of discretion in favour of persons able to establish their bona fides.

This being Fire Action Week the government must resolve this roadblock issue. I note yesterday’s announcement that residents will get wristbands for access to bushfire areas, but police, emergency service people and the broader community need unambiguous guidelines, and most believe photo identification such as an endorsed drivers licence or something similar would assist at these roadblocks.

On Black Saturday Western Victoria was fortunate not to lose any lives, but we lost houses, sheds, livestock, machinery and kilometres of fencing. We all have a responsibility to be prepared for bushfires, and this government must also resolve the issues around police roadblocks to assist in fighting fires and to allow residents to return safely to their properties.

**Essendon Keilor Secondary College: mentoring program**

**Mrs MADDIGAN (Essendon)** — Yesterday I had the pleasure of attending a function at the Niddrie campus of the Essendon Keilor Secondary College. The college is an excellent secondary institution that covers students from Essendon and Keilor, but mainly those from the Moonee Valley area. Yesterday the Niddrie campus won a prize of $50 000 from the National Australia Bank for the work it has done in relation to a mentoring program for some of its students.

This has been run in conjunction with Sue Fowler and her staff from the Maribyrnong and Moonee Valley Local Learning and Employment Network. The program they have developed over a number of years has some volunteers from the community outside the school system who act as mentors for students in the school. Students have an opportunity to seek a mentor if they would like one. This has proved very successful in providing some of the students with a significant adult in their life. The parliamentary Drugs and Crime Prevention Committee, of which I am a member, identified in its most recent report on juvenile crime the importance of a mentoring system for young people, some of whom do not have adults in their life on whom they can rely.

This program is now entering its 10th year, and in the last year it has dealt with 200 students in the Moonee Valley and Maribyrnong areas. It has proved to be a great success in assisting students to stay at school and go onto further education in particular. I congratulate them on their work.

**Bushfires: fuel reduction**

**Dr NAPTHINE (South-West Coast)** — This week is Fire Action Week, and the Brumby government is urging individuals and communities to clean up and make their homes, properties and communities fire ready. However, the very same Brumby Labor government is actually stopping people from making their towns and homes fire safe.

For example, the greatest risk to Nelson, which has been identified as one of the top 50 communities at risk, is fires fanned by hot northerly winds coming from the adjoining Lower Glenelg National Park to the north of the township. But Parks Victoria, a government agency, simply refuses to allow a decent firebreak to protect Nelson to be developed on the southern edge of its 30 000-hectare forest. At the same time DSE (Department of Sustainability and Environment) has now stopped the local Nelson reserves committee of management from cleaning up scrub and undergrowth in the town to make it fire safe.

On Dutton Way near Portland local residents want to clean up an area of coastal scrub, but the local council cannot clean up the area and make it fire safe until DSE undertakes what is called a biodiversity evaluation. The Country Fire Authority cannot burn roadside firebreaks without, one, approval under the municipal fire plan; two, a section 12 permit from VicRoads; three, a road-use consent form from VicRoads or the council; four, a memorandum of consent for traffic control devices from VicRoads and the CFA controllers need to complete a full-day course to operate a stop-go sign; and five, those using herbicides to prepare fire control lines require more red tape and chemical user training and certification.

**Craigieburn and district first response team: awards**

**Ms BEATTIE (Yuroke)** — I rise to congratulate the Craigieburn and district first response team on the success of its 2009 annual dinner, which I attended as its special guest on Friday, 9 October.

As members are aware, I have had the pleasure of meeting with the team on many occasions, and it was my great honour at this year’s dinner to present the inaugural new member achievement award, which I sponsor, to new recruit Cheree Spowart. Cheree is only
19 years old and was acknowledged for her fantastic contributions to Craigieburn and the wider community in such a short time.

I would also like to congratulate the other award winners for the evening. The team leaders encouragement award went to Adriano Cecati; the Rob Evans team spirit award went to team leader, Casey Nunn; and the Kevin O’Callaghan responder of the year award went to Christopher Tyrrell. They were all very worthy recipients.

It was terrific to see four exceptional women receive their five-year service medals for exemplary volunteer service to their community: Tiziana Giuliano, Robyn Jones, Shannon Simpson and Christine Tyrrell. I would like to offer all these women my hearty congratulations.

It was very special to see representatives from the Craigieburn Country Fire Authority and State Emergency Service units, who were at the dinner to support their first response team colleagues. It was a most enjoyable evening, and I would like to congratulate all the members of the team on their achievements. I wish them well for the future as they continue to strive to be the very best community emergency response team in Victoria.

Kawarren Primary School site: future

Mr MULDER (Polwarth) — At a recent public meeting at Kawarren, residents and land-holders expressed their concern that the former school site is to be sold. It was resolved at that meeting to form a committee to work for its retention. Since the official closure of the school, the site and buildings are no longer available to the community and no ongoing maintenance work is being undertaken. The facilities at the school had previously been used by a number of groups for meetings and community events. These activities play an important role in the wellbeing of the community, and the loss of access to the school buildings is already having an impact.

A decision has been made to relocate the fire station at Kawarren due to limited capacity, and the school site would suitably accommodate a new station given it is connected to all utilities. Facilities could also be included for community use and events.

There are many sound reasons for the retention of this site for community use, not the least of which being that the town of Kawarren has been listed as a community at risk for the upcoming bushfire season. The site is currently designated as a Displan area and has an existing underground bunker. The community wants the school site retained as an emergency refuge. Consultation with all key stakeholders needs to be undertaken without further delay with a view to retaining this site for community use.

Kawarren is one of the communities in the Otways that should be serviced by a portable mobile telephone tower. Right throughout the Otways there are communities that have very poor mobile reception. I have written to the federal minister asking for support for mobile telephone towers in the Otways.

South Barwon Football and Netball Club: achievements

Mr CRUTCHFIELD (South Barwon) — I am very proud to inform the house of some significant winter sporting victories that have taken place in my electorate.

My beloved team, the South Barwon Football and Netball Club, continued its unrivalled dominance of the local Geelong football league competition. The senior football side had a 57-point grand final victory against St Joseph’s. This was its fifth premiership win. The side has won four in the past five years, a major feat for any local football club. Congratulations to joint coaches Paul Corrigan and Matty Verfurth, their support staff and the president, Richard Holz, and his hardworking committee.

Unfortunately the Swans under-18 team was quite convincingly defeated by Colac, 101 to 41. In under-18, division 2, South Barwon defeated St Joseph’s. In under-16, division 1, South Barwon also defeated St Joseph’s. In under-16, division 4, the South Barwon two side defeated Torquay. Unfortunately in under-14, division 4, Portarlington beat South Barwon.

However, it was truly the ladies in the netball competition who shone, as they absolutely dominated the competition, winning an astonishing six of the seven premierships on offer. The A-grade ladies smashed a younger Colac side 59-35 to win their sixth straight flag. The B-grade side beat St Albans; the C-grade side beat Leopold; the D-grade side beat Colac; the under-17 team beat Colac; and the under-15 team also beat Colac. Well done to the coach, Sascha Veldhuis, and the committee of the netball club.

Overall it was an outstanding contribution from all at South Barwon.

Mildura Sun Festival

Mr CRISP (Mildura) — The Mildura Sun Festival was held on Sunday, 11 October, at the TAFE field day
site. The principal aims of the festival are to promote the concepts of sustainability, provide a forum for businesses and organisations to showcase sustainable products and practices and to introduce the community to renewable technology and sustainable living concepts.

There were three speaker tents with great guest speakers timetabled throughout the day, including Josh Byrne of *Gardening Australia*.

More than 1500 people attended, enjoying the learning atmosphere and sharing information. I would like to place on record my appreciation to the organising committee for its efforts in making the festival a success, in particular Alex Cross. The next festival will be held in two years and will no doubt be even bigger as more change occurs in the sustainability sector.

**Mildura Development Corporation: solar power conference**

Mr CRISP — On another similar matter, a delegation from Mildura will be heading to the United States next week for the Solar Power International in Anaheim in California from 27 October to 30 October. The Mildura Development Corporation is leading the delegation, which includes the mayor of Mildura, a councillor and local media. Mildura aims to be the solar capital of Victoria, and attending this conference will further assist Mildura with its case and knowledge base. The delegation will be meeting with a number of international solar companies to promote Mildura as well as researching small-scale opportunities for solar technology and infrastructure to suit small investors with requirements greater than rooftop home generation. I look forward to the delegation’s return.

**Hon. Brian Mier**

Mr LANGUILLER (Derrimut) — I rise in support of the condolence motion in this Parliament today for the Honourable Brian William Mier, which was supported, appropriately, by all members of this house. Mr Mier was born on 21 February 1935 and died on 12 September 2009.

I knew Brian. He was a fine Australian, a good plumber and a fantastic union official. He became a good member of Parliament and a fine minister of the Crown. In addition to the comments appropriately made by members on both sides of the house I wish to register that I also knew Brian as a good internationalist. Brian had the time to support refugees like me from countries like Uruguay, Argentina and Chile. He also had time for South Africans when South Africa was under apartheid. He and his union were strongly supportive of good and fine processes and were pro-democracy and against apartheid.

I wish to register my appreciation on behalf of hundreds of now South American-Australians who live predominantly in Melbourne and appreciate the solidarity and support given to us by people like Brian.

**Duties Act: amendments**

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government, and the Treasurer in particular, for an appalling failure to properly consult stakeholders on its recent amendments to the Duties Act, which despite warnings from the opposition and stakeholders, including the Law Institute of Victoria, have now become an absolute legal nightmare for many Victorians.

The Brumby government’s failure to heed repeated warnings about the bungled amendments means that Victorians trying to negotiate long-term commercial lease arrangements are now the victims of the Victorian government’s incompetence. The reality is that the opposition warned during parliamentary debate in June this year that the Brumby government’s botted approach provided no certainty for Victorian businesses or the legal profession.

Lawyers trying to make sense of these Duties Act amendments are outraged at the lack of certainty and clarity created by the government’s bungling, particularly in relation to complex property and business transactions involving lease agreements. A key legal committee recently released a document entitled *Risk Alert — New Stamp Duty on Leases!* to highlight the legal nightmare created by the Duties Act amendments. The Legal Practitioners Liability Committee stated:

Clients should be advised that:

- if there is any concern about whether duty will be payable they should seek a private ruling from the State Revenue Office …

The committee’s risk alert also warned:

State Revenue Office rulings provide limited certainty but are not binding on the SRO.

**Annie Dennis Children’s Centre: 80th anniversary**

Ms RICHARDSON (Northcote) — On Saturday, 12 September, I joined parents, staff and children at the
Annie Dennis Children’s Centre to celebrate 80 years of dedicated service to the community.

In 1928 a committee led by Annie Dennis worked tirelessly to create a creche and kindergarten. At the time the birth rate was rising, as it is today, and the first users included deserted wives, widows and women with unemployed husbands. Originally called the Northcote Creche and Day Nursery, it was officially opened by its founder, Annie Dennis, early the following year. In 1936 a kindergarten was added; it was only the third free kindergarten in Victoria. The kindergarten was named after Annie Dennis, who was mayor of Northcote at the time.

The open day was a celebration of community-based child care. Activities included history displays, a sustainability display reflecting the efforts made towards achieving zero emissions, market stalls, a kids bazaar, food stalls, storytelling sessions, a treasure hunt and a jazz band. The day was a great success thanks to all the parents, the committee of management headed by Daryl Cameron and staff ably led by Lara Di Benedetto.

For 80 years the Annie Dennis centre has been at the heart of the Northcote community. It is a wonderful example of the importance and value of community-based child-care facilities and what can be achieved by those with the community’s interests at heart. I feel certain we can look forward to another 80 years of wonderful service for our children thanks to the Annie Dennis Children’s Centre.

Open Mind Fiesta

Ms RICHARDSON — Congratulations to Mental Illness Fellowship Victoria and the Fairfield Traders Association, which last Sunday hosted the seventh Open Mind Fiesta in Station Street, Fairfield. Over 35 000 people attended the event which saw the launch of the latest interactive computer learning tool designed to teach people about mental health and mental illness, particularly in the workplace. I would like to thank Mental Illness Fellowship Victoria, the local Fairfield traders and the community for their hard work and enthusiasm for this event. Most importantly I would like to thank those with a mental illness, their families and friends who made this event a wonderful day out for all.

Water: government performance

Mrs FYFFE (Evelyn) — Recent rainfall has been welcomed by gardeners and farmers alike. It has been a real joy to see water tanks overflowing and farm dams filling. The Yarra River is flowing fast and furious, flooding occurred at Yarra Glen following recent rains and more flooding is forecast for this week, yet Melbourne Water is not harvesting this gift from the heavens; instead it is just sitting back and letting it pour out to sea. Questions must be asked of the minister and answers must be given. Why is more water not being pumped out of the Yarra to Sugarloaf Dam? As of this morning the dam was 54 per cent full with storage available for another 43 000 megalitres.

On Melbourne Water’s own figures, at the height of the floods on 1 October the Yarra at Yarra Glen was flowing at in excess of 9000 megalitres per day. If you take the daily volumes pumped at Yering Gorge from 26 September to 11 October, subtract the current maximum pump capacity and subtract environmental flows of 250 megalitres per day, you realise that roughly 30 000 megalitres of water has poured into Port Phillip Bay in just two weeks. Melbourne Water’s answer is that it is following this government’s 2007 environmental guidelines and that only water in excess of the guidelines can be taken out.

What provision does the government have in place to extract water once flows go over the guideline figures? The answer is none. This tired, lazy, incompetent government has no plans, no sensible practical ideas and for 10 years has neglected and mismanaged Melbourne’s water supply. The price of water is ever increasing, the population is increasing, no new storages have been built and fresh, pure drinking water is flowing out to sea because of this minister’s incompetence.

La Trobe Secondary College: school community

Mr LANGDON (Ivanhoe) — Today I rise to pay tribute to La Trobe Secondary College, which was known for some 34 years as Macleod Technical School. Recently the last of the original buildings of that school were finally demolished.

Macleod Technical School was opened on 1 November 1963 and become known as La Trobe Secondary College in August 1997. The school’s history, in the words of its last principal, Glenn White, is a story of dedication, endeavour and achievement. From humble beginnings in temporary accommodation the college grew to be one of the largest and most vibrant secondary schools in Victoria. The many thousands of students who have passed through the college were fortunate to have been guided by highly committed teachers, other staff and administrators. The school adopted ‘Shine’ as its motto and named its school

After the school reached a student population of 950 students in 1976, the changing demographics in the local area caused a drop in student enrolments and in 2007 the school council decided to merge with Banksia Secondary College on its site in Banksia Street. The school on that site is now known as Banksia Latrobe Secondary College. The original site of the college has now become home to the Heidelberg school regeneration initiative, which will see a new prep to year 12 facility boasting state-of-the-art facilities and an advanced learning teaching module.

Whilst a new era opens, all those connected with the La Trobe Secondary College and the former Macleod Technical School should be proud of their involvement. I pay tribute to the 11 school principals and 15 school council presidents for their dedication in all their endeavours. I also pay tribute to all the teachers, school councils and staff for their work.

Dhungala Gallery Cafe: funding

Mr WELLER (Rodney) — Over the past 10 years Njernda Aboriginal Corporation has been working on an exciting concept to bring long-term sustainable employment to our region through the development of the Dhungala Gallery Cafe.

In 2007 Njernda submitted an application for $1.91 million to the Aboriginal land and economic development program, which is run through Aboriginal Affairs Victoria, to fund the project. The application was partially successful, and $791,000 was granted on condition that Njernda secure an extra $400,000 elsewhere. To secure the additional funds, Njernda submitted an application in November 2007 to the federal government’s regional partnership program, which it was assured would be successful. However, the program was abolished in 2008 following the 2007 federal election and the funds were not forthcoming.

Since that time Njernda has explored countless other funding opportunities and recently received confirmation that an application to the federal government’s Jobs Fund program was successful. Upon receiving this news, Njernda made inquiries of Aboriginal Affairs Victoria to check that the funds allocated in 2007 were still available. To its complete dismay it was advised that the funding had been withdrawn because of the time taken to secure the extra funding. Understandably Njernda is bitterly disappointed that all the hard work invested in this project over the past 10 years appears to have been in vain. I urge the minister to reinstate the $791,000 committed to this important project by Aboriginal Affairs Victoria in 2007.

Cycling: Sydney Road

Ms CAMPBELL (Pascoe Vale) — I want to congratulate all those who have worked for sustainable transport, and particularly cycling, which is critical for the environment. Cycling has the added benefit of being good for people’s health and wellbeing.

Congratulations to all those who have collectively worked to achieve an enhanced safe cycling route along Sydney Road which will accompany the new clearway signage that is being installed. Thank you to the Minister for Roads and Ports and his staff; who on numerous occasions have met with me and my office team. Thank you to the ever-responsive VicRoads regional director, Niall Finegan, and his dedicated staff; thank you to the energetic members of Moreland Bicycle Users Group, who are always advocating for cycling in my electorate. Thank you to the extremely competent new director of city infrastructure at Moreland City Council, Nerina Dilorenzo, and her team; and thank you to the ever-vigilant Moreland councillors. They have worked collectively to achieve a safe cycling lane on Sydney Road. This safe cycling lane will accompany the installation of the new clearway signage, which is to be installed shortly. We have ended up with a better environment for both cyclists and motorists.

Maroondah Hospital: funding

Mr HODGETT (Kilsyth) — I rise to voice the concerns of my constituents about the length of time it is taking for people to be treated in hospital emergency departments, and I respectfully ask the Minister for Health to investigate this issue with a view to supporting Maroondah Hospital in my electorate of Kilsyth with additional resources.

As one example, I refer the minister to an email sent on 22 September 2009 by Ms Sheridah Wymark to him, to the Maroondah Hospital and to Nicola Roxon, the federal Minister for Health and Ageing. In the email Ms Wymark described her experience. She said her daughter had seen her local GP, who suspected she had appendicitis or an infection, directed her to attend the emergency department at Maroondah Hospital and gave her a letter addressed to the hospital. I quote from the email:

We arrived at 12 midday and saw the triage nurse with the note from the GP.
We then proceeded to wait to see a doctor whilst my child waited in pain.

After 3 hours I inquired as to how long it would be till we saw a doctor and was informed that there were four to six people in front of us.

After 5 hours of waiting I again inquired as to how long before we saw a doctor and was informed that now there were 10 to 12 people in front of us.

During this time my child’s pain had worsened …

I also witnessed other people with children as well as elderly patients walking out in disgust and others told they could have X-rays but probably would not see a doctor that night, whilst others were going home to ring for ambulances, after seeing this as the only way to get in to see a doctor.

I think you would all agree with me when I say that the staff at the Maroondah Hospital are professional, hardworking people, but more resources are needed so that children and the elderly are treated within a reasonable period of time.

As Ms Wymark says in her email:

... something needs to be done about waiting times before someone dies waiting for help.

Migrants: overseas remittances

Mr SCOTT (Preston) — I rise today to discuss the positive role that migration plays in helping development in the poorest countries of our world. Migration is often criticised on the basis that it is the result of a brain drain of people from the poorer parts of the world to the richer parts of the world. However, migration plays an important role in assisting development, particularly in terms of remittances. Studies by the World Bank have shown that remittances from migrant workers in rich countries to people in poor countries amounted last year to approximately US$328 billion. By comparison, official aid from Organisation for Economic Cooperation and Development nations amounted to US$120 billion — a significant difference. For example, India earned US$52 billion from remittances, which is greater than its foreign direct investment.

Such remittances are very effective as they are not channelled through third parties such as non-government organisations and governments and they reach the working families themselves. Migrants also have the capacity to change a society by transmitting the values of democracy they often pick up in Western countries to other Third World countries that unfortunately sometimes lack those values. This does not mean that the rights, especially industrial rights, of migrants in Western countries should not be protected, as many migrants work in dangerous situations where they are open to exploitation. It is important that migrants are treated ethically and provided with the same protection accorded to other workers under the law.

Bona Vista Primary School: centenary

Mr BLACKWOOD (Narracan) — I take this opportunity to acknowledge the centenary of Bona Vista Primary School, which was celebrated last Sunday. Bona Vista Primary School is a small rural school on the outskirts of Warragul. It has 25 students enrolled, and student numbers are set to increase to 30 in 2010. The school has an excellent reputation for providing a more personal study system, and it attracts students from the Warragul township and its fringes as well as children from the Bona Vista area. Almost 200 past students and current families gathered to make the day a huge success.

I congratulate the centenary committee, principal Cara Brasier, school council president Tim Bridson, the staff, students and all the families who assisted. I commend senior students Ryan King and Ally Van Wichen for the maturity and composure they displayed as they introduced the speakers, including special guest Len Armour. The youngest student, Tara Howe, aged six, and Jean Burns, the oldest ex-student, aged 94, assisted Linda Paulet to plant the centenary trees and bury the 2009 time capsule.

On the day I had the honour of launching a book titled The Centenary of Bona Vista Primary School. The book was written by Jo Dickson, a well-known local identity who has devoted an enormous amount of her life to the education of children in the Baw Baw shire. The book details the development of the Bona Vista area from 1876. It provides a history of the school from its inception in 1909 and tells the story of the families who lived and worked in the area, helped to develop the area and supported the school. The book’s record of the personal memories of past students, teachers and parents ensures that these very valuable anecdotes will be enshrined in history, never to be lost.

Mentone Mordialloc Art Group: exhibition

Ms MUNT (Mordialloc) — It was my pleasure on 23 September to open the Mentone Mordialloc Art Group Artists in Classes exhibition at its gallery in Granary Lane, Mentone. I have attended many such openings held by the Mentone Mordialloc Art Group, and with my blind eye for art I have always tried to pick a winner, but without any success. This time I walked into the exhibition, carefully inspected all the wonderful...
Debate

a painting titled Flinders Lane, a fabulous oil on canvas with a view straight down Flinders Lane from the Spring Street end. I took a big punt and told the assembled group that the Flinders Lane painting looked fabulous. Lo and behold, we announced the Honourable mentions and the third and second prizewinners, and when the time came for first prize, there it was: first prize, Flinders Lane. It was meant to be. Now, $850 later, I am the proud owner of Flinders Lane, painted by Ringo.

The Mentone Mordialloc Art Group has been in residence at Granary Lane for many years, providing art classes and activities for our local community. The beauty of our local art is always an inspiration; it catches the scenery and spirit of our local area, as Tom Roberts once did. I congratulate members of the Mentone Mordialloc Art Group on their years of exceptional service to our community and the pleasure they have afforded to so many. I also congratulate Ringo on painting such a beautiful piece of art for my home.

The Mentone Mordialloc Art Group’s home in Granary Lane now needs some work. Let us attend to it.

LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL

Second reading

Debate resumed from 17 September; motion of Mr Batchelor (Minister for Community Development).

Ms Asher (Brighton) — I wish to say a few words on the Land (Revocation of Reservations and Other Matters) Bill and indicate at the outset that the opposition does not oppose this bill, although I understand there are concerns in some communities over some elements of the bill.

We see land bills from time to time. Every year they are frequent occurrences in Parliament when governments of the day choose to change their conditions of use, and on most occasions these changes are very sensible. In the bill before the house there are nine changes to Crown land arrangements. One change is to correct an error which has existed for ages; the other eight changes are to facilitate either major or minor developments that the government and other bodies wish to support.

I refer to some concerns in relation to this bill. The first is, as I indicated, that some of the major developments supported by the government in this bill do not have universal support, although I acknowledge that universal support is a very difficult thing to obtain.

A second concern is the loss of public land. This is a general concern in the community, and indeed the Legislative Council appointed a committee to look at public land. I place on record that there is a concern about the overall loss of public land. The third and more substantial point is that we in this place have to weigh up the price of progress. Generally in my 17-year political career I have been someone who has supported progress and development providing they are reasonable, and I generally believe that the developments that are put forward in this bill are projects that will advantage Victoria, but as I said, that is not a universal view.

I will go through each project very briefly. The first project where there is an error to correct relates to the Royal Park reserve, which is a reservation of public land which has existed since the 1800s. The origin of the error, according to the bill, is as follows. The instrument and date of reservation is an order in council dated 20 November 1876. A description of the land was made in editions of the Government Gazette dated 20 October 1876 and 24 November 1876. Much as it tempts me to blame the government for every error, clearly not even I can blame this government for that error.

The bill indicates that an area of 2000 square metres of Melbourne Zoo land has been reserved forRoyal Park reserve, and the bill will now have it reserved for the zoo. On the face of it that seems an eminently sensible change. Clearly a range of governments of all political persuasions — and indeed the minister reminds me that it has taken this government 10 years to get to it — have failed to pick this error up, but I presume the Melbourne Zoo identified it, and it is a sensible proposal to set the record straight. It will have no impact on anyone, I would think, but it is sensible.

The second major change relates to Montefiore Homes. In my previous representation in the upper house seat of Monash Province I visited these homes on many occasions. It is a Jewish community facility, and one that is supported strongly in that community. On page 16 of the bill under ‘Schedules’ the history of this reservation is set out. The instrument and date of reservation occurred in an order in council dated 29 September 1873, and editions of the Government Gazette dated 15 August 1873 and 10 October 1873 gave effect to this order in council. The second-reading speech in part refers to the odd terminology, for this modern era, of the purpose of the reservation — that is,
as a site for ‘a Jewish almshouse’, which is antiquated language to say the least. The bill will revoke this reservation, and that is strongly supported by Jewish Care. The explanation is that Jewish Care is the operator of the Montefiore Homes, and it wishes to purchase the land for redevelopment purposes. The government is clearly going to facilitate that, and as I say, this is strongly supported by the Jewish community. At the moment the land is used for aged care and community services. I indicated that I have visited that facility on many occasions. The government will ensure that the land is used in future — and the bill specifies this clearly — for aged care and community services. This is what we call progress, and I think it is a very good outcome.

The third change effected in the bill is one relating to the Altona Memorial Park cemetery. Again I refer to page 16 of the bill which sets out the history. The instrument and date of reservation is an order in council dated 26 March 1935, and the government gazettes that describe this land are dated 6 February 1935 and 3 April 1935. This is a particularly unusual park. I have visited this park but not frequently; I could not claim familiarity with it. It has its own legislation, the Kew and Heidelberg Lands Act, and currently the Yarra Bend Park Trust manages the park. The bill provides for the transfer of the management of this land to Parks Victoria, and we are advised by the department that the trust supports this. We are also advised via a claim in the second-reading speech that this will give the park access to the resources of Parks Victoria. Clearly, we on this side of the house will monitor whether this access to resources eventuates or whether this is yet another pitch by the government to justify something rather than to apply the resources it claimed it would.

The fourth change is a change effected to the J. R. Parsons Reserve in Sunshine. At page 17 of the bill the history of this is set out in the schedule to the bill. The instrument of reservation is an order in council dated 23 May 1881, and the issues of the Government Gazette giving effect to this were dated 25 February 1881 and 27 May 1881. The reservation was a site for public purposes. I have to say I am far more familiar with this land, given I grew up in this general area, than I am with some of the other pieces of land. This bill proposes an exchange of land for private land from the Seaford Beach caravan park. The land is used by the caravan park now anyway, so there is no change to the current usage. We are advised that the government will acquire the new site for a public car park for Seaford Beach and Kananook Creek. Again, on the face of it, these seem to be very sensible changes to the use of public land.

I now move on to the sixth change that would be effected by this bill, and that is the Yarra Bend Park. The instrument of reservation here is an order in council dated 26 March 1935, and the government gazettes that describe this land are dated 6 February 1935 and 3 April 1935. This is a particularly unusual park. I have visited this park but not frequently; I could not claim familiarity with it. It has its own legislation, the Kew and Heidelberg Lands Act, and currently the Yarra Bend Park Trust manages the park. The bill provides for the transfer of the management of this land to Parks Victoria, and we are advised by the department that the trust supports this. We are also advised via a claim in the second-reading speech that this will give the park access to the resources of Parks Victoria. Clearly, we on this side of the house will monitor whether this access to resources eventuates or whether this is yet another pitch by the government to justify something rather than to apply the resources it claimed it would.

The seventh project relates to the Caulfield Racecourse. This is a very large project, and it is here that we see the most opposition to this particular bill. The history of this reservation starts with an order in council dated 30 January 1884, and the description of the land was made clear in the issues of the Government Gazette dated 4 January 1884 and 8 February 1884. The reservation was, unsurprisingly, used as a site for racing, recreation and public park purposes. Again, I have to say I have some familiarity with this site. It is part of my previous electorate and part of a leisure activity I undertake from time to time.

An honourable member interjected.

Ms ASHER — I outlay very little: I go for sure-fire things!

The Melbourne Racing Club wishes to embark on what is called the Phoenix precinct, a very substantial project
including retail, housing and a multistorey building. The bill provides for the transfer of one site, which is currently a car park, to the Melbourne Racing Club in exchange for two parcels of land from the club, one of which will be a public park reserve. At schedules 6 and 7 of the bill, on pages 24 and 25 — and do not jump on me, because I know there is more to come — one can see the disparity in the area of the land for exchange. At schedule 6, headed ‘Caulfield Racecourse’, it states that the land in relation to which reservation is to be revoked is 5865 square metres, and at schedule 7 we see that the land that will be gained as part of this deal is 954 square metres. The obvious point to make is that there will be less land as a consequence of this deal. However, I am in possession of a letter from the Melbourne Racing Club which indicates that it will set aside 4000 square metres of land to create a new road network as part of this development. Again, I would call on the minister in summing up to confirm that that is the case.

As I said, of all the projects, this is probably the most controversial. On page 131 of its final report the Legislative Council Select Committee on Public Land Development noted in relation to the Caulfield Racecourse development:

Community and local council concern over this issue has been heightened as a result of a proposal by the Melbourne Racing Club (MRC) to upgrade the reserve and to develop adjacent freehold and Crown land.

However, it is very clear that the Melbourne Racing Club strongly supports this development. As I said, I am in possession of a letter from the Melbourne Racing Club indicating its very strong support for this development.

The eighth project relates to the home ground of the old Footscray Football Club, now the home ground of the Western Bulldogs, the Western Oval. I remember travelling to that ground as a very young woman. Some of my most horrific memories as an Essendon supporter were at the Western Oval, often in the rain. In those days — of course, we were very young teenagers — there were tin cans, not aluminium ones. If you put four tin cans under a platform shoe, you could stand on them to give yourself an extra 6 inches to see the match — which, if you were my height and 13 or 14 years of age, was required. I learnt to stand on tin cans at the Western Oval and at other grounds.

I see there is a development proposal of very significant proportions for the oval. I refer to page 19 of the bill, which is part of schedule 1 and which clearly indicates the instrument of reservation as the Footscray (Recreation Ground) Lands Act 1968 and the purpose of the site as recreation. What is proposed is a significant, $30 million redevelopment involving sports and community facilities and housing. Obviously there will be a lot more money than that if there is to be housing. The proposal is to also have a Victoria University learning centre to teach sports psychology, sports administration and other subjects.

The bill requires the land to be reserved for recreation, social and community services purposes, and in effect this measure will allow this very substantial development. The development has been supported at federal, state and local government level, and obviously that is part of the thinking by the Liberal-Nationals in coalition in not opposing this bill. It will be quite a substantial change at the Western Oval, and clearly if the government wishes to realise the vision represented in much of the propaganda about this, significant additional funds will be required.

The final land change is that to Kardinia Park, Geelong’s home ground. Again, if we are talking about unpleasant memories of an Essendon supporter, I have many unpleasant memories of Kardinia Park in the rain. At least there was some seating in the first couple of rows, which if you got there early enough you could get. However, it was a very long trip back when one’s team lost, which was regularly. I am very pleased that Geelong-Essendon matches are now played in the civilised surroundings of the MCG on an annual basis, so at least if my team loses, it is not so far to go home.

The Greater Geelong City Council has proposed a $56 million redevelopment of this ground, and there has been significant discussion of this redevelopment for some time. This bill deals with the disparity between duration of leases and licences. Currently leases can be given to football clubs for up to 40 years, and licences can only be given up to 21 years. The reason this occurs is that the granting of the leases and that of licences are governed by two different bills. The leases come under the Geelong (Kardinia Park Land) Act, and the licences come under the Crown Land (Reserves) Act. The bill will allow the licences to be given for up to 40 years to allow licences and leases to be of the same duration, which will clearly help Geelong Football Club. As I have a very close relationship with the Leader of the Opposition, I can indicate to the house I strongly support anything that assists the Geelong Football Club. On the face of it this is a very sensible amendment and one that is related, as I said earlier, to progress and moving with the times.

With that discussion, I again indicate that the opposition does not oppose the bill before the house. We see bills such as this on multiple occasions in sitting...
sessions, and on balance — notwithstanding some objections to the Caulfield proposal — these changes are sensible. That is why the opposition will not oppose the bill.

Mr CRUTCHFIELD (South Barwon) — I rise to speak on the Land (Revocation of Reservations and Other Matters) Bill 2009. The previous speaker is correct; it is a regular occurrence that these types of bills come before the house. They are often required to support government or community projects, as are the seven-odd components of this legislation. I will go through them very briefly. Although my view is that they are far from contentious, I understand that some local members will want to talk about elements of this bill in respect of their own electorates, so I will be reasonably brief.

Firstly, I refer to Montefiore Homes Community Residence, which has been used by Jewish Care (Victoria) to provide an aged-care service for nearly 160 years. The revocation will allow the government to sell the site to Jewish Care for a redevelopment and upgrade of the aged-care facility. Importantly, the bill applies a restricted Crown grant, which ensures that the site will continue to be used for aged-care and community purposes. Port Phillip council supports that particular development in St Kilda.

The Altona Memorial Park Cemetery measure will enable VicRoads to construct a roundabout at the corner of Dohertys Road and Gordon Luck Avenue, which will allow large vehicles to access the large retail outlets there and will also allow VicRoads to carry out a small upgrade to the intersection of Dohertys Road and Grieve Parade. Hobsons Bay Council has raised no issues I am aware of in respect of that development.

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The measure affecting the J. R. Parsons Reserve in Sunshine will enable VicRoads to construct a bus priority lane at the intersection of Wright Street, Market Road and Sunshine Road. That bus lane will form a critical part of the Red Orbital SmartBus route, which has proved to be so successful. It runs between Altona and your electorate of Mordialloc, Acting Speaker. As I understand it, Brimbank City Council has also indicated that there are no issues in respect of that development.

The Yarra Bend Park reserve measure transfers responsibility of the management of the park from the trust to Parks Victoria. Importantly, the three local councils that have responsibility around that area — Yarra, Boroondara and Darebin — support that occurring. They understand that they will have representation on the steering committee, which will allow for input into the overall management of the Yarra Bend Park, so they have no objections in respect of that.

The Caulfield Racecourse has been mentioned. It is important that this bill facilitates what is called the Phoenix precinct development at Caulfield that has been undertaken by the Melbourne Racing Club. It consists of new retail outlets, mixed businesses and housing in the area. The member for Brighton has articulated support for that in some respects.

Importantly, the Glen Eira council supports most of this measure. It certainly says it supports the Phoenix precinct development, although it is true it has raised some concerns regarding the proposed new reserve. The government has indicated that the site will provide increased open space and has given assurances on the design of it. I do not know about the veracity of the claims, but some issues have been raised about crime prevention principles in terms of building design and recreational design not being incorporated. Certainly the government is determined to ensure that appropriate crime prevention principles are incorporated into the design of the new park and that the development approvals process will be subject to community consultation processes.

Revocation of the Kananook Creek reserve will allow the Seaford Beach caravan park — again, I think that is down your way, Acting Speaker — to purchase a parcel of Crown land which has been used as part of the park for many years in exchange for a block of land which the local council will use for a much-needed car park for visitors to Seaford Beach and the Kananook Creek reserve. My understanding is the Frankston council is very supportive of that as well.

The Royal Park reserve was mentioned. The bill provides for a correction to the reservation — about 2000 square metres beyond the western boundary of the Melbourne Zoo, which encroaches onto the adjacent Royal Park reserve. There will be no physical loss of land from Royal Park as a result of it. The change is needed, in my understanding, to ensure that CitiPower has access to an electrical substation there.

Then there is Kardinia Park — our beloved Kardinia Park! — I do not wish to dwell on that too long other than to say that this is the last week I will wear this tie; I think Geelong supporters do need to move on — —

Mr Holding interjected.

Mr CRUTCHFIELD — For this year. Thank you, Minister, for the correction. Kardinia Oval reserve is the home of the Geelong Football Club but importantly it is also home to a number of other users there — the
Geelong Football Umpires League, which I am a member of; the Geelong Cricket Club; St Mary’s Football Club — I have been umpiring the St Mary’s under-18s, the kids, although the colour orange does not suit me. As I said, the Geelong Cricket Club is also a tenant there. I played on that oval when playing against St Mary’s Football Club. There is a senior citizens club there; there is a swimming pool used by swimming clubs; there are also netball courts for the netball clubs; and Leisure Networks is a tenant of Kardinia Park. This bill allows the City of Greater Geelong to grant licences longer than 21 years. It gives some comfort not only to the Geelong Football Club but also to other tenants there as the development of that critical social and economic driver, the Geelong Football Club, continues to be managed.

The revocation of the reservation over Western Oval is the last one I want to touch on. It will enable a $30 million development of Western Oval to be undertaken by all levels of government and, importantly, will provide and is already providing the football club with improved sporting, social and community facilities down there, at the home of the Bulldogs, and will include the establishment of the Victoria University Learning Centre.

I note there was some commentary on the Minister for Planning’s decision to resume planning responsibility. It was a very welcome one. Certainly the key movers down at Whitten Oval are very excited about the development of facilities so people can use them.

Mr WELLER (Rodney) — It is with great pleasure that I rise to speak on the Land (Revocation of Reservations and Other Matters) Bill 2009. From the outset I indicate that we in the coalition are not opposing the bill, as the member for Brighton has quite rightly pointed out.

The main purposes of the bill are to revoke certain permanent reservations and restricted Crown grants, to repeal the Kew and Heidelberg Lands Act 1933 and the Kew and Heidelberg Lands Act 1958 and to dissolve the Yarra Bend Park Trust. It also amends the Geelong (Kardinia Park) Land Act 1950, repeals the Footscray (Recreation Ground) Lands Act 1968 and the Footscray (Western Oval Reserve) Lands Act 1981, and reserves certain land temporarily.

The main provisions of the bill revoke the reservation of specific land at Montefiore Homes Community Residence, as previous speakers have said. This is a common-sense thing to do, so that the Jewish community can redevelop and have ongoing and improved care there. The revocation of the reservation over the Altona Memorial Park Cemetery is to enable VicRoads to construct a roundabout at the intersection of Doherty’s Road and Gordon Luck Avenue as part of the Doherty’s Road duplication. With progress there is a need to have good traffic movement, and obviously we support this measure.

Clause 5 of the bill also revokes the reservation over the J. R. Parsons Reserve at Wright Street, Sunshine, to enable VicRoads to construct a new bus lane as part of the new Red Orbital SmartBus route which runs between Altona and Mordialloc. Bus travel is a cheap form of transport, and it is obvious that we support making more public transport available so that people can access it right across Melbourne.

Clause 6 of the bill revokes the permanent reservation as a site for public purposes of land occupied by the Kananook Creek reserve in Seaford to enable the government to exchange a parcel of permanently reserved Crown land near Kananook Creek, at Seaford, for a parcel of private land with the Seaford Beach caravan park. We all accept that we need to create facilities so people can use them.

Part 3 of the bill relates to the revocation of the Crown grant of Yarra Park, and provides that Parks Victoria will be the committee of management of the park. I note that in the second-reading speech the minister refers to an amount of $2 million over four years. The size of Yarra Bend Park is very small compared to the red gum parks that are being proposed in northern Victoria. All that we are being offered for the management of the red gum parks in northern Victoria, which cover many thousands of acres, is $38 million over four years. When compared with the Yarra Bend Park per hectare rate it shows that there is no equity, and there should be equity when funding land managed by Parks Victoria. Indeed we should review the funding of the river red gum parks and increase the amount of funding for them.

The previous speaker referred to a reservation over Crown land in Caulfield which will be revoked so that retail and housing developments can proceed. People in my electorate wish we could have the same in Undera. I wrote to the Department of Sustainability and Environment (DSE) on behalf of people in the Undera community about a section of the Undera Recreation Reserve which has not been used for some 50 years.
The community of Undera has decided that the land will not be used into the foreseeable future; in fact there is plenty of room for new developments. The Undera community quite rightly planned to subdivide part of the recreation reserve for a housing development, which would be sustainable growth in that community. This occurred some 12 months ago, so I cannot understand why DSE has not brought it forward to the government. I put it forward to DSE, and I cannot understand why it was not included in this bill.

Mr Lupton — I thought you were supporting this bill.

Mr WELLER — I am supporting the bill. I just thought there may have been a little bit more that we could have got into it to make it a very supportable bill.

Part 6 of the bill revokes the current permanent reservation of the Western Oval. Once again we are talking about affordable housing, so why cannot we have the subdivision in Undera where the local community is calling out for extra housing blocks? We want to have the Crown land sold off and the community is saying, ‘Let’s do it’. There is support from the City of Greater Shepparton, so why is it not here on this list?

The member for South Barwon mentioned Kardinia Park oval and ran through a list of organisations which use that park. He spoke about Geelong winning its premiership this year and about the granting of licences for 40 years rather than 21 years. I am only 50 years old, but in that 50 years there was indeed a stretch of about 44 years when Geelong did not win a premiership, so granting a licence for 40 years does not mean that Geelong will necessarily win a premiership in that time. While I think it is sensible to grant 40-year licences, such a move will not guarantee Geelong another premiership.

I have already spoken about the Western Oval. These sorts of bills are common sense in the main and concern practical matters. However, I question why the annexing of part of the Undera Recreation Reserve was not included so that people in the Undera community could have their wish and have a further subdivision for further housing in Undera.

Mr Lupton (Prahran) — I am delighted to make some comments tonight in support of the Land (Revocation of Reservations and Other Matters) Bill. In particular I will address most of my remarks to the aspect of the bill dealing with the Montefiore Homes Community Residence in St Kilda Road in my electorate, an aged-care facility managed by Jewish Care. In some preliminary comments I will deal with the general matters that this bill relates to and then come back and spend most of my contribution dealing with matters relating to Jewish Care.

The bill deals with nine different parcels of land and revokes permanent reservations and Crown grants made under the Crown Land (Reserves) Act which can only be removed by legislation, and in other cases removes or amends legislation and changes the management and leasing arrangements for Crown land sites. The government believes it is important that Crown land and reserves are managed in an appropriate manner and in the public interest. We need to make sure that those areas of land that are utilised as open space or as some form of public recreation and public are managed appropriately and in the best interests of the community. Although by its title this legislation is somewhat obscure, it deals with nine parcels of land in which the communities in which those parcels of land are situated have a vital interest. I will address most of my remarks to the land in my electorate that is managed by Jewish Care in relation to Montefiore Homes Community Residence.

Jewish Care is a wonderful community service organisation that was, interestingly enough, only established in 2001. We sometimes lose sight of the fact that such organisations have not been around in their current form for all that long, because we are dealing with them on a daily or weekly basis. These days we assume that Jewish Care has been with us for a long time, but in its current form it only came into operation in 2001. Of course it is the modern descendant, if you like, of longstanding Jewish community welfare organisations. Jewish Care was the outcome of the merger of Jewish Community Services and the former Montefiore Homes for the Aged in 2001. It was this Parliament that passed legislation which established Jewish Care in its current form.

I want to take this opportunity to commend all the people involved in the operations at Jewish Care, particularly Bruce Salvin, the chief executive officer, and Robyne Schwarz, the president. They do an absolutely marvellous job. In my duties as the member for Prahran I have found that Jewish Care is involved in many operations in my local community, both for aged care and disability services. The people at Jewish Care do a wonderful job, and the government is often involved in programs that Jewish Care runs. I was only recently down at a new disability house which Jewish Care has opened in my community. I was accompanied by the Minister for Community Services. Our government had provided some financial support to Jewish Care for the establishment of that disability
The Montefiore Homes for the Aged here in Melbourne, oppressed or in other difficulty. His legacy lives on in people around the world who were distressed, Montefiore, who was involved in assisting Jewish people around the world who were distressed, oppressed or in other difficulty. His legacy lives on in the Montefiore Homes for the Aged here in Melbourne, and the name Montefiore is associated with Jewish community services of one sort or another in many countries of the world.

Any of us who have been to Jerusalem will know the Montefiore windmill in Yemin Moshe is a great landmark on the Jerusalem skyline. It was named after Moses Montefiore and was built in the late 19th century in the first Jewish neighbourhood outside the walls of the old city of Jerusalem. It is a lasting testament to the inspiration that Moses Montefiore gave as a philanthropist, and that spirit lives on in Jewish Care.

This bill will enable the government to sell the land that Montefiore Homes for the Aged in St Kilda is located on to Jewish Care so that Jewish Care can redevelop and modernise the site and make sure that it is able to provide the quality of accommodation and service to the community that it wishes to provide, and the government is behind that endeavour.

Currently the government cannot sell the land on which the buildings are located because it is permanently reserved under the Crown Lands (Reserves) Act under an outdated Crown grant restricting the land for use to a ‘Jewish Alms House and Asylum for Jews who have been reduced to poverty’. That is very old and outdated language coming from an order in council dated 29 September 1873.

In-principle support for Jewish Care’s purchase of the site was provided by the Premier in April this year subject to the site continuing to be used for aged care and community purposes. The bill will allow the government to sell the site to Jewish Care for redevelopment and will provide improved aged-care facilities for residents of the home.

The way in which that will happen is the sale of the site will enable Jewish Care to raise sufficient capital for redevelopment. It is unlikely that Jewish Care could raise the level of capital required for redevelopment of the site without holding title to the land. Negotiations are still going on between the government and Jewish Care in relation to the precise nature of the sale that is being discussed. If the bill is passed by the Parliament, as I trust it will be, it will not come into operation until 1 July 2010, unless it is proclaimed earlier, and that will enable the government and Jewish Care to continue negotiations in order to make sure that there is clarification and agreement about the nature of the sale. Those discussions will continue and I am sure will result in a mutually agreeable outcome.

The way in which Jewish Care will be able to continue the wonderful level of service that it provides to the Jewish community will be enhanced by the passage of this bill. The government stands firmly with Jewish Care in its work in the Jewish community to enable the best and highest quality services to be provided to members of the Jewish community. We work together extremely well, and the relationship between us is a very strong one. The legislation will be beneficial to Jewish Care and the Jewish community of Melbourne more broadly. As a consequence I highly commend this legislation to the house.

Mr MORRIS (Mornington) — Management and occupancy arrangements, and the appropriate use of public land have been significant subjects in the history of this house in many debates over the more than a century and a half it has been in existence, and the Land (Revocation of Reservations and Other Matters) Bill 2009 continues that tradition of parliamentary oversight of the application of public land. The bill proposes changes to more than nine separate parcels, but they are in nine particular locations and the circumstances of each are different. The changes proposed vary in some ways, and some are more controversial than others.

While clause 1 of the bill outlines the purposes in a practical sense in terms of amendments to the principal legislation, the second-reading speech outlines the purposes more effectively from an outcomes perspective. It points to a more accurate recording of the Crown portfolio to improve management of the sites. It allows the government to dispose of surplus land, to engage in land exchange and to facilitate projects and developments. The first two are essentially management issues. Anything that improves the management of the Crown portfolio is to be supported, so I have no argument with that. The last point, the facilitator of projects and developments, depends very much on the particular project. Some projects will be
good on public land, some projects will be bad, but no project will be bad simply because it is being built on Crown land. It is very much a matter of assessing each development on its merits.

I have some concerns with the third point I mentioned, which is the ability to allow the government to dispose of surplus land, not in the specific sense of this bill but in the general sense that it has almost become essential to keep reviewing the portfolio and to dispose of what is considered to be surplus land. I suggest the term is a misnomer. As a man said of land a very long time ago, ‘They ain’t making any more of it’. We do not always take that into account in making decisions on these things.

Before I go any further, given that Kardinia Park is a subject of the bill, I need to make a declaration. As a member of the Geelong Football Club and social club, as is my wife, Linda, we obviously have an interest in that development. Fortunately the proposal for Kardinia Park is not a revocation of a reservation; it will simply make changes to achieve consistency in the use of the land and will allow the City of Greater Geelong, as manager of the reserve, to plan for a longer period of time. Part 7 of the bill certainly supports that. It is a very different approach to that taken with the Caulfield Racecourse reserve and Western Oval reserve in that it clearly has the support of the local government.

Of the remaining parcels of land, the Yarra Bend Park reserve proposal to move management of the reserve from the Yarra Bend Park Trust to Parks Victoria is a management issue, and I do not have any argument with that. The two roadworks reservation changes, the J. R. Parsons Reserve in Sunshine and the Altona Memorial Park cemetery arrangements, involve two relatively small parcels of land, 943 square metres and a tad under 50 square metres, and once again I have no problems with that. The proposal for 619 St Kilda Road — —

The ACTING SPEAKER (Mr Nardella) — Order! The time has come for me to interrupt the proceedings of the house. The honourable member for Mornington will have the call when this bill comes back before the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.
that the state government supports the situation. The current situation should not be allowed to continue. It is vital that this important link in the delivery of Colac’s health service operates in an appropriate manner and that the people benefit from a truly competitive environment.

The petition in relation to pharmacies in Colac was put together by a number of elderly residents in the town, two of whom ended up in hospital as a result of the effort they put in to gather these signatures. They brought the petition to my office; they are dedicated and desperate to do something for the community they live in. We have an elderly community. They need the support and I need the support of the health minister on this issue, and I call on him to contact the federal member and support this application.

Cranbourne Integrated Care Centre: funding

Mr PERERA (Cranbourne) — I also raise a matter for the attention of the Minister for Health. I ask the minister to take action to ensure that the Brumby government supports health services in Cranbourne with appropriate maintenance and infrastructure works.

The Cranbourne Integrated Care Centre provides both acute and non-acute services, including allied health and rehabilitation services, community health and support services, child and adolescent health services, crisis support services, child and adult dental services, services from the Royal District Nursing Service, specialist consulting, day medical services and adult and aged mental health services. Cranbourne Integrated Care Centre is a vital health service for south-east Melbourne. The services are linked with other Southern Health services at Casey Hospital, Monash Medical Centre and Dandenong Hospital.

In the 2007–08 budget the Brumby government committed $80 million over four years for the statewide infrastructure renewal program. The infrastructure renewal program supports the replacement and upgrade of critical engineering infrastructure such as boilers, chillers, electrical systems, lifts, lighting, water tanks and air conditioning. The program ensures that more of the record recurrent funding provided by this government to our health services can be used to treat additional patients rather than for maintenance works.

The infrastructure program is in addition to the record $5.5 billion invested since 1999 across Victoria in the largest capital works program in our state’s history. As part of this commitment I ask the Minister for Health to take action to ensure that funding is provided from the statewide infrastructure renewal program for the upgrade of public health services in Cranbourne so they can continue to provide quality health services to residents in my electorate.

The ACTING SPEAKER (Mr Nardella) — Order! Before I call the member for Lowan, I make it clear to members of the house that when they raise adjournment matters they need to ask the minister for a clear action rather than just seek support for something. The member for Cranbourne needs to ask for a clear action next time.

Dunkeld Arboretum: management

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Environment and Climate Change and request the Minister for Sport, Recreation and Youth Affairs at the table to bring the item to his attention. The action I request on behalf of the Dunkeld community is that the minister have his staff from the Department of Sustainability and Environment (DSE) meet face to face with the Dunkeld Arboretum Development Group and discuss management of the arboretum.

This is Fire Action Week, and people are taking actions to minimise fire risk to their properties. Community groups are also doing voluntary work on community land and preparing for potential fires. So it disturbed me greatly to receive a letter from John Prust of Dunkeld and an accompanying letter from the DSE regarding the Dunkeld arboretum. The Dunkeld Arboretum Development Group leases 30 acres in the township of Dunkeld. The lease is managed by the Dunkeld public lands committee from DSE. I believe it also manages the camping ground and the swimming pool. The group consists of about 18 local people. They have working bees and have established attractive bridges and a sealed walking path. They have also kept the area neatly mown. It is recognised that Dunkeld is an attractive tourist attraction: the southern entry to the famous Grampians.

Dunkeld has been identified by the government as a fire-prone town, so 30 acres of fire hazard is a major concern both to me and to the community of Dunkeld. Volunteers are the backbone of our country communities, and the threatening letter the group has received disappoints me greatly and shows a distinct lack of understanding and regard for these important people. I wish to quote from John’s letter to me. It states:

As a volunteer in many areas over my lifetime, I am concerned when one receives a letter such as the one attached.
While the content of the letter indicates what is now law, the tone of the letter implies a deep threat to all those who are generous enough to give time and effort to community works on Crown land.

His letter informs me that the president has ordered a ‘no mow, no work’ to members for their protection. The group wants clarification of what are considered native grasslands. John’s letter also states:

Funds and mapping may take 12 months.

I now wish to quote from the letter from the Department of Sustainability and Environment. Under the heading ‘Potential penalties’ it states:

Many offences under the —

two acts that are listed in the letter —

are ‘strict liability’ offences where ignorance of the law will not protect a defendant against conviction. A recent prosecution of V/Line for destroying 38 critically endangered … plants resulted in a fine of $188 000. The Dunkeld Arboretum Development Group Inc. is subject to the same laws and similar penalties.

And it goes on. It is a very threatening letter. I call on the minister to bring these two groups together. At the end of the day we have to work together for the benefit of our communities.

Electricity: smart meters

Ms KAIROUZ (Kororoit) — I wish to raise a matter for the Minister for Energy and Resources. I call on the minister to take urgent action to ensure that Victorian families, particularly those on low incomes, are not hit with severe price increases on their energy bills with the government’s rollout of smart meters.

Bushfires: community preparedness

Mr R. SMITH (Warrandyte) — I rise with a request for the Minister for Police and Emergency Services. I ask him to organise a public meeting with the residents of the township of Warrandyte in order for him to fully explain the steps that the state government is putting in place to mitigate the dangers associated with the upcoming fire season.

On 8 October I was part of a panel at a public meeting called by the Warrandyte Community Association to discuss the issue of the threat of bushfires in the area. I was joined on that panel by a member for Northern Metropolitan Region in the other place, Mr Greg Barber, and the member for Yan Yean. Like other bushfire meetings that have been held in Warrandyte over the past six months, this meeting was very well attended. Around 180 residents came to the meeting. They are residents who are acutely aware of the dangers the bushfire season brings to our community and who are understandably keen to know what measures are in place in terms of refuges, the manner in which information about fires is going to be conveyed, whether the emergency service communication problems have been dealt with and a whole range of issues that have the potential to directly affect these people’s lives in the coming months.

I am disappointed to say that having spoken with a number of residents after the meeting I am aware that members of the Warrandyte community walked away feeling that their many questions had gone unanswered. This is despite the fact that the member for Yan Yean, a government member and Parliamentary Secretary for Emergency Services, was in attendance. People I spoke to were frustrated that their questions were avoided or answered with a lack of detail. In one instance someone was told by the member for Yan Yean that they would receive a text message via a landline, an error which the member attempted to explain away by saying she was not across the technical detail.

It is increasingly starting to appear that despite all the media announcements and photo opportunities the Brumby government is painfully short on detail and is leaving communities dangerously unprepared for the fire season. This situation is highlighted by the fact that the Brumby government was even unable to have its fire-ready survival kits available for its Fire Action Week, which started yesterday. This publication was intended to go to every resident in the 52 towns identified as being at risk, but government red tape has
been a barrier to the Country Fire Authority actually releasing it.

Residents of Warrandyte want answers to their questions, and if the local member representing North Warrandyte, who is the Parliamentary Secretary for Emergency Services no less, cannot give them those answers then the minister has a responsibility to ensure that my community’s issues and concerns are listened to and addressed.

Planning: Edgars Creek parkland

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the Minister for Planning. The action I seek is for him to respond positively to my call to establish a task force to investigate the impact of residential developments around the Edgars Creek and Merri Creek confluence and to identify opportunities to improve community amenity. The aim of the task force should be to ensure that public open space and bike path facilities are considered in the context of urban development, particularly increased urban development. This task force needs to be established in a timely fashion, and I suggest its first meeting be held in the first week of November and that ideally it be held in my electorate office.

For over three years I have met and worked with an amazing group of people, including community-minded individuals, the vibrant Friends of Edgars Creek, an array of dedicated Moreland council staff and of course the ever-focused Moreland council. Collectively they are driven by our need to retain in perpetuity the current open space affectionately known locally as Edgars Creek parklands. While Melbourne’s population has increased, the residential intensity around these parklands has increased through housing on the Pentridge site and projected residential increases around the Coburg 2020 precinct on the corner of Bell Street and Sydney Road, the old Coburg High School site and the old Kodak site. I thank the Minister for Planning and his staff for taking time to personally inspect the land in question with me and to learn of the need for the land for recreation, they need it for personal space and they need it to ensure that the residential amenity of Victoria and Moreland in particular is enhanced.

Earlier I outlined the array of dedicated people who have been working in this area over the last three years, and I think we are at a point where we are ready to bring this to some kind of conclusion. In my view it is important that the minister set up this task force in a timely fashion and that it be representative of interested parties.

Wild dogs: control

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Agriculture. The action I seek is for the government to increase the resources and substantially increase the efforts to deal with the wild dog problem within my electorate. Wild dogs are a major problem for agricultural producers right across our region, including the devastation they cause by mauling sheep and even young cows. The financial loss alone for many local farmers is quite devastating, particularly when we get large numbers of wild dogs. The dogs are becoming increasingly large and hybridised. They are getting into flocks and doing an enormous amount of damage.

As I said, the action I seek is a substantial increase in resources. We need to make sure the government maintains the current levels of control, including filling the dogger positions when they fall vacant. We also need to make sure there are resources available when doggers go on leave because they have to lift the traps, and it means there is a large gap when areas are not covered by the doggers. We need to introduce aerial baiting across the alpine areas where the dogs are breeding in large numbers in the national parks. We need to vary the baiting and other control measures so that wild dogs do not establish avoidance behaviour. Wild dogs are fairly skilled at avoiding traps and other things.

We need to make sure that a range of different measures are available to deal with the problem, including making sure funding is available to assist farmers to close the gaps in the existing wild dog fences. We need to make sure that there is an increasing number of doggers and that there is skill sharing to ensure that the skills are not lost.

We need to make sure that dog trappers have administration assistants so that during their time in the field they are able to deliver on-ground actions without being hampered by having to complete excessive paperwork. We also need to review and provide initial support for the wild dog management committees to make sure they are listened to and are really representing and involved with local communities.

For farmers right across my electorate the problem of wild dogs has always been one of the biggest issues. Farmers suffer enormous emotional damage when they see their prize stock ripped apart and destroyed by packs of wild dogs.
Mr TREZISE (Geelong) — I raise an issue in tonight’s adjournment debate for the Minister for Police and Emergency Services. The issue I raise for action by the minister relates to hoon driving and antisocial behaviour at Eastern Beach in my electorate, especially over the summer period.

For the information of the house, Eastern Beach over summer is heavily populated by families, especially young families, enjoying the surrounds of the beach, but also in the past it has been heavily frequented by what I would describe as hoon drivers, especially young hoon drivers and their mates. Obviously young families enjoying the beach mixed with young drivers is a recipe for disaster.

The action I seek is for the minister to recognise the problem and ensure local police take appropriate and effective action to ensure hoon drivers do not pose a social problem or more importantly a safety threat to visitors and residents of Eastern Beach over this coming summer.

In raising this issue, I have to note that in recent years police in partnership with other organisations, such as the City of Greater Geelong, which also needs to be congratulated on its work, the Environment Protection Authority and a number of other organisations, have eliminated much of the problem caused by hoon drivers at Eastern Beach. I also must recognise that there is a group of young people who have assisted these organisations and who have cooperated positively in minimising the problem. However, despite the efforts of the police, the council, some local people and residents who have worked to eliminate the problem, there is still an element that spoils the area through its behaviour and, as I said, poses a safety threat to people using the beach.

Also in raising this issue with the minister I have to note that in recent years police in partnership with other organisations, such as the City of Greater Geelong, which also needs to be congratulated on its work, the Environment Protection Authority and a number of other organisations, have eliminated much of the problem caused by hoon drivers at Eastern Beach. I also must recognise that there is a group of young people who have assisted these organisations and who have cooperated positively in minimising the problem. However, despite the efforts of the police, the council, some local people and residents who have worked to eliminate the problem, there is still an element that spoils the area through its behaviour and, as I said, poses a safety threat to people using the beach.

As a local resident of the area I recognise there are still pockets of antisocial behaviour. Young blokes in cars are essentially doing blockies around Eastern Beach and the boulevard there. That causes a problem for local residents. As I said before, it poses a major safety problem for families, especially young families who are trying to enjoy Eastern Beach over the summer. I look forward to the minister’s action in seeking to at least minimise this problem for the summer of 2009–10.

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Public Transport. I draw the minister’s attention to the lack of low-floor buses servicing the local bus routes in my electorate of Kilsyth. The action I seek from the minister is to allocate a greater number of low-floor buses under the government’s bus replacement program to service the network in Croydon, Mooroolbark, Lilydale, Montrose, Kilsyth, Bayswater North, Croydon South, Ringwood East and Heathmont.

In January this year I wrote to the minister on behalf of my constituents regarding the provision of low-floor buses in the Kilsyth area. Some six months later I received a response from the minister which provided information about the number of low-floor buses in use across the network and an acknowledgement that a low-floor bus cannot be guaranteed on every service in the Kilsyth area. The minister’s letter went on to suggest that constituents telephone customer service at the Croydon depot the day before their trip and make arrangements for a low-floor bus to be on a particular service that they may wish to catch.

I shared the minister’s response and suggestion with my constituents, which has generated a flurry of feedback and comments on the minister’s suggestion. I wish to enlighten the minister with some of this feedback. The comments included, ‘What a ridiculous suggestion on the minister’s part to suggest you ring the bus depot the day before you need a low-level bus. Do you know that you are going to have an emergency the day before it happens? Do you know in advance when you are going to be sick and have to use the bus to go to the doctor? Do young mothers with several small children using strollers know the day before that their children are going to be sick and need a doctor? In fact do you ever know the day before that there is going to be an emergency?’.

Further comments included, ‘I myself know of at least eight retirement complexes on the 688 bus route. People with their disability walkers would find it extremely difficult and traumatising to board a bus with three steps and a pole in the middle should they have to use a bus in an emergency’.

In summary, the message for the minister is clear. While her suggestion may assist in some circumstances, the reality is that for a lot of the time, people are faced with circumstances where they have to use the bus that
day. They do not have the luxury of planning a day or more in advance all of the time. The message is also clear that there is a lack of low-floor buses servicing the local bus routes in Kilsyth.

This is an important matter. We urgently need more low-floor buses servicing the bus routes in my electorate. I raise this in the adjournment debate tonight for the minister’s urgent attention and the action I seek from the Minister for Public Transport is to allocate a greater number of low-floor buses under the government’s bus replacement program to service the network in Croydon, Mooroolbark, Lilydale, Montrose, Kilsyth, Bayswater North, Croydon South, Ringwood East and Heathmont.

**Consumer affairs: SmartyPig savings scheme**

Mr SCOTT (Preston) — The matter I raise is for the attention of the Minister for Consumer Affairs. The action I seek is that Consumer Affairs Victoria investigate the SmartyPig savings scheme. This type of scheme has apparently been a great marketing success in the United States of America, encouraging children and young people to open savings accounts and set savings goals through the use of colourful web pages where you can choose your own avatar and link with other savers through Facebook, Twitter and other social networking sites. A common way to start a SmartyPig account is by a relative or friend giving a young saver a SmartyPig gift card in amounts ranging from $10 to $500. SmartyPig gift cards are not redeemable except by paying them into SmartyPig accounts.

What is particularly concerning to me about this scheme is that if the gift card is not redeemed before its expiry date, then the funds are forfeited to the bank. My electorate officer examined a SmartyPig card, and on the cardboard folder accompanying the gift card, in very tiny print, it says:

Physical SmartyPig gift cards expire:

- on the expiration date shown on the card; or
- if there is no expiration date shown on the card, 12 months after the date the card was purchased.

There is no expiry date shown on the card itself, and I would repeat that the expiry date is shown in tiny print on an accompanying piece of cardboard.

I call on the minister to have his department investigate the SmartyPig scheme, especially considering the fact that buyers and recipients of the gift cards may not realise they have an expiry date. These cards are often given as gifts and may not include the piece of cardboard associated with the card which includes information on the expiry date. I urge the minister to investigate this matter.

**Responses**

Mr BATCHELOR (Minister for Energy and Resources) — I want to thank the member for Kororoit for raising the important issue of smart meters and congratulate her in her pursuit of the truth. The member for Kororoit has taken a keen interest in energy efficiency and is a strong advocate for these types of initiatives, especially those that will help support people in her electorate and particularly those on low incomes.

As the member mentioned, the rollout of smart meters has already commenced in her electorate and other parts of the state as well. The government is leading the way on smart meters. Victoria is the first state to give approval for a whole-of-state rollout of smart meters. In Victoria this will cover in excess of 2.2 million homes and around 300 000 businesses. In reality this represents one of the largest improvements to Victoria’s energy infrastructure in the state’s history.

These smart meters are known by a number of names, including advanced metering infrastructure and interval meters. The smart meters will provide two-way communications between the electricity meter in the home or the business and the power company. This will make more immediate information available to users, particularly families, so they can understand what is happening with the consumption of their electricity. This is an important and significant advance. Families will also benefit by knowing how their energy is being used, because the meters will provide electricity readings every 30 minutes. This will help families better understand how they can best reduce their energy use and by doing that, cut their power bills and of course also reduce their carbon footprint.

I want to thank the member for directing my attention and that of the house to two media articles surrounding the rollout of smart meters. These newspaper articles in particular focused on a report that was released by the St Vincent de Paul Society titled Consumer Protections and Smart Meters, which claimed that smart meters would cost an average family an extra $263 per year. This was a false claim, but nevertheless St Vincent de Paul made it in the report that I referred to.

The problem is that the member for Box Hill, the shadow Minister for Energy and Resources, brought it into the discussion. Unfortunately for the member for Box Hill, he failed to do his research in understanding whether the claims made in the report were true or factual. An article on page 21 of the Herald Sun of
24 August 2009 quotes the opposition energy spokesman as saying these:

are not smart meters but dumb meters.

He is further reported as saying:

It is clear this rollout is going to add hundreds of dollars to the cost of the average Victorian’s electricity bill with very little benefit.

I have to report that once again the shadow minister’s claims are wrong, wrong, wrong. Unlike those opposite, this government has looked at the figures. We have done the groundwork, and we have done our research. Our work shows that the St Vincent de Paul report contained large errors. In fact the difference between an average consumer’s current electricity bill and one with a potential new time-of-use tariff is not $263 at all. It is nothing like that.

Firstly, the fixed supply charges of $170 a year, which are already applied to power bills, were included in St Vincent de Paul’s ‘before’ electricity calculations as only $1.70. However, the full $170 charge was included in its ‘after’ bill calculation. In effect that exaggerated the annual bill increase by $168. But that was not all.

Secondly, the average ‘after’ tariff calculation in the St Vincent de Paul report was a further $70 a year higher than the ‘before’ tariff. The report assumes that the time-of-use tariffs, which it said underpinned this calculation, would magically allow retailers to charge 10 per cent more by using that tariff than they charge today. This is a very unrealistic assumption given the competitive energy retail market here in Victoria, and I will remind the house once again that this is the most competitive electricity retail market in the world.

Mr R. Smith — In the world!

Mr Batchelor — That is right. Once these calculations are corrected for these two large errors, the $263 error is actually closer to zero.

These articles that were published were wrong; it is clear that they were wrong. Since then St Vincent de Paul has admitted that it made major errors when calculating the fees associated with the smart meter rollout, and it has apologised. It got it wrong, and it got it wrong in a very big way; but it was big in that it apologised.

It is a shame that the member for Box Hill has not admitted that his comments were wrong and similarly apologised. I join in the chorus from the opposition here today and call on the shadow minister, the member for Box Hill, to publicly admit that his comments were nothing more than scaremongering. They were based on facts that were wrong, on miscalculations and on an eagerness to criticise rather than analyse. I ask him to apologise to the people of Victoria for his statements and for once again misleading them.

I thank the member for Kororoit for raising this matter, thereby bringing it to the house’s attention and allowing me to clarify this important issue.

Mr Merlino (Minister for Sport, Recreation and Youth Affairs) — I will refer the other matters raised by members to the relevant ministers for their response and actions.

The Acting Speaker (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.34 p.m.
The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

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

Introduction and first reading

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

Read first time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL

Introduction and first reading

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

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 44, 129 to 131, 181 and 224 to 226 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Liquor: licences

To the Legislative Assembly of Victoria:

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

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

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

By Dr SYKES (Benalla) (153 signatures) and Mr JASPER (Murray Valley) (462 signatures).

Buses: Box Hill—Donvale

To the Legislative Assembly of Victoria:

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

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

By Ms WOOLDRIDGE (Doncaster) (12 signatures).

Housing: Ferntree Gully

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

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

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

By Mr WAKELESS (Ferntree Gully) (826 signatures).

Croydon South Primary School site: future

To the Legislative Assembly of Victoria:

The petition of the residents of Croydon South and the surrounding area draws to the attention of the house that the land and buildings at the disused Croydon South Primary School site sit vacant and unkempt, deteriorating and subject to acts of vandalism.
The petitioners therefore request that the state government turn the land into public parkland and open space and allow the buildings to be used by community groups.

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

**Rail: Mildura line**

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

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

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

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

**By Mr CRISP (Mildura) (78 signatures).**

**Patient transport assistance scheme: rural access**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house for the reinstatement of the Mildura–Melbourne passenger train. This petition brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

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

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

**Students: youth allowance**

To the Legislative Assembly of Victoria:

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

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

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

**By Mr CRISP (Mildura) (65 signatures).**

**Rail: Mildura line**

To the Legislative Assembly of Victoria:

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

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

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

**By Mr CRISP (Mildura) (112 signatures).**

**Tabled.**

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

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

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

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

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

PARLIAMENTARY DEPARTMENTS

Reports 2008–09

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

Tabled.

DOCUMENT

Tabled by Clerk:


MEMBERS STATEMENTS

Crime: Nepean electorate

Mr DIXON (Nepean) — I recently surveyed my electorate regarding attitudes to various law and order issues. Incredibly I received over 1100 responses, which gave me a pretty accurate picture of the main issues in the electorate regarding law and order. The stand-out issues included that 96 per cent of respondents did not believe that sentences applied by our courts reflected community expectations, 97 per cent felt that the current application of penalties did not deter offenders, 96 per cent stated that the maximum sentence allowable was not being applied sufficiently and 96 per cent did not think penalties specified in our laws were adequate. Disturbingly, a quarter of respondents — who were predominantly elderly — do not feel safe at home. Even worse, two-thirds do not feel safe on our streets. Respondents also thought that hoon behaviour on roads is growing and that not enough is being done to tackle graffiti.

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

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

Melbourne Storm: premiership

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

Diwali festival

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

Brian Lowrie

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

Sitting suspended 9.46 a.m. until 10.00 a.m.

Water: Yering Gorge pumping station

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

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

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

Hoppers Crossing Cricket Club: achievements

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

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

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

Innovation Economy Advisory Board: future

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

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

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

The DEPUTY SPEAKER — Order! The member’s time has expired.
MEMBERS STATEMENTS

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Casey Safety Village: opening

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

Casey Hospital: fifth anniversary

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

City of Frankston: hall of fame

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

Western suburbs: lymphoedema clinic

Mrs SHARDEY (Caulfield) — On behalf of the Western Suburbs Lymphoedema Support Group I ask the Minister for Health to provide information as to when a lymphoedema clinic will be established in the western suburbs given that the clinic which was run from the Werribee Mercy Hospital for some 11 years closed in 2002. By way of background, lymphoedema is a condition where chronic swelling of part of the body occurs after treatment for cancers such as breast cancer. It results in damage to the lymphatic vessels due to injury from the treatment or a defective gene. Lymphoedema treatment provided at the Werribee Mercy clinic included physiotherapy and support for those suffering what must be a painful and debilitating condition. At the time the clinic closed the then Minister for Health, the Honourable John Thwaites, expressed the view that patients with this condition were being treated at the Geelong clinic. However, only two patients were attending that clinic. The remaining patients were required to attend Mercy Health in East Melbourne.

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

Seniors: volunteers

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

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

Neighbourhood houses: funding

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

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

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

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

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

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

Bentleigh Secondary College: water conservation

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

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

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

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

Police: numbers

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

Seniors Week

Mrs VICTORIA — On Monday I attended the opening event at the Bayswater Senior Citizens Club for Knox Senior Citizens Week. As always, it was great fun and I would like to thank everyone there, especially Dot, David, Margaret and Nellie, for ensuring
everything went to plan. It is a terrifically warm and welcoming club, with countless varieties of activities to choose from every week.

Roads: signage

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

Dental services: Ballarat

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

Swiss Italian Festa

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

Warrandyte electorate: government performance

Mr R. SMITH (Warrandyte) — The Warrandyte electorate is being conned by the Brumby government’s expensive self-congratulating Working Victoria campaign. The government website — www.workingvictoria.vic.gov.au — showcases infrastructure projects throughout Victoria. The website’s introduction claims that:

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

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

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

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

St Laurence Community Services: 50th anniversary

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

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

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

Liquor: licences

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

The minister should be aware of the growing anger within the liquor industry. The proposed massive licence fee increases cannot be justified, and there will be consequent adverse effects on an industry that is critical to Victoria. At the two meetings I organised in my electorate of Murray Valley, publicans and other licence-holders have related detailed proposals of increased policing controls in hot spots such as King Street and other metropolitan areas. The government will impose huge and all-encompassing licence fee increases to provide this revenue — increases that cannot be justified for licence-holders.

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Eid festival

Mr Langdon (Ivanhoe) — On Monday, 21 September, the Somali local community of West Heidelberg celebrated the end of Ramadan by holding the Eid festival at Malahang Reserve in West Heidelberg.

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

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

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

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

Extraditions: government performance

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

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

It was hard not to miss reports on the Premier playing cricket in India and being hosted by the Queen in Scotland just a few weeks ago. But behind the fanfare
was the Premier on the job or on a holiday? For example, it has been alleged that Puneet Puneet was involved in a motor vehicle accident that took a life. He has since fled to India. It is also alleged that James McCulloch violently sexually assaulted a 17-year-old girl. He has since fled to Scotland.

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

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

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

Frankston: reservoir park

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

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

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

Triathlon Victoria: Frankston headquarters

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

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

Housing: Ferntree Gully

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

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

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

Bushfires: community preparedness

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

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

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

St Mark’s Church, Emerald: thanksgiving service

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

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

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

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

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is: That grievances be noted.

Water: advertising campaigns

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

The background to this is relevant. In the years of its governance, the Bracks government, as it then was, kept telling Victorians to use less water. Over those
years, it did nothing to actually augment the supply available, particularly to Melburnians. All the conversation was about the issue of demand; none of it was about the question of supply. The government went to the election in 2006 with three promises: no piping of water from north of the Divide, desalination was a hoax and Labor was not interested in it, and there was the prospect of piping water from the eastern treatment plant at Carrum across the hills to the Latrobe Valley.

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

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

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

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

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

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

Thirdly, it points out:

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

It goes on to say, fourthly:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He went on also to say:

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

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

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

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

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

The Premier’s voice. And the sound of the helicopter. Our challenge is to make them work together so that every word the Premier says is always heard strongly and clearly, while still allowing the sound of the helicopter to add extra colour to the communication.

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

do you mind, Apocalypse Now! —

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

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

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

the word ‘plenty’ is underlined.

Possible points:

ability to react water problems immediately —

the second possible point is a clanger —

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

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

The government has said to a journalist who took an interest in these issues when we raised it with her, that that is not how it happened at all. The government said that the proper process was followed, that the panel did give consideration to the six. It then showed the journalist a document which it said proved it. The actual document the government produced and showed the journalist was a document which had not been disclosed to me as a result of the freedom of information application — first mistake. It told the
journalist that the document was cabinet in confidence — second mistake. In response to this charade the government said, ‘Here is a document which we have not disclosed under the FOI act’, and secondly, ‘We are prepared to tell a journalist the content of a document which is cabinet in confidence.’ It had not even disclosed its existence. It has broken the law on two counts.

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

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

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

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

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

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

**Opposition: performance**

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

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

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

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

No. 2 on the list is police golf buggies in the CBD (central business district). Here we go! Opposition members think they are back in their electorates playing golf on the golf course — rather than telling the truth.

On 15 September during parliamentary question time the opposition claimed that the government announced in 2007 that it would introduce golf buggies in the CBD and that the measure had not been implemented. I was in this chamber when that claim was made. This claim is not true. The government never promised golf buggies for police in the CBD. The article referred to was from the Herald Sun of 21 August 2007. It referred to a golf buggy that was being used by local police as part of a one-month trial on how golf buggies would assist with foot patrols. There is no reference to the government in the article, so the opposition got claim no. 2 wrong.

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

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

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

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

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

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

Mr Robinson has ordered CAV —

that is, Consumer Affairs Victoria —

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

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

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

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

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

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

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

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

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

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

So the opposition got it wrong.

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

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

So that particular one the opposition got wrong.

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

No. 9 on the list is B-double registration fees. The honourable member for South-West Coast, in a media release of 29 July 2009, accused the government of hiking up registration fees for B-doubles with little warning. This claim, again, is not true. The price changes were decided in 2007 at a national level and deliberately phased in over a three-year period to accommodate the industry. This is clearly set out in a schedule of heavy vehicle registration charges released by the National Transport Commission in February 2008, more than a year before the honourable member for South-West Coast’s claim. He was wrong.

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

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

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

The list keeps going. There is a claim that we have got a hit list for school mergers. Unlike the Kennett government — and the shadow Minister for Education, the member for Nepean, was a member of the Kennett government that closed 326 schools and had a hit list — we have not got one. The opposition got it wrong.
Indigenous Victorians are on the list. The honourable member for Shepparton claimed that we were letting them down and that the Victorian government was doing nothing for them. In fact this claim is not true. The government has invested a record $57.97 million over four years on indigenous health and wellbeing measures. The opposition got it wrong.

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

Attorney-General: judiciary

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

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

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

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

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

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

We can also look at what is happening with justices of the peace. The Attorney-General debased an 800-year-old institution with the appointment of the likes of Mr Hakki Suleyman, despite his serious criminal convictions. The association of honorary justices has stood for standards, integrity and service within the ranks of justices of the peace, and the
Attorney-General has been unable to bludgeon the association into falling into line with him, so what is he doing now? He is threatening to abolish the entire institution altogether, because he cannot turn Victorian justices of the peace into government lackeys.

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

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

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

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

indistinguishable from any other entities.

He went on to say:

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

Justice Smith then went on to document some of the practical day-to-day consequences flowing from the DOJ’s policy and interfering with the proper operation of the courts. He referred to the fact that because personal staff of judges are employees of the DOJ they have to be placed within the departmental salary and staffing structures. He referred to the fact that the position of the CEO (chief executive officer) of each court has to be fitted into the staffing structure within the department. He referred to the fact that the department set a whole-of-department IT policy without prior consultation with the judges, saying:

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

He said also that:

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

He quoted one other judge as having said:

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

He pointed out that:

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

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

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

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

In other words, it was the Attorney-General who had to be dragged kicking and screaming towards a better mechanism for handling complaints about judicial officers.
Then there is the real crunch of it. In the words of the chief justice:

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

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

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

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

The Attorney-General is no doubt also seeking to distract attention from the inadequacies of his own sentencing policy, which is failing to effectively protect the community in relation to both first-time offenders and those who commit horrific crimes. We are seeing a return to the revolving door approach in Victoria’s courts as the courts are unable to adequately deal with the rising level of violent crime and are not given the tools they need to do so. We see denials of human rights with huge backlogs of cases building up and increases in the time required for victims, witnesses and accused persons alike to obtain justice, while the Attorney-General is obsessed with his esoteric and ineffectual notion of a charter of human rights and responsibilities.

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

**Climate change: opposition policy**

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

The position of the Liberal-Nationals coalition on climate change, like so many of its positions on the great issues of the day, as we have just heard from the member for Box Hill in terms of legal reform, is out of touch with community thinking. The opposition’s position on climate change is marked by at least four major contradictory elements, which when set beside the position of the Victorian government would leave any reasonable Victorian wondering just where the opposition is on one of the most challenging issues confronting the global community and the Victorian community in particular, as we happen to be in one of the most carbon-intensive economies in the world.
These markers of the mounting irrelevance of the opposition are there for us all to see. I identify them as fourfold. Firstly, there is the evidence that people see before them in the record droughts, the increasing number and severity of weather events such as we have seen across the globe and, sadly, in our own communities in recent times. Based on this evidence most people’s daily experience leads them to the not unreasonable conclusion that there are substantial arguments for the fact that human activity is leading to climate change. This is apparently not a position shared universally by the opposition.

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

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

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

At one level it is great sport to see the Liberals and The Nationals carve themselves apart in a display of petulant, intraparty warfare at the moment. It is a very useful study of what happens when a political party fails to consider the implications of the messages it is sending to the wider world and condemns itself to the margins of political irrelevance. Such a position is not surprising, because when your political beliefs are such that you see no role for government in dealing with the major problems that the globe and the nation face, your default position on everything is that government and community action is something to be avoided. It is not surprising they got themselves into this pickle.

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

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

Rather than taking a position of leadership and global responsibility, theirs is clearly one of isolationism. This position is fundamentally inequitable not only in terms of our global responsibilities but also it places us at a disadvantage domestically, as inevitably, when a price on carbon in the world and in this nation is introduced, there will need to be market-based transition instruments in place. The challenge of responding to that economically will be greater the longer we delay.
The isolationists opposite can deny it all they like, but the certainty of an emerging global response on this issue looms ever larger and more certain. To delay its introduction is to bring in ever-increasing starkness, and for our particularly carbon-based economy, an ever-higher cost for that change.

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

... should not deter Australia from starting now.

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

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

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

The Nationals federal leader, Warren Truss, recently said:

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

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

There is more than one horse to this Liberal-Nationals policy apocalypse. The second is that of denial. This red horse of the opposition’s position is that despite the fact there is an overwhelming peer-tested, broadbased consensus and scientific consideration of this issue over many years — that is, that the whole basis of rational, evidence-based systems that have marked human progress for several hundred years since the European enlightenment — it must give way to the scientific cavemen opposite. Those who would overturn that mechanism of human progress need to consider their position as to how rational scientific decision making underpins proper policy. Those scientific geniuses opposite want to argue the toss as to whether or not the consequences of several centuries of increased carbon and greenhouse gas-producing activities across the globe will have an impact on climate change.

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

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

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

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

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

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

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

Mr Stenholt interjected.

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

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

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

This has become a form of religious fanaticism and these environmental goosesteppers are pretty scary. You’re branded a denier. The last time that word was in vogue, it related to the holocaust.
Besides being historically incorrect, Senator Joyce’s linking of the worst racist genocide in history and the attempts to destroy European Jewish people and culture with a response to climate change is highly offensive. The devaluing of the language of the holocaust and its implications is an all too regular trend amongst extreme groups in our society. It is not only insulting to the memory of the 6 million victims of the holocaust, it is devaluing the language and the consequences of the holocaust that can only enhance the views of those who are motivated by racist and objectionable groups that tend to promote this area of debate. The fact that he is misusing this context shows the depth to which the federal opposition has sunk in this area.

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

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

The ever reliable Mr Finn also said:

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

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

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

Liquor: licences

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

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

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

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

Conveniently, the government does not look at the revenue it collects from the sale of liquor. Until 1996, when the High Court struck them down as being unconstitutional, the government collected alcohol franchise fees. What happened then was that the federal government collected those fees on behalf of the states. Those payments have all been rolled into the GST payment, so the state government is still getting money
from taxation on sales of alcohol. Based on the last estimates, it is probably about $300 million worth. The government is very keen to look at the cost side of the ledger and say that everything up to and including teaching police about liquor licensing laws is a direct cost that must be recovered from liquor licensees, but nowhere does the government mention the fact that it is taking at least $300 million in tax receipts from the sales of liquor, which is done through the very same liquor licensees that the government is currently attacking with its proposal.

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

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

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

Mr Helper interjected.

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

I would now like to take the house to the proposed liquor licence fees. The government says these will be risk based. That is something that I and other members on this side of the house support. We support the notion that liquor licensing fees should be set based on the level of risk that a venue provides to the community, and the riskier the venue in terms of the potential for antisocial behaviour, the more the operator should pay in liquor license fees. Why, then, we ask, are community groups such as the Yarra Valley Fly Fishers being hit by massively increased fees, why are bowls clubs being hit by massively increased fees and why are RSL (Returned and Services League) clubs being hit by massively increased fees? It is unfair to these community groups.

Mr Helper interjected.

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

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

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

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

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

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

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

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

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

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

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

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

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

We are predominantly a family hotel.

The journalist then said:

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

Michael Burke continued:

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

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

The article states:

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

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

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

We are having a $20 million fee increase that is going to hit community groups, hit small businesses, hit good family-run pubs, give a break to the sleazy end of town and cost jobs across the length and breadth of this state, and yet these fee changes are not in themselves expected to bring about dramatic changes in the behaviour of licensees. Then what is the point of them? Why would you go out of your way to damage
businesses across Victoria in this way when you do not expect these fee changes to bring about dramatic changes in licensees’ behaviour? This is a minister who just has not done his homework. He does not understand what he is doing. He has been sold a pup by somebody, whether it is somebody in his department or somebody in his cabinet, I do not know. He has been sold a pup, and he is going to damage many, many businesses, towns, suburbs and communities across this state unless he pulls his head in and decides to scrap this ridiculous system.

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

**Bushfires: recovery**

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

I was very proud to be a member of this place in the first sitting week — prouder than I have ever been — when both sides of politics put down the cudgels and spoke passionately and with great compassion about the 173 lives that were lost on Black Saturday, about the disrespect for the work of the fantastic community hardworking public servants and firefighters in the DSE (Department of Sustainability and Environment), and local government. This is not the way to help our communities heal from this terrible tragedy.

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

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

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

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

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

Ms Bailey referred to ‘a few temporary villages’ and said that there are no businesses back up and running. How does she then explain the Kinglake Ranges business hub? It is so successful that the community has to build another building. So many new businesses are wanting to start up there that it is having to expand and build a second building to accommodate all these self-starters who are home-based businesses and others who are now getting back on their feet. I am really
pleased that we have seen survivors helping other survivors. In particular, the brother of Angela Brunton — a great friend of mine who, with her partner Reg Evans, died at St Andrews — has donated the desks and the phone system that have gone into this hub helping those businesses.

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

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

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

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

Help me make them listen!

The Brumby government is ignoring our local fire dangers.

Where are your local fire hazards?

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

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

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

We should not push people; they need to go at their own pace. They might want to rebuild quickly, but they might also want to sit back and know how their lives are going to be. To do anything other than that is like trying to put a second storey on a house when you do not have good foundations.
Returning to the comments made by the federal member for McEwen, I have been very concerned for a number of months about her uninformed comments about everyone having bunkers. I lost a close friend who perished in a bunker on Black Saturday, and until standards are in place politicians should not be making these sorts of uninformed comments. The bushfires royal commission is working on this issue and building standards will come out of its deliberations, but people should not be out there making proposals before the royal commission has made its recommendations. Fran Bailey’s uninformed comments have fed into a situation where unscrupulous businesses are trying to profit from people’s fear, to the point where the Australian Competition and Consumer Commission has had to step in.

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

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

Minister for Community Services: performance

Ms WOOLDRIDGE (Doncaster) — I rise to grieve for the thousands of vulnerable Victorians who are not getting the services, care and support they need and deserve because the Minister for Community Services, who is also the Minister for Mental Health, is clearly not up to the job and should be removed from her important position. This is a minister who has presided over one horrific disaster after another concerning abused children, people living with mental illness, disability or addiction to drugs and alcohol. Each story exposes her failure to put in place the processes and services to protect those who are most vulnerable in our community.

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

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

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

But it is not just me saying this; it has been said far and wide. It has been said in particular by those who have been appointed by the government to be independent watchdogs of this government’s performance, including...
the Auditor-General, the coroner, the public advocate, the Ombudsman and the child safety commissioner. Let me go through the repeated and significant failures of this minister and show how these respected individuals have been forced to speak out so strongly as a result of the government’s ongoing failures and the minister’s inability to deliver improved outcomes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In October 2008 the Office of the Public Advocate found that inadequate and undignified facilities negatively impacted on the quality of life of residents,
with a lack of private space and shared bedrooms which are cold, old and in need of maintenance. The report also found that the safety of residents is compromised and threatened due to inadequate staff numbers, workers with temporary contracts and inadequate training, supervision and support.

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

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

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

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

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

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

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

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

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

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

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

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

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

There are numerous other failures of this minister to deliver. We are still waiting on the proposed alcohol and other drugs treatment bill. Work on it first started in 2005; it was promised in the 2008 annual statement of government intentions, but we still have not seen it. Portable long service leave is an area where the government committed to introducing legislation.
during this sitting of the Parliament, but it has been unable to honour that commitment. That legislation had to be delayed because of the minister’s inability to get in place a program that was even slightly acceptable to any part of the community sector — despite the desire of the community sector to have a program in place. Because of the failure to fund them appropriately, disability organisations are threatening to lay off staff and reduce services. Yet again this is a failure of the minister to ensure that the areas she is responsible for have the support, the resources and the leadership they need.

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

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

Housing: availability

Mr STENSHOLT (Burwood) — I grieve for the people of Victoria over the unhealthy attitude of some people in our community, including people in the Liberal Party, to social housing and public housing. I should say from the outset that I am a passionate supporter of ensuring everyone in our community has a roof over their heads. It is not just myself. The Universal Declaration of Human Rights enshrines in article 25, part 1, the right, among other rights, to housing. That was followed up by the International Covenant on Economic, Social and Cultural Rights, which repeated and reinforced the right of everybody to have adequate housing — you will find that in article 11, part 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stephen Hartney, particularly, talked about public housing becoming slums. This is denigration. This is victimisation of people who are less fortunate in our society, who we are seeking to assist. Putting about fear and innuendo is really not in the best interests of our community. I would hope the member for Shepparton would agree with that. The former member of the then Higinbotham Province, Noel Pullen, wrote to the paper and said he was not surprised that two well-known Liberals would attack the proposal to build much-needed housing on the car park. He also said in his letter that he wondered if these two would have written to the newspapers if this much-needed housing had not been social housing, or public housing. If expensive units had been planned to be built next to the town hall, their response may well have been completely different.
I know there have been instances of people suggesting that social housing should not be in people’s backyards — that is the nimby (not in my backyard) principle. I know, for example, though, that in Shepparton and elsewhere the community has been very accepting of people coming from overseas and settling in their communities, but that is not always the case. I know that notices have been put about on the lampposts of Frankston which say, ‘Not welcome in our community’, and, ‘We do not want our community to be like Dandenong or Noble Park’, and also criticising the local member there, who is actually a fine example of someone who does stand up for his community. There was a photo as well of the south Sudanese, or Horn of Africa, community. If that is not imputation, if that is not victimisation, if that is not unwelcoming of people coming into our community, I do not know what is. I also noticed meetings even recently in Moorabbin at which people were saying, ‘We would be better off sending these people over to Footscray’.

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

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

Mr Wells — That is clearly not the case.

Mr STENSHOLT — The member for Scoresby says that

Honourable members interjecting.

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

Mr STENSHOLT — I will not respond, but let me quote from an article by Winston Tan which appeared in the Knox Leader. The article quotes Cr McMillan as saying:

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

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

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

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

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

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

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

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

He wrote also:

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

I am proud of our support of public housing.

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

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

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

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

We asked the Treasurer when this debt would be repaid and what the schedule for paying it was, yet we were unable to get any sort of answer from him. In a follow-up question we asked whether the Treasurer was able to provide details of the amount of debt allocated to each specific new infrastructure project or groupings. We understand that debt needs to be rolled over by appropriate authorities, but the issue we have is that if claims are made — I refer to page 63 of budget paper 2 — that 42.4 per cent of new infrastructure will be funded by cash surpluses and the remainder will be funded by borrowings, then there needs to be an explanation of what the borrowings will be used for.

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

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

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

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

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

Road Safety Committee: improving safety at level crossings

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

The reason I want to speak on this report today is because a few days ago there was a significant accident at a level crossing in Oak Park, where a taxi attempted to do a U-turn on a level crossing. Most members of this house would think such an action was unbelievably stupid, for want of a better word. My information from press reports is that the taxidriver and two other people jumped from the taxi and fled for their lives. Fortunately nobody was killed, but I have to say somebody’s life was probably ruined in that accident. The driver of the train was not to know if there were people in the car or not, and the sight of one’s train
hurting towards a car must inevitably have an impact on the train driver’s state of mind for the rest of his or her life. Before people do silly, dangerous and potentially fatal things like U-turns on crossings, they should think about the lives they may be ruining.

The executive summary of the report states:

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

which was not the case in Oak Park —

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

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

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

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

Mr Stensholt — Or The Nationals.

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

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

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

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

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

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

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

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

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

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

Finding 5.2 is:

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

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

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

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

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

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

Electoral Matters Committee: voter participation and informal voting

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

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

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

That is heartening, but it is not good enough:

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

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

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

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

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

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

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

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

There are many advantages in having set election dates, and it is clear to people who have a strong interest in politics that on the last Saturday in November every four years, people cast their votes for the Victorian Parliament. Having that set date makes planning for the electoral commission and us collectively much easier. We also want the electoral commission’s passport to democracy program to continue.
division was some 2.4 million; it is now 4 million. Growth is going to continue, and that is a good thing, but we need to look at alternatives, and we need to particularly look at alternatives to our reliance on rainfall and static storage.

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

The shire supports decentralised water capture and storage solutions.

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

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

Public Accounts and Estimates Committee: report 2008–09

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

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

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

Mr Kotsiras interjected.

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

The committee provided nine reports last year and has provided a detailed examination of them in its annual report. I should note a couple of things with regard to the staffing of the committee. The previous Premier, with the support of the then Treasurer, who is now Premier, gave us $360 000 a year for staffing. There seems to be a problem annually in convincing the officers of the Parliament that this funding should continue. There also seems to be a problem with recruiting senior economists and research officers. I am a bit concerned that we are unable to recruit them. There seem to be some limits on that, and I hope that will be addressed in the future.

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

Business interrupted pursuant to standing orders.

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

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

Honourable members interjecting.

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

QUESTIONS WITHOUT NOTICE

Bushfires: recovery

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

Government departments, particularly, the Building Commission are causing no end of grief, stress, additional trauma, frustration and massive cost overruns to the victims of these fires.
I ask: is it not a fact that government red tape and incompetence are creating delays and difficulties in the reconstruction of bushfire-affected areas?

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

Honourable members interjecting.

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

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

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

Honourable members interjecting.

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

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

Mr Wakeling interjected.

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

Mr BRUMBY — All of that has been done in a way which exceeds best practice in these cases anywhere in Australia or anywhere in the world. If you look at all the other things that we have done, you will see we have put in place the temporary villages in Marysville, Flowerdale and Kinglake. As I understand it, something like 900 building permits have been approved. It is true that the bulk of those building permits have been for replacement sheds, garages and so on. We have put in place stronger regulations in terms of rebuilding. It is true that we thought long and hard about that as a government, but it would have been completely the wrong thing, having seen the devastating fires move through those areas, to have simply put back in place the same regulations and the same standards that meant that many houses were not built to the standard required.

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

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

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

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

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

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

Honourable members interjecting.
The Speaker — Order! Government members will come to order.

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

Honourable members interjecting.

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

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

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

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

Bushfires: community preparedness

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

Mr Brumby (Premier) — Earlier today, with the Minister for Police and Emergency Services, the Minister for Tourism and Major Events and the member for South Barwon, I visited the Otways to inspect the fire preparation works that are under way. If you look at the Otways, which is a beautiful and magnificent area of our state, you see it is always presented as a significant fire risk. Its beauty is inherently part of the danger; it is a heavily forested area.

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

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

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

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

Also today at one of the B & Bs in the area the Minister for Tourism and Major Events and I launched the guide for tourism operators that is going out to all tourism operators in the fire-affected areas this year. It identifies
what they should do to prepare before the fire season, what they should do during the fire season and what they should do in a fire emergency. We launched the guide at one of the beautiful B & Bs in one of the loveliest areas of our state.

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

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

The mayor is reported as having gone on to say:

> Council is — —

Honourable members interjecting.

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

**Mr BRUMBY** — He went on to say:

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

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

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

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

**Bushfires: incident control centres**

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

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

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

**Honourable members interjecting.**

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

**Ms Marshall** interjected.

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

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

**Mr Wells** — No it didn’t.

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

**The SPEAKER** — Order! I am happy to rule on the point of order. My recollection of the question is that it was directed at incident management level 3 incident
control centres. I believe the Premier’s response is entirely relevant to the question as it was asked.

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

**Bushfires: community preparedness**

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

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

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

I was pleased recently to join the appeal fund chairman, Pat McNamara, in announcing an additional $4.2 million from the appeal fund to further support psychological recovery for families and older people affected by the fires. That means providing practical things like parent information and support, community activities for seniors, respite and retreats for men and women affected by grief and the opportunity to develop support networks. This most recent initiative builds on the $8.8 million already allocated for targeted counselling and support and programs for primary students, high school children and young adults. The additional counselling has been welcomed, and I am pleased to inform the house that to date 830 families have taken up this extra counselling.

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

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

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

**Bushfires: emergency services communications**

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to evidence given before the bushfires royal commission today by Superintendent Peter Billing that police radio communications were ‘downright dangerous’ because country police are relying on outdated and failing technology. I further refer the minister to a leaked internal police document obtained by the coalition earlier this year which shows that this serious risk was identified in August 2008. I ask: is it
not a fact that yet again the minister was warned and did nothing, leaving Victoria dangerously unprepared for bushfires?

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

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

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

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

Bushfires: fencing

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

Mr HELPER (Minister for Agriculture) — I thank the member for Macedon for her question. It gives me the opportunity to first of all acknowledge many terrific organisations that have supported fire-affected land-holders, farmers in particular and also lifestyle land-holders as well — organisations such as the Victorian Farmers Federation, for bushfires?

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

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

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

The member for Macedon asked what the government is doing. Beyond this terrific ability to partner with organisations including the VFF, there has of course been substantial support to land-holders in response to fencing and other needs. Firstly, the state and commonwealth governments announced clean-up and restoration grants of up to $25 000 along with the availability of $200 000 in low-interest loans.
We have also seen additional assistance provided to all who experienced the impact of the fires in the form of a special primary producer grant of $5000 to $10 000 which is now also available. We would estimate that that would disburse a total of $7 million from the bushfire appeal fund. That provides an opportunity to acknowledge the generosity of the Victorian community and the community across the country and the international community. With those measures we are supporting farmers to rebuild fences, and we are supporting land-holders to rebuild fences.

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

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

**Children: protection**

**Ms WOOLDRIDGE** (Doncaster) — My question is to the Minister for Community Services. I refer the minister to her commitment in Parliament on 16 September to review all child placement cases to ensure that mandatory police checks have been made on each registered carer, and I ask: can the minister confirm how many carers have been found not to have had police checks, and can the minister assure the house should take an opportunity at some stage to express their gratitude to all those volunteers.

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

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

**Bushfires: community preparedness**

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

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

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

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

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

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

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

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

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

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

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

Children: protection

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

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

Honourable members interjecting.

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

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

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

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

Mr Mulder interjected.

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

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

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

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

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

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

There is a heavy emphasis on community education and community awareness. As you will be aware, Speaker, 700 Department of Sustainability and Environment seasonal firefighters have been brought on earlier. There has been a revision of the 'prepare, stay and defend or leave early' policy to have a greater emphasis on the protection of life by leaving early. You will be aware, Speaker, that the new national fire danger rating system is in place, which says that on a code red day the only way you can 100 per cent guarantee your safety is by not being in a bushfire-prone area at that time. That really came out of Black Saturday, where we saw fire of an intensity that we had not seen before. There were houses that people thought were defendable that simply were not. That is what we hope to get through to people this week: the issue about preparedness and about cleaning up. Part of that is the many fireguard groups that have been established and the many Fire Ready meetings that are being held around the state.

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

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

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

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

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

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

The SPEAKER — Order! Documents are tabled during formal business. The next formal business will be conducted tomorrow morning.
LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL

Second reading

Debate resumed from 13 October; motion of Mr WYNNE (Minister for Local Government).

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

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

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

The Liberal-Nationals coalition will not be opposing this bill because the Brimbank community is finally getting what it wants and what it has called for for many years: the sacking of the Brimbank council and hope for a new start for democracy in that community. But the bill has not been scrutinised, because it has been rushed through. The Scrutiny of Acts and Regulations Committee (SARC) has not seen this legislation, so members are not aware of whether it has flaws on the human rights side. The community of Brimbank has not seen it. The coalition will be able to put the bill under scrutiny when it goes into the upper house and intends to do so.

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

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

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

Mr Nardella — Like who?

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

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

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

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

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

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

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

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

Mrs Powell — I have to say the reason the coalition is not opposing this bill is that we want to see democracy back at Brimbank, unlike the Labor government that tried to remove democracy from local government over many years after being told by the community that there were problems in the Brimbank council. The coalition has listened to the community, and we are saying we would like to put democracy back into local government. The way this government is putting democracy back into local government is by putting three administrators in for three years. We could call them commissioners, if we liked, but the government is calling them administrators. What the government is doing to reintroduce democracy to Brimbank council is introducing a panel of three administrators for three years until the council goes to the general elections that other councils will have.

Mr Nardella — I agree with that!

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

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

Mr Wynne — Yes!

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

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

(a) appoint a panel of administrators for the Brimbank City Council;

(b) appoint one of the administrators to be the Chairperson of the panel …

(c) appoint a person to fill a vacancy …

(d) appoint a temporary administrator …

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

We are being told that it is not in there because the government needs more flexibility in the bill. The
Mr Wynne — Try three! It is what the second-reading speech says.

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

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

Mr Hodgett interjected.

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

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

Clause 7(f) says the administrators cannot:

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

The government said in the second-reading speech:

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

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

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

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

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

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

Mr Walsh — An elder statesman.

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

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

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

The Victorian Ombudsman’s report was tabled in Parliament in May, nine months after the request. It was an absolutely damming report, but it justifies the concerns that people have had for years about the dysfunctional council. It shows evidence of many years of corrupt practices by the Labor Party, factional in-fighting, interference by people not elected to council, secret meetings, secret deals and councillors misusing their position for political or personal gain, and it identified the former mayor, Cr Natalie Suleyman, who misused her position for political gain in the Kororoit preselection, and when she did not get it she sought revenge.

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

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

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

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

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

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

Mr Wynne — That is right.

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

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

Honourable members interjecting.
Mrs Powell — This has been happening time and again. What I say — —

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

Mrs Powell — The minister is not listening!

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

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

Mr Wynne interjected.

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

Mr Wynne interjected.

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

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

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

(a) subject to subsection (1A), that there has been a serious failure to provide good government; or

(b) that the council has acted unlawfully in a serious respect.

That is the basis on which the government sacked the council at Glen Eira, but it would not sack the Brimbank council because there were a lot of people in Brimbank who were probably helping the political careers of government members. Again we have one law for Labor-dominated councils and one law for other councils. We need to have an investigation into those individuals identified in the Ombudsman’s report as exercising influence over the council from outside Brimbank.

Mr Nardella interjected.

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

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

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

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

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

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

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

Harvester Ward councillor Geraldine Brooks —

she is a non-Labor councillor —

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

In an explosive letter to Star Cr Brooks claimed the ALP influences over the council exposed by the Victorian Ombudsman George Brouwer’s report were still apparent in the current council and said all councillors should be sacked, including herself.

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

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

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

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

Sadly, this monitoring found ongoing bad practices, failures of governance and conduct at an unacceptable level, at an unacceptable scale, and amongst councillors who were newly elected to the council. The bill will allow for the appointment of a panel of administrators to govern for the period of the dismissal, which will be for the period that the elected council would otherwise have continued to exist — that is, until the election scheduled for November 2012.
Bill Scales concluded very cleanly and resolutely that there was only one option available, having considered the conduct of the council in recent months. That was simply that the opportunity had to be taken to allow for a proper rebuilding of the governance practices of the Brimbank City Council. This government has taken a full-throttle approach to dismiss the council, not to suspend it. To suspend it would have only allowed for a very short-term response of up to 12 months to get the house in order, if you like, the Brimbank City Council. Given the repeated and continuing abrogation of responsibility and good governance practice by the current council, this government felt that it had no other choice but to actively dismiss council to allow ample opportunity for a good administration to be rebuilt at Brimbank. Local residents deserve much better than what they have had. They certainly deserve a clean slate. They deserve a rebuilding of sound and robust governance practices and culture. This cannot happen in a short time frame.

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

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

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

The minister has been compelled to bring in this bill; he has been compelled to act. I am not implying in that any reluctance in the final analysis and the decision to act. He has done it, and the Parliament will certainly give effect to the bill. I am sure it will have the full support of opposition members and government members. But it is a sad commentary on the way the Australian Labor Party has conducted itself in the governance of the state and in particular in local government. Unfortunately the failure to act, despite repeated warnings over a very long time, has meant that, in the eyes of many, all local governments and all local councillors have been tarnished. That is, unjustly, guilt by association, and it is so because of failure to act quickly and clean up the problem when it first became apparent.

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

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

> The Brimbank City Council is dismissed.

Clause 5(2) provides that:

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

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

Mr Nardella — We have got no idea.

Mr MORRIS — That is exactly right. As the member for Melton interjected, we have no idea. All we are doing is operating on faith in the government to do the right thing. That is a long stretch for me, but that is probably another story and off the bill. What we do not know is who they will be, how much they will cost and what the overall cost will be to the ratepayers and citizens of Brimbank.
Clause 8 relates to the operation of subsequent orders in council, and I will not waste the time of the house by talking about that. Clause 9 provides the administrators with coverage, in that they can occupy any role normally occupied by a councillor. Clause 10 provides for the proposed general election to be held on the last Saturday in November 2012.

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

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

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

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

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

This is a gem:

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

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

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

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

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

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

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

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

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

An honourable member — It was your fault!

Mr WAKELING — I was there only very briefly. I understood that I had an influence, but I did not know it was as great as that! Having been an employee of an organisation which had a lack of regard for governance by elected administration, I understand not only the impact that has on a community but the impact it has on the hundreds of staff members who work in that organisation. Morale at that council was at an all-time low; people were very quick to get out of the organisation and move to other local governments where there was good governance. I can only feel for those employees, let alone the ratepayers, of the Brimbank municipality who are having to put up with this abomination.

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

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

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

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

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

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

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

This is also contrary to the role of a councillor, as it states in the act that he or she must act with integrity and impartially exercise his or her responsibilities in the interests of the local government. I know that the members for Mornington, Shepparton and Mildura and other members of this house who have served in local government clearly understand the role of councillors. As a former councillor myself I can clearly remember
voting differently to people who would be considered of the same political persuasion as me because we took the view that we were there to represent the community and not there to represent a particular party. Unfortunately that was not always the case, as can be seen from actions taken by the Labor Party.

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

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

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

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

Mr STENSHOLT (Burwood) — I rise to support the Local Government (Brimbank City Council) Bill 2009. As other speakers have pointed out, the bill provides for the dismissal of the Brimbank City Council and provides for sitting councillors to go out of office. The bill allows for the appointment of a panel of administrators for the council and a chairperson of the panel, and if there are any vacancies, it makes proper arrangements for that situation. It provides for the revocation of the previous order to suspend the council, which will happen just before the new order comes in, and finally, the bill provides for a general election of councillors at Brimbank City Council.

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

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

I mention in this debate that the Public Accounts and Estimates Committee provided a report to Parliament in 2006 — there was an article in a weekend newspaper
regarding some aspects of this — about the legal framework of independent officers of Parliament such as the Ombudsman. I commend that report to members of Parliament in terms of what is a good framework for officers such as the Auditor-General and the Ombudsman to act within. I commend this bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Local Government (Brimbank City Council) Bill 2009, which The Nationals in coalition are not opposing. The purpose of this bill is to dismiss the Brimbank council, to provide for the appointment of a panel of administrators for the Brimbank council, to provide for the revocation of an original order in council that applies to Brimbank council, to provide for the expiry of a subsequent order in council and to provide for a general election for the Brimbank council. This is a new start for democracy for the council, through its death and resurrection, which are provided for by this bill. The bill both kills democracy and provides a path for democracy to be resurrected. One can but hope the council passes down that path with no more event. The provisions of the bill are extensive. The bill will dismiss Brimbank council in response to the recommendations of two separate reports, the first by the Victorian Ombudsman and the second by Mr William Scales. The proposal to dismiss the council follows an order in council dated 15 September which suspended the Brimbank council pursuant to section 219 of the Local Government Act. In his May report into alleged improper conduct of Brimbank councillors the Ombudsman made a range of serious adverse findings and recommended amongst other things that the Minister for Local Government closely monitor the activities of the council and, should the poor practices that occurred prior to that 2008 election continue, that he consider suspending or dismissing the council and appointing an administrator.

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

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

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

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

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

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

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

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

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

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

For the record I need to make clear that my electorate of Williamstown does not cross into the local government area of Brimbank. In fact about two-thirds of my electorate falls within the Hobsons Bay City Council area whilst the remaining third is in the Maribyrnong City Council area. I have been fortunate in my first term as the member for Williamstown to have worked collaboratively with my two local councils to achieve better outcomes for the residents in our shared local communities. We have collectively worked on a range of projects, including the restoration of the Yarraville Community Centre in Francis Street; an upgrade to the Clare Court Child Care Centre in Yarraville; the delivery of a new regional kitchen in Hobsons Bay, which will help produce more than 1 million meals a year for the Meals on Wheels program; an extensive upgrade to the Williamstown Cricket Ground’s facilities; substantial funding for a new state-of-the-art library in Altona North; a new community arts centre in Newport; a major new swimming pool and gymnasium in Altona North; and significant upgrades to boating facilities in Seaholme and Newport, at the Warmies. These are just a few of the major achievements that have occurred in that short time. There have been a host of other minor grants that have helped in improving the living standards of local residents in the inner west.

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

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

The Ombudsman very clearly indicated that:

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

… Sadly, my investigation —

being the Ombudsman’s —

identified that the behaviour of many councillors failed to meet these standards.

The Ombudsman’s report details a range of serious matters, including improper use of powers, bullying and intimidation, misuse of council funds and equipment, inappropriate release of information and improper use of electoral information. After a second report by local government inspector Bill Scales, which concluded that...
Mr K. SMITH (Bass) — It gives me pleasure to get up to speak on the Local Government (Brimbank City Council) Bill 2009, which has been brought before the house to dismiss the Brimbank City Council; provide for the appointment of a panel of administrators, being three independent administrators; provide for the revocation of the original order in council that applies to Brimbank council; provide for the expiry of the subsequent order in council; and provide for the general election of the new Brimbank City Council.

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

We also had plenty of evidence put forward by the Sunshine Residents and Ratepayers Association on its very good website highlighting a number of the weaknesses in that particular council: the corruption in the council, the decisions that were made at the direction of Labor Party people outside the council and the extent of loans being allocated in one area for sporting clubs and then being removed and given to another area because of decisions that were made outside the council. Even recently the St Albans branch of the ALP was trying to dictate terms on where the new council offices should be built and whether or not they should be on the Errington Reserve.

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

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

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

Mr K. SMITH — The member for Keilor.

Mr Nardella interjected.

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

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

We have seen it happening in local government time and again. As soon as Labor councillors get involved they get directions from outside bodies, which is what...
The member for Melton should not interject.

This is Bill Scales’s report on what he found in the somebody who had been appointed by the minister. was then being investigated or watched over by appalling, from a council that had been replaced and to advance his personal business interests. This is he attempted to use his elected position as a councillor with his public responsibilities as a councillor. At worst councillor confused his private commercial activities contacted council staff to have things changed. One councillors. Three councillors had inappropriately in relation to their responsibilities as issue with a council. Another four councillors acted councillor attempted to inappropriately intervene in an was appalling — this is not the old council. One showed that some of what the new council got up to the minister tabled the report in September. That report covered from 11 May to 11 June. I ask the minister whether a copy of that was given to us here in the Parliament. I do not think it was. I wonder what was suggested by Bill Scales at that particular time? I wonder what direction or advice he may have given the minister and why it was not tabled in the house?

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

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

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

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

Mr Nardella — Cry!

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

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

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

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

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

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

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

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

Why would they not support a bill that brings that forward? I listened to the debate very carefully, and the only interesting thing I picked up was something said by the member for Mornington. The member for Mornington is the shadow parliamentary secretary for local government. He made a very interesting point when he was making his contribution to the debate on
the bill — that is, that opposition members do not support the bill but do not oppose it — when he suggested that council elections should be on the same day as the state election. I was a little confused, because I did not know it was Liberal Party policy that council elections should be held on the same day as state elections. I would think that probably a number of councillors of all political persuasions would have a great deal of difficulty with that as a proposition to go forward with into the future. I was surprised by that.

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

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

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

Mr INGRAM (Gippsland East) — I rise to speak on the Local Government (Brimbank City Council) Bill 2009. Many members have said they are proud to speak on this bill, but I am not necessarily proud to do so. This bill comes after a fairly disappointing process that highlights what happens when a level of government goes wrong for some reason, and that has been well discussed in here and by the public. The history of the dysfunctional and inappropriate behaviour of the Brimbank City Council has made its way into this Parliament on a number of occasions.

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

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

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

We have seen other cases where councils have been stood down. It is not a decision we should take lightly, and it is not one that this Parliament should take often. A number of people on both sides of this debate seem to be looking through rose-coloured glasses. Some
members on the opposition side of the chamber think everything looks fine, but under the previous government all councils across the state were dismissed, and many of them were well-functioning local governments. I stand by the comments I made on a number of occasions, that the dismissal of local government at that time was a large part of the reason the Kennett government suffered such a large setback in regional areas. Because people had access to local government, the dismissal of local government was a very damaging process that damaged the government’s vote right across the area.

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

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

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

There is no doubt that we want to know who the administrators are, because how can we come into this place, hand on heart, and support the bill when we do not know who the administrators are? If they are Labor Party hacks, how can we possibly support the piece of legislation before us? Maybe the minister in his summary will announce who the three administrators are, and once we know who they are we may have a different approach to this bill, but as we do not know, our stance is that we do not oppose it.

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

Mr Stensholt interjected.

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

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

Mr WELLS — On the point of order, Acting Speaker, the point I am making is that we wanted to know what involvement the Minister for Planning, who was the local member in that area, had in the dodgy deals and corruption within Brimbank. I ask you to rule the point of order out of order.
Mr Stensholt — On the point of order, Acting Speaker, I support the point of order. The bill is about local government arrangements. It is not about what happens in the Public Accounts and Estimates Committee. The Public Accounts and Estimates Committee deals with estimates; it does not deal with other matters. I am sure the deputy chair of the committee knows as well as the chair that we deal with the estimates. The Premier said that we could ask any questions of the minister about the estimates and that he would answer questions about the estimates. The member for Scoresby knows full well that PAEC is not a fishing expedition; it is a matter of asking questions about the estimates. I suggest that the member for Scoresby read the act and read the objectives of the committee.

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

Mr Wells — Can we stop the clock?

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

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

Mr Wells — Thank you for that guidance. At the end of the day this is about the Labor Party and the corruption in Brimbank. There is a real smell about it, which involves Labor Party members. It involves the Minister for Planning, Justin Madden. What we want to know is: when did the Minister for Planning know what was going on in his electorate office with Hakki Suleyman? We asked the question: at what point did the minister know what was going on in his electorate office with regard to dodgy deals and standover tactics with the Brimbank council? Do you know what the Minister for Planning said? He said, ‘I only found out about it when the Ombudsman’s report came out’. No-one in their right mind could possibly believe that in a pink fit, but he was trying to tell us that once he had read the Ombudsman’s report he knew. My understanding is that he had been the local member there for about seven years, and my understanding is also that Hakki Suleyman worked with him for a number of those years, so I dispute what the minister said.

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

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

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

Mr Wynne (Minister for Local Government) — In summary, I thank members for their contribution today. I acknowledge the cooperation of the shadow Minister for Local Government in bringing this bill on expeditiously. It was important to us, and I thank the opposition parties more generally. We think it is important that we get this bill into the upper house as soon as possible. We would seek to negotiate a similar outcome in the upper house and have the bill dealt with expeditiously, because it is important to put in place administrators to run the Brimbank council going forward.
When he took on the job of monitoring the council, Mr Scales indicated that he was not in a position to be able to take on any further duties on a full-time basis as a potential administrator going forward, but he was prepared to take on interregnum — between the suspension and the subsequent passing of the bill through the house — the position of administrator.

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

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

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

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

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

Mr K. Smith interjected.

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

Mrs Powell interjected.

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

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

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

Mr Smith interjected.

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

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

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

Mrs Fyffe interjected.

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

Honourable members interjecting.

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

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

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

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

Mrs Powell — Since when?

Mr WYNNE — It has been available since 15 September, the day the second report was tabled. It is available and has been available now for some weeks. I do not know what the imputation in that was, but that report is open and available. Members will find that it is a process report which indicates what Mr Scales was up to in the first few weeks of his commission in overseeing the council’s activities.

For this side of politics — and here I speak for myself, as someone who has come from a local government background, somebody who has had the honour of representing people in the great city of Melbourne and had the opportunity to hold the highest local government position available — —

Mr Smith interjected.

Mr WYNNE — Are you finished? Stop being a fool. Get serious about it!

I have had the opportunity of being the lord mayor of this great city of Melbourne. I did not come easily to this decision to sack this council. It is not a decision one makes easily, to say we are going to take away the democratic rights of a community, which is a very, very serious — —

Mr Smith interjected.

The ACTING SPEAKER (Dr Harkness) — Order! The member for Bass has had his opportunity to speak and he will not interject in that loud manner.

Mr WYNNE — It was not easy to make that decision to sack a council. The decision was one that had to be taken because the evidence was overwhelming. The independent advice was provided
to me by Mr Scales and was of a high standard and came from a person of high standing in the Victorian community. Mr Scales has tried very hard to look at that council in an objective way. He reached the conclusion that good governance was not being served by the continuation of that elected council and that we needed a period of time to break down this culture and to give the council the opportunity to regain community confidence. This community confidence in an elected council will be put in place under this bill along with the full cycle of council elections in November 2012.

Subject to the bill being passed in Parliament, we will have the administrators in place hopefully by mid-November, which will be a very important message. It is an onerous task that the administrators will have to take on for a three-year period, but I am confident that we will find administrators of standing who will very much look after the interests of the council and the community of Brimbank going forward.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT BILL

Second reading

Debate resumed from 17 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Sentencing Amendment Bill 2009 is a bill to require that a court must have regard to a motivation of hatred or prejudice against a group of people in sentencing an offender. The bill does this by inserting into section 5(2) of the Sentencing Act 1991 the following paragraph as one of the matters the court must have regard to in sentencing an offender:

(daaa) whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

The Liberal Party and The Nationals support this bill. We support it not necessarily for the reasons the government announced it or introduced it and certainly not in the belief that it goes anywhere near being enough to tackle the ever-increasing levels of violence on Melbourne streets. However, we support it for the reasons I will give.

The Liberal Party and The Nationals believe in justice for all and in the equality of all before the law. We believe that everyone who lives in or visits Victoria should be able to walk the streets and live their lives without fear of violence or other crime, regardless of their race, religion or background. We also believe that Victorians are entitled to expect that in order to protect their safety their government will ensure that there is a zero tolerance approach to violent crime, that there are sufficient police on the streets to uphold the law and that there is strong and effective sentencing.

The Brumby government has manifestly failed in its responsibilities in these regards, leaving judges to cope with an increasingly inadequate and ineffective sentencing regime, as was the case when it came to the recent sentencing of the ringleader of a particularly horrific and tragic gang attack that led to the untimely death of a young university lecturer from Victoria University, leaving his wife without a husband and his daughter without a father.

Nonetheless, as Justice David Harper rightly said in passing sentence in the case, and I quote:

Everyone in this city, in this state, and in this country — visitors, students, residents, everyone, whatever their race or gender or beliefs — has the right to walk its streets without fear. This is a fundamental right, one which all of us are entitled to take for granted. It is a necessary element of any decent community. You have flouted that right. You have added to the level of community fear, and fear is a particularly corrosive force. You have therefore diminished the quality of life of us all. You must pay the price.

Crimes that attack a person because of a recognised group characteristic can have a particularly harmful effect, not only on the direct victim but also through the creation of justifiable fear in the minds of other members of the group that they might also be the subject of similar attacks as they go about their lives. Crimes that are overtly motivated by hatred or prejudice against a person’s shared beliefs or sense of identity may also be more hurtful to the victim than a similar crime where they may have been a random victim. This can be because the hatred or prejudice adds to the hurtfulness of the crime itself, and also because a prevalent motivation of hatred or prejudice can add to the victim’s own fear of being at risk of further similarly motivated crimes in future.
Many of us in this house might never, or only seldom, have found ourselves in the position of being associated with a group that exposes us to a serious ongoing fear of criminal attack. However, for those of us who are Caucasians, we need only imagine the situation if we were to live in another part of the world where Caucasians were in a minority and where the young thugs of the town got into their heads that it was cool or fun or the expected thing to do to taunt, abuse or bash anyone who was white, or vandalise their homes or other property. We can readily imagine that even if we were not the direct victim of such an attack, we would spend our lives in ongoing fear of attack not only for ourselves but for our spouse, our children and our other loved ones. We would look to the authorities where we were living to protect us, to have police act vigilantly against such racially motivated crimes and to have penalties for offenders that sent a clear message that such racially motivated crimes would not be tolerated. It should be likewise in Victoria.

When crimes against a person because of a group characteristic have those particularly harmful effects, it is appropriate that such crimes receive a particularly strong sentence. Such sentences are needed in order to reflect community denunciation of that type of conduct, to deter that offender and other like-minded potential offenders, to protect the community from that offender and through this, in appropriate circumstances, to reassure members of the group who might be in fear of future attacks that the community as a whole upholds their right to be protected from crimes against them.

We believe that the recommendations of the Sentencing Advisory Council, which are given effect by the bill, allow for these principles to be confirmed in legislation while avoiding the problems that may have been created by some other possible approaches. The bill in fact codifies what the law already permits and requires, as paragraphs B.1 to B.7 of the Sentencing Advisory Council report and the cases cited therein make clear. Codifying the existing law serves the worthwhile purpose of putting beyond doubt, and emphasising to persons who feel exposed to crimes motivated by group hatred or prejudice, that the community deplores such crimes and that sentencing criteria are available to play their part in deterring such crime and protecting against those who commit these crimes. In other words, the bill, in the terms recommended by the Sentencing Advisory Council, is about dealing with those cases of criminal conduct that have a particularly hurtful impact on victims or other members of the community.

In a similar way the Parliament has in the past, both in 1994 and 2005, codified into section 5(2) of the Sentencing Act requirements to take into account various aspects of the effect of the crime on the victim, something that was already relevant at common law but which it was beneficial to codify. The fact that, other things being equal, we would expect a harsher punishment to be applied to a crime against a young child, for example, because of the trauma and violation of trust and innocence involved, is in no way inconsistent with the principle of equality before the law.

We believe that the Sentencing Advisory Council has in fact saved the Attorney-General from a very dangerous direction in which he appeared to be heading when he first announced an intention to legislate, a direction which in fact risked creating division and disharmony and giving the impression that some groups in the community enjoyed greater protection from the law than did other groups or ordinary citizens.

In accordance with the Sentencing Advisory Council’s recommendation, the bill does not single out particular groups for protection but instead applies whenever hatred for or prejudice against a group with common characteristics with which the victim is associated is involved. In other words, the same sentencing principle will apply to all groups whether they be groups often featured in public discussion or any other group.

I take for example a situation referred to by Cardinal George Pell in his address to the Oxford University Newman Society on 6 March this year which was entitled ‘Varieties of intolerance — religious and secular’ in which he spoke of the aftermath of the Californian referendum on proposition 8 in November 2008, a proposition which defined marriage as being the union only of a man and a woman. Cardinal Pell referred to the fact that there had been assaults and death threats against supporters of proposition 8, and vandalism and intimidation at Mormon temples and Catholic and evangelical churches.

The law before us today would apply just as much to those who attacked those who supported proposition 8 as it would apply to anyone who attacked opponents of proposition 8. In a Victorian context the law will apply just as much to those who engaged in violent criminal conduct against workers on the West Gate Bridge as it would apply to anyone who committed a criminal act against a person because they were a trade unionist. Likewise, it will apply in cases of violent crime by persons of any race against persons of any other race where that crime is motivated by racial hatred or prejudice. It is thus unfortunate that the Sentencing Advisory Council said at paragraph E.4 of its report:
The council takes the view that courts are best placed to identify and develop the groups to which the aggravating factors should apply on a case-by-case basis.

With all respect to members of the council, the proposed law is clearly intended — for the reasons that I have given and as other parts of the Sentencing Advisory Council’s own report point out — to apply in relation to all groups, and any suggestion that the bill does or should require the courts to develop an approved list of groups to which the law is to apply, with the law not to extend similar protection in similar circumstances to other groups, is to be deeply deplored. Rather, it would be correct to say that the courts will over time need to work out the details of the manner of the application of the criterion to various types of circumstances, including the weight to be attached to the criterion in the bill in various types of circumstances. It has to be recognised that because the criterion will apply in relation to any group it will be triggered by a wider range of circumstances beyond those that might most obviously be contemplated.

For example, it will be triggered if members of a bikie gang murder or assault members of a rival gang due to hatred of the other gang. It will also be triggered if prisoners bash another prisoner because that other prisoner is known or suspected to be a paedophile. There will also be instances where attacks are motivated in whole or in part by hatred or prejudice on the part of an individual offender that is either unique or near unique to the offender concerned. To give some examples which hopefully are purely hypothetical, there could be assaults or vandalism motivated by the fact that the victim was a cat lover or a china ornament collector or a jogger.

Then there is another category of cases where there may well be attacks that are unfortunately more than purely hypothetical, even though they might not fall into groups that would be most readily contemplated. By way of example I refer to the possibility of attacks on people triggered in part because of the football team that they support or, as reportedly occurred in the United States at the height of the fear about a global economic crisis, attacks on people because of their employer where their employer had received rescue funds from US authorities. In dealing with this wide range of circumstances that can trigger the provision, the courts should — and I expect will — apply this new criterion in accordance with established sentencing principles and having regard to the purposes of the amendment and the rationale that I have discussed as to the circumstances in which a more severe punishment for a crime motivated by a group characteristic is justified. In other words, the fact that group hatred or prejudice is involved in an offence does not alter the court’s discretion as to the weight, if any, that the court ends up giving to that factor.

It does not mean, for example, that someone who bashes a member of a rival bikie gang must receive a harsher punishment than they would receive for inflicting similar injuries on an innocent member of the public. To take another example, there might be an attack that is motivated by a near-random obsession of an individual offender in relation to their hatred of or prejudice towards a particular group characteristic. The consequence of instilling ongoing fear in members of that group may be less than where there is a series of widespread attacks on members of that group. However, even in that case there may still be some element of fear of future attacks by that individual offender on other group members and there may still be elements of denigration of the individual victim based on their group association. In cases of more widespread attacks on people, motivated by association with a particular group, it may be that the weight the court will place on that criterion will vary in part with the prevalence of that particular motivation and therefore with the importance of deterring attacks made with that sort of motivation.

The Law Institute of Victoria has suggested in correspondence with me, and I gather it has raised a similar point with the government, that it would better if the amendment commenced with the words ‘the degree, if any, to which the offence was motivated by hatred or prejudice’. The institute makes that argument because it is fearful that the amendment as worded would make it mandatory that some additional penalty be applied if the relevant motivation was involved, to whatever extent it may be involved and however small that extent may be.

However, the departmental officer who briefed the opposition on the bill indicated that it would be open to the court to conclude, after having had regard to the criterion in a case where regard was required to be had to the criterion, that the criterion would not in that case result in any consequence for that sentence. In other words, it remains completely open to the court as to what weight it attaches to the criterion, including in some cases to decide that it does not have any consequence at all. It seems to me that that view is correct and that if it is correct, that will allay the concern of the law institute. However, to help resolve the law institute’s concern I think it would be desirable for the Attorney-General to confirm the department’s view of the provision on the record in the course of the debate on the bill.
It is also important to make clear that the bill relates to the nature and extent of the punishment to be applied for existing crimes. The bill does not create a new category of offences, either by separately defining existing offences as being liable to specified higher sentences where an element of hate or prejudice is involved or by creating a new type of sentence based on so-called ‘hate speech’. The latter approach in particular can easily turn into a recipe for intolerance and censorship of public debate, as overseas experience has unfortunately shown. A move to adopt laws along those lines can all too easily and rapidly move away from Voltaire’s maxim that one may disagree with what you have to say but defend to the death your right to say it.

It has proven far too easy for dominant groups to use such laws to seek to gag those with whom they disagree rather than address and respond to their arguments. A civilised society can and should distinguish between cases such as obscene or vile hate mail stuffed into the victim’s letterbox, which should be banned and punished, and on the other hand propositions, advocacy and commentary about the merits of various moral, ethical, religious or social policy issues which should be protected under Voltaire’s maxim regardless of how strongly one might disagree with what is being said. It is unclear from the expression ‘hate crime’ as to which of these various possible types of situation is being referred to, and for that reason it would seem preferable for people to use a more specific term to indicate what they are intending to refer to in any particular context.

Another issue that arises in relation to the bill is its application by force of clause 4 of the bill to sentences that are imposed after the commencement of the amendments regardless of when the relevant offence was committed. This raises the issue of whether the operation of the law is retroactive in violation both of general principle and of section 27(2) of the Charter of Human Rights and Responsibilities Act 2006. That subsection provides:

A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The statement of compatibility for the bill gives two justifications for clause 4. The first justification is that the amendment simply reinforces existing sentencing practice without changing the sentencing court’s discretion. The second justification is that the prohibition against retroactive imposition of greater penalties applies only to maximum penalties, as allegedly reflected in Australian and international jurisprudence. I have to say that the second justification smacks yet again of George Orwell’s Animal Farm and of the pigs at work at night with a bucket of whitewash on the rights written up on the farmyard wall, as occurs far too often under the current government. On the other hand, the first justification is a further confirmation that the government accepts that the bill codifies rather than alters the existing law, and on the basis that that is the case it avoids issues arising in relation to clause 4 of the bill.

Members of the Scrutiny of Acts and Regulations Committee, in their usual diligent manner, have been through the bill very carefully and raised similar concerns about the fact that the amendment applies not only to any proceedings commenced after the amendments but to any sentence imposed after the commencement. For example, it will apply even if a guilty plea has previously been lodged or an appeal is under way. The Scrutiny of Acts and Regulations Committee quite rightly raised the question whether or not that creates an infringement of the Charter of Human Rights and Responsibilities Act 2006.

The first of the justifications that I referred to previously will also apply to those concerns, but I think it is fair to say that the form of the transitional provision may raise practical issues which the Attorney-General needs to address. I also raise one other practical caveat, which is whether the procedures that apply for evidence of the relevant motivation to be put before the court will work effectively in practice. On the one hand those mechanisms need to operate so that the necessary evidence will be able to be put to the court and be able to establish beyond reasonable doubt the relevant motivation so the court is able to apply the criterion where it deserves to be applied. On the other hand the legislation needs to operate in practice so as to avoid unintended additional delays in the Victorian court system, particularly given that the court system is already struggling to cope with a growing backlog of cases. The Attorney-General must ensure that the implementation of this amendment does not result in serious unintended and deleterious practical consequences as have resulted from his mishandled implementation of the new sexual offence case procedures in the County Court.

So far what I have had to say relates to the bill itself. I now want to examine the context in which this bill is being introduced. It is no use passing laws such as these if existing laws that should be protecting people against hate-motivated crimes are not being enforced. I refer to the case of Mr Menachem Vorchheimer, who was bashed in what seemed clearly to be a racially motivated attack by a group of footballers, yet he has been put through enormous delays and difficulties in
trying to get any justice for his case, despite it involving a manifest breach of the existing criminal law.

Wherever you look Victoria is suffering from a chronic failure of the Brumby government to actually apply and enforce the existing law, whether it be with taxis, brothels, bouncers, state-supervised accommodation, educational institutions for overseas students, licensed venues, local government corruption, child protection or the racing industry. There is no benefit in Parliament passing new laws if the Brumby government cannot or will not enforce them.

When the government announced its intention on 2 June this year to legislate along the lines that have ended up incorporated in the bill before the house, the proposal was put forward as a key strategy to tackle the growing levels of violence in our community, particularly the spate of horrific attacks against Indian students. The government repeats the claim in the second-reading speech, stating that urgent advice from the Sentencing Advisory Council was sought:

In response to increasing reports of offences that may be racially motivated …

It should be made completely clear that this legislation will make minimal overall difference to the growing levels of violence in our community, be that violence racially motivated or otherwise. In the face of its abject failure in handling the issue, the government has rolled out a proposal which it had been developing for some time for the limited but worthwhile purpose of responding to concerted hate-motivated attacks against members of the Jewish community and other readily identifiable minorities and has attempted to use that proposal to be seen to be doing something to respond to the wider problem of soaring levels of violent crime across the state.

However, simply announcing or enacting these laws cannot cover up for the government’s chronic failure to put more police on the streets and to ensure sentences for all violent crimes are tough enough. The best thing the Brumby government can do to protect both visitors and Victorians alike is to ensure our streets are safe for everyone, and that means more police on the streets and tougher sentences. It is no use having new laws if violent criminals are not being caught in the first place because there are not enough police on the street.

As I have made clear earlier, courts already take into account motivation and hatred in sentencing an offender. The main problem with our existing sentencing regime is that sentences for violent crime are not tough enough across the board. For example, most violent offenders are not even being sent to jail, and even with regard to people being found guilty of causing serious injury, more than 80 per cent of offenders receive a minimum sentence of two years or less in jail. What the community desperately needs is more police on the streets, a zero tolerance approach to violence and laws that will result in tougher and more effective penalties to protect the community against violent attacks on any member of the community, regardless of their race, religion or background.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Sentencing Amendment Bill 2009. I am glad that the opposition is supporting the bill as I believe any fair-minded person in Victoria will support it. It is a continuation of the government’s commitment to give everyone in Victoria a fair go. It builds on previous legislation such as the Racial and Religious Tolerance Act 2001 and extends those provisions for people in our community.

The bill follows public statements made by both the Premier and the Attorney-General in May this year. They indicated they would be addressing community concerns about racial and other motivations in offending. The Sentencing Advisory Council once again produced an excellent report. I am most impressed with the work the Sentencing Advisory Council has done since it was set up in 2004. Its reports are always of a high standard. In this report it clearly explains why hate crimes are a new aggravating factor or why they are a more serious offence even though the action may be similar.

I refer to the Sentencing Advisory Council report under the section ‘Increased offence seriousness’. The report says:

The fact that an offender was motivated by hatred or prejudice increases the seriousness of the offence that he or she has committed, as compared to similar offences that were not so motivated.

That is a really significant point and perhaps a difficult one to come to grips with. The report goes on to say:

The seriousness will be further compounded where the offender has committed the offence with other people.

The next point is:

The seriousness of a particular offence can be measured by the following two components:

1. The gravity of the offence, that is, the harm caused or risked by the offender’s act (or omission).
2. The offender’s culpability and degree of responsibility for the offence.
The report continues:

Culpability, or blameworthiness, reflects the extent to which an offender should be held accountable for his or her actions by assessing the offender’s intention, awareness and motivation in committing the crime.

The report refers to the European Court of Human Rights and says that in a number of recent decisions this court has:

… emphasised the importance of identifying whether violent offences were motivated by hatred or prejudice …

Quoting the European Court of Human Rights, the report continues:

when investigating violent incidents … state authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events.

The Sentencing Advisory Council’s report continues:

Where it is established that an offender was motivated (wholly or partially) by hatred or prejudice, it is likely that the sentencing court will find that both the harm caused by the offender and the degree of the offender’s culpability are greater than if the offence had not been motivated in this way.

This bill really is quite a significant step and in some ways puts quite considerable responsibility back onto judges and courts in terms of assessing the sorts of sentences that should be handed out for these types of offences. The bill highlights community condemnation of crimes motivated by prejudice and recognises the increased culpability of offenders who are motivated by these prejudices.

The substantive amendment inserts a new paragraph into the Sentencing Act 1991, section 5(2) of which lists the factors a court is required to have regard to when sentencing an offender. The new paragraph specifies that the court is required to have regard to whether an offence was motivated by hatred or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

The amendment reinforces current sentencing practices. Existing principles require that the courts take into account the nature and gravity of the offence, the offender’s culpability and the impact of the offence on victims in determining sentence. The amendment does not fetter judicial discretion. As I mentioned, it is still up to judges to decide what is the most appropriate sentence for these offenders, taking into account the provisions of this bill.

In terms of the community at large, Victorians are very keen that everyone should have the right to the same level of justice and to be treated with the same level of respect, and this bill is a way for the government to reaffirm its view that Victoria is there for all Victorians, regardless of what their background is, what group they belong to or what areas of life they might be involved in. The member for Box Hill very clearly outlined some of the instances where actions would be covered by this bill.

In relation to an increased court and legal workload that the member for Box Hill also mentioned, the amendment in fact cannot increase the workload because it is not actually changing the process; it is just changing the sentencing. It should not have a significant effect on judges’ work.

Another thing that is really important is that it gives victims of hate crimes some comfort in knowing that these hate crimes will not be tolerated. This may reassure victims that the offender’s motivations were appropriately taken into consideration and may reassure other members of the same group with common characteristics that these types of crimes are not tolerated. I think there are people in the community who experience crimes of hate and who do not report them to police, thinking that no action will be taken. This bill sends a very strong message to the community that the government is serious about treating people fairly. That is of course one of the reasons the bill was brought on quickly.

The bill covers some other areas which are of concern to the community. The substantive amendment is intended to promote protection of groups of people with common characteristics such as groups characterised by religious affiliation, racial or cultural origin, sexual orientation, sex or gender identity, age impairments that come within the meaning of the Equal Opportunity Act or homelessness. It also applies to victims associated with those groups in the broadest sense. This includes not only members of those groups but also a good Samaritan coming to the assistance of a member of such a group during an offence, an advocate or a lobbyist for the group, someone in employment related to the group or a family member or acquaintance of a member of such a group who is victimised due to hatred or practice against the group. So the provision is very broad, and I think the community will appreciate that.

The provision may also apply to offences against property not owned by the victim, such as in the instance of graffiti that is motivated by hatred or prejudice against the relevant group. As I said, it is
really quite broad. It has been strongly supported by groups such as the Victorian Equal Opportunity and Human Rights Commission, the Jewish Community Council of Victoria, the State Zionist Council of Victoria, the Ethnic Communities Councils of Victoria and gay and lesbian groups among other community groups.

In relation to ensuring that laws are enforced, I would just like to say that in my electorate of Essendon there is a much more widely visible presence of police now than when I was elected in 1996.

Dr Sykes interjected.

Mrs MADDIGAN — Since we came into government the number of police in Moonee Valley has increased by 12.1 per cent, and that is a fair sort of increase. That is of course apart from other police working in regional and divisional operations roles such as intelligence, crime and trafficking, tasking units, task forces, child abuse units and proactive policing programs.

What has the result been of that? The result has been a significant decrease in crime. Since 2000–01 the crime rate in the Moonee Valley police service area has fallen by 23.2 per cent. That is almost one-quarter of the crime that had been occurring during the previous decade. That is really significant. There are more police, and the community is certainly well aware of it.

Perhaps the member for Benalla does not walk down Puckle Street very much, but if he were to walk down Puckle Street on a fairly regular basis he would see very visible police patrols in the community. Their presence is not only in major shopping centres in Moonee Valley but also in residential streets. Members of my community have spoken to me about how reassuring it is to see this increased presence of our police. That links very strongly to our justice portfolio.

I congratulate the Sentencing Advisory Council on its excellent report, and I hope all members speaking on this bill have read it. I am very pleased this bill has been brought before the house and is being supported by all parties, and I look forward to it being passed by the upper house and becoming law.

Dr SYKES (Benalla) — I rise to contribute to debate on the Sentencing Amendment Bill 2009, and I wish to indicate I am certainly not opposing the bill. The purpose of this bill is to amend the Sentencing Act 1991 to provide specifically that in sentencing an offender a court must have regard to whether the offender was motivated by a hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

We have been treated to an outstanding dissection of the technical aspects of the bill by the member for Box Hill. I wish to focus my presentation more on the context relating to the introduction of this bill. In doing so I refer to a research brief prepared by parliamentary services researcher Rachel Macreadie, who I congratulate for pulling together a good overview of the bill and its background.

As has been noted by others, page 2 of the research brief states:

In his second-reading speech the Attorney-General stated that the bill originated from advice received and sought by the government from the Sentencing Advisory Council in response to increasing reports of offences that may be motivated by a hatred or prejudice against certain racial groups.

I emphasise the term ‘may’ because the technical base for the wording ‘may be racially motivated’ seems to be 10 or 15 references listed under the heading ‘Hate crime in Victoria’ on page 6 of the research brief prepared by Rachel. When I look at those references I see that they are media reports and media releases. We have the Age, the Sydney Morning Herald, the Herald Sun, the Age again, a media release by the Premier, another media release by the Premier, an ABC report, a media release by Victoria Police and another media release by Victoria Police. With due respect to our media and Victoria Police, these are not what I consider to be peer-reviewed professional publications, and I note that even this presentation of the information in fact contains a view contrary to the suggestion that this crime may be racially motivated in reference 16, in which Victoria Police comments that there is no evidence to support the contention that Indians are targeted. Just to be a little bit technical for a moment, I note that the absence of evidence of a hate crime is not evidence of the absence of a hate crime. We need to be very careful about the facts upon which this legislation is based.

That said, let me make it very clear that I strongly support the principle of every Victorian feeling safe in their home and safe in the street. However, I am raising a concern about how this government goes about the formulation of legislation and regulations, because we have seen in other exercises and so-called ‘evidence-based proposals’ that when we have looked in some detail we have found the evidence to be flawed or incomplete. It would seem to me that this is perhaps another example of incomplete evidence. There is certainly no provision of professionally refereed
If we then look at the impact of this proposal, the government's form with other pieces of legislation for which the evidence base has been found wanting.

I want to reiterate and make it very clear that I support the right for everyone to feel safe on our streets; I am just questioning the approach of this government in relation to this piece of legislation based on the government's form with other pieces of legislation for which the evidence base has been found wanting.

If we then look at the impact of this proposal, the second paragraph on page 2 of the research brief makes the comment that the Attorney-General:

… noted that this amendment would not fetter judicial discretion but rather it 'reinforces the longstanding position that it is relevant for a sentence to consider antisocial motivations of offenders'.

Further, on page 5 the research paper states:

Nonetheless, media reports have cited the Attorney-General as noting that the proposed further provision will not guarantee that an offender will receive a higher sentence as the additional provision is only a sentence guideline with decisions still left entirely to the judge's discretion.

So people ask, 'Why are we doing this'? The people who have written to me — and I am sure they have written to other MPs — include Peter Stevens from FamilyVoice Australia, who raised the issue of whether this is an actual advancement of the power of stiffer penalties or window-dressing. Similarly Jenny Stokes from Salt Shakers raised the same question: is it in fact going to have an impact, or is it window-dressing? Both those people, along with all of us I think, want safety and security for everyone. As the member for Box Hill asked, how can we achieve safety and security for everyone if we are raising some doubts about the impact of this proposed legislation? There is a very strong view on this side of politics, contrary to that of the member for Essendon, that there is an insufficient police presence on the streets. Why else would we have police being taken from rural Victoria to go down to the hot spots in the Melbourne central business district to increase temporarily the presence of police on the streets, if there is not a shortfall?

Secondly, what is the government doing about investigating the role of alcohol and drug abuse in the violence and disgraceful behaviour that is being reported repeatedly in the media at the moment? Are police officers enforcing existing legislation in relation to violence? Have they undertaken drug and alcohol testing of the alleged offenders to check whether that is a major issue? If so, are they enforcing the responsible service of alcohol guidelines? Are the police supporting and encouraging liquor accords? If the government were fair dinkum, these are the fundamental steps that would be taken to protect all Victorians, including those of races other than white Anglo-Saxon people who are part of this country.

If we are fair dinkum, the government should be moving towards tougher implementation and enforcement of existing legislation, looking at the role of alcohol and drug abuse in this and looking at tightening up the provisions for the service of alcohol. As this particular move appears in some ways to be a shift towards tougher sentencing, albeit that it seems to lack teeth, as the member for Box Hill mentioned, we are looking at moving towards minimum sentencing. Hello! That move has been strongly supported and recommended by both the Liberal Party and The Nationals for a long time. If the government is going to be fair dinkum about protecting the wellbeing of all Victorians and all people in Victoria, then let us move to minimum sentencing to deal with these outrageous crimes against people. Let us move to having a situation where all Victorians feel safe, with more police on the street and respect for our police by reintroducing the Police in Schools program so that all members of our community can interact with and respect the police and work with them and respect the blue uniform. Let us have enforcement of existing legislation to the point where I am sure the legislators intended it to be enforced when it was passed through this Parliament.

With those remarks I say: if we are fair dinkum, let us protect the safety of all Victorians by enforcing existing legislation.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Sentencing Amendment Bill 2009. As has been stated by previous speakers, the purpose of this bill is to amend the Sentencing Act 1991 to provide specifically that in sentencing an offender a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

Supporting this bill gives me great pleasure because my loathing of racism and bigotry was the motivating force for my engagement in politics when I was an adolescent. Members may remember some of the debates around Asian immigration and issues that arose during the 1980s. My aunt is from an Asian background, and I found such debates reprehensible; I also saw the effects that racism can have on people in a
society. The most reprehensible form of racism that I can think of is violence associated with racism. Let us not pull our punches: violence associated with racism not only injures those who are attacked and suffer the violence directly but often seeks to terrorise members of particular groups in the community and destroy their capacity to interact as full citizens within the community. This is truly a reprehensible form of activity. I am glad that this government is taking action to ensure that these issues have to be taken into account when sentencing. As stated previously, the bill does this by amending section 5(2)(d) of the Sentencing Act 1991. It does so in response to reports of increasing violence which has been motivated by racism.

I believe that Australia is a great success story in multiculturalism. Much has been achieved in Victoria particularly but also across Australia. A research paper regarding intermarriage was published in *People and Place*. That is a good measure of the success of the integration of Australian society and the ability of different races and persons of different ideologies and political persuasions who come to Australia to live together. The article showed that Australia is a great success story: by the third generation within Australia people tend to intermarry at rates much higher than 50 per cent.

I note that the member for Scoresby, like me, is married to a person who was born overseas. It is a testament to Australian society that we are so successful. However, sadly, not everyone is as open minded as most members of this house — and I am pleased to say that this bill is receiving support from opposition parties. A small minority of persons are bigoted and seek to use violence to enforce their bigotry and ruin the lives of others.

It is worth noting the history of racial violence in the seat of Preston. The father of my predecessor, Michael Leighton, fled Nazi Germany. His father was of Jewish heritage, and he had his German citizenship stripped by the infamous racial laws of the 1930s. Luckily he escaped on the Kindertransports just prior to the outbreak of World War II. If he had been unable to do so, I am sure he would have died, like the other members of his family who were left behind in Germany.

In western civilisation racial violence has a dark and bitter history, one upon which we should always reflect. I am glad to say that far from Victoria being a state which enforces racism and brutal racially based violence on the citizenry, we have a government which is committed to ensuring that every citizen in Victoria is free from being terrorised by mindless violence committed with motives of racism or other forms of bigotry. It is not just persons who are born overseas or who come from identifiable racial groups who are subject to violence. People of different sexual orientation and other identifiable groups in the community can be terrorised. Often the purpose of such violence is to enforce particular repressive orders in society. As has been noted by other speakers, such violence and hate crimes do not affect just the person directly; they affect many others who associate with those persons and their friends and family who personally identify with a group which has been attacked. This can have a tremendously negative impact on persons and ensure, as I said earlier, that their participation in society is curtailed.

I note also that in the discussion in the second-reading speech the Attorney-General touched upon the good Samaritan clauses, because there have been horrible instances where persons who have intervened to help someone who has been attacked have themselves been subject to violence. Like others on the government side and I hope on the opposition side, I would see this as an equally reprehensible act which is related to the original bigoted assault. As a society we do not tolerate violence against persons, and we certainly do not tolerate bigotry, and the combination of the two is about as disgusting a thought as I can have as a member of our community.

The great success of Victoria as a multicultural society and the issue around overseas students and perceptions around attacks on overseas students have been touched upon. I note that the value of the education industry in Australia in 2008 was estimated to be $15.5 billion, and Victoria has a very large share — I think it is a 30 per cent share — of overseas student enrolments, so Australia’s reputation overseas is important. However, from my perspective that is a secondary issue. The issue that is significant for me as a member of this place is the right of Victorians — wherever they come from, whatever their cultural beliefs, whatever group they identify with or are identified with by others — to live free from violence in a society that respects them and rejects bigotry entirely.

It is worth noting that, sadly, bigotry in Australian society has a long and rich history, so to speak. I mean rich in the context of its being deeply ingrained in our society and not that it is worthy of praise. For instance, the immigration restriction act which reflected the White Australia policy was, if not the first, one of the first acts passed by the federal Parliament.

We had a longstanding tradition up to the 1960s of entrenched discrimination against Aboriginal
Australians and discrimination in our immigration policy against persons who were not white. This is a sad tradition which I hope all Australians would vigorously seek to overturn. The last vestiges of the bigoted history of our country are slowly being swept away by those who are more open-minded and who see people for what they are, for the content of their character and not the colour of their skin, their sexuality or other characteristics which define them.

Nonetheless, there is always more work to be done to ensure that bigotry has no place in our society, and I am proud to be supporting this bill. I commend the bill to the house and wish it a speedy passage as it will help ensure that Victoria has the sort of society we can all be proud of, where people are treated with respect and judged by their character and not characteristics by which they define themselves or by which others define them.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Sentencing Amendment Bill 2009. In sentencing an offender a Victorian court must have regard to the maximum penalty prescribed for that offence; current sentencing practices; the nature and gravity of the offence; the offender’s culpability; the impact of the offence on the victim; the personal circumstances of the victim; any injury, loss or damage resulting directly from an offence; whether the offender pleaded guilty to the offence; the offender’s previous character; and the presence of any mitigating or aggravating factor.

I would like to state from the outset that whilst I am supporting the bill, I believe the existing 10 guidelines give a judge ample opportunity to consider at the time of sentencing crimes that are motivated by hate. I therefore have difficulty understanding why the Sentencing Act requires a specific amendment for a court to deliver an appropriate sentence. By taking into account the gravity of the offence, the impact of the offence on the victim, the offender’s previous character and the presence of any mitigating or aggravating factors, a judge should have the tools available to him or her to sentence an offender appropriately.

The purpose of this bill is to amend the Sentencing Act 1991 and specifically provide that in sentencing an offender a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

Hate crimes have historically been directed towards women, homosexuals and religious and ethnic minorities. Recently we have seen this play out before our eyes with the Indian community. There have been a number of high-profile attacks on Indians in the lead-up to the introduction of this bill. We have all seen the images of Indian students, cabbies, petrol station workers and security guards in hospital suffering severe injuries. This has led many people from overseas to believe that Victoria simply is not safe anymore, and they are not the only ones with that opinion. The Age of 25 September reported that attacks on Indians have had a profound effect on Australia’s image.

The government has issued three media releases — on 2 June, 24 July and 15 September — announcing its plan to introduce the Sentencing Amendment Bill to give the impression that it is working to curb violence. If the bill had not been debated in Parliament this week, I wonder how many more releases we could have expected. The coalition has been raising concerns about attacks on international students for nearly three years, and yet the problem has only got worse, not better. This has reportedly left many students too intimidated to report assaults, because many believe the stress of going to court and the risk of an unsuccessful prosecution outweigh the chance of achieving justice.

As happened with the taxidrivers in the central business district, the consequence is that we will see more and more demonstrations in our streets. Because of the strong feelings generated by this subject there is a genuine risk of peaceful protests deteriorating into melees. The solution ultimately comes down to strong law enforcement. We simply need more police on our streets. We have to have a zero tolerance approach in enforcement and sentencing which is in line with community standards.

The coalition announced in September its plans to do away with suspended sentences and home detention. This is a move I wholeheartedly support. Not only will such a move serve as a better deterrent for offenders, it will also mean that offenders will receive proper punishment proportionate to criminal behaviour. In 2006, before the state election, Labor said it supported ending suspended sentences. The Attorney-General even described suspended sentences as ‘get-out-of-jail-free cards’, showing his contempt for the practice. However, Labor’s 2006 legislation restricted the use of suspended sentences for specified serious crimes. Labor is not tough on crime, and a selective approach to law enforcement is not effective.

It is widely accepted that hate crimes represent not just an attack on one’s physical self, but also a fundamental attack on one’s identity. Therefore the impact of the trauma can be felt long after the crime occurs.
However, I know of very few crimes that do not leave a lasting impact on a victim, so does hate crime truly require differentiation? Assault is assault is assault. They are all serious. They all need investigating. They all need punishment.

To get bogged down in politicised amendments to our legislation is wrong. What we need to be paying more attention to is that attacks on individuals because of how they look, pray, behave or sound can indicate the development of a criminal subculture with adversarial values. It is quite interesting that people are often mimicked or picked upon because they may have certain physical impediments, not just racial characteristics. There are people like me who for many years had to have speech therapy because of difficulty in pronouncing certain sounds. We can be intimidated by other people making comments about this. To make comments on anything about a person can destroy that person’s self-confidence.

The aim of such a subculture may be to scare or even eradicate those whom the perpetrators believe represent a threat to their values, or perhaps those who are just more vulnerable than they are. This is very worrying. Gangs that form from a mutual hatred of a group of people based on gender, sexuality, religion or race tend to have better organisation and mobilisation skills, which means they are more menacing than an individual who acts on impulse because they happen to have an opportunity to attack someone belonging to a group they dislike. What is being done by the government to address gangs?

In a US report in 2000 by Karen Umemoto and Kimi Mikami, *A Profile of Race-Bias Hate Crime in Los Angeles County*, it was revealed that perpetrators of hate crimes frequently cluster in gangs in which the major motive is not territorial boundaries but hatred towards a group. The report also found that hate crimes tend to be excessively brutal and engender a particularly high level of psychological stress, fear and anxiety because there is no way for victims to protect their inherent identity. Prolonged proliferation of hate crimes in a geographic area can lead to wider neighbourhood divisions and social fragmentation. This is why it is vitally important that the government act swiftly and decisively to stamp out gang behaviour.

The bill offers no guidance as to how the legislation is to be applied by our judges. It does not outline any additional penalty for a crime motivated by hatred or prejudice. All the bill says is:

"... a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics ..."

What is the point of having such flaccid legislation?

The burden of proof will undoubtedly mirror that of racial vilification laws where it is up to the complainant to prove that they were verbally or physically attacked on the basis of their identity. This can be very difficult to prove unless there are reliable witnesses present. As a result it is hard to prosecute. Will victims want to take the chance and file a report with the police if there is a chance the offender could get off because they do not have witnesses? What is this bill really promising victims of hate crime?

The real target of this bill is the offender’s ideas. The proposed law declares that criminals motivated by hatred based on gender, sexuality, religion or ethnicity deserve special prosecution. But subjecting someone to trial and punishment on the basis of their ideas or beliefs, regardless of how despicable those ideas might be, constitutes the politicisation of criminal law. Why, for example, should a homophobic be prosecuted for a special crime of targeting gays while someone like the American unabomber is not subjected to special prosecution for his hatred of scientists and business executives?

Hate crimes legislation would expand the law’s concern from criminal action to criminal thought. It would institute the premise that the purpose of our legal system is not to defend the rights of the victim but to punish socially unacceptable ideas. This is a premise that should be abhorrent to a free society. The only way to prevent the political distortion of our criminal justice system is for crimes to be evaluated on their individual merits.

Safety concerns are not held just in metropolitan Melbourne. In the Yarra Ranges one of the primary concerns of residents who responded to my law and order survey has been inadequate sentencing. These are some of the comments made by residents from Evelyn about Victoria’s current sentencing practices:

"Maybe if we had punishments that fit the crimes, whether it be first-time offenders or repeat offenders, there might be some respect for the law and for law enforcement.

Inadequate sentences are being applied for serious crimes.

Most criminals are better off than the victims. The punishment doesn’t fit the crime.

The crims do what they like because they know they can get away with it, or if they get caught they just laugh it off with a slap on the wrist then commit the same offence.

It is going to take more than two pages to fix Victoria’s problems with violence and hate crime."
Mr EREN (Lara) — I am pleased to speak in support of the Sentencing Amendment Bill 2009. Currently, when sentencing, a judge must look at numerous factors as to what sentence to apply. This amendment will seek to ensure that motivations of hatred or prejudice are also taken into account. This amendment will seek to reinforce this government’s commitment to the rights of all Victorians by ensuring that crimes that are motivated by hatred or prejudice towards a victim’s race, gender, religion, sexual orientation, age, disability, ethnicity or language are recognised as such during sentencing.

Unfortunately there are hate-filled crimes happening in Victoria. These crimes are often motivated by racism and can cause serious harm to individuals, minority groups and the community. At the outset I would like to reiterate that by and large the majority of Australians are not racist. However, there are some out there who are, and this bill is specifically designed to weed these people out and to have them sentenced accordingly. The amendments in this bill are in direct response to an increased number of reports of offences that may be racially motivated. The government sought the advice of the Sentencing Advisory Council, and it made these recommendations to amend the Sentencing Act.

When I was first elected to the upper house in 2002 I mentioned in my inaugural speech that there was an underbelly of racism in the Australian community. I went on to have my fair share of nasty phone calls. During the days following my speech, my office was contacted numerous times by people — gutless wonders who obviously did not want to give their names — who had a go at me because of my Muslim background. I am big enough and ugly enough to handle that. That is fine. Both physically and emotionally I am fairly secure and solid in my ways, but I will continue to fight and to weed out those minorities in our community that insist on being racist.

I would like to draw the attention of the house to some media clippings. On 4 January 2009 the Herald Sun reported on the rise in attacks on people of Indian background, under the heading ‘Big rise in attacks on Indians’. The article begins:

Indian students are being terrorised by gangs of thugs in Melbourne’s suburbs in racially motivated attacks.

In that same article a yearbook of racist assaults documents that in March student Kanan Kharbanda, aged 26, was left partially blind after being bashed in Sunshine by a group of up to 10 people. In April student and taxidriver 23-year-old Jalvinder Singh was stabbed and left for dead by a back-seat passenger in a Melbourne cab. In October Biju K. Joseph, aged 40, sustained life-threatening injuries after being beaten by four men at a railway station. The list goes on. These are all very unfortunate events that have taken place.

On 23 August 2008 the Herald Sun reported on a case where four racist thugs bashed a Sudanese teenager unconscious and laughed and joked as they walked free from court. The article headed ‘Racist thugs walk free’ states:

Judge Coish said the four were drunk and affected by cannabis when they set upon 17-year-old Ajang Gor, calling him a ‘black dog’.

After they walked from the dock one of the attackers said, ‘Let’s go to the pub to celebrate’. His mates said, ‘Yeah’.

Steve Medcraft from People Against Lenient Sentencing said the sentencing on this occasion sent the wrong message.

It says to these thugs that you can go out and bash someone to a pulp, come to court and say you’re sorry, and we’ll give you a bond.

A Herald Sun article of 19 April 2007 about Ocean Grove footballers and Mr Menachem Vorchemier says under the heading ‘Magistrate’s racism anger’:

A young footballer who yelled, ‘Go Nazis’ as his mates abused and punched a Jewish man has been fined $1000 and branded a racist.

Magistrate Barbara Cotterell told the court:

These words, ‘Go Nazis’, have echoes back to one of the most horrific events of the 20th century …

Your words … were uttered in the context of a very ugly episode. I can’t think of anything more racist.

These sorts of crimes, motivated by hatred and prejudice, are not and should not be tolerated by our community. As such we need to take a stand to send a clear message that this sort of behaviour will not be accepted and that we will do something to deter it.

I would like to continue to quote from media clippings. This one is from the Age of 21 August 2007 under the heading ‘Aussie pride, Australian shame’. It states:

One of the more disquieting aspects of Saturday night’s anti-Semitic attacks in Carlisle Street, Balaclava, lay in subsequent remarks by one of the two teenagers attacked. Alon Tam, who was set upon by two men with baseball bats after an earlier assault on his friend, Ephraim Marshari, said: ‘I guess when you’re living in this area, most people see it as a thing you get used to … A lot of people don’t go to the police because (they) think of it as normal and people have to realise that it’s not’.

These crimes, motivated by hatred and prejudice, are not and should not be tolerated by our community. As such we need to take a stand to send a clear message that this sort of behaviour will not be accepted and that we will do something to deter it.
Further on the articles states:

According to Ephraim Manshari, the Carlisle Street incident began with the two men pursuing a Sikh, screaming, ‘f…ing Arabs… Aussie pride… we have to kill them all’. This ludicrous attempt to link nationalism with violence and downright bigotry — a favourite tactic of the racist thug — is neither proud nor defensible. It is something that Australians should view with shame.

This sort of statement really hits home. It is a very scary notion that some people in our community are starting to consider this behaviour the norm. If we as a government do not make amendments such as this one, we will be condoning this behaviour and sending the wrong message — that yes, it is acceptable to act like this.

Unfortunately there are some in the Liberal Party who play the race bait game. It does happen. Those good people in the Liberal Party must stop this cancer in its tracks before it consumes them. I point to an article in the Age of 23 November 2007. Under the heading ‘Liberals stand firm despite race row’ it states:

The Liberal Party has moved to protect its candidate for the Sydney electorate of Lindsay despite damaging revelations that her husband distributed bogus pamphlets designed to inflame racial tensions.

NSW state Liberal Party director Graeme Jaeschke told the Age Karen Chijoff would remain the endorsed candidate for Lindsay despite Greg Chijoff’s activities.

The Australian Federal Police are assessing the material, which was referred to them yesterday by the Australian Electoral Commission …

Four players were involved in letterboxing fake pamphlets claiming Labor is sympathetic to Islamic terrorists. The individuals, who were Liberal Party members, have either been forced to resign or been expelled.

As I said before, this is not the only incident that has occurred in the political processes. These sorts of race baits have occurred, and it is unfortunate that they are mainly from people on the conservative side of politics.

Mr R. SMITH (Warrandyte) — I rise to speak on the Sentencing Amendment Bill 2009. The bill is another example of the government making policy merely in reaction to public outcry and bad press. I think it was introduced just to give the Premier something to talk about during his recent trip to India. The fact is that the legislation is unnecessary and is unlikely to achieve what it sets out to do.

Ms Allan interjected.

Mr R. SMITH — I hear the minister at the table saying that what I am saying is wrong, but the Attorney-General —

The ACTING SPEAKER (Ms Campbell) — Order! After what I have just said, the member should avoid interjections and responses. I ask the member to devote his attention to the bill.

Mr R. SMITH — The Attorney-General has said the same thing in the media. On 2 June he said:

Factoring hate-based crime into sentencing laws will not necessarily result in tougher penalties …

The Attorney-General has said that this legislation is little more than symbolism. We also have to ask ourselves whether the problem it purports to tackle is one that actually exists. The question we have to ask is: are the violent attacks that we see every week in Victoria centred on those of ethnic origin? On the website of the federal government’s Australian Education International the question is asked:

Are migrants or overseas students more likely to be attacked in Australia?

The answer is:

There is no evidence in police data to support this view.

In an article in the Age of 11 June the Deputy Prime Minister is quoted as saying about this bill that:

The advice from the police is this is a more generalised problem with lawful conduct.

The Premier is reported in the Times of India of 30 September as saying that:

… only a negligible proportion of the attacks have been racially motivated …

With Australian government websites, the Deputy Prime Minister and the Premier all saying that racially based attacks are not really an issue, we should ask: is the Attorney-General out of touch, is this legislation reactionary and has it been introduced merely to give the impression that the Attorney-General is doing something?
I have other concerns about the process the Attorney-General has gone through to bring us the bill. I listened to him on the Neil Mitchell show on radio 3AW. Over the course of the interview he consistently referred to the fact that this legislation was similar to legislation that is in operation in other jurisdictions, and he said that perhaps Victoria should emulate those other jurisdictions. With the Attorney-General specifically referring to New South Wales, Mitchell asked the quite reasonable question: have hate crimes in New South Wales been reduced as a result of the legislation it has? The Attorney-General answered that he did not know.

I would have thought that if he was going to introduce legislation that mirrored legislation in other states he would use the vast resources of government, including those of the Department of Justice, to find out whether that other legislation had produced any results. One would think he would have gone to that effort.

Further to that, in his second-reading speech the Attorney-General said:

> In response to increasing reports of offences that may be racially motivated, the government sought urgent advice from the Sentencing Advisory Council.

With this statement the Attorney-General sought to legitimise his legislation by insinuating that the Sentencing Advisory Council (SAC) is right behind him and that its advice is that this legislation is warranted and needed. The reality is that the Attorney-General is being a little economical with the truth in that statement. Paragraph A.2 of the Sentencing Advisory Committee’s advice headed ‘Sentencing for offences motivated by hatred or prejudice’ states:

> The council has not been asked to advise on the merit of amending the Victorian act but rather the form of such an amendment. The council has confined its advice to this question.

Paragraph A.3 of the advice states:

> The Attorney-General asked the council to provide its advice by 3 July 2009 … this time frame has not enabled the council to consult the community on the issues raised …

What we have before us in this Parliament is a piece of legislation introduced on a basis with which neither the Deputy Prime Minister nor the Premier agrees. It is legislation which the SAC has not sought, advocated for or recommended. It is legislation which the SAC has been unable to consult with the community on because the Attorney-General did not allow it the time to do so.

The fact of the matter is that in recent years violent crime in this state has increased dramatically. These crimes affect people across the board, and the attacks are far from being solely racially motivated. The government can deny this as much as it likes, and the Premier and the Minister for Police and Emergency Services can get up and say what a great job they are doing, but you only need to read the newspapers and watch the nightly TV news to see the truth. To get a clear picture of the problem before us we should also listen to those on the front line who have to deal with the consequences of this violent behaviour.

Recently Professor Peter Cameron from the Alfred hospital’s trauma unit was on the ABC’s Stateline program. I would like to quote some of what he said on that show just to give members an idea of the issues we are facing. Professor Cameron said:

> There is a real change in what’s happened. I think for the people on the ground, we have noticed more severe beatings than there were 10 years ago.

He went on:

> Usually on a Friday night we get around 10, or a little bit more, patients who have alcohol-related attendances and there’ll be those with very significant head injuries. We would expect one or two of them every Friday night.

He also went on to say:

> The reality is, if you go out to a bar in the wrong place at the wrong time in Melbourne on Friday night, there is a chance you will end up here with a serious head injury.

I believe the Attorney-General has been one of the chief architects of the violence we see on our streets today, because 10 years after his taking the position we are now seeing the effects of his judicial appointments and his soft approach to crime. Not just opposition members say this. Recently I conducted a survey on sentencing issues in my electorate and received more than 4500 responses. The vast majority of respondents had a real problem with sentencing and expressed their frustration about the inadequacy of sentencing. Many people sheeted the blame straight home to the Attorney-General. I would like to quote some of the comments that were made, just to give a flavour of what people think about the Attorney-General’s approach to crime.

Noel of Croydon Hills wrote:

> A/G Hulls has stacked our courts full of weak-kneed left-wing cronies.

Alec of Croydon wrote:

> Rob Hulls as A/G is pathetic.
Craig of Ringwood wrote:

It is extremely frustrating putting up with totally inadequate sentencing in this state. The police must be disgusted and frustrated also. Rob Hulls is weak and needs to go.

Claire of Warranwood said:

I believe that Rob Hulls is our biggest obstacle in application of maximum sentences.

David of Ringwood North said:

The judicial system has deteriorated markedly under Hulls’s watch. Worst ever Attorney-General!

B of Ringwood North said:

Our courts are a joke! I am sick to death of hearing of criminals walking out of court with little or no punishment. While we continue to have Hulls in the Attorney-General portfolio and a Labor government in Victoria these injustices will continue.

Simon of Ringwood said:

Rob Hulls’s push for law reform is a retrograde move.

I could go on and on. I received many of these sorts of comments. It is clear what the public thinks of the Attorney-General.

This soft approach to crime is evidenced by a report put out by the Sentencing Advisory Council in December 2008. The report said that from 2004 to 2008, of those charged with the crime of causing serious injury recklessly, only 22 per cent received immediate custodial sentences, only 14.4 per cent received imprisonment, 34.5 per cent received other custodial sentences and a whopping 43.5 per cent — almost half — received no custodial sentence at all.

An increase in sentencing across the board is what the Attorney-General should be worrying about, not just racially motivated crimes but all violent crimes. He should be worrying about legislation that directs judges and magistrates to impose sentences closer to the maximum for violent crime.

The Attorney-General also states in his second-reading speech:

… hate crimes have a tremendous impact on the individuals who are victimised. In addition to the emotional harms, the degree of violence involved in hate-motivated offences is often more extreme than in non-hate crimes …

I agree that hate crimes do have a terrible impact, but I would like to know where the statistics are to back up his claims that ‘the degree of violence involved in hate-motivated offences is more extreme than in non-hate crimes’.

The recent deaths due to violent crime of Matt McEvoy, Brendan Keilar and Luke Mitchell were not racially motivated, nor were the dozens and dozens of other assaults that have occurred in recent years. Does the Attorney-General intend that those deaths and attacks be diminished by the fact that they were not racially motivated and that the perpetrators of those crimes should receive a lesser sentence?

This amendment merely pays lip-service to the issue of violent crime, and as it does nothing to increase penalties across the board for violent crime, it actually does nothing. It does not address the increase of violent crime in our community. It does not address the issue of the a lack of police presence in the community. It does nothing to increase penalties for a whole range of violent offenders. This type of legislation has become the norm for this government. It is based on ideology rather than facts and outcomes. It purports to have widespread backing when there is no evidence to support that claim, and like much of what this government does, it is designed to give the impression the government is doing something when there is no will to do something.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a few comments in regards to the Sentencing Amendment Bill 2009. Before I do so, I am truly perplexed as to the position the opposition is taking on this bill. I understand from the shadow spokesperson’s contribution at the start of the debate this afternoon that the opposition is not opposing the bill. I have sat through the contributions by members of the opposition and have heard all manner of sitting-on-the-fence propositions. Unfortunately the contribution of the member for Warrandyte highlighted those propositions while sinking to a new low. If I understood him correctly, he believes the Attorney-General to be the architect of violence on the streets of Melbourne.

We have heard the shadow spokesperson at the table take issue with the member for Lara for perhaps sinking to new lows on this particular issue, but for the member for Warrandyte to stand in this place and subscribe to the notion that the Attorney-General personally — that was the nature of his comments — is the architect of increased violence on the streets in this state, is a horrendous comment that does this Parliament no good whatsoever. I thought Bernie Finn had the mortgage on low-life contributions in this Parliament until, sadly, I heard those contributions from the member for Warrandyte. It is not only the Liberal member for the Western Metropolitan Region in the other place that needs to have a good, hard look at himself in terms of his contribution to what you would like to think is a
THE JCCV, commented:

… racially motivated crimes have been an issue for some time. Attacks that are racially motivated represent not just an attack upon an individual but put the whole community in fear; they cannot be tolerated.

The JCCV then suggested that the racial vilification legislation already in place and introduced by this Labor government may need to be reviewed and that a hate crimes unit needs to be established by Victoria Police. This is a suggestion that personally I would endorse and will continue to advocate for within government.

I am disappointed to see that there are those in the community that oppose this bill based on what I would say is a misunderstanding of the nature of the bill. That is a sad reflection not on the bill but on those groups. We must ensure that existing practices in sentencing are supported by a legislative framework; that is the proper
role for the Parliament in approaching sentencing legislation and its relationship with the judiciary.

Acting on thoughtful advice from the Sentencing Advisory Council is the appropriate basis on which that policy and legislative approach from the executive should emerge as a bill in this place. In that regard I refer to paragraph B6 of the Sentencing Advisory Council’s report. The council nailed it neatly for me when it wrote:

Hate or prejudice-based motivation is also relevant to the gravity of a particular offence and the offender’s culpability for its commission.

The Sentencing Advisory Council was referring to the existing practices of courts at all levels when taking into account these arrangements.

The codification of what has emerged as essentially a common-law principle is a well-established mechanism to bring these community views, as reflected by the judiciary, into sharper focus. This is of course not the existing practices of courts at all levels when taking into account these arrangements.

The gravity of a particular offence and the offender’s culpability is; it is in fact a reinforcing of the longstanding position that has always been the case that the relevance of sentencing has to take account of the offence and its impact on the victim. The community takes a particular view, as it does, that particular characteristics, whether they be racial, whether they be of a particular sexual orientation or any number of other factors that the Sentencing Advisory Council took into account and they form the hub of this bill.

That is why clause 3 of this bill is framed in appropriately wide circumstances to give the judiciary the power and the discretion it deserves. The bill is timely, it is proportionate and it is based on community expectations. I wish it a speedy passage through this place.

Mr NORTHE (Morwell) — It gives me pleasure to make a contribution to debate on the Sentencing Amendment Bill 2009. The purpose of this bill is to require that the motivation of hatred or prejudice against a group of people be considered in sentencing an offender. This legislation has been introduced in response to an ever-increasing number of offences that have been committed that might be racially motivated. Attacks of this nature have been reported in the wider media. From a personal point of view, I find these absolutely abhorrent, cowardly and despicable in their nature, and I pose the question: how weak is it for a group of mindless thugs to attack a person or persons who have no chance of defending themselves?

With respect to this legislation, the government has sought advice from the Sentencing Advisory Council about the increasing number of offences that are possibly motivated by hatred or prejudice against certain racial groups. While members opposite might not like to think so, elements of this legislation are contentious. The fact is that many people believe such offences are already catered for within the Sentencing Act and much literature has been received by all members of Parliament, I am sure, on this point, and that was stipulated by the member for Benalla in his contribution. The Attorney-General would no doubt state that within section 5(2) of the Sentencing Act, offences specifically recognising hatred or prejudice against a particular group of people are not recognised as they should be. As I say, there are many people who might have a differing view and say that the judicial system under the Sentencing Act does have the capabilities of recognising this when courts determine a sentence.

The ACTING SPEAKER (Ms Campbell) — Order! As the member has paused to take a breath, this is an appropriate time to adjourn for the dinner break.

Sitting suspended 6.30 p.m. until 8.03 pm

Mr NORTHE — I will continue my contribution to the debate on the Sentencing Amendment Bill. This legislation relates to what have been called hate crimes in Victoria. The research brief provided by the parliamentary library talks about some of the unfortunate violent and racist attacks that have occurred in Victoria in recent times and refers to the unfortunate death in January 2008 of academic Dr Zhongjun Cao. Since that time there have been many media reports of serious assaults and bashings in Victoria. There has been a lot of reference to the Indian community, particularly Indian students. This is an awful reflection on our state. Whilst this legislation in some respects acknowledges what has happened, the Sentencing Act itself leaves a lot to be desired, given that there were already opportunities for the judicial system to recognise this problem.

Chief Commissioner of Police Simon Overland provided some statistics on crimes against the person involving victims of Indian origin. He said that 1447 people of Indian origin were victims of crime during 2007–08, which is an increase of 1082 on the previous year. This is a matter of some concern throughout the community and something we do not like to see.
The library briefing document refers to section 5(2) of the Sentencing Act 1991 which specifies what matters a judge or magistrate must take into account when determining a suitable sentence under that act. These can include a number of factors such as the maximum penalty prescribed for the offence, current sentencing practices and the nature and gravity of the offence, which is covered by section 5(2)(c) of the act. Section 5(2)(d) relates to the offender’s culpability and degree of responsibility for such an offence. Section 5(2)(da) deals with the impact of the offence on any victim of the offence, section 5(2)(da) concerns the personal circumstances of any victim of the offence, and the remainder of that section goes on to deal with a range of other things which a judge or magistrate must take into account when applying a sentence.

Clause 3 of the bill inserts section 5(2)(daaa), which requires the court to have regard to:

whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated …

Earlier in my contribution to the debate I questioned the need for this legislation, given that the judiciary already has that consideration available to it.

A question that has been posed to me is: who might a victim be in the circumstances covered by this legislation? We are talking about groups who are characterised by possibly their religious affiliation, racial or cultural origin, sexual orientation, sex, gender identity, age or impairment within the meaning of the Equal Opportunity Act 1995. It could also refer to those who are homeless. A victim might be a member of a group, a good Samaritan coming to the assistance of a member of the group during an offence, an advocate or lobbyist for the group, someone in employment related to the group or an acquaintance or family member of a member of the group who is victimised by the offender due to hatred or prejudice against the group. The member for Essendon said it could also apply to graffiti. That is an aspect that should not be forgotten with this legislation.

The member for Benalla spoke about deterring such events and ensuring that appropriate sentences apply in particular circumstances. Members should be conscious of that in debating this legislation. In one sense this is a reaction to what has already occurred, but the community needs to be vigilant and make sure that we take preventive measures, such as making sure we have more police on our streets to tackle alcohol and drug-related violence; making sure that we address the needs of people who are impacted by drug and alcohol. It should be a whole-of-community approach.

We need to ingrain in our community that we not only respect ourselves but that we respect one another. That is not an easy thing to identify and not an easy thing to resolve. In terms of the sentences that apply, we need to reflect better on community sentiment. The member for Warrandyte spoke of a survey that he conducted within his electorate. He spoke about the enormous feedback that was provided to him and some of the sentiment expressed by the community. How do we deter these types of incidents occurring in the future? The member for Warrandyte spoke in his contribution about the feedback from his community about violence on our streets.

The Latrobe Valley, like most country regions, unfortunately has its fair share of assaults. I do not believe there is hatred or racial intent in those assaults, but all members of the community need to get behind this and stamp out these cowardly acts that have occurred. That is all it is: a group of thugs walking down the street assaulting people for no purpose whatsoever. That should not be tolerated or accepted in our community. Members of Parliament should be standing strong and ensuring that it is not right and is not acceptable. We should do all we can in our power to ensure that our streets are safe so that people from all walks of life, no matter what religion, race or colour of skin, are safe on our streets. These things should not be tolerated and need to be stamped out. We need to collectively as a community ensure that we stamp out violence. We must ensure that the statistics do not increase. We need to tackle this matter. I support any measure to reduce the incidence of these crimes.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until later this day.

Second reading

Debate resumed from 17 September; motions of Ms ALLAN (Minister for Skills and Workforce Participation).
Government amendment to La Trobe University Bill circulated by Ms ALLAN (Minister for Skills and Workforce Participation) pursuant to standing orders.

Mr DIXON (Nepean) — The coalition will support these four pieces of legislation which are part of a cognate debate, mainly because there are a lot of similarities between the four bills. I understand another four university bills will be tackled later this year with similar sorts of changes.

The minor amendment tabled today basically adds to the La Trobe University Bill some guidance as to the make-up of the university council whereby two persons must be persons who have experience and interests in the Bendigo region and one must be a person who has experience and interests in the Albury-Wodonga region. That is obviously to reflect the rural and regional nature of La Trobe University. I am sure that when the minister who is responsible for the bill, and who represents the Bendigo region, had a close look at the bill, she realised that perhaps the communities and the interests of La Trobe University and Bendigo were not being served by the bill, and hence we have these amendments.

I point out an inconsistency in that the Deakin University Act 1974 had a reference in its preamble regarding its presence in Geelong and Warrnambool and serving the people of western Victoria. That provision has been taken out of the new bill. I am sure that the people at Monash University, who we all know have a strong presence in Gippsland, would like some guaranteed representation on their council from the Gippsland area.

If we are to have this sort of guidance for the make-up of the new councils it should be given right across the board to all the universities that have a regional presence. That is an issue. My colleague Peter Hall in the other place, a member for Eastern Victoria Region who is the shadow minister responsible, and I talked over dinner about maybe having some further negotiations about that while the bill is between houses — or giving those universities an opportunity to do so, just so that there might be more consistency across the four bills, especially for universities that have a regional presence. I would like to thank Peter Hall for the work he has done in his research and in preparing the legislation report. He has certainly helped me.

The purpose of the bills is to establish consistent governance arrangements for four universities: Melbourne University, Monash University, La Trobe University and Deakin University. Apparently the protocol is to have them in the order of the oldest university followed by the more recent. That is a very important but minor matter. The purpose is to make these arrangements for four universities by the adoption of template legislation for each university. Two other universities that have a presence in Victoria, the Australian Catholic University and the Melbourne College of Divinity, are not included in this legislation for their own specific reasons. The four bills are very similar and make similar sorts of provisions for the four universities and also similar sorts of changes to previous legislation.

We have an interesting situation in Australia due to our federal system, which really has not been addressed. This legislation is part of a national approach to consistency across Australia’s universities, yet in Victoria the university governance legislation is actually a state responsibility. The vast bulk of government funding is from the federal government, and a lot of the arrangements, programs and oversight relating to universities are largely a federal government matter, yet the universities are creatures of state government. I do not know whether, with this being the first major reorganisation of university bills in Australia, this issue was ever raised, but I thought it might have been. The states rightly should have some control at least. It interests me that a broader debate did not take place on the question of whose responsibility the universities in Australia should be.

I will speak just briefly about the four universities. The University of Melbourne is our oldest university and is internationally renowned for not only its academic achievements and reputation but also its research. It focuses on innovation, particularly in the biosciences and medicine. Now it operates under what we are calling the Melbourne model, by which it offers generalist degrees. That is an approach no other university in Australia is taking. We all know Melbourne University as part of Melbourne and Victoria, and, as I said, it is by far the oldest university here in Victoria.

Monash University is the second-oldest university, by a long way. It was established in the 1960s. There has been a proliferation of universities, reflecting the obviously changing society, with more and more people going to university to take degree courses. The number of people studying for university degrees has grown, whether it be a first degree after a person leaves
school — their first tackling of tertiary education — or a postgraduate degree. As the number of universities and the number of students attending universities have grown, that has been reflected in the number of universities in Victoria.

Monash’s main campus is at Clayton. Again it is a very strongly research-orientated university and has a strong national and international reputation, one of which we can be very proud. It also has a very strong presence in Gippsland; in fact the Parliament sat there recently. Was it last year or this year? Time flies! We had a good look at what is happening there and saw not only that the university caters for regional Victoria but that students from Melbourne go to Monash in Gippsland. Monash University also has two major campuses overseas, in Malaysia and South Africa. So there are campuses of some universities in other countries, and that is a wonderful step. In this case it is great for the prestige of Monash University and adds to the depth of courses available. Obviously there can be movement for the academic staff and the students in terms of presenting or studying courses at each of the campuses and adding to their accreditation. That is a wonderful move, and Monash has been very strong in that field.

Deakin University is one of our newer universities. It has a strong presence in Melbourne and, as I mentioned earlier, has a very strong presence in western Victoria, with two campuses in Geelong and one in Warrnambool. Again the university caters very well for students in areas other than what would usually be seen as mainstream university courses — which perhaps Melbourne and Monash have a greater claim over. Last week my son finished his final assignment as a student of Deakin University. I do not know whether he will be back next year; it depends whether he passes or not! He really enjoyed his university days there. In fact I think he spent more days at university than my wife, my daughter and I combined. He embraced university life — he loved the campus and the course.

La Trobe University is the university of the northern suburbs and again it has a very strong regional presence. Wodonga and Bendigo are mentioned particularly in the amendments today. I remember watching La Trobe University being built in the 1960s and 1970s as I grew up in Heidelberg West. It was just incredible. To see a university in the northern suburbs changed the face of universities. To a certain degree it was something that was alien. University study was something that happened in Melbourne — everyone knew about Melbourne University. Of course there was Monash, too, but I just remember the excitement in the area as we saw La Trobe University being constructed in Bundoora.

One of its eminent graduates is of course myself. I enjoyed studying there for my degree. As the member for Ivanhoe said, I was probably one of the few Liberals who actually undertook a course at La Trobe University. My daughter did a bachelor of arts course at La Trobe University too. Coming from the Anglo-Saxon region of the Mornington Peninsula it was a great experience for her to study at a university with a range of multicultural and probably more left-leaning students, especially when she did politics. Studying there only convinced her that the right of politics was the right politics. But it was a great experience for her and the life experience she had at that university was wonderful as well.

I also commend La Trobe University on its very strong regional presence. What it does in Bendigo, especially, is wonderful. It is great for the city of Bendigo. It provides educational opportunities for the people of Bendigo and for regional Victorians who travel to Bendigo. We have students from Melbourne who go up to Bendigo.

With that brief outline, we see the diversity of the universities that we have here in Victoria. That diversity is a strong point for Victoria. Universities and education are a strong point of what we have in Victoria, what we can offer the people of Victoria and what we can offer nationally and internationally. As that incredible diversity is a strength, it is very important that this legislation enables the individual universities to prosper and grow. It will enable them to expand into other areas of interest, not only in terms of where the campuses are but also in their research and the structure of the courses they offer.

I will go into a little bit more detail about the bills. Under the new legislation the objects of all the universities will be expressed in broader terms and will better reflect the activities of a modern-day university. When you think about how universities are governed, the courses they offer and the people who attend them to take courses, you realise that universities have changed incredibly — in their interaction with international students, what is available online, the research, and their partnerships with businesses and with medicine, or whatever the case may be. The role of universities has changed incredibly, and the new legislation better reflects that and enables that role to be expanded as the universities see fit.
There is no change to the role of councils. The governing body of the university will still be the university council. It will obviously make the rules for the university and appoint its chancellor, vice-chancellor and deputy chancellors. Looking at the university councils we see a change in this legislation compared with those previous acts, which set university council numbers at 21 members. One of the major changes made by this legislation is that universities may choose to have smaller councils, with a range from a minimum of 14 up to a maximum of 21 members. It is good to provide that sort of flexibility.

I hark back to my original points on the amendments to these bills. The La Trobe University Bill 2009 goes some way to giving some guidance on what representation there may be on a university council. We need to be consistent across all the universities and give them the opportunity to have the representation that best reflects the community they serve. There needs to be flexibility, and as their community changes the make-up of those university councils needs to change as well. All university councils will still be a mixture of appointed, co-opted and elected members.

The structure and role of academic boards and the faculties will now be determined by the university council rather than being prescribed in an act. Again, this is a reflection of universities setting their own direction to a certain extent and doing the things that will strengthen them and will fit in with what they see as their mission. They are the experts. Members of Parliament are not the experts on academic boards or what the best faculties might be and how they might be organised. It is important to give university councils that power.

The other interesting change is in the title of vice-chancellor, which is a very old and esteemed one. I could never really work out what the vice-chancellor was. I thought the vice-chancellor was in charge, but as they were only the ‘vice’, who was the chancellor? I have obviously worked that out since.

**Ms Wooldridge** — It is a bit like the Premier and the Deputy Premier.

**Mr Dixon** — As the member for Doncaster says, it is like the Deputy Premier running the state — some might say he does!

The change made here is to the title of the vice-chancellor, who in essence is really the chief executive officer (CEO) of the university, to the more universal term for the CEO of a university — that is, president. It is a quite significant change. It is only a word but it recognises that universities are now universal institutions and that they interact with other universities throughout the world. They exchange courses, they exchange credits, they have a presence in each other’s countries, they meet together and they work together. There are various groups of universities, including research groups, loose amalgamations and unions of universities. It is important that there is some sort of consistency there, so the title of president for the vice-chancellor is appropriate. I do not think he or she will get a pay rise because of the change in title but it represents the growing international stature of our universities and the consistency that I consider very important.

The universities will be empowered to make their own statutes. Again, that is reasonable and reflects the independence and differences of our universities. The universities will all still retain their powers to acquire and dispose of property and their powers in relation to their financial and commercial activities, within reason. The universities have had that power, and the four bills enable them to continue that, recognise the need for that and give universities the power to buy the land they need to buy, make the investments they need to make, construct the buildings they need to construct and just to run their business side.

Basically they will be required to produce a business plan. The Auditor-General will continue to have oversight of our universities. The annual reports of the universities will be tabled tomorrow. The Auditor-General has looked over those reports, and that oversight will continue to be a feature of our universities, which I think is important. It is important that that process occurs, because universities are state institutions and the state has responsibility for the governance of the universities, so it is very important that the state Auditor-General looks at the finances and the workings of our universities.

The group did not talk to me, but there is an interesting group at Melbourne University called the Committee of Convocation. That is unique to Melbourne University. I understand that group was a part of the old legislation. Although the committee is no longer mentioned by that name within the bill — and I think the committee recognises that life moves on — I would humbly suggest to Melbourne University that the Committee of Convocation, which is made up of former students, should have some sort of ongoing role which would recognise the history and heritage of that group. I am sure that those people can offer something to the university, even though they may be formally covered within this bill.
The final matter I wish to raise has probably been the major issue regarding universities this year — that is, the issue of the youth allowance. This will affect students going to Deakin, Monash, La Trobe and Melbourne universities, especially if those students are from regional Victoria. The changes to youth allowance eligibility have made a real difference. Even though there have been some amendments, the commonwealth government’s changes to youth allowance eligibility will have a real impact, especially on the access of country students to these universities. Even the all-party committee of this Parliament, which is chaired by the government, and the Parliamentary Secretary for Education said that these changes by the Deputy Prime Minister, who is also the federal Minister for Education, are not fair and will count against some students’ access to universities. As we are talking about these four universities I could not let the opportunity go by without talking about access to those universities, especially by regional students.

Victoria’s response to those changes has been quiet. The minister should have been much more vocal. She said she has talked to the Deputy Prime Minister about the issue, but I think there should have been a far more vocal intervention on these changes to the youth allowance. I would hope that all is not lost and that we may yet see further changes to make access to, in this case, these four universities for our regional students a lot stronger than the federal government would like.

Going back to the start, the coalition is supporting these pieces of legislation. We support the amendments, but we call on the government perhaps to go back to these four universities, especially those with a regional presence, to see whether they would like some sections or amendments added between the houses that would take into account the regional representation that they may want on their new councils.

Mr BROOKS (Bundoora) — It is a pleasure to rise to contribute to this debate. I will confine my remarks to the La Trobe University Bill as the main campus of La Trobe University is located within my electorate of Bundoora.

La Trobe University was the third university to be established in Victoria back in 1967, some 42 years ago, with an initial enrolment of 552 students. Since then it has grown to now accommodate over 26 000 students across seven campuses — at Albury-Wodonga, Beechworth, Bendigo, Mildura, Melbourne city, Shepparton and the largest campus, in my electorate of Bundoora, with over 15 000 students there.

La Trobe has also produced more than 100 000 graduates since its inception. The bill before the house seeks to modernise the foundation legislation of La Trobe University to conform to contemporary standards and expectations. It does this in a number of ways. Firstly it removes redundant and obsolete legislation relating to La Trobe University and repeals the La Trobe University Act 1964 and other obsolete acts. For example, the bill removes prescriptive detail from legislation about operational matters such as the naming of units within the university, leaving these matters for the university to determine itself. The bill allows the university greater flexibility in determining the size of its governing council. Currently 21 members are required to be on the council, and this bill will allow for between 14 and 21 members.

On top of this, the bill provides for a clear delineation between the roles and responsibilities of the council as the governing body of the university as opposed to those of the vice-chancellor as the chief executive officer of the university. The bill also provides for the creation of guidelines, subject to the minister’s and Treasurer’s approval, setting out best practice arrangements with respect to risk management, planning and oversight of the university’s commercial activities.

Universities are operating in an increasingly competitive and commercial environment and require less prescriptive regulation and less prescription in their governance and administration. A wide-ranging process of consultation has occurred over the last 18 months in the drafting of this bill. A number of bilateral meetings have been held between Skills Victoria and individual universities. There have been two multilateral meetings between universities and Skills Victoria, and there has also been a round table between the minister and vice-chancellors in March this year to discuss various issues, including the review of this legislation.

My office has been in contact with La Trobe University to discuss this bill, and the university is supportive of the bill. The director of legal services at the university advised that La Trobe was happy with the way the government had gone about the consultation process in the lead-up to the drafting of the bill.

This bill, along with other university bills that are before the house, continues the Brumby government’s commitment to ensuring that Victorians have access to a world-class tertiary education system and follows on from the introduction of the Education and Training Reform Act 2006, which of course was opposed by the Liberal Party.
La Trobe University has been re-energised under the leadership of the relatively new vice-chancellor, Paul Johnson, and continues to play an important role not only in the broader Victorian community but also in the local community in the northern suburbs of Melbourne.

I am extremely proud of La Trobe’s socially progressive mission. The preamble of the La Trobe University Bill sets out in its third paragraph:

> From inception, La Trobe has been particularly focused on providing access to quality higher education to those from disadvantaged backgrounds and has become an internationally recognised leader in this field.

I was very privileged to be invited to a recent alumni dinner held at La Trobe University which showcased a range of graduates from the university, some of whom had come from what you would call average middle-class backgrounds and gone on to do some fantastic things. Importantly I remember that a number of people had come from very difficult backgrounds. One woman in particular had come from overseas as a refugee as a child. She had seized the opportunity of a first-class education here in Victoria, and had gone on to a senior management position with Qantas. It think that is a fantastic testament to the work that La Trobe University does.

One of the projects currently being undertaken by this government is the Heidelberg schools regeneration project up in Macleod. The project will deliver huge benefits to education outcomes in the communities around Macleod, Heidelberg West and Rosanna. In fact works at that school project are already under way. At the launch of the La Trobe site where the school regeneration project will take place La Trobe University expressed a keen interest in the project and wants to partner with the government in looking at ways of linking involvement between the university and the schools.

As I have mentioned in this house a number of times, La Trobe’s Bundoora campus has seen the start of construction of the $230 million new bioscience research centre. Of this a massive $180 million has been funded by the Brumby Labor government. This project should not be underestimated: it will inject $690 million into the Victorian economy, create about 390 jobs and provide a landmark facility for Victoria’s $11.8 billion agriculture industry. It is expected to be operational by 2012.

I have misplaced my speaking notes, but I am very happy to support the La Trobe University Bill. La Trobe University is a fantastic facility for the northern suburbs of Melbourne. There are a number of projects on which this government has proudly partnered with La Trobe University, and I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution on the range of university bills we have before us this evening. The purpose of the bills is to establish consistent governance arrangements for four Victorian universities by the adoption of template legislation which will apply to each and which will later cover eight universities. I note that the Australian Catholic University and the Melbourne College of Divinity are not included. The background to the proposed legislation goes back to the 2008 and 2009 annual statements of government intentions which include a commitment to modernise the legislation covering the university sector in Victoria and to ensure consistency with agreed national protocols for university governance. These are the first four university bills, and a further four bills are expected in November. The eight bills will be identical apart from the preambles, which are particular to each, and the savings and transitional measures, which by necessity differ between universities.

There are significant changes to the legislation. The objects of the universities will be broader and will better reflect the activities of universities today. The council of each university remains its governing body and includes among its duties the appointment of senior officers such as chancellors, deputy chancellors and vice-chancellors. The composition of council, which has been mentioned by other members, currently mandated at 21, may vary from 14 to 21 members, being a mix of appointed, co-opted and elected members.

In his contribution the member for Nepean made reference to the proposed amendment of the Minister for Skills and Workforce Participation to the La Trobe University Bill, which inserts in clause 11 on page 14 after line 12:

> “( ) Of the members who are persons appointed by the Governor in Council under section 12(1) and persons appointed by the Council under section 13(1)—

(a) 2 persons must be persons who have experience and interests in the Bendigo region;

(b) one must be a person who has experience and interests in the Albury-Wodonga region.”.

In the case of Monash University’s Gippsland campus, a matter raised by the member for Nepean, one could ask why that similar interest does not apply to that
regional university? The minister should advise the house why it applies to La Trobe University in this instance but not to other regional campuses. Most of my comments on these bills will relate to Monash University, because we are privileged to have its Churchill campus in the Morwell electorate, which is a fantastic asset for the Gippsland region. As the member for Nepean mentioned, at about this time last year the Legislative Assembly held its regional sitting in the new auditorium of that campus.

Monash University’s Gippsland campus was instituted in the 1970s. Prior to that, in 1968 the Gippsland Institute of Advanced Education was established as part of Yallourn Technical College. GIAE opened in 1970 and at that stage there were 270 students studying at Newborough. The new buildings at the Churchill campus were not completed until 1976, although there were students in the first buildings in the early 1970s. Monash University was founded in 1958 and, whilst it had a similar history to the GIAE, it was established to provide tertiary education, given that Victoria’s population was expanding. It was named after an engineer, General Sir John Monash, who after returning from World War I had been appointed founding chairman of the State Electricity Commission.

Times have changed, and Monash University’s Gippsland campus at Churchill now has some 2000 on-campus students, 5000 off-campus students and nearly 400 staff. It is one of the La Trobe Valley’s largest employers and is the only non-metropolitan campus of Monash University. As I mentioned earlier, some of the attributes of the Gippsland campus are the 600-seat auditorium. It even has a golf course for those who are that way inclined. We are lucky to have the Gippsland medical school, which is a fantastic asset for the Gippsland region. It is an impressive facility under the tutelage of Professor Chris Brown.

Last week I had the pleasure of being at the launch of the teddy bear hospital, an initiative put together by 30 medical students. They invited some primary school children to a very impressive carnival-like set of stations. The object was to provide an environment for children where they would not be scared of medical professionals or hospitals. The children were rotated to the various stations that were set up. It not only had an educational perspective but was also a lot of fun for the kids. The medical students involved at the campus really feel part of the community. Through local hospitals, community health services or in private practices they are forming part of the community. One of the things that regional communities are looking for is an increased participation by health professionals in

regional areas, and the Gippsland medical school is doing fantastic work in that regard.

There are many challenges for universities across Victoria, and from a Monash perspective it was pleasing to see the recent appointment of vice-chancellor Ed Byrne and pro-vice-chancellor Helen Bartlett, who are leading the way in ensuring that Gippsland residents have the opportunity to take part in the courses offered by Monash University. An article in the Age a couple of weeks ago refers to an interview with Professor Byrne where he talked about some of the challenges particularly for areas such as Gippsland, where many people come from lower socioeconomic backgrounds and are unable to participate at university because of the ENTER (equivalent national tertiary entrance rank) scores that apply in many circumstances.

Professor Byrne recognises this as an issue and talks about how we might be able to come up with some better initiatives and pathways for students in these regions to take part in university courses. I commend him for that and am happy to work with him towards that goal. I am a member of the Parliament’s Rural and Regional Committee, which is inquiring into regional centres of the future. We have conducted public hearings across the state, and at every single public hearing universities have been mentioned as having a vital part to play in regional communities.

We all know that not all in regional areas who want to take part in university education have the opportunity. There are many barriers to their being able to participate, but the message we on the committee are receiving has been very loud and clear that universities are an integral part of regional communities. Governments of all persuasions should encourage and support that and ensure that regional students have the opportunity to participate at regional universities. One of the reasons people are not able to participate at Monash University in Gippsland is the cost of study and travel and their having to leave home. We should do all we can to encourage people to participate. We should encourage universities to look at new initiatives to embrace our younger generation, give them opportunities and provide pathways to ensure that they have the ability to participate in higher education.

Mr TREZISE (Geelong) — I stand to speak in support of these bills tonight that include legislation applicable to the great Geelong education institution of Deakin University. In 1974, under the federal Whitlam government, Deakin University was established at Waurn Ponds just outside my electorate of Geelong. I
Note that much work, advocacy and lobbying was done at the time by the Geelong community to get the regional university proposed by the Whitlam government to Geelong. The then member for Corio and Whitlam government minister Gordon Scholes led the push by the community of Geelong. It is no exaggeration to say that Gordon Scholes was of paramount importance in gaining Deakin University for Geelong back in 1974.

Since that time Deakin University has gone from strength to strength. During the 1990s Deakin University merged with the Warnambool Institute of Advanced Education and Victoria College in Melbourne. These two mergers led to the establishment of campuses in Warnambool and Burwood. During the late 1990s the university had the foresight to move into the abandoned wool stores on Geelong’s waterfront to establish its now magnificent waterfront campus just off Western Beach.

In recent years, under the guidance of vice-chancellor Sally Walker and with the support of the Bracks and Brumby state governments, new schools such as the nursing school have been established. In early 2008 the now fully operational Deakin medical school was established at the Waurn Ponds campus. The Brumby government, working in partnership with the then newly elected federal Rudd government, ensured the establishment of the much-needed and much-heralded medical school at Deakin University — a school established as a direct counter to the shortage of doctors in regional Victoria and across regional Australia. It was with great delight that I and other representatives from Geelong had the privilege of attending Deakin University back in February 2008 for the opening of the medical school.

In supporting the Deakin University Bill I highlight the fact that Deakin University has since 1974 grown from strength to strength, in recent years under the guidance of the current board and vice-chancellor Sally Walker. The bill before us tonight will ensure that this growth will continue. It will ensure that not only Deakin University but, as other members of the house alluded to earlier tonight, other listed universities are provided with a state act that will ensure appropriate and good governance of those universities in years to come. Other members, including the minister in her second-reading speech, have addressed a number of the provisions and parts of the legislation before us tonight. I will not waste members’ time going into details of the Deakin University Bill. I again express my full support for it. It is good legislation, and I therefore wish the bill a speedy passage through this house.

Ms ASHER (Brighton) — I wish to also indicate the support of the opposition for these university bills: the Monash University Bill, the University of Melbourne Bill, the Deakin University Bill and the La Trobe University Bill. Each institution will have its own piece of legislation, and anyone who is knowledgeable about university politics will understand the reasons for that. The government has indicated that this is a modernisation of its legislation to provide for the changed role of universities in our modern society. In essence the bills provide a template piece of legislation, each with some differences in the preambles and the savings and transitional arrangements. The government has indicated that in due course there will be more bills for more universities. The process of modernising this legislation is one that we support.

I wish to speak very briefly from the perspective that I have, having attended both the University of Melbourne and Monash University at a time when fees were not charged. Melbourne was the first university in Victoria, established in 1853. Monash was established in 1958 and accepted its first students in 1961. I remember very vividly Monash coming on-stream, if you like, and the problems associated with being a new university in that era — problems that were subsequently experienced by La Trobe and then by Deakin.

Given my alma mater, shadow cabinet meetings have been held at both Monash and Melbourne universities, where the universities have taken opportunities to brief shadow cabinet on the range of activities they are undertaking and their aspirations for the future. They are both outstanding universities, as are the other universities whose legislation we are covering. Obviously in the case of the University of Melbourne there are strong elements of tradition and pride, and in the case of Monash there is a very strong push for the export market, all of which are elements supported on this side of politics.

The background for these bills is that the government indicated it wished to review higher education and update legislation, and all of that is important and supported. In essence the changes, which have been covered by other members, relate in the first instance to governance. University councils can now carry from 14 to 21 members, and the members will be a mixture of appointed, co-opted and elected members.

I want to make a point about the involvement of members of Parliament on university councils. Previously members of Parliament were decreed under legislation to be as-of-right members of university councils. I was a member of the Victorian College of
the Arts council under the old legislation. I thoroughly enjoyed that role and am most supportive of that institution in its current endeavours. In government we abolished the as-of-right membership to university councils, but we indicated — we being the previous coalition government — that an MP could serve if the university wanted them to. For whatever reason, the government has taken the view that that will not now occur. I think that is a shame, because people should not be disqualified on the basis of their profession. They should be accepted or not accepted on the basis of what contribution they can make to a university council. That is a small issue and a side issue, but I think MPs should not be disqualified from undertaking that role.

Vice-chancellors will now be the chief executive officers, and they will also be called ‘president’ because of the need for international recognition in the modern era in which we now operate. Most importantly there will be significant capacity for universities to determine what they do within their statutory objectives. Their powers to acquire property will be retained. Compulsory acquisition powers and disposal powers are set out very clearly in the bill before the house.

One of the most important features of the bill is how the government proposes to address universities’ commercial activities, which of course are becoming part of the day-to-day activities of universities. A sensible framework has been put forward by the government, and clearly the universities have had significant input in the consultation process embarked upon by the government. The government now requires guidelines to be developed for commercial activities, and universities will have to look at risk management, due diligence and the like, and that is clearly set out in the second-reading speech. The minister will have the capacity to approve these guidelines. Most importantly, the bill gives universities flexibility to operate as they see fit in the commercial environment in which all universities now operate.

I wish to conclude my remarks by making some comments about tertiary education. I was educated at secondary level in the government system, and I believe passionately that access to tertiary education is the most important vehicle for the attainment of equality of opportunity. I am not looking for equality of outcomes; I am a liberal. I am looking for equality of opportunities, and access to the tertiary sector is vital in that.

Universities also play a very substantial and important role as the bastions of intellectual rigour and cultural expression, and again that is important to our community and our society. In an area where often those who undertake a cultural career are not massively well rewarded, it is especially important that universities cultivate excellence in that area.

I also think the research roles of universities are absolutely fundamental to the intellectual power of this society. More latterly, of course, universities have embarked on business activities. They are important institutions for export for our society. However, the more fundamental issue with universities is the intellectual freedom, exposure to ideas, opportunities to be involved in culture and the opportunities to advance within our economy and within our society.

As I said, according to my view universities are fundamental in economic and social terms. It is vital our universities flourish, attract students and attract programs of excellence. I hope the framework the government has put forward to the Parliament, which was devised in consultation with the universities, sets the foundation for the very important development of tertiary education and universities for the future.

Ms MUNT (Mordialloc) — I will speak briefly on the range of university bills for Melbourne University, Monash University, Deakin University and La Trobe University. I would like to focus on the University of Melbourne Bill 2009 and the Monash University Bill 2009 as a great number of tertiary students from my electorate attend either one of those two universities, there being public transport from my electorate to both, part of which goes through the electorate of the member for Bentleigh.

I want to speak in particular on the preamble to the bills, and I will read out part of the preamble to the University of Melbourne Bill. It says:

The University of Melbourne was created by the Parliament of the fledgling colony of Victoria as one of several demonstrations of pride, confidence and aspiration for its future.

The preamble to the University Act, 16 Victoria, Act No. 34 declared ‘… it is expedient to promote sound learning in the colony of Victoria and with that intent to establish incorporate and endow an University at Melbourne open to all classes and denominations of Her Majesty’s subjects …’. The university came into being on 11 April 1853.
That is about when the original University Act of Parliament was put into place which, apart from amendments, remains largely unchanged to this day. I would now like to read the preamble to the Monash University Bill 2009. It states:

Monash University was established under the Monash University Act 1958. A proclamation made under that Act on 27 May 1958 fixed 30 May 1958 as the date on which Monash University was incorporated as a body politic and corporate.

The university’s creation was in part a response to the changing profile and aspirations of the state of Victoria, including demand for greater access to higher education from the public and new industries that required advanced scientific and conceptual skills. The university was granted Crown land at Clayton where it established a campus amidst what was to become one of the fastest growing population centres in Victoria.

That was in 1958 — 50 years ago. We had the original University Act from the 1800s and then the Monash University Act in 1958.

This legislation is part of the redrawing of the whole suite of education acts in Victoria. It reflects the changing nature of the educational needs of Victoria as a whole. As other speakers have said, it endows greater flexibility and governance for universities. Over time universities have grown from the 300 or so students who started at Monash University in 1961 to the many thousands of students doing not just a few courses but many of the different courses that are available as part of the skill set that is now required in Victoria. Our legislation has to keep pace with all that is happening in education and all that is required is that all universities are broader and better reflect the tertiary sectors. The universities have taken over TAFE sectors and other sectors throughout Victoria.

I commend these bills to the house as another suite of bills in the rewriting of the education acts in Victoria to reflect the dynamism and changing needs of the state and its students into the 21st century.

Mr CRISP (Mildura) — I rise to make a contribution to the Monash University Bill 2009, the University of Melbourne Bill 2009, Deakin University Bill 2009 and the La Trobe University Bill 2009.

I note an amendment to the La Trobe University Bill has been circulated by the member for Bendigo East. The amendment relates to representation of some of the rural and regional campuses that are a part of La Trobe University. The amendment provides for two persons to be from Bendigo region and one from Albury-Wodonga. When the legislation is between the houses I will be lobbying to get Mildura added to that, because there is a campus in Mildura and we are a long way from Bendigo. There is a little work to be done there. However, I support the gist of this amendment, which will ensure that universities with extensive rural campuses have localised representation. This is something we feel very strongly about in Mildura.

Without wishing to offend our Bendigo friends too much, we see a clear difference between Loddon and the Mallee. Debate on this university bill is one of those occasions where we see a clear difference.

The Nationals in coalition support these bills. The purpose of the bills is to establish consistent governance arrangements for eight Victorian universities by the adoption of template legislation for each. The Australian Catholic University and the Melbourne College of Divinity are not included.

I refer to some of the background. In 2008 and 2009 the annual statements of government intentions included commitments to modernise the legislation that governs the university sector in Victoria while ensuring consistency with agreed national protocols for university governance. These are the first four university bills to be addressed; a further four bills are expected in November. The eight bills will be almost identical — that is, apart from the preamble, which is particular to each, and the savings and transitional measures which by necessity will differ between the universities. Dealing with the universities together makes sense and follows a template.

One of the more significant changes is that the objects of the universities are broader and better reflect the activities of the universities today. The university councils remain as governing bodies and included among their duties is the appointment of senior officers, such as chancellor, deputy chancellor, and vice-chancellor. Currently it is mandatory that a university council be comprised of 21 members. Following this legislation, it may vary from 14 to 21 and be a mix of appointed, co-opted and elected members.

The structure and role of the academic boards and faculties will be determined by the university councils rather than being prescribed in the act. The vice-chancellor will be the chief executive officer of the university and will also carry the title of president for the purposes of international recognition. The universities are empowered to make their own statutes. The universities will retain the powers relating to property acquisition, disposal, finance and commercial activities. The universities will be required to develop, have approved and then publish guidelines relating to
their intended commercial activities — that is, their business plan. The Auditor-General will continue to audit the functions of the universities and will continue to be required to report annually to Parliament.

That is the legislation. How does this affect Mildura? There are two universities in Mildura. Monash University’s rural medical school is adjacent to the Mildura Base Hospital. It offers valuable training experience in the country, particularly for those involved in medicine and some other health-related professions. This provides the community with doctors and other medical staff. It is valuable experience for those young professionals who we hope at some stage in their career will work in country areas to alleviate what are quite serious shortages in medical professions in the country areas.

A difficulty at the moment is that there is no physiotherapy available at the Mildura Base Hospital because there are no physiotherapists on staff. The hospital is advertising for physiotherapists, but they are difficult to find.

In order to attract some of these young people, Monash University has built some excellent facilities in Mildura. However, some work still needs to be done on the accommodation. If you are to have a good country experience, you need good accommodation. As we so often say, if you train in the country, you retain in the country.

I cannot go through this bill without talking about the youth allowance, in particular the impact the federal changes are having on the expectations of country students. We have heard considerable debate about the changes in this house. Taking a two-year gap from study or training is highly dangerous for country students, and it will affect their access to education. I am very concerned about that. Along with my colleagues I have been calling for the state government to lean on its federal colleagues to bring them to their senses. We notice there have been some changes for those people who are taking their gap year next year.

I close with a comment which the federal government needs to be made aware of — that is, if students from the country need to live away from home to complete courses, they need to achieve independence. At the moment they still require help from their parents. It is all about money and being able to afford education, particularly if you have to live away from home.

La Trobe University is the larger institution in Mildura. It is a wonderful community asset. Mildura is a community that is undergoing enormous change, particularly due to the drought and water shortages. Our economic model is changing in Mildura. I think of this as a pie and those segments of the pie keep changing; therefore you have to move people from one segment to another. That is a community in transition. The services and opportunities that La Trobe University offers are vitally important for people making those transitions.

There is no better example than in the education faculty, where in the past you could only do the first and fourth year of your course in Mildura. This year they have offered all four years in Mildura. There was a huge jump in enrolments, mostly for mature-age people who are looking to change their lives because of the economic circumstances. That is enormously successful, because those students could not have travelled away because of their family circumstances. This is an opportunity the university has created in Mildura.

Also there is a science proposal. The CSIRO is departing from Mildura. This leaves some laboratories available. I know La Trobe is endeavouring to work with other community bodies to utilise these laboratories in a proposal to have science courses extended to Mildura, particularly for first-year students.

The enhancement of public dentistry in Mildura in partnership with Sunraysia Community Health Services is also a marvellous extension. La Trobe University’s nursing course is picking up some overseas students, who will commence next year. Again, if you train people in the country, you retain people in the country. Business study courses are held in the city campus, which is three doors from my office. It is great to see the people who are doing that. There is also excellent collaboration with our local arts centre for our arts courses and the social science courses.

The university has outgrown its site and buildings. More portables are on their way, which is not a particularly good experience, especially for overseas students. However, that will be the interim arrangement: there will be more cool rooms for our students to study in. The state and commonwealth need to work harder to improve the facilities, particularly facilities for those country students so we can create those opportunities for them to transition their lives, as I said.

These are governance bills. They are important, and they are especially important for Mildura, where people want to see the facilities continue to improve. However, it is the services that are offered that are important, and it is vital for the change that is occurring that our
Mr Hudson (Bentleigh) — It is a pleasure to speak on the University of Melbourne Bill 2009, because this bill will modernise the legislation that governs the university and will help us to provide a world-class tertiary education system. The importance of that is underlined by the fact that in Victoria we have approximately 750,000 domestic students and 270,000 international students undertaking higher education. That is a huge number of people who are undertaking higher education studies in this state. Within the municipality of Melbourne alone students comprise about 42 per cent of the resident population, numbering about 62,000.

The governance of our universities is incredibly important. This bill remakes the original University Act of 1853, giving the university the flexibility it needs to operate in a more commercial environment, adapt to the current times and make the appropriate changes to give it flexibility in its governance and administration.

I would have to say I am pretty disappointed in the opposition because it had an opportunity with this bill to move amendments to introduce the changes that its leader said were critical to save the Victorian College of the Arts (VCA). The Leader of the Opposition in recent weeks has been out there saying that if the opposition were elected to government, it would make the Victorian College of the Arts independent from the University of Melbourne and would inject $6 million into the college to save it.

Here is a bill that deals with the governance of Melbourne University, of which the Victorian College of the Arts is a part, and at the first opportunity to move an amendment to restore its independence the opposition has squibbed it. Members’ hearts are not in it. The reason their hearts are not in it is that they know it will not fix the problems facing the Victorian College of the Arts. They know the $6 million promised by Ted Baillieu will not fix the problem. If you made it independent of the University of Melbourne and you removed it from that structure, then the college would automatically lose the $17.8 million in subsidies that it currently receives from the university. There is nothing about $6 million that will plug the gaping hole that would open up in the budget of the Victorian College of the Arts. Melbourne University’s current subsidy is more than a third of the college’s revenue.

The problem that exists here for the VCA is not its independence from the University of Melbourne; the problem is that in fact it is underfunded as a specialist arts training institution in this country. If you compare its funding to the funding that is provided to the National Institute of Dramatic Art, then we can see that it is significantly underfunded. It receives less than half the funding that NIDA currently receives.

I am very confused about the position of the opposition in relation to the structure of Melbourne University and the governance of the VCA, because on 12 March in a debate on the Melbourne University Amendment Bill, which amalgamated the VCA and the faculty of music at the University of Melbourne, the member for Nepean said:

I particularly commend the university on its recent brave decision to pursue the Melbourne model of generalist degrees … I think the university is to be commended on its forethought and bravery, and I think it is certainly heading down a correct path.

The shadow Minister for Education was suggesting that the VCA being absorbed into the Melbourne University model of governance and administration and moving down the path of the Melbourne model of a generalist degree was the right path. But now we have the Leader of the Opposition putting out a press release saying he will abolish the Melbourne model; he does not support the Melbourne model any more for the VCA. He says:

I do not believe the absorption of the college into the Melbourne model should go forward in the manner currently proposed.

Of course this is opportunistic, because the fact of the matter is the central problem here was highlighted when the higher education funding for the University of Melbourne and the VCA was restructured in 2003. It was set out very well at the time in a letter from the vice-chancellor, Alan Gilbert, to the then federal Minister for Education, Science and Training, Dr Brendan Nelson. It pointed out that if the government went down the path of providing funding...
in this way for the VCA within Melbourne University, that was going to lead to significant problems. We did not hear the Leader of the Opposition objecting to that restructuring of the funding for the VCA at that time.

The fact of the matter is that here we are with a bill before the Parliament on the governance and administration of Melbourne University, and here is an opportunity for the opposition to have the courage of its convictions to put forward some amendments that would separate out the Victorian College of the Arts from Melbourne University. It has had the opportunity to do that today. It has not put forward the amendments. It does not have the courage of its convictions. Opposition members know that if they did that, it would create even more problems for the Victorian College of the Arts, and so they will never implement the policy because at their heart they know that what is needed is additional funding from the federal government, not some paltry contribution made by the state government which will not go towards addressing the issues that exist in the inequity of funding between NIDA and the Victorian College of the Arts.

This is a good bill. It will modernise the legislation for Melbourne University, and I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the cognate debate covering the Deakin University Bill, the La Trobe University Bill, the Monash University Bill and the University of Melbourne Bill. I will state at the outset that I am a graduate of both the University of Melbourne and Deakin University, and I am involved in the alumni organisations of both Melbourne University veterinary school and the Deakin University master of business administration society.

Initially I want to make some comments in relation to the Deakin University Bill before the house. I want to quote from a letter I received on 7 October from Professor Sue Kilpatrick who is the pro vice-chancellor, rural and regional, at the Warrnambool campus of Deakin University. I will do it to give some outline of the significance of the Warrnambool campus to the regional and rural community of south-west Victoria. The letter says:

There are over 1000 students enrolled at the Warrnambool campus in 2009. The campus provides increasingly important access to quality higher education for local students. As you are aware, Deakin is an important contributor to and resource for south-west Victoria.

A Deakin-commissioned study by the Western Research Institute found that in 2005–06 financial year the university operations and the expenditure of non-local students from the Warrnambool campus account for $62 million in output, $32 million in GRP —

gross regional product —

$13 million in household income and 216 FTE —

full-time equivalent —

jobs in Warrnambool LGA —

local government area.

A key benefit of having a regional campus is its contribution to the human capital of the region.

The letter goes on to talk about the newly established Deakin medical school, the centre for rural emergency medicine at Warrnambool and Portland and the new rural clinical school funding that includes funding for teaching facilities at Warrnambool, Camperdown, Ararat and Hamilton. It goes on further to say that the Warrnambool campus is home to the Greater Green Triangle University department of rural health and that the Deakin campus is also world renowned.

The letter goes on to say:

Regionally relevant research at Deakin’s Warrnambool campus includes marine and freshwater ecology and research partnerships with water and catchment management authorities. … For example one project aims to survey about 48 580 hectares (5 per cent) of the state’s coastal seabed between Cape Howe and the South Australian border using the latest multibeam sonar scanning and global positioning satellite (GPS) technologies …

It points out that this project will help it to gain a better understanding of marine habitats.

One of the significant sentences in the Deakin University letter is:

The students and staff at Deakin’s Warrnambool campus contribute to the richness of regional cultural life.

That says a fair bit about the importance of the Warrnambool campus of Deakin University to Warrnambool and to the region.

I also want to make a passing remark about the medical school that has just been established at Deakin University. It is a landmark new medical school for Victoria which is in addition to the existing medical schools at Melbourne and Monash universities. This is the first medical school for training doctors outside Melbourne, and I believe it will have a significant impact in overcoming the shortage of doctors in regional and rural areas.
It was interesting to listen to the contribution to the debate by the member for Geelong and to read the second-reading speech, because there seems to have been an attempt to distort the history of the development of this medical school. Indeed the second-reading speech says:

On 1 May 2008 Victoria’s first new medical school for more than 40 years, the Deakin Medical School, was formally opened by the Prime Minister of Australia, the Honourable Kevin Rudd, with the strong financial backing and support of the Brumby government.

While that is true, in reality the background to this medical school is that the drive, the energy and the enthusiasm of local federal members David Hawker and Stewart McArthur probably had more to do with the establishment of the Deakin medical school than anything else, and they were strongly supported by other western Victorian state MPs. The person who made the ultimate decision to fund and go forth with that significant announcement of a medical school at Deakin University was former Prime Minister John Howard. There should be recognition placed on the record for the work of John Howard, David Hawker and Stewart McArthur in the establishment of that medical school.

I now refer to comments about this legislation made in an email to me by Rob Wallis, a former pro vice-chancellor, regional and rural, for Deakin University. He says:

I can see why the government wishes to clarify and standardise the acts for the different universities, but the objects of the university as described on pages 6 and 7 are so generic that the rural and regional defining aspects of the ‘old’ Deakin have been completely lost … I thus wonder if a ‘one size fits all’ act for all our universities is appropriate.

He goes on further in his email to say:

I understand this gives a university destiny over its future, which perhaps provides universities with independence they have sought. However, I feel western Victorian communities will be disappointed with the lack of such a guarantee.

I want to refer to the objects of the university set out in the current Deakin University Act, which reads:

The objects of the University are —

(a) to establish a university in the Geelong area;

(ab) to maintain campuses of the University at Geelong, Warrnambool, Burwood, Malvern and such other place or places as are prescribed by the Statutes.

There is no mention of Warrnambool in the current legislation, and it is somewhat ironic to see the amendments brought before the house by the minister in the La Trobe University Bill — amendments to the standard acts that apply to every other university which provide for particular appointments of two people who must have experience and interests in the Bendigo region and one who has experience and interests in the Albury-Wodonga region. I support that amendment, but I ask: why are there not similar amendments with regard to the Warrnambool campus and to Geelong representation within the Deakin University Act, with regard to Churchill representation in the Monash University Act, and in terms of other changes to other legislation? The government, by going down this track with the La Trobe University Bill, has admitted it has made a mistake. Where there are significant regional campuses there ought to be some recognition of their representation on the university council and some representation in the legislation before the house.

I want to cover a couple of other things in my contribution to the debate. One is the importance of universities in decentralisation and in regional development. It is interesting to note that some of the best recognised universities around the world are not located in capital cities, whether they be Oxford, Cambridge or a vast array of major American universities. Having decentralised universities is important in terms of decentralisation and regional development. They provide an enormous amount of employment in local areas, they are great economic drivers of research and they provide spin-offs from research in terms of jobs, investment and new opportunities.

I firmly believe that both federal and state governments ought to make a commitment that over the next 10, 20 or 30 years we have a policy in Australia to create more places through higher education contribution scheme funding for campuses in regional and rural areas, whether they be entire universities or campuses of universities, rather than in city-based campuses in Sydney, Melbourne and Brisbane. This would mean we would decentralise universities even more, and that would be a great driver for moving populations into regional and rural areas. It would also be of enormous benefit to regional development and regional job opportunities.

Finally, I refer to the issues facing rural students. There is no doubt that rural students are significantly disadvantaged in seeking and gaining access to tertiary education. It has been suggested that they are one-third less likely to undertake tertiary education, because many are forced to live away from home at enormous expense and enormous dislocation for them and their families.
The federal government changes to the youth allowance will only make this much harder. The federal Labor government, the Rudd government, is making it much more difficult for rural students to access tertiary education. That is cruel; that is unfair; it is unprecedented and it should be stopped. The new system where students are required to work for 30 hours a week for 18 months to qualify for a full independent youth allowance in their so-called gap year — they will need two gap years — makes it much more difficult for rural students to access tertiary education. The minor changes made by the Rudd government to exempt students who are on a current gap year are a very small relief. They deal with one cohort of students but the major problem remains for time into the future. Unless the government changes this measure, the gap between regional and rural students and city-based students will get wider and wider.

Mr LIM (Clayton) — It gives me great pleasure to support these four university bills. Victoria has a number of universities of world standing. One of the finest is Monash University, which has eight campuses. Its first and the largest is located at Clayton, in my electorate. Not surprisingly, therefore, I would like to direct my contribution to the Monash University Bill.

The Monash University Bill, along with the other bills, provides a modern and more flexible framework for the operation of our universities. The bill does this by sharing common objectives with other university bills in setting out the role of a university in Victoria, in accordance with community expectations; providing the university with greater flexibility in determining the size of its own governing council, allowing for the appointment of between 14 and 21 members, as against 21 currently; removing prescriptive detail from legislation about operational matters, such as the naming of units within a university and the composition and responsibilities of an academic board or its equivalent, leaving such matters for a university to determine itself; providing for a clear delineation between the roles and responsibilities of the council as the governing body of the university as against those of the vice-chancellor as the chief executive officer of the university; and providing for the creation of guidelines, subject to the minister’s and the Treasurer’s approval, setting out best practice arrangements in respect of risk management planning and oversight of a university’s commercial activities.

Monash University was established by a 1958 act of Parliament and opened its doors to 363 students in 1961. As Victoria’s second university Monash grew through the 1960s and into the 1970s — a time of student protests and the hiding of draft resisters — into the large and mature institution it is now.

Monash University now has over 55 000 students and 14 303 full and part-time staff. Over 25 000 of those students attend the Clayton campus. It has campuses at Berwick, Caulfield, Churchill in Gippsland, and Frankston. There are international campuses in Malaysia and South Africa and a centre in Italy.

Monash University has a breadth of programs with faculties in art and design, arts, business and economics, education, engineering, information technology, law, medicine, nursing and health sciences, pharmacy and pharmaceutical sciences and science.

Monash has 17 813 international students coming from all over the world. Monash has a very special place in my heart because I mention with pride that on my election to Parliament I was appointed by Parliament to represent it on the university council. I was a member of the council for only one year because after that period there was no requirement for the university to have parliamentary representation on its council, so my service to the university was terminated accordingly.

The other aspect of Monash University which I mention with pride is the incorporation of the first and probably only Australian synchrotron. As members know, the Premier is regarded as the father of the Australian synchrotron in scientific circles. We should be proud to have the synchrotron located in Victoria and at the Monash campus. It enhances the stature of the university as a scientific research centre vis-a-vis the whole world. It goes without saying that Monash University is at the forefront in many areas. It is a medical teaching institution and through its proximity to the Monash Medical Centre it is very well known for its pioneering research in many areas.

This bill will better enable Monash University to meet the challenges of the 21st century, especially in providing programs of excellence to students not just in Victoria and Australia but all over the world, to undertake world-renowned research and work closely with industry and its community. I commend the bill to the house.

Mr SCOTT (Preston) — It pleases me greatly to support the La Trobe University Bill, the Monash University Bill, the University of Melbourne Bill and the Deakin University Bill in this cognate debate. In my contribution I particularly want to concentrate on the La Trobe University Bill for a number of reasons. Firstly, it is the university which I attended; secondly, it is the
university that provides the most direct university educational services to the constituents I represent in the northern suburbs of Melbourne; and thirdly, because it is an important cultural hub in the northern suburbs of Melbourne.

The La Trobe University Bill re-enacts with amendments the law relating to La Trobe University, repeals various other acts and makes saving and transitional provisions. It really re-establishes the governance arrangements of La Trobe University, as is being done with other universities. I was particularly pleased to note that in clause 5, which sets out the objects of the university, there are a number of statements that will bring a warm glow to any person who believes in social justice. Clause 5(g) states that one of the objects of the university is:

… to provide programs and services in a way that reflects principles of equity and social justice.

That reflects well on that university and on this Parliament insofar as it is contemplating passing this particular bill.

As has been discussed by other members, universities such as La Trobe are not simply educational institutions; they are important institutions in our society for driving equality. They drive equality in two ways. Firstly, as was discussed by the member for Brighton, in driving equality of opportunity, universities play a critical role in ensuring that whatever their financial background, whatever the material circumstances of their families and whatever the circumstances their families have managed to create for them as they grew up, people of character and ability whose educational attainment is such that they are able to enter university are able to make their way in the world, taking advantage of those educational opportunities which have given them the capacity to live a life in which they can achieve fully and enter any profession their capacities allow them to. Secondly, this allows them to give back to the community, to repay the investment of care, resources, money, time and the skills of teachers and lecturers that has been made in them by the community.

This is a virtuous circle whereby people are no longer trapped by the circumstances of their parents and can escape into better lives. This is a change from what existed previously. There have been times when people who were literally at the top of their fields, who topped the state, did not have the money to advance into university education and so were forced to undertake different trades. There is much more social mobility in our society today than there was once upon a time.

La Trobe University particularly serves the community in areas such as my electorate of Preston. People from the northern suburbs of Melbourne often come from very disadvantaged backgrounds, but many people who go to La Trobe come from my electorate. For instance, many people who have lived in public housing — and I know of a number of examples — have gone on to university education and made professional lives for themselves in a way that was not available to earlier generations. La Trobe University has been a great driver of social advancement and social equality in our society.

Universities and their governance are important for another reason. Although they are statutory bodies, universities now play an increasingly important role in our economy. I have often talked in this Parliament about the important role that the export of educational services plays. I note that in 2008 that industry was Victoria’s largest export earner, valued at $4.9 billion. There were an estimated 161 625 overseas students enrolled in Victoria, 58 275 of those enrolled in universities. This is a reflection of that important role, which is one of the reasons why it is important to get the governance right. It is important that Victorian universities are able to serve the community and manage the important role that they have developed in our economy.

La Trobe University was established in 1964 as Victoria’s third university. It was named after Charles Joseph La Trobe, the first Governor of Victoria, and it was officially opened in 1967 by the then Liberal Premier, Sir Henry Bolte. The dignitaries at the event included Sir Robert Menzies, who I think by that time was a former Prime Minister.

As I said, the main campus of La Trobe is located in Bundoora in the northern suburbs of Melbourne, but there are a number of other campuses, including one at Bendigo, the New South Wales border centre in Albury-Wodonga and smaller campuses in places such as Mildura, Shepparton and Beechworth as well as a CBD (central business district) campus.

La Trobe University has a particularly good reputation in the humanities area. I note that it was listed in the 2007 ‘Times higher education supplement’, where it ranked in the top 25 institutions in the world in the category of arts and humanities and the third best in Australia. It also has a strong reputation in biomedicine and science. In the same ‘Times higher education supplement’ survey I think it ranked in the top 100 biomedicine universities in the world in that year. As I said, La Trobe is an important education facility. It
also has cultural facilities, particularly sporting and recreational facilities, such as indoor pools, gyms, playing fields and indoor stadiums which play an important role in the northern suburbs communities.

La Trobe has been a great university that has served the community well, and I believe it will continue to do so. This bill helps lay the foundation for what I believe will be many decades of good service to the community into the future. I commend the bill to the house.

Mr Walsh (Swan Hill) — I rise to make a contribution to the cognate debate on the La Trobe University Bill, the Monash University Bill, the University of Melbourne Bill and the Deakin University Bill.

Mr Cameron — Swan Hill’s missing on the list!

Mr Walsh — Swan Hill is missing on that list, and that is one of the things I want to talk about, to pick up the interjection from the Minister for Police and Emergency Services.

The Acting Speaker (Mr Jasper) — Order! The interjection is disorderly, of course!

Mr Walsh — The interjection is disorderly, but I will take it up in a moment, after I deal with the member for Preston. It was interesting, sitting here as a member representing a country electorate, to listen to the member for Preston talk about the issue of disadvantage. The people in my electorate probably have one of the highest deferral rates in Victoria, particularly among students who attend university, because it effectively costs parents in my electorate $20 000 per year to send someone away from home to go to university.

When I stand here in this place and think about universities and the issues around universities for country students, it seems to me that a lot of members who stand in this house and talk about the universities in Melbourne or the major regional centres are effectively expressing elitism. It is fine for parents in those places because students can live at home and go to university. It is a lot easier for those whose children can live at home and catch a tram, bus or train to university than it is for parents in country Victoria, who have to save up or find the money somehow so that their children can live away from home to go to university. They have to find the money to pay not only the university fees — whether they be the HECS (higher education contribution scheme) fees or other fees — but also and particularly the living-away-from-home costs.

We are talking about these four bills here. As I understand it, some subsequent bills will deal with some of the other universities in Victoria as well. My focus, as the member representing the Swan Hill electorate, is to actually get some university courses delivered in my electorate — I understand they will not be the whole range of university courses you would have if you lived in Melbourne, but at least some of the courses — so that parents have an opportunity to send their children to university without them having to leave home. There is a significant geographical disadvantage in students having to go away to university. As I said, it costs something like $20 000 per year per student to send your children away to university. I have been through that myself and know that it is a real issue.

If you look at the USA, you see that there is a land-grant model of universities. Universities are not necessarily centred in the capital cities of the states; often they are actually out in country areas. There is the opportunity for students to attend university courses without moving to the capital cities. One of the universities I have been to a couple of times, on other issues, is Davis university, which is in a country area of California.

When we talk about the governance issues of university we need to focus also on the issue of access, including the access of country students to universities without the huge disadvantage of cost. One of the bills we are dealing with here is the La Trobe University Bill. In my electorate there is a La Trobe campus in Bendigo and one in Mildura.

Mr Trezise interjected.

Mr Walsh — I am particularly focusing on La Trobe at the moment because it is probably the most geographically connected university to my electorate, with campuses at Bendigo and Mildura. We have a real issue, though, with La Trobe’s focus on Bundoora and the fact that in some ways the Bendigo and Mildura campuses are distant cousins.

Mr Weller — Poor cousins.

Mr Walsh — Or poor cousins, as the member for Rodney says.

We talk in this place about red tape and bureaucracy and hierarchy. My experience of universities is that they are probably the worst when it comes to elitism and the way they actually work. The Bundoora campus is the centre of La Trobe University, as maybe it should be. Bendigo and Mildura are very much distant cousins,
and it is very difficult to get the vice-chancellors of universities interested in them.

The vice-chancellors of universities seem to be demigods in the system. When we debate this sort of legislation we probably need to tear down some of that elitism of universities, particularly those that relate to regional Victoria. I notice the member for Bendigo West is at the table. I am sure he understands some of the issues I am talking about. The universities seem very focused on metropolitan Melbourne and the campuses in country Victoria are very much the poor cousins or poor relatives.

We should not see universities as being just for those who live in capital cities. We should see universities as being for all Victorians; whether they live in my electorate of Swan Hill, in the member for Rodney’s electorate around Echuca or in the Murray Valley electorate, Victorians should not be disadvantaged because of their geographic location.

One of the points we are missing in what we are talking about here is how we make sure that happens. One of the things I would like the government to consider in preparing this kind of legislation is for us not to talk about metropolitan universities that have country satellites but to think about how we might have a country-based university that is totally divorced from its city base, so that it actually has a real regional focus. Let us actually think about how we might have geographically tied HECS places with universities having to deliver in the areas where the HECS places are, rather than having HECS places that people have to come to.

It is an issue I am very passionate about. I represent an electorate that probably has one of the lowest university-educated populations of all the electorates represented in this house. Part of the reason is that the universities are elitist; they are based in and focused on metropolitan Melbourne and there is no real effort from this government, from those members who sit on that side of the house, to actually change that.

**Mr Trezise** interjected.

**Mr WALSH** — You might talk about Deakin University that is based in Geelong, but Geelong is effectively a suburb of Melbourne. It is not really part of regional Victoria. How do you put in place a university structure that actually delivers for country kids who live in country Victoria and not effectively a suburb of Melbourne? What we are talking about here is — —

**Mr Trezise** interjected.

**Mr WALSH** — I have been to the La Trobe campus. The university is very much focused on Bundoora. It is not focused on delivering to Swan Hill or Wycheproof or Birchip. It is not focused on delivering to the children in my electorate. It is focused very much on children relocating to Melbourne, taking the wealth from those communities and bringing it to Melbourne rather than delivering education in country Victoria. If we are talking about the governance structure of universities in this state, the government needs to have a serious look at how it sets up a governance structure that delivers for country children as well as city children. Rather than country children and their parents bringing their net worth to Melbourne — —

**Mr Brooks** — La Trobe University does more for country kids than you do, mate!

**Mr WALSH** — I know it is unruly to pick up interjections, but the member for Bundoora has missed the point totally if he thinks that, because it is about lifting the educational standard of country students rather than having their parents pay money to bring them to Bundoora to deliver education. This government has totally missed the point if the member for Bundoora’s view of the world is its view.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to be able to speak on the university bills. I was going to confine my comments to the Monash University Bill, but I cannot go on without having some sort of say about what the member for Swan Hill has said. As a mother who has sent three children to Melbourne to be university educated, I know how expensive it can be. I must say I would have liked to have seen some of the passion shown by the member for Swan Hill when the Howard government was in power. It ran down the universities, underfunded them and made it more difficult than ever for country kids to go to university. The fact is that under the Howard government the proportion of students receiving income support declined from around 40 per cent to 32 per cent, and payments declined dramatically in real terms because they were not indexed. No matter what the member for Swan Hill might think of the Gillard reforms, they will need more students — —

**The ACTING SPEAKER (Mr Jasper)** — Order! The member’s comments will be made through the Chair.

**Ms GRALEY** — Thank you, Acting Speaker. I am passionate about it too!
The ACTING SPEAKER (Mr Jasper) — Order! A lot of members are passionate about this issue. The member will make her comments through the Chair and refer to individuals through the Chair.

Ms GRALEY — Thank you, Acting Speaker. In accordance with the 2008 annual statement of intent, reiterated in February 2009, the founding acts of the University of Melbourne and Monash, Deakin and La Trobe universities have been reviewed and through these bills thoroughly remade, which is a very good thing. The review in most part has been about developing new legislation that meets contemporary needs of students and the modern world in which the universities operate.

This legislation has four major objectives: to modernise the foundation legislation of Victorian universities to conform to contemporary standards and expectations; to introduce greater flexibility and governance in administration; to standardise powers and provisions across each of the university acts; and to remove redundant and obsolete provisions.

I have only a limited amount of time, so I will speak about an area I am very passionate about — that is, having Monash University in my electorate. Many members have said that Monash has campuses around Australia, in Italy, in South Africa and Malaysia, but it also has a campus in Berwick. We are very lucky to have the new campus in Berwick, and I am proud to say that many students from Gippsland are coming by train to that campus. We have a strong vision for how that campus is going to be developed, and this legislation is spot on in supporting Monash University's Berwick campus, because it is about acknowledging and allowing the university to grow in response to community, local and modern needs.

I am a member of the community advisory council at the Monash Berwick campus, and we have a strong vision for the development of an education precinct around the Clyde Road environs. We can see the potential of having linkages between Chisholm TAFE, the Berwick Technical Education Centre, the new Nossal High School, which will be located on the Berwick Monash campus, and Monash University expanding the array of courses it will be able to offer to our students.

This bill also provides for modern governance arrangements for Monash University. The provisions of these bills allow the universities to determine for themselves the number of council members in a range from a minimum of 14 to a maximum of 21 members, and will continue to indemnify council members in exercising their functions and duties consistent with the objectives of the universities.

I recently had the pleasure of joining with the relatively new vice-chancellor of Monash University.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Rye Primary School: funding

Mr DIXON (Nepean) — I raise for the attention of the Minister for Education a matter regarding Rye Primary School. The action I seek is for the minister to fund Rye Primary School to purchase a badly needed property adjoining the school. Rye Primary School has 550 students, and the population of the school has grown rapidly. In the last couple of years an extra 100 children have enrolled in the school. However, the school is located on a property of only three and a half acres, which gives it — and the children have plotted this — the smallest per-pupil ratio of any school on the Mornington Peninsula.

The school is short of room, with two classes being taken in the science room and also on the stage in the hall. The school was eligible for $3 million of funding under the BER (Building the Education Revolution) program. However, the education department told the school it could not have any of that $3 million because its playground was too small for one of the off-the-shelf models. The principal asked for a smaller one and said the school would take anything but was told it had too many children to have a small model. The school was told it needed to sign over its $3 million — it was not going to receive a cent of it — and give it to other schools in the area.

Rye Primary School is being badly done by, despite the federal government’s promise that every school would receive money under the BER program. That shows the lack of flexibility. As a two-storey school it could have put on a two-storey block of four classrooms, which would have given it what it needed. But no, a two-storey building is not allowed; it has to be a certain off-the-shelf design with no flexibility. Therefore there is nothing of the $3 million for Rye Primary School.

The school has been given the first option on a block of land adjoining the school, something which does not happen very often to any school. The school has asked
the minister for some money to buy this block, given that it missed out on $3 million and signed it over to other schools in the area. Perhaps it would give the school a slightly larger playground. But the Brumby government said no, which is not fair on Rye Primary School. As that school has given up $3 million to other schools in the area, it should have at least a percentage of that amount.

The fact is the money has gone to a very needy school in the area — Tootgarook Primary School, which will be totally rebuilt and the state government will not have to pay for it. A cut of that money should be given to Rye Primary School to purchase that block of land. The other option is to sell the Flinders Street land. It is empty and a firetrap. A cut of that money would enable Rye Primary School to purchase the land adjacent to the school and give the kids a reasonably sized playground.

Children: early childhood services

Mr TREZISE (Geelong) — I raise a matter for the attention of the Minister for Children and Early Childhood Development. The issue relates to the important service delivery of early childhood intervention services (ECIS), specifically within not only my electorate of Geelong but the Greater Geelong region.

As you would be aware, Speaker, early childhood intervention services support children with disabilities and their families. They provide services such as special education, therapy, counselling and support access services like kinder and child care. The 2008–09 budget provided 500 additional ECIS places, and there are an additional 500 in this year’s budget. Given this allocation, the action I seek is for the minister to ensure that the next 500 ECIS places are allocated as urgently as possible and to ensure that the Geelong region is allocated its appropriate share of those places.

I am sure all members would be aware of how important early childhood intervention services are to families of children with disabilities or developmental delay. Within the Geelong region great demand is placed on organisations such as Gateway Support Services, which is a great Geelong organisation, and Scope Victoria to provide those services to families of children with disabilities in the Greater Geelong region.

I can assure the house that they do a very effective job in providing services and support, including information and parent education, individual assessment of needs, assistance in coordinating services, therapy programs and various other case management services that are very important to local families.

As one can see from this abbreviated list of services, the early childhood intervention services program is a vital service to many Victorian families. The minister and the Brumby government appreciate the importance of these services, hence the significant budgetary allocations over the past two financial years. In the budget year 2008–09 nearly $24 million was allocated. As I said, that provided 500 additional places and a further 500 were provided in the 2009–10 budget. I congratulate the minister on working hard within the budgetary process over the last couple of years to ensure that early childhood intervention services are provided to families across Victoria, including in my electorate of Geelong.

Seniors: travel concessions

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Senior Victorians. The action I seek is for Gippsland seniors to be afforded the same access to services as is provided to metropolitan seniors. Whilst I acknowledge that part of my contribution falls across other ministerial responsibilities, I ask the Minister for Senior Victorians to advocate on behalf of Gippsland Seniors Card holders to ensure they have similar entitlements to those of metropolitan Seniors Card holders.

The advent of Seniors Week in early October is a welcome initiative. However, it highlights the anomalies confronting many regional seniors, particularly those who reside in Gippsland. For example, Seniors Week was promoted in the Latrobe Valley Express of 1 October 2009, and under the heading ‘Travel concessions and Seniors Card’ it was reported that there would be free public transport during the week of the Victorian Seniors Festival. That is not quite accurate, and it has confused many seniors. The fact is that seniors wishing to utilise V/Line services could only do so on certain days during Seniors Week. Whilst metropolitan commuters were able to access eight days of free travel from Sunday, 4 October, to Sunday, 11 October, Gippsland commuters were able to access only five free travel days. If Gippsland seniors needed to access V/Line services on days precluded from free travel, normal rates applied.

The inequity of public transport services for seniors extends to the Seniors Sunday pass. Once again senior Gippsland commuters are disadvantaged in comparison with their metropolitan counterparts. Whilst Seniors Card holders in Melbourne travel free on Sundays, Seniors Card holders in Gippsland pay more for V/Line
journeys on Sundays than they do on weekdays, as no off-peak fares are offered on these services.

I have previously brought this anomaly to the attention of the Brumby government on behalf of Gippsland seniors. However, this city-centric government refuses to address the inequity. I pose a simple question: why will the Brumby government not provide free V/Line travel to eligible Gippsland Seniors Card holders on Sundays to ensure that all Victorian seniors have equitable access to public transport services? At the very least the government should provide a concession to seniors who wish to travel on public transport in regional areas on Sundays.

Fares for metropolitan seniors do not alter during the course of the day and, as I have noted, for them travel is free on Sundays. However, Gippsland seniors are confronted with peak fares at specific times on weekdays and weekends, including Sundays. For example, the cost difference between an off-peak fare and a peak fare for a return rail ticket from Traralgon to Melbourne is approximately 42 per cent. So on Sundays whilst metropolitan Seniors Card holders enjoy free travel, Gippsland Seniors Card holders are required to pay more than on weekdays. This is simply not fair. I ask the Minister for Senior Victorians to ensure that Gippsland seniors are supported on equal terms to those in Melbourne.

Shrives–Centre roads, Narre Warren: pedestrian crossing

Ms GRALEY (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Roads and Ports and concerns the need for a pedestrian crossing at the intersection of Shrives and Centre roads in Narre Warren. The action I seek is that the minister consider options for improvements to the intersection to make it safer for pedestrians. Members of the busy Narre Warren Senior Citizens Centre, which is located near the intersection, raised this issue with me recently. They are also organising a petition on the matter. It is an important safety issue for the seniors, as they often need to cross Centre and Shrives roads to get to their centre, and we want them to go to the senior citizens centre. The intersection already has traffic lights. However, a pedestrian crossing is also needed to make it as safe as possible for the community, and our seniors in particular. The intersection is also near a shopping centre and the Narre Warren railway station and is part of a busy traffic thoroughfare from Fountain Gate shopping centre to Hampton Park.

As I have expressed many times in this house, my electorate is a very fast-growing area. As our community changes, our roads are continuously being improved and upgraded to keep up with change, and this is a classic example of where that needs to be done. Around the intersection there is a lot of farmland which will inevitably be developed. We need to ensure that measures such as this are in place so that even when the traffic further increases in this area residents can still cross the road safely.

The Brumby Labor government has a strong record of achievement in building new roads, upgrading track treatments and improving driver and pedestrian safety. That is something that I know my constituents are well aware of because they can see it happening before their very eyes. The pedestrians who use this intersection, especially our senior citizens who want to remain actively engaged in the community by attending all the terrific activities available at the Narre Warren Senior Citizens Centre, deserve to be able to cross the road safely. The president of the centre, Margaret Trickey, has informed me of the real need for the crossing. We do not want people being unable to get out and about because they are scared of crossing the road. Margaret’s team is doing a great job and deserves our support. I therefore ask that the minister consider options for improvements to the intersection at the corner of Shrives and Centre roads in Narre Warren to make it much safer for pedestrians.

Trafalgar High School: funding

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Education. The action I seek is for the minister to fund the third stage of the Trafalgar High School redevelopment in next year’s budget. Trafalgar High School is currently undertaking the second stage of its major upgrade after being allocated $4.8 million in the 2009–10 budget. This partial redevelopment is long overdue and very welcome. However, it will rejuvenate only part of the school, with many of the current substandard buildings desperately in need of an urgent upgrade still remaining in use.

The maintenance required on these buildings to keep them in a condition that is barely adequate is draining the finances of the school and resulting in good money being wasted on short-term, bandaid solutions. Trafalgar High School was built over 40 years ago to cater for a student population of no more than 300. The enrolments this year are around 700 and predicted to increase next year and in subsequent years due to population growth which is exceeding expectations. A very significant factor accounting for the consistent
growth in enrolments is the excellent reputation Trafalgar High School has right across Gippsland. Around 200 students travel by train every day to Trafalgar High School from the Latrobe Valley.

The high school provides an accelerated learning program and a music program that are second to none in Gippsland. The staff at the school are dedicated, hardworking and well qualified in their areas of expertise. The school council is very proactive, has an excellent working relationship with senior staff and provides strong support for the principal. The Brumby government has an obligation to support the dedication and commitment of the teachers and parents at Trafalgar High School and provide a learning environment that is appropriate for secondary school students in this day and age.

More importantly, it is in line with promises made prior to the last election, when Trafalgar High School was promised an $8 million upgrade that would have completed the refurbishment of all the substandard buildings and facilities at the school. The 2006 election promise gave Trafalgar High School great hope, but funding did not arrive in 2007 or 2008, and that absolutely gutted the entire school community. Sadly the funding commitment in the 2009–10 budget is just over half that originally promised.

The school community has been very patient in putting up with substandard conditions across large sections of its campus for many years. There is something drastically wrong with the Brumby government when it is prepared to treat the Trafalgar High School community with absolute contempt by so easily walking away from its original 2006 promise. I call on the Minister for Education to honour the Brumby government’s pre-election commitment of 2006 and provide further funding in the 2010–11 budget which will enable the completion of the whole-of-school redevelopment project. This will provide students with a facility that they thoroughly deserve and reward the parents and teachers for their patience, commitment and dedication.

McClelland Secondary College: facilities

Dr HARKNESS (Frankston) — I too wish to raise a matter for the attention of the Minister for Education. The action I seek is that the minister visit McClelland Secondary College in my electorate to meet staff and students. Under the strong leadership of principal Angela Pollard, this college has become an absolutely fantastic school, providing enormously beneficial educational opportunities to approximately 940 young people.

Thanks to the Brumby government, the school has become even better, with the injection of $5.65 million of capital works which has modernised outdated facilities. The modernisation of this school is part of the state government’s record education package. This school was amongst the first to be funded under the Victorian schools plan — the government’s 10-year commitment to modernise or rebuild every government school. The funding has delivered new general purpose classrooms and modernisation of commerce, information technology, library, home economics, administration facilities and learning spaces. This upgrade is providing access for students to high-quality modern facilities that have already enhanced teaching and learning.

This year the school has also changed its name and its uniform, and it has improved the programs it is offering to its students. They are very keen for the minister to see these very positive changes firsthand. Incidentally, as further evidence of the government’s commitment to education in Frankston, an additional $2 million was recently provided to another fantastic local school, Frankston Heights Primary School. This funding, coupled with the federal government’s Building the Education Revolution P21 funding, will allow Frankston Heights to be completely rebuilt.

Through our continued investment in Victorian schools, we are ensuring that McClelland Secondary College students and other Frankston students are receiving modern school buildings, buildings which are leading edge and are providing innovative learning environments to equip our kids with skills necessary for 21st century jobs. The government is continuing its investment in education through the $1.9 billion Victorian schools plan to rebuild and modernise 500 schools over four years and every Victorian government school over the next decade.

With the strong investments in our schools from both the federal and the state governments, combined with the energy and drive from local school communities, and particularly the McClelland College school community, Frankston schools are able to provide children with what they need for the future. The Brumby government is continuing to make education its no. 1 priority, with an extra 9550 teachers and staff employed in our schools, record low average class sizes and record investment in school buildings.

The programs at McClelland College encourage very high standards of achievement and provide students with the essential skills required for lifelong learning. The school regards highly the values of respect, tolerance and hard work, and these values are much
enhanced by a teaching staff which inspires students. I encourage the minister to visit the school at the earliest opportunity.

**Walpeup research station: future**

Mr CRISP (Mildura) — The matter I raise is for the Minister for Agriculture. The action I seek is that the Department of Primary Industries (DPI) stop and reverse the disposal of machinery assets from the Walpeup research station. The Walpeup research station has a long history of research into farming in the Mallee, in particular grain research.

On 5 August 2008 the Victorian Department of Primary Industries announced it was going to withdraw from the Mallee research station site at Walpeup. I have been informed by Robert Cooke of Walpeup that the staff have worked to a position where approximately 75 per cent of the operating budget of $1 million came from sources other than DPI. The challenge has been to replace the 25 per cent of the budget provided by DPI and continue with a new management structure. DPI has provided $25 000 to assist in the development of a viable business plan detailing how the proponents propose to manage the site.

My concern and that of the community is that DPI is asset-stripping the site. Intellectual assets have been lost. Of the original 14 staff at Walpeup, only 3 remain. Of the 11 staff that have left, only 1 went to Irymple. The intellectual and experiential assets have been lost. The machinery assets have been offered for dispersal to other DPI facilities. I am informed that purchase of some of the machinery was co-funded from grower levies from the Grains Research Development Corporation. Some of the machinery was provided by machinery dealers at considerable discount as a donation to the research station.

The consultant charged with developing the business case for the consortium must contend with preparing a plan while assets continue to be stripped away by the minor party at the site. The consortium bid is the only one that advanced to stage 2 of the expressions-of-interest process, and has since been invited to submit a business case to be assessed by DPI. The consortium consists of agencies that act as service providers in agricultural research: the Mallee Agricultural Research Foundation, Mallee Sustainable Farming, the Birchip Cropping Group, the Victorian No-Till Farmers Association, the Mallee Catchment Management Authority, the Sunraysia Institute of TAFE, the Australian Landscape Trust and Climate Friendly Fertiliser.

The consultant charged with developing the business case faces a major problem: how can the consortium prepare the business case if the infrastructure of the business is being sold off? This leaves an almost impossible task for those parties that are involved. I call on the minister to reverse the process of selling off the machinery and other assets from the site so that we can get a business case to go forward that can work for the majority of those who wish to remain at the Walpeup research station.

**Monash Medical Centre: funding**

Mr HUDSON (Bentleigh) — I raise a matter for the attention of the Minister for Health. I ask the Minister to take action to ensure that the Moorabbin campus of the Monash Medical Centre receives additional funding for maintenance and infrastructure works so that the hospital can maintain a high standard of health services. The Moorabbin campus has had a great history. It was a hospital that the community wanted as far back as 1949, when with local community fundraising the community bought the site in Centre Road, East Bentleigh, for £16 000. It took another 26 years of very hard work to get a hospital established on the site, and it was not opened until 1975. From 1975 until the 1990s, it played a great role as a local community hospital, with elective surgery and an emergency department.

Unfortunately in the early 1990s the Kennett government, as it did in many areas, closed the emergency department. At the time the community was very upset about that. The government sought to reinvigorate the hospital, to refocus it and to redevelop it as part of the Southern Health network. One of the first things we did as a government was to invest an additional $10 million to completely redevelop the emergency department of the Monash Medical Centre in Clayton. That is one of the many things we have done at the campus in the last decade.

In 2004 we built a 15-bed elective surgery centre on the Moorabbin campus, which gave the local community an environment in which planned elective surgery could take place without being overtaken by emergency requirements. The centre is able to treat an extra 1300 patients a year in that facility. In 2006 the Bracks Labor government built a brand new state-of-the-art dialysis facility on the site. We also opened a new outpatients department, a specialist cancer treatment centre and two new radiotherapy bunkers to improve the treatment of cancer patients in the area.

However, there is a continual need to update the infrastructure at Monash Moorabbin. In particular the hospital needs funding for works associated with the
operating theatre. I am conscious that in the 2007–08 state budget the government committed $80 million over four years for a statewide infrastructure renewal program in our hospitals. There is a real need to find funding to replace the switchboard and theatre air-handling units at the Monash Moorabbin campus, and I ask the minister to take action to do that.

Gas: safety regulations

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Energy and Resources. The action I seek is for the minister to sit down with his department to review the Gas Safety (Gas Installation) Regulations 2008 in order to define the term ‘dangerous gas installation’, and to assess whether the regulations and the current policies of Energy Safe Victoria (ESV) are sufficient and clear.

I have been advised that there is no definition for what is meant by the term ‘dangerous gas installation’, so what might be considered dangerous by one gasfitter might be considered safe by another. Through a plumbing industry consultant a local gasfitter wrote and might be considered safe by another. Through a what might be considered dangerous by one gasfitter is meant by the term ‘dangerous gas installation’, so I have been advised that there is no definition for what are sufficient and clear.

Forwarded to me. It states:

My client is a licensed gasfitter-plumber who operates a gas appliance service company servicing a range of gas applications, primarily appliances which have been in operation between one and 10 years. A particular speciality of the service work performed by my client involves the servicing of decorative gas fires.

…

In an effort to ensure appropriate action is taken when faced with an existing appliance that has not been installed correctly, my client has to make a number of decisions (one of which is to determine if the installation is a ‘dangerous gas installation’. If the installation is deemed a ‘dangerous gas installation’ he must act in accordance with the provisions set out in the Gas Safety (Gas Installation) Regulations 2008 …

…

… the regulations do not appear to define what a ‘dangerous gas installation’ actually is, which leads my client and I to the current issue.

…

Therefore we request that ESV provide a definition of what a ‘dangerous gas installation’ actually is, and guidelines on what ESV believe is an adequate response to installations which do not comply … Once this is provided my client will then be in a much better position to complete the procedure document he is working on and advise his clients accordingly of his responsibilities as a licensed gasfitter.

I want the minister to investigate the regulations to provide a definition for the term ‘dangerous gas installation’ and to ensure that the regulations which are in place now are sufficient and clear so that all gasfitters and plumbers understand what is required of them under the legislation. I urge the minister to provide some clarification and not to provide me with a general letter which does not give the information that is required by my constituent.

Buses: Carrum Downs service

Mr PERERA (Cranbourne) — The matter I raise is for the attention of the Minister for Public Transport. The action I seek is for the minister to take all necessary steps to ensure that the current bus services in the Carrum Downs area are enhanced to a regular service level.

There is a need for improvement in public transport for industrial areas like those along Lathams Road in Carrum Downs. Lathams Road is one of the fastest expanding industrial areas in the region. It is the largest industrial area in my electorate of Cranbourne. Employees travel to this industrial area from a wide catchment area encompassing Cranbourne, Langwarrin, Skye, Seaford, Carrum, Frankston and Dandenong. Many residents in the Carrum Downs, Frankston North and Belvedere Park areas have welcomed the Brumby Labor government’s 901 SmartBus route which operates between Frankston and Ringwood. Patronage is growing by the day. Many residents have advised me that they are frequent users of this wonderful service.

I have also been approached by residents living in the local area who tell me they are having difficulty accessing bus services to the Lathams Road industrial area in Carrum Downs. Supporting access to areas like those along Lathams Road would improve access to employment and subsequently help businesses, especially manufacturing businesses. The connecting frequent bus service to the 901 SmartBus which runs along Frankston-Dandenong Road is important not only for the convenience of current commuters but also to get more and more people to leave their cars at home and to use public transport to get to work. Supporting access will also attract and keep workers in the area.

I urge the minister to keep enhancing the bus services in the Carrum Downs area, especially to the industrial areas like Lathams Road.

Responses

Mr HELPER (Minister for Agriculture) — It gives me pleasure to respond to the matter raised by the member for Mildura. As the member correctly identified, the Department of Primary Industries has
made a decision to divest itself of operations at the Walpeup research station. As minister, my attitude has always been that divesting ourselves of that facility, whilst motivated by ensuring that our services and what we do in the department remains relevant to our industry stakeholders — our sectoral stakeholders, which in this case is the grains industry — should not in any way aggravate the impact that our move from that facility will have on the local community and the industry.

The matter the member raised is about the disposal of machinery from that facility. Clearly, as we move from it we have to divest ourselves of some of the equipment that is there. It has to be relocated to other facilities or disposed of. What I will undertake to do for the member for Mildura is assure myself that just as the process that we have put in place for divesting ourselves of the site is sensitive to the community and sensitive to industry, divesting ourselves of the plant and equipment from the site is similarly sensitive. I undertake to do that and report back to him.

The member for Narre Warren South raised a matter for the Minister for Roads and Ports regarding the pedestrian crossing at the intersection of Shrvies and Centre roads, and particularly the effects on senior citizens in that vicinity. I will draw that to the attention of the Minister for Roads and Ports.

The member for Narracan raised a matter for the Minister for Education regarding Trafalgar High School and its redevelopment. I will make sure that the minister is made aware of that.

The member for Frankston also raised a matter for the Minister for Education regarding McClelland Secondary College. He encouraged the minister to visit to inspect the modernisation of those facilities, and I will ensure that the minister is informed of the member’s wishes.

The member for Nepean raised a matter also for the Minister for Education regarding the facilities at Rye Primary School. I will ensure that the minister is made aware of those issues.

The member for Geelong raised a matter for the Minister for Children and Early Childhood Development regarding early childhood intervention services, particularly as they relate to his constituency in Geelong. I will ensure that the minister is made aware of those issues.

The member for Morwell raised a matter for the Minister for Senior Victorians regarding access by Gippsland seniors card holders to free travel services.

The member for Bentleigh raised a matter for the Minister for Health regarding the Monash Medical Centre, particularly the Moorabbin campus, and facility maintenance. I will ensure that the Minister for Health is made aware of those issues.

The member for Bulleen raised a matter for the Minister for Energy and Resources regarding gas installation regulations, particularly the clarity around the term ‘dangerous gas installation’ in those regulations. I will ensure that my colleague, the Minister for Energy and Resources, is made aware of those issues.

The member for Cranbourne raised a matter for the attention of the Minister for Public Transport regarding bus services in the Carrum Downs area, particularly as they service growing industrial development in that region. I will ensure that the Minister for Public Transport is made aware of the concerns of the member for Cranbourne.

The SPEAKER — Order! The house is now adjourned.

House adjourned 10.34 p.m.
Thursday, 15 October 2009

PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Crown Land (Reserves) Act 1978 and the National Parks Act 1975 to make further provision for parks in East Gippsland, and to make other amendments to those acts, and to make related amendments to another act and for other purposes.

Mr INGRAM (Gippsland East) — Could the minister please provide the house with a brief explanation of the bill?

Mr BATCHELOR (Minister for Community Development) — This is a continuation of the environmental credentials of the government, and we propose — —

An honourable member — This will not take long then.

Mr BATCHELOR — We will see, won’t we? We are prepared through this bill to create new parks and reserves in East Gippsland, and the member will be briefed on the details of those.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notice of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notice of motion 224 will be removed from the notice paper on the next sitting day. A member who requires this notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Mental health: Bass Coast housing

To the Legislative Assembly of Victoria:

Bass Coast has an approximate population of 30 000. The region has no affordable one-bedroom units, particularly in the town of Wonthaggi, for single people with a chronic mental illness under the age of 55.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament, the Minister for Housing and the Minister for Community Services to support our petition and act immediately to provide long-term housing for single people with a chronic mental illness.

By Mr K. SMITH (Bass) (206 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) (28 signatures).
5. remove sporting and recreational clubs from having a single-sex membership base.

The petitioners therefore respectfully call on the state government to abandon its plan for the removal of the exemptions to the Equal Opportunity Act 1995 which currently serve to protect the core interests of our faith schools, single-sex clubs and small business.

By Ms WOOLDRIDGE (Doncaster) (65 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (79 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current level of reimbursement under the Victorian patient transport assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;

b. increase the current 17-cent-per-kilometre reimbursement rate and accommodation reimbursement rate of $35 plus GST to levels that are more reflective of the current travel and accommodation costs;

c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route, not just the shortest distance alternative.

By Mr CRISP (Mildura) (19 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (69 signatures) and Mrs POWELL (Shepparton) (34 signatures).

Rail: Shepparton line

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to reinstate passenger rail services from Shepparton through Numurkah and Strathmerton to Cobram and return, to service this important area and provide the convenience of passenger rail services directly to and from Melbourne, as has previously been provided.

The petitioners therefore request that the Victorian government takes positive action to reinstate passenger rail services as a matter of urgency.

By Mr JASPER (Murray Valley) (153 signatures).

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

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

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

OFFICE OF THE PUBLIC ADVOCATE

Report 2008–09

Mr BATCHELOR (Minister for Community Development), by leave, presented report.

Tabled.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2008–09

Mr ROBINSON (Minister for Consumer Affairs), by leave, presented report.

Tabled.

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

Report 2008–09

Mr BATCHELOR (Minister for Community Development), by leave, presented report.

Tabled.

PUBLIC SECTOR ASSET INVESTMENT PROGRAM

Budget information paper no. 1 2009–10

Mr BATCHELOR (Minister for Community Development), by leave, presented paper.

Tabled.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2009–10 (part 2)

Mr STENSHOLT (Burwood) presented report, together with appendices, extract from proceedings and minority reports.

Tabled.

Ordered to be printed.

CHILDREN’S COURT OF VICTORIA

Report 2007–08

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

- Accident Compensation Conciliation Service — Report 2008–09
- Adult, Community and Further Education Board — Report 2008–09
- Adult Parole Board — Report 2008–09
- Alexandra District Hospital — Report 2008–09
- Alfred Health — Report 2008–09
- Alpine Health — Report 2008–09 (two documents)
- Altona Memorial Park, Trustees of — Report 2008–09
- Ambulance Victoria — Report 2008–09
- Austin Health — Report 2008–09 (two documents)
- Australian Grand Prix Corporation — Report 2008–09
- Bairnsdale Regional Health Service — Report 2008–09 (two documents)
- Ballarat Health Services — Report 2008–09
- Barwon Health — Report 2008–09
- Barwon Region Water Corporation — Report 2008–09
- Bass Coast Regional Health — Report 2008–09
- Beaufort and Skipton Health Service — Report 2008–09
- Beechworth Health Service — Report 2008–09 (two documents)
Benalla and District Memorial Hospital — Report 2008–09
Bendigo Health Care Group — Report 2008–09
Boort District Hospital — Report 2008–09 (two documents)
Building Commission — Report 2008–09
Calvary Health Care Bethlehem Ltd — Report 2008–09 (two documents)
Casterton Memorial Hospital — Report 2008–09
CenITex — Report 2008–09
Central Gippsland Health Service — Report 2008–09 (two documents)
Central Gippsland Region Water Corporation — Report 2008–09
Central Highlands Region Water Corporation — Report 2008–09
Cheltenham and Regional Cemeteries Trust — Report 2008–09
Child Safety Commissioner — Report 2008–09
City West Water Ltd — Report 2008–09
Cobram District Hospital — Report 2008–09 (two documents)
Cohuna District Hospital — Report 2008–09
Colac Area Health — Report 2008–09
Coliban Region Water Corporation — Report 2008–09 (two documents)
Commissioner for Law Enforcement Data Security, Office of — Report 2008–09
Community Visitors — Report 2008–09 under the Mental Health Act 1986, Health Services Act 1988 and Disability Act 2006 — Ordered to be printed
Consumer Affairs Victoria — Report 2008–09 — Ordered to be printed
Country Fire Authority — Report 2008–09
Dental Health Services Victoria — Report 2008–09
Djerriwarrh Health Services — Report 2008–09 (two documents)
Dunmunkle Health Services — Report 2008–09
East Gippsland Region Water Corporation — Report 2008–09
East Grampians Health Service — Report 2008–09
East Wimmera Health Service — Report 2008–09
Eastern Health — Report 2008–09
Echuca Regional Health — Report 2008–09
Edenhope and District Memorial Hospital — Report 2008–09
Education and Early Childhood Development, Department of — Report 2008–09
Emerald Tourist Railway Board — Report 2008–09
Emergency Services Superannuation Board — Report 2008–09
Emergency Services Telecommunications Authority — Report 2008–09
Energy Safe Victoria — Report 2008–09
Environment Protection Authority — Report 2008–09
Essential Services Commission — Report 2008–09
Fawkner Crematorium and Memorial Park Trust — Report 2008–09
Fed Square Pty Ltd — Report 2008–09
Film Victoria — Report 2008–09
Financial Management Act 1994:

Report from the Minister for Community Services that she had received the Report 2008–09 of the Disability Services Commissioner
Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:

  - Alpine Resorts Co-ordinating Council
  - Commissioner for Environmental Sustainability
  - Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the reports 2008–09 of the:

  - Anderson’s Creek Cemetery Trust
  - Bendigo Cemeteries Trust
  - Chinese Medicine Registration Board of Victoria
  - Chiropractors Registration Board of Victoria
  - Dental Practice Board of Victoria
  - Health Purchasing Victoria
  - Infertility Treatment Authority
  - Lilydale Cemeteries Trust
  - Maldon Hospital
  - Manangatang and District Hospital
  - Medical Radiation Practitioners Board of Victoria
  - Mildura Cemetery Trust
  - Omeo District Health
Optometrists Registration Board of Victoria
Osteopaths Registration Board of Victoria
Pharmacy Board of Victoria
Physiotherapists Registration Board of Victoria
Podiatrists Registration Board of Victoria
Preston Cemetery Trust
Templestowe Cemetery Trust
Wyndham Cemeteries Trust
Report from the Minister for Mental Health that she had received the Report 2008–09 of the Mental Health Review Board incorporating the Psychosurgery Review Board
Reports from the Minister for Planning that he had received the reports 2008–09 of the:
Architects Registration Board of Victoria
Dandenong Development Board
Heritage Council of Victoria
Reports from the Minister for Public Transport that she had received the reports 2008–09 of the:
Rolling Stock (VL-1) Pty Ltd
Rolling Stock (VL-2) Pty Ltd
Rolling Stock (VL-3) Pty Ltd
Report from the Minister for Women’s Affairs that she had received the Report 2008–09 of the Queen Victoria Women’s Centre
Geelong Cemeteries Trust — Report 2008–09
Gippsland and Southern Rural Water Corporation — Report 2008–09
Gippsland Southern Health Service — Report 2008–09 (two documents)
Goulburn Valley Health — Report 2008–09
Goulburn Valley Region Water Corporation — Report 2008–09
Goulburn-Murray Rural Water Corporation — Report 2008–09
Grampians Wimmera Mallee Water Corporation — Report 2008–09
Greyhound Racing Victoria — Report 2008–09
Growth Areas Authority — Report 2008–09
Health Services Commissioner, Office of — Report 2008–09
Hepburn Health Service — Report 2008–09
Hesse Rural Health Service — Report 2008–09
Heywood Rural Health — Report 2008–09
Human Services, Department of — Report 2008–09
Inglewood and Districts Health Service — Report 2008–09
Innovation, Industry and Regional Development, Department of — Report 2008–09
Irrigation Modernisation in Northern Victoria — Report 2008–09
Justice, Department of — Report 2008–09
Kerang District Health — Report 2008–09
Kilmore and District Hospital — Report 2008–09
Koowearup Regional Health Service — Report 2008–09 (two documents)
Kyabram and District Health Service — Report 2008–09
Kyneton District Health Service — Report 2008–09
Latrobe Regional Hospital — Report 2008–09
Legal Practitioners Liability Committee — Report 2008–09
Lorne Community Hospital — Report 2008–09
Lower Murray Urban and Rural Water Corporation — Report 2008–09
Mallee Track Health and Community Service — Report 2008–09
Mansfield District Hospital — Report 2008–09 (two documents)
Maryborough District Health Service — Report 2008–09
Melior Health and Community Services — Report 2008–09
Melbourne and Olympic Parks Trust — Report 2008–09
Melbourne Convention and Exhibition Trust — Report 2008–09
Melbourne Health — Report 2008–09
Melbourne Market Authority — Report 2008–09
Melbourne Water Corporation — Report 2008–09
Mercy Public Hospitals Inc — Report 2008–09 (two documents)
Metropolitan Fire and Emergency Services Board — Report 2008–09
Moe Heywood Health Services — Report 2008–09
Mt Alexander Hospital — Report 2008–09
Nathalia District Hospital — Report 2008–09 (two documents)
National Parks Act 1975 — Report 2008–09 on the working of the Act

National Parks Advisory Council — Report 2008–09

Necropolis Springvale, Trustees of — Report 2008–09

North East Region Water Corporation — Report 2008–09

Northeast Health Wangaratta — Report 2008–09

Northern Health — Report 2008–09 (two documents)

Numurkah District Health Service — Report 2008–09 (two documents)

Nurses Board of Victoria — Report 2008–09

Ombudsman — Brookland Greens Estate — Investigation into methane gas leaks — Ordered to be printed

Orbost Regional Health — Report 2008–09

Otway Health and Community Services — Report 2008–09

Parks Victoria — Report 2008–09 (two documents)

Parliamentary Contributory Superannuation Fund — Report 2008–09

Peninsula Health — Report 2008–09 (two documents)

Peter MacCallum Cancer Centre — Report 2008–09

Phillip Island Nature Park — Report 2008–09

Planning and Community Development, Department of — Report 2008–09

Plumbing Industry Commission — Report 2008–09

Police Appeals Board — Report 2008–09

Police Integrity, Office of — Report 2008–09 — Ordered to be printed

Port of Hastings Corporation — Report 2008–09

Port of Melbourne Corporation — Report 2008–09

Portland District Health — Report 2008–09

Premier and Cabinet, Department of — Report 2008–09

Primary Industries, Department of — Report 2008–09 (two documents)

Public Transport Ticketing Body — Report 2008–09

Queen Elizabeth Centre — Report 2008–09 (two documents)

Radiation Advisory Committee — Report 2008–09

Regional Development Victoria — Report 2008–09

Residential Tenancies Bond Authority — Report 2008–09

Roads Corporation (VicRoads) — Report 2008–09

Robinvale District Health Services — Report 2008–09

Rochester and Elmore District Health Service — Report 2008–09

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2008–09

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report 2008–09

Royal Botanic Gardens Board — Report 2008–09

Royal Children’s Hospital — Report 2008–09

Royal Victorian Eye and Ear Hospital — Report 2008–09

Royal Women’s Hospital — Report 2008–09

Rural Finance Corporation of Victoria — Report 2008–09

Rural Northwest Health — Report 2008–09

Seymour District Memorial Hospital — Report 2008–09 (two documents)

South East Water Ltd — Report 2008–09

South Gippsland Hospital — Report 2008–09

South Gippsland Region Water Corporation — Report 2008–09

South West Healthcare — Report 2008–09

Southern and Eastern Integrated Transport Authority — Report 2008–09

Southern Cross Station Authority — Report 1 July 2008 to 31 July 2009

Southern Health — Report 2008–09

St Vincent’s — Report 2008–09 (two documents)

State Electricity Commission of Victoria — Report 2008–09

State Services Authority — Report 2008–09

State Sport Centres Trust — Report 2008–09

State Trustees Ltd — Report 2008–09

Stawell Regional Health — Report 2008–09

Sustainability and Environment, Department of — Report 2008–09

Sustainability Victoria — Report 2008–09

Swan Hill District Health — Report 2008–09

Tallangatta Health Service — Report 2008–09 (two documents)

Terang and Mortlake Health Service — Report 2008–09

Timboon and District Healthcare Service — Report 2008–09

Tourism Victoria — Report 2008–09

Transport Accident Commission — Report 2008–09

Transport, Department of — Report 2008–09
Water Industry Act 1994 — Reports under s 77A (three documents)
West Gippsland Healthcare Group — Report 2008–09
West Wimmera Health Service — Report 2008–09
Western District Health Service — Report 2008–09
Western Health — Report 2008–09
Western Region Water Corporation — Report 2008–09
Westernport Region Water Corporation — Report 2008–09
Wimmera Health Care Group — Report 2008–09
Wodonga Regional Health Service — Report 2008–09
Yarra Bend Park Trust — Report 2008–09
Yarra Valley Water Ltd — Report 2008–09 (three documents)
Yarram and District Health Service — Report 2008–09 (two documents)
Yarrawonga District Health Service — Report 2008–09 (two documents)
Yea and District Memorial Hospital — Report 2008–09
Young Farmers’ Finance Council — Report 2008–09
Youth Parole Board and Youth Residential Board — Report 2008–09

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 10 November.

Motion agreed to.

MEMBERS STATEMENTS

HMAS Canberra: dive site

Ms NEVILLE (Minister for Mental Health) — On Sunday, 4 October, the HMAS Canberra was scuttled off the coast of Ocean Grove. It was a great day, despite some delays due to weather conditions, with thousands of people lining the coast to watch this historic event. It is the first time a decommissioned navy ship has been scuttled in Victoria. I remember raising the matter in this house in 2006 for the then tourism minister. I asked
the minister to advocate to the commonwealth government for the HMAS Canberra to be gifted to Victoria. The HMAS Canberra was subsequently gifted, and the Victorian government provided $1.5 million in funding to support the project and the decommissioning.

The artificial reef that will now be formed will result in this becoming one of Australia’s premier dive states. It will be a boon for the local tourism region, the dive tour operators and the whole Bellarine region. The scuttling will mean that even more visitors will come to the beautiful region to dive on the exciting new reef that will create a real underwater wonderland.

Studies by Tourism Victoria estimate the net economic benefit to Victoria of the dive site through spending by new visitors to be around $1.3 million per annum. That will see the creation of new local jobs, and that is great news for the Bellarine. The scuttling is another way that the state government is showing its commitment to supporting tourism, which provides jobs to 180,000 Victorians and generates $15 million for the state’s economy.

Breast cancer: Diamond Creek events

Ms GREEN (Yan Yean) — I want to commend the fantastic women from across my electorate who organised and attended Girls Night In events for fundraising to find a cure for breast cancer. This week has seen or will see events organised by the Diamond Creek Living and Learning Centre, Curves gym in Diamond Creek and paramedics stationed at Diamond Creek, and Laurimar women will all get together this Saturday.

I want to pay particular tribute to the Girls Night In event organised by the Diamond Creek Living and Learning Centre last Friday night. It was the most amazing event. More than 500 women ‘pinked up’ to the nines and drank pink drinks, ate pink food and danced to the great tunes of A2G, with music from the 1960s, 1970s and 1980s. It was great to see that some $13,633.45 was raised to be shared between Cancer Council Victoria and our local support group, the 4Cs. So many people worked tirelessly to make this event the success it was, but special mention must be made of the major sponsors, the Bendigo Bank and the Diamond Creek Community Centre, as well as the volunteer organising committee from the friends group: Christina Altamore, Desiree Pain, also known as Miss Candy Floss, Michelle Chubb, Michelle Molinaro, Cheryl Davies, Sherrilyn Ballard, Agata Commissio, Monica Hemphill, Annie Formica, Anthony Herrett, Maeve Clonan, Maria Maurer and Dawn McDonald. Well done to all these great women and the businesses that generously supported this event.

Bushfires: local government

Mrs POWELL (Shepparton) — As this is Fire Action Week, I would like to pay tribute to the action local governments are taking to assist their communities to rebuild their lives after the recent disastrous bushfires. Many councillors, council officers and staff were affected by the fires themselves or know of someone who has been and they have still been
tirelessly working with their communities to help them recover. I have met with a number of councils whose municipalities were badly affected by the fires and I know the toll this has taken on the councils and officers over the past seven months as they support the people who have lost their loved ones, their homes and, in some cases, their livelihood.

The 2009 Victorian Bushfires Royal Commission released an interim report in August. One of its recommendations was a shift in emphasis from built structures acting as refuges to the use of other options such as existing venues, including car parks, amenity blocks and open spaces. The government’s response was that for the next fire season sites would be identified as appropriate ‘neighbourhood safer places’, with priority in the 52 towns identified as most at risk this season and that the public would be educated about the use of those places.

Councils have raised a number of concerns with me about the use of safer places. They do not have any guidelines about the type or location of safer places or who would be responsible for the provision of access to and maintenance of those safer places. The councils have asked if there will be extra funding from the state government to cover those extra responsibilities, and they want to know who will be responsible for the liability of those safer places. I ask the government to assist those councils.

**South Pacific tsunami**

**Mr DONELLAN** (Narre Warren North) — I have been watching with great sadness the events unfolding in Samoa, American Samoa, and Tonga since 29 September, and have been deeply affected by the stories of loss and hardship this disaster has brought to the people of the region. The natural beauty of Samoa, American Samoa and Tonga is what draws so many people from all over the world to visit year after year, but events such as these can shock us into remembering the sheer power of nature and the fragility of human life.

I would like to express my sincere sorrow at the damage and loss wrought by this tragedy. It is difficult to comprehend the weight of such a loss of life. The loss of a child, a mother, a father, a friend or a colleague is a tremendous weight for anyone to bear. What we are dealing with here is the loss of entire sections of communities, with many people of all ages killed or injured. It is a scene that I can only begin to comprehend.

I would like the people of Samoa, American Samoa and Tonga to know that I, like all Australians, am keeping them in my thoughts and prayers. I extend my sympathies and condolences to the people of Samoa, American Samoa and Tonga, and I hope that the support of Australia and the global community reaches those affected as quickly and as effectively as possible.

Further, my sympathy goes out to local members of the Samoan-Tongan community in Narre Warren North who have lost relatives in these terribly difficult circumstances.

**Bushfires: native vegetation clearance**

**Mr MORRIS** (Mornington) — Over one month ago the government announced interim measures for bushfire protection for all except 21 municipalities across the state. While many councils have expressed their concern at losing total control of the process, they have nevertheless taken the changes in their stride. The Mornington Peninsula council has traditionally taken a tough line on vegetation clearance, and it has been the subject of many complaints to my office. Despite reservations, the council has embraced the changes and given appropriate publicity to the new arrangements. In doing so it has recognised that homeowners will almost always be responsible in the way they prepare for the fire season. I congratulate the council on its pragmatic approach.

Unfortunately the City of Frankston has decided that the changes do not apply to it. Instead of supporting its community, the council has threatened to prosecute community members, falsely claiming that trees over a certain size cannot be removed. The council’s stance is causing considerable confusion, and more importantly, delay in preparation for the fire season. I urge the ministers for local government and planning to make sure that all residents of Frankston understand the real rules, rather than the misinformation being peddled by the council.

**Aichi Prefecture: Typhoon Melor**

**Mr MORRIS** — On another matter, last week Typhoon Melor tore through our sister region in Japan, Aichi province. Wind speeds reached 198 kilometres an hour, damaging houses, paralysing road, rail and air transport and causing widespread blackouts. There have been a number of deaths and injuries. My thoughts are with Governor Kanda and the people of Aichi as they deal with the aftermath of the typhoon.
Carbon capture and storage: government initiatives

Mr BROOKS (Bundoora) — Today marks the first anniversary of the successful passage through this house of the Greenhouse Gas Geological Sequestration Bill. As members of this house are aware, the Brumby Labor government is committed to reducing Victoria’s greenhouse gas emissions by 60 per cent by 2050 compared to levels in 2000. The act provides Victoria with the legislative framework for the progression of carbon capture and storage technologies in the face of growing global awareness of the need to tackle climate change.

Carbon capture and storage, or CCS, refers to the emerging technology that will allow us to make significant cuts in CO₂ emissions from stationary CO₂ sources, such as power plants and chemical plants, by capturing greenhouse gases, liquefying them and injecting them into underground geological formations for the purpose of their permanent storage, thereby eliminating the harmful effects they would have on our atmosphere.

This government is fostering the use of CCS technology. We have allocated $110 million to our energy technology innovation strategy program, which will support large-scale demonstration projects, geological assessment of possible storage sites and developing regulations to support the Victorian Greenhouse Gas Geological Sequestration Act.

The federal government should also be congratulated for its involvement in advancing the development of CCS in Australia, with its announcement earlier this year of $2.4 billion for the CCS Flagships program, which will accelerate the development of CCS technology across Australia through supporting a number of industrial-scale demonstration projects over the next nine years.

Casey Secondary College: name change

Ms GRALEY (Narre Warren South) — As a member of this house I am proud of the strong investment in our government schools by the Brumby and Rudd Labor governments. The community can rest assured that the Brumby Labor government fully supports our government schools. That is why we are undertaking the biggest schools modernisation program in Victoria’s history. In my electorate of Narre Warren South families are benefiting from the nine new schools that the government has built in this local area since being elected. One of these schools is Casey Central Secondary College. They are schools that our community is very proud of. The schools are run by wonderful teachers and principals committed to giving our children the best education possible.

The reputations of these dedicated people were recently smeared by the member for Nepean, who was featured in an article in the most recent Sunday Herald Sun and was reported as saying that Casey Central was having its name changed because it had a bad reputation. When will the member for Nepean stop talking down our government schools and start making a positive contribution? In order to correct the untruths of the member for Nepean I inform the house that Casey Central was always going to be a temporary name so that the community could choose a name for the new school. The community has chosen Alkira Secondary College. Of course we do not expect anything better from members opposite than this continuous vendetta against government schools. After all, when the Liberal Party and The Nationals were in government they closed 330 of them.

Rail: Frankston line

Mr THOMPSON (Sandringham) — Today I give expression to the anger and anguish of Sandringham electorate train travellers, in particular a Mentone constituent who travels to work every day from Mentone station, which she has been doing for the last 35 years. It has now reached a stage where it is an occupational health and safety hazard getting on and off the trains, let alone travelling on the trains themselves without monitoring or supervision. She is 63 years old and has to stand both to and from work. She catches a train between 8.00 and 8.30 in the morning and comes home on the 5.37 p.m. train from Melbourne Central — when it runs. By the time the train does arrive at Melbourne Central there are no seats available.

My constituent is tired of cancelled trains, reduced carriages and the non-arrival of trains. She does not want to hear the spin about new trains and new services. The Frankston line will not be getting any new trains. The trains she travels on are old, grubby and not looked after, and they are dangerously overcrowded. She is happy she does not have to work until she is 67 under changes to retirement laws, because she would have to put up with this for another four years. She works with Telstra in the complaints area, and the service offered by Telstra is far superior to that offered by Connex. The concern of many constituents is that the Labor Party has been in government for 20 of the last 27 years and has failed to make provision for basic infrastructure requirements.
Alkira is a local Aboriginal word meaning ‘big sky’. At Alkira Secondary College our students are being urged to reach for the sky. I suggest that the member for Nepean raise his standards and support the teachers, students and parents of Alkira Secondary College. The member for Nepean should apologise to the people of my electorate for his ill-informed attack on government schools.

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

Youth: Gippsland mentoring scheme

Mr INGRAM (Gippsland East) — I rise on behalf of the Plan It Youth mentoring scheme in Gippsland East, which is run by the Gippsland local learning and employment network. This is a great program and has been very successful in Gippsland East in mentoring young people over the last five years. In that time it has trained over 100 adults as mentors, mentored over 180 students and worked with other organisations such as schools to promote the mentoring of young people and give them opportunity and good advice. This is a substantial achievement for my area, which has a small population base and large distances when compared with many other parts of Victoria.

The grant money that currently operates this scheme runs out on 31 December 2009. After that date the project will no longer be able to employ a coordinator to train the mentors and match mentors with schools and young people. The government must provide dedicated youth mentoring programs and funding in Gippsland East. This is a very important project, so it is important that we provide mentors for young people in our community who have troubles.

Parliament: tabling of reports

Mr INGRAM — On another matter, I need my trailer at Parliament House this week for the 260 reports that have been tabled. The Parliament must address this issue. We should guarantee that a maximum number of reports are tabled each day and that the Parliament sits for at least two weeks towards the end of October each year.

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

Forest Hill electorate: Kirstie’s Cover competition

Ms MARSHALL (Forest Hill) — It was with great pleasure that on the evening of 8 October I was able to formally announce the winners of the Kirstie’s Cover competition of 2009 at Forest Hill Chase shopping centre in front of a crowd of proud parents and very excited primary school students. Students participating in the competition were asked to design an alternative dust jacket for their favourite book. The aim of the competition was to give primary school students in the electorate of Forest Hill the opportunity to be creative and demonstrate artistically their understanding of their favourite book. The competition ran for six weeks, with 122 students participating from six schools. The task of judging all 122 entries fell to me, and it was an arduous task as the quality of entries was phenomenal. I congratulate every student who participated and the teachers and the principals who encouraged them, and I give special mention to the winners from each school.

The winners were: Amanda Karagiannidis, Parkmore Primary School; Erica Xle, Vermont Primary School; Emily Seneviratne, Weeden Heights Primary School; Siew-Ting Lim, Burwood Heights Primary School; Ruby King, Livingstone Primary School; and Sam Tassone, Orchard Grove Primary School. Each winning entry offered something very different, and the students should be very proud of their efforts.

I would like to acknowledge Forest Hill Chase shopping centre manager, Paula Jones, and its marketing coordinator, Rebecca Jones, for their generous support in hosting the presentation ceremony. It is a pleasure to be continually associated with such a great organisation.

Bushfires: fuel reduction

Mr NORTHE (Morwell) — Given this week is Fire Action Week it is pertinent to raise in this house the views of Gippsland residents as they prepare for the impending bushfire season. Many residents have expressed concern over the lack of prescribed burning over a period of time in our region, specifically in the Morwell National Park.

An article in the Herald Sun of 9 September relayed the sentiment of many people who reside in the vicinity of the park. Comments attributed to the Jumbuck self-help group refer to no fuel reduction burning having been conducted in the park for at least 20 years and a huge fuel load on the ground. The article further states that the Premier has said that the government will play its part in preparing the state for the next bushfire season but that there is no sign of a clean-up in the Morwell National Park.

The sentiment of the Jumbuck self-help group is that a sense of urgency normally associated with search-and-rescue missions is now required.
These comments have been further endorsed by members of the public who have since contacted my office on the same issue. The Environment and Natural Resources Committee has recommended that a prescribed burning target of 385 000 hectares be adopted. However, this recommendation appears to be falling on deaf ears, as the Brumby government ignores such advice. I hope the government will recognise the concerns expressed by groups such as the Jumbuck self-help group and ensure that in the future fuel reduction burns on public land are increased substantially for the benefit of all Victorians.

### Diwali in the West festival

**Ms THOMSON** (Footscray) — I want to congratulate all those involved with the very first Diwali in the West festival, which was held on 3 October. During the day 20 000 people came through and there were spectacular fireworks and entertainment. I want to give special thanks to the sponsors who made it possible in what was a very short time: Karen Trevorrow, who helped coordinate the festival for the day; the overseas students, particularly the Indian students, who helped organise before the festival and on the day; and the students in the schools who undertook activities in the lead-up and learnt all about Diwali and the importance of the Hindu holiday.

I thank all the volunteers: Claudine Spinner; Helen Rodd from the West Footscray neighbourhood house; Liza Lukusa; Deiter Goethel; Jag Shergill; Habir Kang and Sheila from the Braybrook neighbourhood house; Rodney Johnstone and all the team from Footscray Rotary; Dinesh Malhotra and all his team at the Bharat Times, who got involved in making this a success; Chris Owner; Sarah Carter; Martin Zakarov; David Downey and the team at Kosdown; and David Smorgon and Anna Mitchell from the Western Bulldogs. We could not have done it without the Bulldogs, and Whitten Oval was a fantastic venue for all of us.

I also thank Trevor Carter from Victoria Police, and Craig Spicer, Jarrod Fox and all the police at Footscray who participated in making it a wonderful event. John Hale from the Metropolitan Fire Brigade worked tirelessly, and thanks to the team from the MFB who were there on the day, including the guys from Footscray; Colin Campbell and his sons, Michael and Lachlan — —

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

### Police: corruption

**Mr BURGESS** (Hastings) — More than one type of corruption can infiltrate a police force. There are the well-known situations involving drugs, money and sometimes worse, and then there is what I refer to as political corruption. This is a kind of corruption where particular officers in positions of authority run the government’s propaganda and ensure that those below them do so as well, even when that is damaging to their colleagues and the community they have sworn to protect.

Cultural and political corruption are alive and well in Victoria Police. The cultural corruption within Victoria Police was instigated and nurtured by the Bracks and Brumby governments for their own political purposes. The appointment of former Chief Commissioner of Police Christine Nixon, who I am informed had to resign her New South Wales ALP membership to take the job as chief commissioner in 2001, was the beginning of Labor’s dismantling of the independence of Victoria Police. This neutering has been enforced by the public punishing of dissenter and the rewarding of those who run the government line.

The Brumby government’s soft-on-crime policies and a desperate shortage of police officers has caused crime to spiral out of control in the Hastings and Somerville areas. Our hardworking local officers are stretched past breaking point and with one vehicle are expected to cover the entire 700 square kilometres of the eastern side of the peninsula. Consequently they are often unable to attend crime scenes. Yet, in the face of such rampant crime levels and the shortage of police, Assistant Commissioner Paul Evans continues to run the Brumby government line, denying that crime levels are a problem or that there is a shortage of police.

After 32 years of decorated service, District Inspector Gordon Charteris was bullied out of the force for saying he did not have enough police to do his job. One of the officers accused of bullying Gordon Charteris, Superintendent Emmett Dunne, has since been promoted to assistant commissioner.

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

### Burwood electorate: church groups

**Mr STENSHOLT** (Burwood) — I would like to commend the work of the local churches in my community and all they do to support so many people and groups in our local area. They provide support for those in need, they care for the elderly and they run
kindergartens and playgroups. They provide places of support for new arrivals to the area and to our shores and run youth groups and programs as well as provide for the spiritual needs of their members.

Time permits me to mention only a few today. For example, the Glen Iris Road Uniting Church will be holding a community day this Saturday; the church centre has become a hive of community activity over the last couple of years. The church also runs a very successful preschool, as does St Dunstan’s in Wattle Valley Road, Camberwell. St James Uniting Church in Wattle Park is another church that has a kindergarten, and I had the privilege several weeks ago of joining the Governor and his wife — they are long term members of that congregation — in celebrating the state government-funded renovations. That church is one of many in the area that has provided strong support for refugees and new settlers over the last few years.

Ashburton Uniting Church has also welcomed new settlers, and there have been active refugee support groups led by people from St Michael’s in Ashburton and St Dominic’s in Camberwell.

The Salvation Army in Camberwell is also to be commended for developing a special program for welcoming newcomers to Australia from all countries. It has a very active program helping out the most disadvantaged in our community. Similar work is done by groups such as the St Vincent de Paul Society at local Catholic churches, including at St Michael’s.

Most churches also have programs for youth and children. One of the largest in our area is the Ashburton Baptist Church, which has over many years provided strong support for the aged, including the day dementia care program at Elsie Salter House.

**Bushfires: community preparedness**

**Dr SYKES** (Benalla) — Last week I spent a couple of days in the Mudgegonga-Rosewhite bushfire area. Much of the fire-affected countryside is responding magnificently to the kind season and to the hard work and investment of land-holders and volunteers. There are still, however, stark reminders of the fires: thousands of black, dead trees and areas of bare earth moonscaped by the overwhelming heat of the fires.

The community is not travelling so well. Some are getting on with their lives, but many are still highly stressed and feel forgotten by the Brumby government. Many are appreciative of food parcels delivered with tender loving care by people such as Cheryl Sanderson. There are those waiting to rebuild their homes, such as Sam and Dolores Crisci who speak out openly about the frustrations of red tape. Bill and Trish Carroll are attempting to re-establish their 1200 acre fire-affected farm and replace 34 kilometres of fencing; they are absolutely frustrated. I am told there are only two case managers for around 100 clients.

Country Fire Authority volunteers Andrew Cross and Barry Mapsley have expressed their concern about the expectations on them coming into the next fire season as they are still grappling with the last fire season. Many people are concerned by the lack of government action to address the communications black hole in the area.

On the bright side, the Pasture Regeneration Day, which was conducted by Kerry Murphy and the TAFCO Rural Supplies team, was an outstanding example of local people, support agencies and businesses helping people recover.

I call on the Brumby government to show the people of Mudgegonga, Rosewhite, Kancoona, Stanley, Dederang and Running Creek that it cares, and I call on the Brumby government to lift its game and slash red tape to ensure adequate staffing, resourcing and coordination of the bushfire recovery in preparation for the next fire season.

**Water: north–south pipeline**

**Mr HARDMAN** (Seymour) — I rise to express my appreciation to the Sugarloaf Pipeline Alliance project team and workers for the professional way they are doing their jobs. All members would be aware that the north–south pipeline has been a very difficult issue for me and many in the Seymour electorate, particularly because of the traditionally held view that water should not go south to Melbourne, even though the water is a share of savings as a result of an investment by the government and Melbourne Water users. There are many who passionately hold this view, and we have seen a vigorous campaign. Many rural land-holders and farm businesses have been impacted by the construction of the pipeline on its 70 kilometre stretch from Killingworth near Yea to the Sugarloaf Reservoir near Yarra Glen.

At the peak of construction around 1100 workers manned hundreds of extra vehicles, trucks and pieces of construction equipment along this route. The Sugarloaf Pipeline Alliance — Melbourne Water, GHD, SKM and John Holland — ensured that clear induction training for these workers was available on environmental issues, health and safety issues and their responsibility to the local community. I have had less
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complaints then I expected. The Sugarloaf Pipeline Alliance has taken all complaints seriously and addressed issues by following them up sensitively.

There is still a lot of work going on and issues such as land-holder compensation to be negotiated. I continue with my regular briefings and discussions with the Sugarloaf Pipeline Alliance and thank the alliance for the professional way it does its job. I remind it of the importance of continuing this work until the fruition of the project and well into the future as management of the infrastructure continues.

Member for Benalla: comments

Mr HARDMAN — I would also like to condemn the member for Benalla for politicising once again the bushfire recovery and reconstruction efforts. It is appalling that he continues to do that. There is a lot of work going on, a lot of great volunteers and a lot of great agencies and workers doing their very best to help people.

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

Hockey: national under-13 tournament

Mr DELAHUNTY (Lowan) — As the shadow minister for sport and recreation and shadow minister for youth affairs I am able to inform the house that both the Victorian under-13 boys and under-13 girls hockey teams recently returned from the Australian invitational tournament held in Coffs Harbour in New South Wales last week. I congratulate both teams who played other state and territory teams and acquitted themselves extremely well both in the competition and off the field, becoming great ambassadors for hockey and for Victoria.

I also thank their enthusiastic parents and supporters, many of whom travelled to New South Wales to lend their loud vocal support. I particularly single out the hardworking and dedicated coaching staff. For the boys it was head coach Marten de Man, assistant coach Daniel Gibbons and team manager Emma Gibbons. For the girls it was head coach Helen Padget, assistant coach Margie Conley and team manager Sarah Gaskill. I am informed that the coaches and team managers have worked tirelessly over the last four months moulding both teams into a formidable hockey force.

I cannot overemphasise the importance of sport to people of all ages, providing an opportunity for fitness, fun, friendship and the exhilaration of competition. Hockey Victoria is to be congratulated for giving 32 young Victorians this wonderful opportunity to participate in an Australia-wide tournament.

Soccer: Asian Cup

Mr DELAHUNTY — I also congratulate the Socceroos on their win last night against Oman, therefore qualifying for the Asian Cup. I wish the boys all the best for the future. They make Australia very proud. I am proud to wear their scarf today.

Margaret Boyd

Ms DUNCAN (Macedon) — I rise to pay tribute and to say thank you to Margaret Boyd, a neighbour of mine and fellow rookie, who this week received a Fire Awareness Award for her work in writing articles in the Bullengaroo Bellows over the last 11 years. Margaret was prompted to write articles in the monthly Bellows following her retirement in 1998 as her way of contributing to the local community. She was very concerned that some residents of the Macedon Ranges had died during the Ash Wednesday fires, and she felt many people did not see bushfires as a threat.

Bullengaroo back onto the Wombat State Forest and is a very fire-prone area. Margaret felt that new residents to the area move in during the cooler months when everything is calm and lovely and green, as she describes it. As she says, they may not realise they are heavily exposed to the possibility of being surrounded by a bushfire, and they need to take advance action to protect themselves and their families. Margaret felt the Bullengaroo Bellows was the ideal vehicle for awakening residents to the dangers of bushfires and explaining to them what to do about it. Margaret used a range of sources for her articles including Country Fire Authority publications, newspaper articles, magazines, books and TV programs. Of course one of Margaret’s best sources, and a great support, is her husband, Arthur, himself a CFA volunteer of 34 years.

Fire awareness awards are supported by the Metropolitan Fire Brigade, the CFA and the Department of Sustainability and Environment, and seek to support the hard work and initiatives of individuals, groups and organisations in reducing the incidence and impact of fire in Victoria. We all have a role to play in protecting ourselves against bushfires, and I would like to take this opportunity to acknowledge — —

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

Mr LANGDON (Ivanhoe) — I am pleased to bring to the attention of the house the achievements of a West Heidelberg family business that has through its ingenuity, hard work and persistence found itself ingrained as part of Melbourne’s history. For five generations the Fallshaw family under one banner or another has manufactured everything from school classroom furniture for the department of education to slate billiard dining tables for Melbourne’s elite and the pews of some of Melbourne’s most notable churches.

The family company’s 130-year history was captured recently in a publication entitled Five Generations of Furniture Manufacturing in Australia — 1875–2009 — Fallshaw. In over 100 pages the book details the history of F. Fallshaw and Sons from its inception in the 1870s when Victoria was awash with wealth from the gold rush period and a small furniture making factory was established in Horsham. Touching on this company’s journey through the war years and its near collapse during the Great Depression, this book is not just the history of the family but a history of Melbourne. It is a narrative about the history of Melbourne, and I commend the book to anyone who could possibly read it.

I commend the Fallshaw family, whose members over five generations have exhibited through their business such tenacity, flexibility and craftsmanship to remain a part of the Melbourne furniture scene. It is an extraordinary effort. With its headquarters now located in West Heidelberg, I am delighted to have such a flagship for successful business within my electorate of Ivanhoe, and I hope the company remains strong for the next generations of the Fallshaw family.

Soccer: Asian Cup

Mr KOTSIRAS (Bulleen) — I congratulate the Socceroos on their magnificent 1 to 0 win last night. Unfortunately I was not able to attend, but I am told it was a magnificent game!

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

Statement of compatibility

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


In my opinion, the Parks and Crown Land Legislation Amendment (River Red Gums) 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:

- create new park areas in the river red gum area of northern Victoria under the National Parks Act 1975 and the Crown Land (Reserves) Act 1978;
- insert transitional provisions in the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 associated with the creation of the new park and reserve areas;
- insert provisions in the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 associated with the ongoing management of the new park areas;
- deem the new parks under the Crown Land (Reserves) Act 1978 to be ‘restricted Crown land’ under the Mineral Resources (Sustainable Development) Act 1990 and amend the definition of that term;
- create a framework under the Conservation, Forests and Land Act 1987 for the establishment of traditional owner majority boards of management for areas of public land;
- insert strict liability offences in the Forests Act 1958 relating to campfires and barbecues;

Human rights issues

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

Section 12 — freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

It may be perceived that the creation of new park areas may limit the ability of a person to move freely within those areas. However, the bill does not create any restrictions on a person moving freely within the parks or within Victoria.

It may also be perceived that, because certain areas of land cease to be roads by virtue of clause 10 of the proposed schedule one AA of the National Parks Act 1975 (inserted by clause 18 of the bill) and proposed sections 63A(1)(d) and 63F(e) of the Crown Land (Reserves) Act 1978 (inserted by...
clause 31 of the bill), those provisions may limit access and the ability to move freely. However, those provisions simply change the status of the Crown land when it is included in particular parks. They do not create any restriction on persons moving freely in those areas of public land.

Therefore, the bill does not limit or restrict the scope of the rights under section 12 of the charter.

Section 19 — cultural rights

Section 19 provides for the right for Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The bill does not deprive any Aboriginal person of a relationship with the subject land and is not intended to affect existing native title rights and interests. Therefore, there is no limitation or restriction of the cultural rights of Aboriginal persons in section 19 of the charter.

Section 20 — property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

In relation to the new park areas under the National Parks Act 1975, to the extent (if any) that a firewood licence or permit, grazing licence, apiary licence, miscellaneous licence or tour operator licence constitutes some form of property right, the bill provides for these to be saved. In particular, clause 2 of the proposed schedule one AA of the National Parks Act 1975 (inserted by clause 18 of the bill) saves any firewood licence or permit existing immediately before the creation of two national parks; clause 3 saves any grazing licence or permit existing immediately before the creation of the specified park areas; clause 4 saves any apiary licence, permit or right existing immediately before the creation of specified park areas; clauses 5–7 continue various miscellaneous licences existing immediately before the creation of specified parks; and clause 8 saves any tour operator licence existing immediately before the creation of specified parks.

Proposed sections 63A(1)(b) and 63F(c) of the Crown Land (Reserves) Act 1978 (inserted by clause 31 of the bill) provide, in relation to the new reserve areas under that act, that when the parks are created, the land forming the parks is taken to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

In relation to the proposed Murray River Park, proposed section 63A(1)(e) (inserted by clause 31 of the Crown Land (Reserves) Act 1978) saves any lease that exists over the land. Therefore clause 31 does not deprive any person of property.

In relation to the Murray River Park and Kerang and Shepparton regional parks, to the extent (if any) that licences, permits and other authorities constitute some form of property right, proposed sections 63A(1)(e) and 63E of the Crown Land (Reserves) Act 1978 (inserted by clause 31 of the bill) provide for licences, permits and other authorities to continue.

Therefore, there is no limitation or restriction of the right protected under section 20 of the charter.

2. Consideration of reasonable limitations — section 7(2)

It is not necessary to consider section 7(2) of the charter as all the human rights relevant to the bill are not limited but are in fact protected and enhanced by the proposed amendments.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit or restrict any rights under this charter.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009 will significantly expand the state’s parks and reserves system in the river red gum area of northern Victoria. It will also establish the basis for traditional owner majority boards of management for areas of public land and enhance the enforcement regime applying to campfires on public land.

The bill fulfils a key election commitment relating to the protection of the river red gum forests of northern Victoria as well as a commitment to explore indigenous joint management arrangements. It complements the measures that the government is taking to expand the parks and reserves system in East Gippsland and elsewhere in the state.

The government is proud of its record in permanently protecting significant parts of the state’s natural and cultural heritage in Victoria’s parks and reserves system: the creation of park additions in 2000; new and expanded box ironbark parks and a world-class representative system of marine national parks and marine sanctuaries in 2002; new park and reserve areas across the state in 2004; the Great Otway National Park and the new Point Nepean National Park in 2005; the Otway Forest Park and several regional parks in 2006; Cobboboonee National Park and Cobboboonee Forest Park in 2008; and the addition of the quarantine station to Point Nepean National Park in 2009. These are all part of a legacy for future generations, a legacy added to by this bill.
Expanding the parks system in the river red gum forests

Protecting our river red gum heritage

The river red gum forests of northern Victoria are a special part of our heritage and are valued by many people. However, since European settlement, large areas have been cleared or otherwise impacted upon, and the remaining forests and their associated ecosystems are now under significant stress from altered and changing water regimes.

The three-year investigation by the Victorian Environmental Assessment Council (VEAC) into the river red gum forests highlighted the need for additional protection of representative samples of this ecosystem. Additional protection will help to reinforce the benefits obtained from the environmental watering of key areas along the Murray River.

The bill will implement the government’s decisions on the council’s final report as it relates to parks, considering the advice of the community engagement panel on the report’s recommendations. I take this opportunity to thank the members of both the council, chaired by Mr Duncan Malcolm, and the panel, chaired by Mr Craig Cook, for the work they did in the interests of protecting this precious river red gum heritage and balancing the needs of local communities and recreational users and the environment.

The bill will create four new national parks and other park areas totalling more than 140 000 hectares. This will not only help protect significant areas of the river red gum forests but also provide a wide range of opportunities for visitors to continue to enjoy them.

In particular, the bill will amend the National Parks Act 1975 to:

- create Barmah, Gunbower, Lower Goulburn and Warby Ovens national parks on the Murray, Goulburn and Ovens rivers;
- create Gadsen Bend, Kings Billabong and Nyah-Vinifera parks on the Murray River; and
- expand the existing Hattah-Kulkyne, Mount Buffalo, Murray-Sunset and Terrick Terrick national parks, Leaughur State Park and Murray-Kulkyne park. The additions to Terrick Terrick National Park also include important remnant native grasslands of the northern plains.

The bill will also amend the Crown Land (Reserves) Act 1978 to:

- create Kerang and Shepparton regional parks; and
- establish the legislative framework for the creation of the Murray River Park by the Governor in Council when the detailed surveying of the park boundaries is completed (this is similar to the approach taken with the creation of the Otway Forest Park).

The new parks created under the Crown Land (Reserves) Act will be specified as restricted Crown land under the Mineral Resources (Sustainable Development) Act 1990, and the definition of that term updated.

Helping local communities to adjust

The government appreciates that not everyone supports the creation of the new river red gum parks. However, it is worthwhile reflecting on the significant opposition to the creation of the Grampians National Park a quarter of a century ago and how, 25 years on, that park is highly valued, including for its contribution to the local economy.

The government is mindful that the land-use changes in the river red gum area will involve some adjustments by the communities and individuals directly affected. The government has endeavoured to reduce the impact of the changes through a series of assistance and transitional measures.

The government has provided $38 million over four years to implement its response to VEAC’s final report. This includes funding for 30 new Parks Victoria positions and additional positions to undertake improved park management.

Timber workers affected by the decision to cease commercial timber harvesting in the new parks have been able to access a $4.5 million assistance package, including industry adjustment payments and training. Re-employment opportunities for at least 10 timber workers are also being provided through the active forest health program. Gunbower, Benwell and Guttram state forests will continue to be available for timber harvesting.

The government appreciates the importance of an adequate firewood supply for local communities. Firewood will be available from state forests. In addition, the bill will also enable firewood to be collected under permit in areas of Shepparton Regional Park and Murray River Park designated by the land manager from time to time, for use outside the parks for local domestic or camping purposes. The need to fell any trees to supply firewood from these parks will be reviewed in 2011 in the light of the regional firewood
implementation plan that will be prepared after the statewide firewood strategy is finalised.

As a transitional measure, firewood will be able to be collected until 30 June 2011 from previous sawlog harvesting residue remaining on the ground in specified areas of Barmah and Gunbower national parks. This is similar to the transitional arrangements accompanying the creation of some of the box-ironbark parks and, more recently, Cobboboonee National Park, and will assist in meeting the local demand for firewood for domestic purposes.

The Forests Act 1958 will be amended to provide appropriate authority for agents to issue domestic firewood permits on the minister’s behalf.

Licensed stock grazing will not be permitted in the new park areas. To assist licensees to adjust, grazing will be progressively phased out across the parks by no later than 30 September 2014. This will allow licensees to make alternative arrangements, particularly in relation to the watering of stock. If necessary, this could include piping water across a park to adjoining freehold land. The government has also offered a package of financial assistance and free professional advice to those who previously grazed their cattle in Barmah forest but have not done so since 2007 because of the drought.

Apiculture will be permitted to continue in the new park areas. The bill saves any existing apiary licences and permits. The bill also saves several other miscellaneous licences. These activities will either be phased out or subsequently authorised under the National Parks Act or Crown Land (Reserves) Act.

Improving the ecological health of the parks

The active forest health program will help to ensure that the parks are managed to achieve the best ecological outcomes in conjunction with the benefits obtained from environmental watering. As a part of the program, ecological thinning may be carried out where there are clear ecological benefits. Any wood surplus to the ecological requirements of the forests may be removed and sold for firewood or other best end use.

Also as part of this program, recreational hunters who are registered by the Sporting Shooters Association of Australia will be able to assist in the control of pest animals in the new park areas through targeted control programs. The association will be supported by $400 000 over four years to implement this program, which will build on the partnership already developed with Parks Victoria.

The government will endeavour to provide additional water for the new national parks according to water availability across the northern Victorian water system. In addition, new water infrastructure will be built so that the available environmental water can be used more effectively.

Enjoying the parks

The government is committed to the parks continuing to be places where visitors can camp, fish, relax and enjoy the great outdoors. Overall, the parks will provide for a wide range of recreational activities. The regional parks and the Murray River Park will complement the parks under the National Parks Act by providing for a wider range of activities, such as camping with dogs.

Dispersed, self-select camping will be the predominant form of camping in the new riverine park areas. The relevant regulations will be amended as necessary to reflect this, recognising that there may be a need to manage camping more intensively in some locations or, at particular times, to help protect particular values or to enable areas to recover from intensive use.

The government recognises that campfires are an integral part of the camping experience for many visitors to our parks and forests, including along the Murray River. However, with that enjoyment comes the responsibility for ensuring that the fire is safe and is not left unattended.

Three offences that relate to maximum fire size and clearance around a camp fire or barbecue currently attract high penalties (including imprisonment) and require prosecution before a court. To assist in the enforcement of responsible camp fire use, the Forests Act 1958 will be amended to convert these offences into strict liability offences for which a penalty infringement notice can be issued. The existing Forests (Fire Protection) Regulations 2004 will be amended as necessary. A fourth strict liability offence will also be created for leaving a camp fire or solid fuel barbecue unattended. The offences will apply in state forest, protected public land and parks under the National Parks Act 1975.

The parks are rich in cultural heritage, both indigenous and European. The increasing involvement of traditional owners in the management of the parks will enhance visitors’ enjoyment and understanding of our indigenous heritage. The cultural heritage associated with past grazing and timber cutting in the parks will also be recognised.
Increasing traditional owner involvement in public land management

A key element of the bill is to provide a legislative basis for the creation of traditional owner majority boards of management for areas of public land. This reflects the government’s commitment to involving traditional owners in the management of public land and to helping traditional owners achieve their long-held aspirations to be involved in caring for country.

Establishing traditional owner majority boards of management will bring a number of benefits. Of particular importance, boards will facilitate the incorporation of traditional owner knowledge into the management of the land for which they are appointed. They will help to recognise traditional owner groups’ unique relationship to the land and to promote partnerships and reconciliation between traditional owner groups, the state and the public who use the appointed land.

The bill will amend the Conservation, Forests and Lands Act 1987 and other relevant land legislation to create an enabling framework for the appointment and operation of incorporated boards of management for specified areas of public land. Importantly, the legislation will enable the role of a board to evolve over time depending on changing aspirations, increasing capabilities and available resources.

Initially, boards will be established for Barmah National Park (involving the Yorta Yorta traditional owners) and Nyah-Vinifera Park (involving the Wadi Wadi traditional owners), as recommended by VEAC. However, the provisions have been developed so that they may apply to other areas of public land in the future.

Each board will comprise a majority of traditional owners or their representatives. The minister must ensure that a board comprises persons with appropriate experience and skills for the board’s operations. These could include persons with experience in park management, natural resource management, governance and finance, or persons with traditional knowledge. It would be expected that the boards would include members from the Department of Sustainability and Environment or Parks Victoria.

Those matters common to all boards will be specified in the Conservation, Forests and Lands Act, while the details of matters that may vary from board to board, or from time to time, will be specified in determinations published in the Government Gazette. The act will provide that certain matters must be included in a determination (such as the number of members, the term of office and the role of the board) while other matters will be discretionary.

Boards will operate within the state’s established legislation and policy frameworks. The minister and the Secretary to the Department of Sustainability and Environment will continue to have ultimate responsibility for the land (including fire management). Boards will undertake agreed activities relating to the management of specified land.

This is historic legislation for Victoria. For the first time, the ability for traditional owners to be decision-makers and to have a substantial involvement in the management of their traditional lands will be enshrined in the state’s law.

Miscellaneous amendments

The bill will also make several miscellaneous amendments to the National Parks Act. The definition of ‘recreational fishing equipment’ will now refer to the definition in the Fisheries Act 1995 so that there is ongoing consistency between the two acts. The bill will also enable maps lodged in the central plan office to be used to describe land in notices under the act, in particular when designating areas for the searching of minerals in specified parks. The bill will also repeal several redundant or spent provisions of the National Parks Act.

Conclusion

Victoria’s parks and reserves system is one of the state’s greatest assets, protecting significant natural and cultural values and providing many opportunities for this and future generations to enjoy them.

The increased protection that this bill will afford additional areas of natural and cultural heritage significance in the river red gum forests will be of lasting value, not only for the areas protected but also for their local communities and the visitors who come to enjoy these special places.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 29 October.
Mr CLARK (Box Hill) — The Statute Law Amendment (Evidence Consequential Provisions) Bill inserts transitional provisions into the Evidence Act 2008 and makes amendments to other acts consequential on that act. The bill renames the existing Evidence Act 1958 as the Evidence (Miscellaneous Provisions) Act 1958 and it uses that act to retain provisions relating to evidence that are outside of the matters covered in the uniform evidence law that is constituted by the Evidence Act 2008.

The bill also amends the Crimes Act 1958 to remove provisions that are now covered in the Evidence Act 2008 and brings the onus of proof regarding confessions in the Crimes Act into line with the Evidence Act 2008. The bill amends the Evidence Act 2008 to add to the definition of unavailability of witnesses for the purposes of hearsay evidence rules, implementing a recommendation from the combined commonwealth, New South Wales and Victorian law reform commissions report of 2005. It also updates that act in relation to oaths and affirmations in order to parallel the Evidence Act 2008 and to make modified provisions for the giving of affirmations.

The bill inserts transitional provisions into the Evidence Act 2008 so that the new rules in that act will apply, in effect, to all hearings starting on or after the commencement of the 2008 act, which is scheduled for 1 January 2010. The bill replaces current references in other acts to the Evidence Act 1958 with references to the Evidence (Miscellaneous Provisions) Act 1958. It also makes other consequential amendments to various acts to replace references to provisions in the Evidence Act 1958 with references to the corresponding provisions in the Evidence Act 2008, and it makes various amendments relating to when statutory privileges regarding the giving of evidence are relevant and when common-law privileges apply.

The opposition parties were supportive of the 2008 act for the reasons I gave at that time, and we continue to be supportive. However, I can testify to the house from firsthand family experience that the 2008 act is causing understandable consternation to law students and law lecturers alike across the state as they come to grips with an entirely new legislative regime. Law students are asking reasonable questions such as how section 137 of the Evidence Act 2008, which provides a general discretion for the courts to refuse to admit evidence adduced by the prosecutor if its probative value is outweighed by the danger of unfair prejudice to the defendant fits with more specific provisions such as that contained in section 101(2) of that act which states:

Tendency evidence about a defendant, or coincidence evidence about a defendant, that is adduced by the prosecution cannot be used against the defendant unless the probative value of the evidence substantially outweighs any prejudicial effect …

I remark on that not with any reflection on the officers or others involved in preparing this legislation, which has been a massive exercise, but simply to indicate that there is a very heavy transitional workload imposed on practitioners and others involved with the law in coming to terms with this new regime.

The opposition parties are also generally supportive of the bill before the house. However, there is one matter to which the Scrutiny of Acts and Regulations Committee (SARC) of the Parliament in its usual diligent way has given considerable attention and which we believe requires further consideration in the course of debate on this bill.

The issue that has been raised by the Scrutiny of Acts and Regulations Committee relates to clause 52 of the bill, which inserts an additional paragraph into item 4 in part 2 of the dictionary relating to the unavailability of witnesses. In addition to the existing tests in the Evidence Act 2008 regarding the unavailability of a person, the bill adds an additional paragraph so that in relevant respects item 4 will read:

(1) For the purposes of this Act, a person is taken not to be available to give evidence about a fact if —

…

(g) the person is mentally or physically unable to give evidence and it is not reasonably practicable to overcome that inability.

As I mentioned earlier, this amendment arises from a recommendation of the combined commonwealth, New South Wales and Victorian law reform commissions and was contained in the report of the commissions on uniform evidence law in 2005, but SARC indicates that that amendment was omitted from the model endorsed by the Standing Committees of Attorneys-General and is not being followed in any other Australian jurisdictions.

The 2005 report indicates that a submission received from the Office of the Director of Public Prosecutions
in New South Wales pointed to the fact that United Kingdom legislation relating to criminal proceedings contains a provision permitting the admission of hearsay evidence of a person who was unfit to be a witness because of his bodily or mental condition. Accordingly, in the discussion paper the commissions propose that the uniform evidence acts be amended to provide that a person is taken not to be available to give evidence simply by producing a medical certificate. A person should be considered unavailable to give evidence about a fact if the person is mentally or physically unable to give evidence about that fact. If the person is unavailable, one of the consequences is that various hearsay provisions of the act would be triggered, in particular in a criminal context under the provisions contained in section 65 of the 2008 act.

The combined commissions report refers to the submissions received on their proposal, and in paragraph 8.29 it states:

Women’s Legal Service Victoria supports a provision which treats a witness as unavailable because of mental inability to give evidence due to fear, and cites the United Kingdom legislation approvingly.

At paragraph 8.30 the report states that the Law Society of New South Wales objected to the proposal, which it found:

… disturbing given the potential breadth of interpretation of the proposed definition and the consequential loss of the ability of the defendant to cross-examine the witness.

The report said that one practitioner considered the wording of the proposal would leave it open to manipulation by witnesses to allow untested statements to be admitted.

The report then refers to points that were made by the Australian government Attorney-General’s department which supported the policy behind the proposal but raised various issues about its wording. Having considered those matters the commissions expressed their concluded view which was that the definition should be broadened with a modification to the definition that had been included in their discussion paper. It is observed at paragraph 8.35:

As to mental inability, it is intended that such an amendment may facilitate, in at least some cases, the admission of the transcript of a complainant’s evidence in a retrial. Requiring the complainant to testify again may, depending on the circumstances of the case, do such emotional or psychological harm to the complainant that the complainant should be considered unavailable to give the particular evidence.

The report goes on to say that it was not intended that the amendment should lower the standard of unavailability generally and that it was not intended that a person should be considered unavailable to give evidence simply by producing a medical certificate. A real mental or physical inability to testify must be shown, which is a factual question courts are well placed to consider. Similar statements have been included in the second-reading speech of the bill.

The Scrutiny of Acts and Regulations Committee report cites the explanatory memorandum of the bill saying:

The uniform evidence acts do not accommodate witnesses who should be considered unavailable because of their physical or psychological condition; this is particularly pertinent to sexual offence complainants in retrials.

The explanatory memorandum goes on to say that the sections repealed by the bill relate to matters that are covered in the Evidence Act 2008, which continue to do the work currently achieved by sections 55AB and 55AC of the existing Evidence Act. The concern that SARC raises is that the amending definition goes much further than the existing sections 55AB and 55AC of the Evidence Act, which SARC said were provisions limited to past depositions and retrials where the accused had a full opportunity to cross-examine the witness. The SARC report goes on to state:

The new definition applies the exceptions in section 65(2), which are not limited in this way. The committee therefore considers that clause 52 may engage defendants’ charter rights to a fair hearing and to examine witnesses against them.

The report goes on to observe:

… the new definition of unavailability may apply when the victim or major eyewitness to a crime is unable to testify due to trauma or fear relating to the crime, but is willing to make a detailed statement to the police. The effect of clause 52 is that such a police statement may be presented in a criminal trial as the sole or decisive evidence against the accused, without the accused being able to cross-examine the person who made it.

The SARC report then refers to a European Court of Human Rights ruling and a United Kingdom Court of Appeal ruling, and it refers the issue to the Parliament for its consideration.

SARC has raised a very important issue which needs careful attention for a number of reasons. I also point out there is a slight divergence between the recommended wording of the combined law reform commissions report and the wording in the bill in relation to reference to the facts in question. This leads on to the broader issue of divergence between Victoria and other jurisdictions that may emerge if Victoria proceeds with this amendment and other jurisdictions continue not to do so.

Clearly a large part of the purpose of this exercise was to achieve uniform evidence law between at least the major jurisdictions in Australia. If at this early stage Victoria is embarking on having different provisions to
other jurisdictions then that undermines the uniformity. That is something that is obviously completely aside from the merits of the issue. Unless there is an overwhelming case for Victoria to adopt a different path it would be far preferable, if at all possible, that agreement of the Standing Committee of Attorneys-General be obtained and that the change that is to be made be agreed to uniformly by all participating jurisdictions.

Apart from the issue of uniformity there are a range of conflicting considerations that need to be weighed in assessing the concern that has been raised by the Scrutiny of Acts and Regulations Committee. It seems clear from what SARC says, from what the law reform commissions report of 2005 said and from what has been said in the material supporting this bill that it is intended potentially to cover cases where extreme fear or anxiety or other psychological factors are in practical terms rendering the witness unable to give evidence. As the explanatory memorandum states, this may be particularly pertinent to sexual offence complainants.

There are competing considerations that need to be resolved. On the one hand one wants to avoid trials being frustrated due to lack of evidence, where suitable evidence is available. On the other hand one does not want to deprive defendants of the opportunity to have the jury listen to examination and cross-examination of the witness or to observe the general presentation of the witness in the witness box as distinct from their presentation through a written statement. We also need to be cognisant of the fact that issues and allegations about psychological conditions are inherently very difficult to establish with certainty. There can be a range of conflicting assertions by the witness and by others as to the true state of the person’s psychological or mental condition and what effect their being required to give evidence would have. It is therefore an area which is going to be very difficult for a court to apply.

There are two other considerations that need to be borne in mind in assessing this issue. The first is that the availability or unavailability of a witness is not conclusive as to whether or not hearsay evidence can be admitted. I should say we are talking in the context of what is referred to as firsthand hearsay evidence, which in effect means prior statements that have been made by the witness concerned rather than statements by other parties as to what the witness, or the person who would otherwise be a witness, had said previously.

In order for the exception under section 65 of the Evidence Act 2008 to apply, other conditions have to be met, in particular section 65(2), which says:

- The hearsay rule does not apply to evidence of a previous representation that is given by a person who saw, heard or otherwise perceived the representation being made, if the representation —
  - (a) was made under a duty to make that representation or to make representations of that kind; or
  - (b) was made when or shortly after the asserted fact occurred and in circumstances that make it unlikely that the representation is a fabrication; or
  - (c) was made in circumstances that make it highly probable that the representation is reliable; or
  - (d) was —
    - (i) against the interests of the person who made it at the time it was made; and
    - (ii) made in circumstances that make it likely that the representation is reliable.

In other words there are a series of hurdles that need to be crossed before the hearsay evidence rule is avoided. Simply for the witness not to be available would not automatically mean that their prior written witness statements could be admitted.

Another provision is section 65(3), which is about the hearsay rule not applying to evidence of a previous representation made in the course of giving evidence in proceedings, has the same qualifications and protections as the existing Evidence Act 1958 about situations where there has been cross-examination of the person who made the representation or a reasonable opportunity to cross-examine the person.

These competing considerations need to be weighed. Also what needs to be taken into account — and I do not think SARC has done so — is the fact that other provisions are being put before this house presently that are also relevant. Those are the provisions in the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009 at proposed section 378 and following about admission of recorded evidence of a complainant in sexual offence matters. That provision deals with the situation where there is a retrial or other event that would require a person to again give evidence they had given previously which had been recorded.

In effect that says that subject to certain safeguards the person is not required to give evidence again, and those provisions would therefore seem to be relevant to at least the core issue that the explanatory memorandum considered the amendments to the Evidence Act to be relevant to — namely, sexual offence complainants in retrials. So it seems we have a detailed set of procedures to deal with the use of previously recorded
evidence in that case, which is subject to court discretion and various other tests, and at the same time we are proposing to have a broader change to the definition of ‘unavailability of persons’ and therefore the potential for previous statements to be inserted into the Evidence Act 2008.

There is an important question as to how those various provisions are intended to fit together. Does one remove the need for the other? Are we at risk of ending up with complexity and overlap unnecessarily? These are important considerations that have been raised by the Scrutiny of Acts and Regulations Committee report. Yet again it is to be congratulated for its diligence and attention to these important issues, and this is a matter that we believe needs to be addressed and hopefully resolved during the course of the debate on the bill.

Nonetheless, as we said in relation to the 2008 bill, the coalition parties believe there are very good reasons for supporting the introduction of a uniform evidence law in Victoria, and subject to hopefully being able to sort out this matter that I have referred to we believe the remaining provisions of the bill carry forward the process of introducing uniform evidence law into Victoria and make a range of necessary consequential provisions. We are therefore supportive of the bill.

Mrs MADDIGAN (Essendon) — I am pleased to support the government bill, and it is good to know that the opposition is also supporting this bill as it goes through the house.

The bill in some ways is a very technical bill and quite complex, so like the member for Box Hill I will not attempt to cover all of it in my short contribution. It is a bill that continues to enact the provisions of the justice statement made in 2004 by the Attorney-General, and part of this is to adopt a uniform Evidence Act for Victoria, which is a process that has been very involved and has involved other states and the commonwealth.

When the Evidence Act 2008, as I think the member for Box Hill said, was introduced, the Attorney-General foreshadowed this further act to deal with additional and consequential amendments, and these recommendations are based on recommendations of the Victorian Law Reform Commission in its implementation report. A major part of this exercise is to bring Victoria’s evidence laws into line with those already existing in the commonwealth, New South Wales and Tasmania.

The member for Box Hill said that some students were confused by the changes. I suspect it is not only students who are confused by the changes, because we are replacing two acts from 1958 — the Evidence Act and the Crimes Act — and they have not had a major overhaul until this act and the 2008 act, and it is very complex and very difficult. I know the Department of Justice has done a great deal of work in ensuring that the world at large is aware of the changes, because very few of us go through life without giving evidence about something at some stage in our careers, and I am sure if we all looked into our personal lives we would see that we have had the experience perhaps following a traffic accident of giving evidence to the police or speaking to other people. So if you think about it, it is an area that takes up a lot of people’s time and it is very important to ensure that the provisions of evidence acts are very clear and really reflect the community’s expectations and the legal expectations. I believe this act — the enabling act — is part of that process to allow the Evidence Act 2008 to commence on 1 January 2010.

The member for Box Hill spent most of his time talking about one of the provisions of the act, and that was the definition of the ‘unavailability of persons’. Indeed this is a really complex and difficult matter; to try to have a definition that does not exclude some people who you want included is very difficult, and I know the Department of Justice spent a lot of time preparing the definition and working on this. Perhaps the test of that is in the fact that the member for Box Hill did not put up an amendment suggesting a better definition, because it is really very difficult.

Mr Clark — I question whether it should be there at all.

Mrs MADDIGAN — The member for Box Hill interrupts. Perhaps he could have suggested something if he can think of a definition that would suit the bill better, because it is a very difficult definition to provide.

As the member for Box Hill said, this area particularly relates to people in trials that involve some sort of sexual abuse. Those trials are very delicate, and I am sure all of us in our lives, not only as members of Parliament but also as members of the public, have heard or read stories of people whose lives have been quite shattered by some experience that has occurred to them during their life. We really do not want to have a definition that is so narrow that we cause terrible trauma to some people or in fact that the trial cannot go on because a person is just not capable of testifying.

In relation to people being excused, it is not as though you are going to waltz up with your medical certificate and the court will say, ‘Go away’. It will be a very stringent process to ensure that people are not allowed to escape their responsibilities, but it will be done in a
way that ensures that the legal system does not make
the trauma that people have suffered through some
accident — which had nothing to do with their own
actions and in which they may have had absolutely no
fault at all — even worse and make the psychological
or physical conditions that they have much worse.

When we talk about justice we really are talking about
ensuring justice to everyone involved in cases that
come before the courts — not just the person who
might be charged but the victim and the victim’s
family.

It really is a very complex area, and to try to make the
definition more prescriptive would put the courts in a
position where they may not be able to provide the best
judicial system. However, if the member for Box Hill
can think of a definition, I am sure we would be more
than happy to have a look at it in the future.

The importance of evidence is shown by the fact that
there are consequential amendments to 137 acts which
deal with matters connected to criminal procedure and
evidence, so we are really talking about a very
significant provision of the law. The Evidence Act
2008, which is closely related to that, has some very
important issues which were perhaps discussed at
length by members when the Evidence Act was passed
through this house, so I will not go into them in detail
except to briefly say that perhaps the reforms in that act
relating to hearsay admissions, privilege against
self-incrimination, jury warnings and original document
rules were particularly significant reforms that have
been broadly welcomed by the community at large.

I commend this bill to the house. It is, as I said, really
part of the first Evidence Act of 2008. It clarifies a large
part of the important law relating to evidence, and I
believe that the community at large will warmly
welcome these changes. As the minister said in his
press release, it covers a number of areas that the
community is particularly interested in.

The reforms together represent some significant
improvements in law reform and in fact probably make
Victoria one of the leaders in law reform in this
country. The member for Box Hill suggested that we
moved earlier than some other states; I would have
thought that would be something to be proud of. In fact
we may be the model for other states that have not
moved as far as we are now moving. But the Evidence
Act and the Crimes Act together aim to reduce delays
by promoting the early resolution identification of
issues at trial, make changes to the appeals process to
reduce the number of costly retrials, modernise existing
laws in relation to the giving of evidence in sex offence
cases, clarify the law in relation to appeals from the
Children’s Court, broaden the offence of perjury and
abolish the requirement for parties to keep original
documents, which will cut red tape and reduce the
unnecessary record-keeping burden on businesses.
They are some of the aims of these acts, and I believe
the community of Victoria will be very pleased to see
this law enacted.

Mr JASPER (Murray Valley) — This bill, as
indicated by the two previous speakers, is a technical
and complex bill, and I do not pretend to understand the
complexities of it, not being legally trained. However, I
have done some assessment of the legislation and will
be making a contribution on issues that I believe need
to be brought to the attention of the house, particularly
in my position as a member of the Scrutiny of Acts and
Regulations Committee.

The bill is the second of two bills which bring into
operation a uniform evidence act within Victoria. It
repeals a significant proportion of the Evidence
Act 1958. It also makes consequential amendments to
legislation across the statute book and provides for
transitional arrangements to ensure effective
implementation of the act.

Last year the Parliament passed the Evidence Act 2008.
The act delivered one of the significant commitments
made by the government in the 2004 justice
statement — namely, the adoption of an act which
would bring Victoria’s evidence laws into harmony
with the evidence act laws in operation in New South
Wales, Tasmania and the commonwealth. The
Evidence Act 2008 is key to reforming the outdated
rules of evidence within Victoria. What we are
regularly getting now in Victoria is legislation
implementing uniformity across Australia. That is an
issue I want to talk about in commencing my
contribution on the bill before the house.

The issue we find as members of the Scrutiny of Acts
and Regulations Committee is that bills and regulations
regularly come before the house and before the
committee and the regulation review subcommittee
which it is indicated are bringing uniformity with the
other states of Australia and the commonwealth. That
provides us with some difficulties because often with
the introduction of uniform legislation there is an
expectation that we should accept those bills and
regulations. That certainly creates difficulties for us as a
committee, because we find we cannot scrutinise the
bill as we otherwise might.

I think we need to look at that and make sure that if the
act comes into operation it is not only uniform with the
other states and the commonwealth, but indeed meets the requirements of the state of Victoria. I think we as a Parliament need to be very much aware of the problems the Scrutiny of Acts and Regulations Committee has in looking at bills and regulations that are being introduced as uniform legislation and regulations.

The other issue I wanted to talk about is that because of the Charter of Human Rights and Responsibilities we find that in relation to the bills that come before the Parliament usually more detail is provided on meeting the obligations of the charter than in the second-reading speech, which is usually much shorter. With this bill we find that the statement of compatibility, when it was tabled, was 11 pages long, while the second-reading speech was just 4 pages long. So you really need to read through much of the information provided in the statement of compatibility.

I want to refer to a particular part in the statement of compatibility made by the Attorney-General, and that is retrospective criminal laws. I, for one, have in the Parliament over many years spoken about the problems introducing retrospectivity could cause for people who have operated under the law previously, before changes are made. I have regularly brought to the attention of the Scrutiny of Acts and Regulations Committee instances of retrospectivity, where there could be issues of concern.

Under the heading ‘Section 27: retrospective criminal laws’ the information provided by the Attorney-General together with the second-reading speech states:

Section 27(1) of the charter provides protection from the operation of retrospective criminal laws.

I think we need to take that into account. The minister in providing information as it relates to the charter goes on to indicate that the legislation does not provide problems as far as retrospectivity is concerned. He goes on:

Section 27 of the charter protects this right in two ways. First, it prohibits the law from retrospectively criminalising conduct. Second, it prohibits the imposition of a penalty on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The indication is that section 27(2) and section 27(3) of the charter prevent the imposition of a greater criminal penalty than would have been imposed at the time of the offence being committed and confirm that again the bill does not propose to increase penalties.

In conclusion the Attorney-General signs off by saying:

I consider that the bill is compatible with the human rights charter because, even though it does engage human rights, it does not limit those rights.

This is certainly an issue of concern which we believe needs to be taken into account. The Nationals opposed the Charter of Human Rights and Responsibilities when it went through the Parliament as legislation because we had concerns about how far the charter would go, and we are finding now that those concerns are being borne out. The charter is impacting on all the legislation and regulations that go through the Parliament. As I have indicated, you have 11 pages in which the minister responds to the charter, and only 4 pages of the second-reading speech. They are the sorts of concerns that I have in relation to this.

Uniformity of legislation is another issue which the Scrutiny of Acts and Regulations Committee is very much aware of. While ministers might meet on regular occasions throughout Australia and say, ‘We will introduce uniform legislation’, when it is introduced into Victoria we are not sure whether it is uniform with the other states of Australia and the commonwealth. Importantly, though, we do not in fact undertake the same scrutiny of it that we would of legislation introduced into the Victorian Parliament as Victorian legislation. I indicate to the house that I am not opposed to looking at uniformity. As a member of Parliament representing an area on the border between Victoria and New South Wales I am very much aware of the differences between state regulations and state laws and of the fact that we need to try to achieve greater uniformity between the states, across the borders, between Victoria and New South Wales.

The other issue I want to comment on, which was mentioned by the member for Box Hill, is covered in the report of the Scrutiny of Acts and Regulations Committee in the charter report on the bill. We have an excellent person who provides us with information, reviews all the bills and regulations and then provides advice as to whether they meet the provisions of the Charter of Human Rights and Responsibilities. Jeremy Gans, a consultant, provides us with excellent research and recommendations on legislation and, as I indicated, regulations as well. He referred to clause 52 which will extend firsthand hearsay exceptions in the Evidence Act 2008 to representations made by persons who are unfit to testify in court. The committee considers that clause 52 may engage a defendant’s charter rights to a fair hearing and to examine witnesses against them. The recommendation at the end of our report indicates:
The committee refers to Parliament for its consideration the question of whether or not clause 52, by permitting a witness statement to be used as the sole or decisive evidence against an accused without any opportunity for cross-examination, is compatible with defendants’ charter rights to a fair hearing and to examine witnesses against them.

This is an issue I believe we need to bring before the Parliament as a genuine concern. I believe the minister should review the provisions in clause 52 and whether they cut across the Charter of Human Rights and Responsibilities and the rights to a fair hearing and to examine witnesses against them in particular circumstances.

I again confirm the concerns which we have heard from the committee in relation to clause 52. Importantly, in closing my comments, I again indicate concerns from the committee about the huge workload that is imposed on the committee not only in reviewing legislation and regulations but also in having to review those matters covered by the Charter of Human Rights and Responsibilities, which has taken up a huge amount of time for the executive staff and indeed us as a committee. I think we will get to a stage where the Scrutiny of Acts and Regulations Committee will need to be divided, where one committee will look at the bills and another committee will look at the regulations that come before the house.

Ms DUNCAN (Macedon) — I rise to support the Statute Law Amendment (Evidence Consequential Provisions) Bill. Like previous speakers, I too confess to finding this legislation very complicated, which just goes to show how complicated the rules of evidence have been in this state and in this country and the reason for seeking to reform various aspects of the Evidence Act.

The bill before us is essential for the commencement of the Evidence Act 2008, which delivers on one of the significant commitments made by the Attorney-General in the justice statement of 2004 by facilitating the adoption of the Uniform Evidence Act here in Victoria. Last year the Parliament enacted the Evidence Act, which delivers on commitments made under the justice statement, mainly the adoption of a uniform evidence act. However, before the Evidence Act 2008 can commence operation a number of amendments need to be made to other acts across the statute book. The Statute Law Amendment (Evidence Consequential Provisions) Bill serves this function.

This bill is the second of two bills which bring into effect the operation of a uniform evidence act within Victoria, and it repeals a significant portion of the Evidence Act 1958. When we look to see how old some of these acts are, it is timely that they should be overhauled now. The Attorney-General and this government are very keen to modernise legal proceedings in this state, and a number of things within this bill foreshadow future changes around a range of other evidence, for example, but I think it also demonstrates that legal proceedings are an evolving thing so we continue to make changes into the future as well as introducing the bill that is before the house today.

As we know, the Evidence Act was passed last year as part of the justice statement. In the main the adoption of the act will bring Victoria’s evidence laws into line and make them consistent with evidence laws already operating in New South Wales, Tasmania and in the commonwealth.

The details of this bill are quite complex. The purpose of the bill is to ensure that the Evidence Act 2008 commences operation by making consequential amendments to legislation across the statute book. The bill repeals a large portion of the Evidence Act 1958, and particularly evidentiary provisions of the Crimes Act 1958, which are intended to be replaced by the Evidence Act 2008, preserve other existing evidentiary provisions and make appropriate transitional arrangements for the commencement of the Evidence Act 2008.

Section 8 of the Evidence Act 2008 expressly preserves the operation of all specific evidentiary provisions that exist in Victorian legislation, which means that where an evidentiary provision in another act is inconsistent with the Evidence Act 2008 the specific provision will override the provisions of the Evidence Act.

Consequently it is critical that the statutory provisions intended to be replaced by the Evidence Act 2008 are repealed and any legislative provisions referring to any repealed provisions are amended appropriately. If that has not confused people already, I guess it gives a little bit of an insight into the complexity of some of these changes and the legislation that currently applies.

The purpose of this bill is to accommodate the implementation of the Evidence Act 2008, and I will briefly outline some of the major changes that are part of that act. Some of the key features of those are in the areas of hearsay, in the areas of admissions and privilege against self-incrimination, warnings to juries and rules that apply to the use of original documents.

Around the issue of hearsay, the common-law rule against hearsay evidence is very complex and is quite uncertain. The Evidence Act in 2008, as consistent with the justice statement in 2004, provides a modernisation of that and a more liberal and structured approach to
hearsay evidence. It contains specific exceptions, which allow hearsay evidence to be admitted where it may be the best available account of what occurred.

In terms of admissions, where a party has admitted matters which are not in that party’s best interest to admit, those matters may be adduced in evidence as an exception to the hearsay rule under common law and the Evidence Act 2008. The Evidence Act 2008 supplements existing common-law rules by restricting the admissibility of evidence of an admission where the integrity of that evidence may be compromised. The Evidence Act 2008 therefore focuses on the reliability of the evidence rather than whether it was voluntarily provided.

In regard to the privilege against self-incrimination, the Evidence Act 2008 allows the court to require a person to give evidence that may tend to incriminate the person if the interests of justice require it. The witness is provided with a certificate preventing the use of that evidence in subsequent court proceedings against them. Currently common law does not allow the court to require this evidence.

In regard to jury warnings, we know that warnings or directions to juries are often a point of appeal in future trials. At common law judges are required to give warnings to juries about certain evidence in certain circumstances. Under the Evidence Act 2008 these warnings will continue, but in most cases a party will be required to request a warning be given to the jury. As I said earlier, the failure of a judge to give a warning or a direction to a jury is a common ground for appeal, so requiring a party to request a warning hopefully will reduce the incidence of appeals.

In terms of the original document rule, the Evidence Act 2008 provides a broad, clear, modern framework for admissibility of documentary evidence, a significant aspect of which is the abolition of the original document rule. The original document rule requires that the contents of documents be proved by production of the original document. The Evidence Act 2008 permits parties to use originals, copies, transcripts, computer printouts, business extracts and official printed copies of public documents. Abolishing the original document rule will assist in facilitating improvements in the efficiency and business record-keeping.

They are just some of the major changes that have been made to the Evidence Act 2008. The reason for this bill being before the house today is to help put that legislation into effect. Hopefully none of us will ever have to face a court in either civil or criminal proceedings, because it is an incredibly traumatic experience. Proceedings can be very long and repetitive, especially when retrials are involved. All the changes foreshadowed in the justice statement of 2004 are aimed at making our judicial system more user-friendly, easier to understand and less traumatic for victims of crime and other users of the courts. This government has a strong record of improving our judicial system and seeking to modernise what in many cases is old, outdated and unnecessarily complex legislation that can lead to unnecessary trauma for all those involved. I suspect that is particularly so for victims of crime and people who are not accustomed to finding themselves in court.

I commend the government on its previous and future legislative changes, for using the Victorian Law Reform Commission to give advice to government about some of these changes and for bringing our laws into the 21st century. The government and the Attorney-General are very proactive in this regard. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The Statute Law Amendment (Evidence Consequential Provisions) Bill deals with myriad issues that are outlined in the bill’s explanatory memorandum. It should be pointed out that the law of evidence has evolved under the Westminster system and British common-law tradition over several hundred years, and subtle changes may have ramifications down the track. It requires ongoing vigilance to make sure that in bringing in a uniform legislative framework there is not an omission of individual features that the state of Victoria has developed on its statute book that other states do not have or that have been expunged.

The main provisions of the bill are: the renaming of the existing Evidence Act 1958 as the Evidence (Miscellaneous Provisions) Act 1958 and using it to retain provisions in the Evidence Act 2008 relating to evidence outside the matters covered in the Uniform Evidence Act; amending the Crimes Act 1958 to remove provisions now covered in the Evidence Act 2008 and to bring the onus of proof regarding confessions into line with the Evidence Act 2008; amending the Evidence Act 2008 to add to the definition of unavailability of witnesses for the purposes of the hearsay evidence rules arising from Victorian Law Reform Commission recommendations; inserting transitional provisions into the Evidence Act 2008 so that the new rules apply to all hearings starting on or after the commencement of the Evidence Act 2008; replacing references in other acts to the Evidence Act 1958 with references to the Evidence (Miscellaneous Provisions) Act 1958; and making other consequential amendments to various acts to replace

I trust those general remarks clarify any underlying misapprehension that members of the house may have regarding the impact of the bill before the house. The opposition has raised a number of areas of concern through the shadow Attorney-General, the member for Box Hill, who has addressed the issue of a general risk of unexpected problems in making substantial changes to a fundamental area of the law. Some provisions of the Victorian legislation incorporate amendments to the uniform evidence law that were recommended by the Australian, New South Wales and Victorian law reform commissions in 2005 and included in a model bill endorsed by the Standing Committee of Attorneys-General. These amendments are yet to be fully tested in practice, and there is also a learning curve for practitioners and the courts in moving to the new act.

The shadow Attorney-General has also pointed out that one senior practitioner was concerned that the new rules regarding warnings will operate less favourably for the accused person even if the crime was allegedly committed before the amendments commenced. This is where the legislature needs to be quite categorical about which law applies at a particular time. In the case of the law of retrospectivity there has been a long tradition that where there is to be a retrospective benefit, no harm is done. Where there is a retrospective burden it has generally been the position of the house that you do not impose a burden that has a retrospective impact. There is some concern as to what the ambit of that will be in its application.

The Scrutiny of Acts and Regulations Committee has examined a number of aspects of this bill. The member for Murray Valley pointed out some of the concerns in his wise contribution. At page 17 of Alert Digest No. 12 there is the issue that is referred to Parliament for consideration:

…whether or not clause 52, by permitting a witness statement to be used as the sole or decisive evidence against an accused without any opportunity for cross-examination, is compatible with defendants’ charter rights to a fair hearing and to examine witnesses against them.

The court records of a number of jurisdictions in Europe, North America and Australia bear testimony to the cases of people convicted in error who have served custodial sentences over a period of time. It is important that the process of our legal system is not weakened in a way that may lead to a situation where an innocent person is convicted. In a Law Reform Committee trip to the United States a number of years ago members heard evidence of a case where a person who to all intents and purposes appeared to be guilty of an offence was apprehended. It was only through the application of DNA evidence that the person was acquitted when against a range of benchmarks the evidence indicated the person was guilty.

There were also the circumstances in the successive Chamberlain trials in the Northern Territory, where the evidence of the forensic biologist, Joy Kuhl, was called into question and at one point led to a conviction and later to an acquittal. It is important in cases of that nature that the benchmarks that have been set and have stood the test of time are not weakened in a way that could expose people who are subject to prosecution and conviction of an offence of which they are innocent. The opposition does not oppose this bill but believes there are some unanswered questions and that reform in such a wide area of the law needs to be undertaken very cautiously.

In the case of any bill before the house dealing with a law reform matter, I will continue my practice of bringing to the attention of the house the issue of the Labor Party’s condemnation during the 1990s of the removal of rights of appeal to the Supreme Court, a practice that the Labor Party adopted on over 300 occasions while in government in the 1980s and early 1990s. It was a practice that was condemned by a number of leading Labor figures who later served in senior office in this place, as ministers and even as Premier, and decried the removal of appeal rights to the Supreme Court by what were termed section 85 clauses. The Scrutiny of Acts and Regulations Committee has chronicled the use of those clauses. Many times the removal of the jurisdiction of the Supreme Court is a wise thing.

Mr Stesholt interjected.

Mr THOMPSON — I am pleased that the member for Burwood has commented on that, because he is keen on law reform issues and it is a law reform matter. In the case of the Evidence Act, I have expressed caution about the changes being made — and it is a bill in which the legal profession will take a keen interest.

The Labor Party is yet to apologise to the law institute for having misled it in relation to the operation of section 85 clauses. We are seeking legal exactitude in the present case, and I think it is important for the future that the legal profession understand that addresses to the law institute president’s lunch a number of years ago contained statements which were misleading and inaccurate, and that the Labor Party has continued the
practice of incorporating in legislation section 85 clauses often with good reason, but which nevertheless remove the jurisdiction of the Supreme Court.

Mr STENSHOLT (Burwood) — I am pleased to follow the member for Sandringham because he and I served on the Law Reform Committee some years ago when it dealt with a range of matters, including at least one matter which is dealt with by the bill. It deals with it well, and I will come back to that a little bit later.

I support the bill. It is an excellent bill put forward by the Brumby Labor government and our reforming Attorney-General. He continues to be a leading light in legal reform and in modernising our legal system. I commend him for his work in the past and for his continuing work today in bringing forward the bill.

Our system of law relies very much on precedents in terms of the common law. A lot of it has never been written down, and while that is one of its great parts, it can be somewhat frustrating. The courts produce then their interpretation and changes. As the member for Box Hill has already said, law students have to go through many references and pages of law looking up the precedents, weighing them up and making judgements, which of course is very much a part of the legal formative process in developing sharp minds. Evidence is very much at the centre of our courts. You can say, as Sherlock Holmes said to Dr Watson, ‘Elementary, my dear Watson’, when he was referring to the right evidence, and that is what we are about today.

The bill stems from Australian Law Reform Commission work in the 1980s and the development of uniform evidence acts, which I understand are currently in force in the commonwealth, including in New South Wales and Tasmania, and they were brought into this chamber and passed last year. The Attorney-General indicated last year that this separate bill would be brought forward to deal with consequential and transitional provisions.

When you look at the bill, you can see just how pervasive evidence is. A look at the schedule shows how many acts are touched by evidence and by the Evidence Act. Part 1 of the schedule relates to some 68 acts. Even the substitution of the Evidence Act 1958 with the new title affects some 59 acts, so there are quite considerable changes in terms of consequential arrangements. As I and others have already mentioned in some detail, the bill also covers the transitional provisions.

As I mentioned before, the Law Reform Committee of this Parliament dealt with the administration of oaths in its inquiry into oaths and affirmations with reference to the multicultural community. Item 33 of the schedule relates to the Juries Act and effects changes to the Evidence Act to bring it into line with the Juries Act. The committee’s report recommended that there be broader arrangements for people of faith to be able to take an oath.

Page 43 of the bill sets out oaths by jurors in a criminal or a civil trial. They can ‘swear by Almighty God’ or name a god recognised by their religion. That is very much in line with the multicultural multifaith community we have here in Victoria. I may be incorrect in terms of the figure, but my recollection is that there are well over 100 faiths followed by people in the Victorian community. That highlights the role of the Law Reform Committee to recommend changes. They are echoed through the bill in a way which further supports and underpins the great society we have here in Victoria in terms of multicultural multifaith communities.

In conclusion, this is a major initiative of the government in terms of changing the Evidence Act. The member for Murray Valley spoke earlier. I am sure he is very concerned about supporting small business, as indeed am I. The bill and the changes it contains will have quite an impact on business in terms of cutting red tape and on the way evidence can be presented. It has the potential to save businesses $10 million a year, and it will bring Victoria into line with uniform laws across Australia. I am a strong supporter of anything which cuts red tape and helps small business, and I see this bill doing that.

There is a lot of work to be done in terms of implementing the bill, including a lot of training to modernise the skills and qualifications of people working in the justice system. The government has committed some $3 million to update technology and key resources. This is a good step forward. It is a further modernisation of the already wonderful legal system we have here in Victoria. I commend the Attorney-General. I support the bill and commend it to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Statute Law Amendment (Evidence Consequential Provisions) Bill 2009. The Nationals in coalition are supporting the bill. I probably do not need to echo the words of other speakers by saying that these are complex issues dealing with evidence. I will not go into those complexities but perhaps deal with some of their implications.
The purpose of the bill is to make transitional changes in the Evidence Act 2008 and consequential amendments to other acts as required to maintain evidence provisions, ensure that onus of proof regarding confessions complies with the Evidence Act 2008, and add to the definition of unavailability of witnesses with regard to hearsay evidence. As I said, this is a very technical bill, and the rules are planned to apply to all hearings starting on or after the commencement of the Evidence Act 2008 which is scheduled for 1 January 2010.

There are a lot of provisions in the bill, and I will run quickly through some of them. The bill provides for the renaming of the existing Evidence Act 1958 as the Evidence (Miscellaneous Provisions) Act 1958, and uses it to retain provisions relating to evidence that are outside the matters covered in the uniform evidence law in the Evidence Act 2008. It will amend the Crimes Act 1958 to remove provisions now covered in the Evidence Act 2008, and to bring the onus of proof in relation to confessions into line with that act. The bill amends the Evidence Act 2008 to add to the definition of unavailability of witnesses for the purposes of the hearsay evidence rules, arising from Law Reform Commission recommendations. It provides for the insertion of transitional provisions into the Evidence Act 2008 so that the new rules apply to all hearings starting on or after the commencement of the Evidence Act 2008, which is scheduled for 1 January 2010.

References in other acts to the Evidence Act 2008 will be replaced with references to the Evidence (Miscellaneous Provisions) Act 1958. The bill makes other consequential amendments to various acts to replace references to the Evidence Act 1958, and it replaces provisions with references to corresponding provisions in the Evidence Act 2008.

The member for Box Hill in his address did raise a number of concerns, and I am going to reinforce those. As always with such complex legislation that amends so many acts there is a general risk of unexpected problems occurring in making substantial changes to the fundamental areas of law. Some provisions of the Victorian legislation incorporate amendments to the uniform evidence law that were recommended by the Australian, New South Wales and Victorian law reform commissions in 2005 and included a model bill endorsed by the Scrutiny of Acts and Regulations Committee in July 2007. Those amendments are still to be fully tested in practice. There is going to be a learning curve for practitioners in the courts moving to the new act. Perhaps that is one of the areas that I can look at.

In his second-reading speech in the fifth paragraph the minister said:

… the Victorian Law Reform Commission released a report entitled Implementing the Uniform Evidence Act in 2006 (the VLRC report). The VLRC report made a number of recommendations regarding the drafting of transitional provisions and consequential amendments required upon the introduction of the new Evidence Act in Victoria. This bill draws largely on the recommendations of the VLRC report and the transitional provisions and consequential amendments acts in NSW and the commonwealth …

The minister also spoke of the Victorian government’s work with the commonwealth and New South Wales. That is particularly important across border areas; there are difficulties for cross-border legal practitioners when they have got two sets of rules for evidence material that are separated by a thin strip of water. There are a number of legal practitioners who practise on both sides of the river who are based in Mildura. It is very much hoped that this bill does deliver some simplicity, because having different sets of rules across borders adds expense to justice and also adds delays to justice. There is the old saying that justice delayed is justice denied.

We are very hopeful that when this act is implemented in 2010 — and I note that many legal practitioners will have to make some adjustments to this — the changes that arise will be welcome.

It also helps understanding to have language that is kept simple and contemporary. An example of that is found in sections 62 and 63 of the bill, where the bill makes references to the Water Act. The Water Act is something that people in the north of the state are familiar with, and this legislation is full of many examples of this kind of simplified language. This bill merely substitutes ‘books of account’ with ‘business records’. When you are sitting in a lawyer’s office trying to understand the complexities of what is going to be presented even this kind of simplified terminology can help the ordinary person to better understand the process they are involved with.

There are also a number of other evidence areas which seem to be missing from the act. I have to admit that I have not read every phrase of the act. But one of the issues in this area that does concern me relates to children, and that is border hopping, particularly when it relates to school attendance. Some families that are not as committed to education as one would like them to be allow their children to hop across the border because the evidence of school attendance cannot easily move across the borders. We need to somehow keep these families and children engaged in education. That is becoming an increasing concern in my electorate.
That issue is beyond the Evidence Act, but it is something we still need to work on in these cross-border issues. A quality education requires work from everybody, and there is work to be done in that area.

The Nationals in coalition are supporting this bill. The support is based on the introduction of uniform evidence laws last year. That was supported by The Nationals in coalition, and the bill contains the transitional consequential provisions that are necessary to enable the operation of the act that has been previously supported.

Debate adjourned on motion of Mr LIM (Clayton).

Debate adjourned until later this day.

CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL

Second reading

Debate resumed from 17 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill is a bill to make various amendments to the Criminal Procedure Act 2009 and to make amendments to other acts consequential on the Criminal Procedure Act 2009.

The bill makes sundry additions and modifications to the Criminal Procedure Act, including transferring into it provisions previously in the Evidence Act 1958. The bill transfers, with changes, provisions from the Evidence Act 1958 relating to the prior sexual history of the complainant in a sexual offence matter and changes a requirement about cross-examination in relation to these matters from that of exceptional circumstances to being in the interests of justice.

The bill amends the Public Prosecutions Act, the Magistrates’ Court Act and the Supreme Court Act to bring procedures and terms in those acts into line with the Criminal Procedure Act 2009. It makes sundry consequential amendments to numerous other acts, including cross-referencing changes. It allows previously recorded evidence by the complainant in sexual offence matters to be used at a retrial subject to certain conditions and to the court’s discretion. It amends the Children, Youth and Families Act 2005 to apply to that act provisions for procedures of a type similar to those in the Criminal Procedure Act 2009, with modifications. It provides that costs cannot be granted against a child in appeals where the child loses the appeal or abandons the case.

It allows for issues relating to the Charter of Human Rights and Responsibilities Act 2006 to be referred directly from the County Court to the Court of Appeal. It makes a person liable for the penalties of perjury in relation to all deliberate false statements made in writing for the purposes of a criminal trial, not just where the statement was for the purposes of a brief of evidence for summary or committal proceedings as applies at present.

The bill also makes some other miscellaneous changes, including that where a single judge of an appeal allows leave to appeal against a sentence, that single judge can give leave for particular grounds of appeal and refuse leave for others. The bill provides the Children’s Court with a rule-making power for criminal procedures and provides for time limits for the filing and service of notice of appeal and extensions of time limits for appeals under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

The bill contains some section 85 clauses which have been considered by the Scrutiny of Acts and Regulations Committee, and it also contains some transitional provisions relating to the commencement of the new procedures which are generally in line with similar provisions in relation to the Evidence Act 2008. In general terms it will apply to all proceedings after the commencement date, which is expected to be the same as for the Evidence Act 2008 — 1 January 2010 — and will also apply to all hearings that commence after 1 January 2010.

The opposition parties have welcomed in principle the consolidation of the law of criminal procedure. We expressed reservations about some aspects of the Criminal Procedure Act that was passed earlier this year, and we also have some reservations about aspects of this bill; however, we will not be opposing it.

To mention some aspects that should be flagged, I refer to the proposal that costs cannot be granted against a child in appeals where the child loses the appeal or where the child appellant abandons the appeal. It would be worthwhile for the government to set out in more detail what its reasoning is in support of that amendment. The Attorney-General in the second-reading speech said that it ‘may inappropriately discourage a child from appealing’ and a child is unlikely to be able to pay the legal costs. However, the Attorney-General went on to make the point that:
... in the majority of appeals to the County Court and the Supreme Court a child will be legally represented and acting on advice ...

The question is whether or not in those circumstances there needs to be some responsibility, particularly on the part of those who advise the child about the bringing of an appeal. We certainly do not express a concluded view on this issue, but I think there is a fair question as to why this provision is being enacted in relation to children, particularly when they are likely to be acting on legal advice and with the support of others.

As I referred to earlier, the bill also makes provision in relation to issues arising under the Charter of Human Rights and Responsibilities Act 2006 so that questions arising in relation to the application of the act or the interpretation of a statutory provision can, in addition to current referrals, be referred directly from the County Court to the Court of Appeal. It is notable that the Attorney-General’s second-reading speech is silent as to the extent to which referrals of these questions of law are occurring or what the consequences of those referrals have been. We have made clear in the past that we believe it is inappropriate to make courts the arbiters and deciders of what are at the core policy issues that should be decided by the community through the Parliament and through public debate, rather than pretending that policy issues are in fact points of law. It imposes a grossly unfair burden on judges to expect them to decide policy matters as if they were matters of law, and it undermines the functioning of the judiciary in upholding and applying the law rather than in creating the law in accordance with their own policy views.

The charter act has also shown in a number of ways already that it has the potential to add to delays and lead to points of law being taken that are contrary to what the Parliament or the community might have expected. Courts are already suffering from enormous delays and backlogs due in part to the huge amount of resources that have had to be channelled into implementation of matters relating to the 2006 act. We know, for example, that the Victorian government solicitor has boasted that the bulk of the extra 30 staff members that joined his staff were appointed to attend to charter issues. We have seen a huge increase in the amount of legal expense being incurred by the state of Victoria on government and administrative law matters — I am very confident that a large part of that huge increase has been generated by the 2006 act. We also know that large swaths of public sector time, resources and additional staff have been involved in instructing public servants about charter matters, running seminars and the like.

Frankly, if you look at the lack of practical human rights at the coalface in our court system, if you look at the massive injustices that have been done to victims and witnesses and indeed to accused persons themselves who have been forced to wait for two, three or four years for their cases to come to trial, if you look at all of those denials of practical and real-world human rights, you have to ask yourself whether or not we would have been far better channelling the millions of dollars that have been spent on the esoteric implementation of the 2006 act into making sure that our courts were better supported to deal with cases, that more funds were provided to legal aid and that the Director of Public Prosecutions office was better resourced so that those cases could be dealt with expeditiously and we would no longer continue to see justice delayed and therefore justice denied.

Practitioners across the state have pointed to the gravity and extent of the delays in our courts, not least of all the Director of Public Prosecutions, Mr Jeremy Rapke, QC, in a very forceful speech that he gave in Queen’s Hall here in Parliament House on 28 October 2008.

The Attorney-General remained mute about all the consequences of his charter act when he referred to the issue in his second-reading speech, and I would be interested to see if he is prepared to give the house some practical information about how that act is operating in the court system in relation to the matters he referred to in that speech.

As I mentioned earlier, this bill deals with the granting of leave to appeal and contains a provision which in itself seems a sensible one — that is, it enables a single judge of appeal to grant leave to appeal against a sentence only for particular grounds of appeal and to refuse it for others. However, I suggest there are other aspects of the operation of the leave to appeal system that need to be addressed, and from recent firsthand discussions with one family affected by a crime of a very serious nature it appears that in many respects the current application for leave to appeal is being treated as a matter of mere process and, if not a formality, close to simply an administrative exercise. If the appellant is able to show, on very limited grounds, that they may have a reason for an appeal, that issue is not strongly contested by the Director of Public Prosecutions (DPP) staff, who have to deal with an enormous number of these cases and who show every sign of being overwhelmed by the volume of work, as is supported by the remarks made by the DPP himself in the speech I mentioned earlier.

Clearly, accused persons need to have a right to appeal where they have justifiable grounds for arguing either
that their conviction was wrong or that the sentence was excessive. However, it is also fair to say that at the very least the current system is under enormous pressure and that arguably we need to look again at how it is operating in practice in order to better strike an appropriate balance between protecting the rights of accused persons and avoiding unjustifiable appeals proceeding.

I also make the point — and I referred to this issue in debate on the Statute Law Amendment (Evidence Consequential Provisions) Bill earlier — that the bill before us inserts in the Criminal Procedure Act new section 378 and following sections which will allow the use of previously recorded evidence in sexual offence matters, particularly where there is a retrial or other need for the repetition of evidence. In the course of the earlier debate I raised the question of how this new provision will sit with the more general provisions on the admissibility of evidence by witnesses who are unavailable to give evidence. As I indicated in the earlier debate, I think we need to make sure the provisions we are introducing in this legislation fit well with other legislation, do not create unnecessary complexity and properly balance the competing considerations that need to be taken into account. That point probably applies more to the provisions in the Evidence Act than to the provisions in this bill, which have a number of discretions and conditions that need to be applied.

In addition to those matters, the Scrutiny of Acts and Regulations Committee (SARC) has examined this bill very diligently and raised a number of issues that deserve some consideration. SARC has raised concerns about some aspects of division 2 of new part 8, which is inserted by clause 50 of the bill. The committee’s report talks about the fact that section 342 contains a ban on admitting evidence as to the sexual activities of the complainant without leave. It says the High Court has held that this formulation does not extend to evidence that tends to prove the state of the complainant’s sexual experience. The SARC report goes on to say:

So, the Victorian statute, unlike some others in Australia, permits a complainant to be asked without prior leave about his or her lack of sexual experience.

The report then says that new section 349 bars a court from granting leave to admit sexual history evidence during a trial unless it is satisfied that the evidence has substantial relevance to a fact in issue, but there is no provision for evidence that is relevant only to a complainant’s sexual credibility. The report goes on to observe that this approach appropriately excludes attempts to link the complainant’s sexuality to his or her honesty, but it may also exclude some relevant evidence such as previous false complaints or transferred memories from previous assaults.

The SARC report also points out that new section 350 bars a court from granting leave to admit sexual history evidence at a sentencing hearing unless the offender either pleads guilty to or is found guilty of all sexual offences charged against them and that this may operate in such a way that an offender will be unable to argue that any harm suffered by the victim was due to unrelated sexual assaults. It points out that no other Australian jurisdiction has such a rule or draws such a distinction.

The Scrutiny of Acts and Regulations Committee refers to Parliament for its consideration a range of questions in relation to those matters. The issues raised by SARC deserve a response from the government during the course of the debate. Striking the right balance in sexual offence cases is always a very difficult matter. We know there is need for vigorous action to make clear that sexual activity against a person without their consent is strongly condemned and will be dealt with severely by the judicial system. On the other hand we also know that there can be cases where, for whatever reason, what was in fact consensual sexual activity is subsequently said to be non-consensual activity and someone is therefore put on trial for an offence where they can face a period of imprisonment. There are very important conflicting considerations and it is important that we do give careful attention to cases of this sort in order to strike the best possible balance that we can.

SARC also raises an issue in relation to an unrepresented accused person being barred from contradicting a protected witness’s testimony. There are good reasons for having some restrictions in this area. SARC states that the new provision is much stricter than the common-law rule and that the High Court has cast doubt on whether the common-law rule should be applied to criminal defendants at all, at least without serious qualification. The committee states that it therefore considers that new section 357(5) may limit such defendants’ charter right to a fair hearing. It is an issue that deserves response by the government.

Finally, SARC raises a point relating to possible retrospective penalties in relation to the new maximum fine provision. It states:

The statement of compatibility remarks:

The transitional provision in the bill ensures that the new maximum jurisdiction penalty does not impose a penalty that is greater than the penalty applying at the time the accused consented to, and the court granted, summary jurisdiction.
However, that is different to the Charter of Human Rights and Responsibilities Act 2006 which at section 27(2) provides:

A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

SARC says it is concerned that the transitional provision does not address the situation where an indictable offence was committed before the commencement of the Criminal Procedure Act 2009 but the summary hearing was granted after that commencement.

That is a fair question for SARC to ask. The relevant provision is in the schedule to the bill at clause 110.83 which sets out specifications as to when the new maximum fine is to apply in relation to sentences imposed on or after the commencement of the principal provision in the act. It states:

… irrespective of when the criminal proceeding commenced and irrespective of when the Magistrates’ Court determined to grant a summary hearing.

However, it is not clear to me whether clause 110.83 is intended to apply at all to cases where the offence itself was committed prior to the commencement of the amendment. Clause 110.83 is completely silent on that point. It may be the intention of the government, or those who put the amendment together, was that it not even be in contemplation that the higher maximum penalty could apply to an offence committed prior to the commencement. Nonetheless this is an issue that should be put beyond doubt and I hope it will be addressed by the government during the course of the debate.

In conclusion, there are a range of provisions in this bill that cause the opposition to raise some concerns. As I said earlier, the opposition believes in principle that the consolidation of the law of criminal procedure is welcome, but it makes the point there is much, much more besides that the government should be doing and regrettably is failing to do. It should be tackling the waiting lists and delays in our courts; ensuring that the courts are properly equipped with information technology systems and other facilities that enable them to do their job efficiently rather than being subjected to the series of IT bungles such as the criminal justice enhancement program and others that they are suffering from; ensuring that there is proper support for the courts both administratively and legislatively for better management of their lists and better case management; and ensuring that crucial offices supported by the state such as Victoria Legal Aid and the Office of Public Prosecutions are not subject to the almost impossible workloads to which they are being subjected. While this legislation, subject to the matters that I have referred to, will help to some extent, there is much, much more besides that regrettably the current government is not tackling.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill, which is another example of the Brumby Labor government taking action to modernise our criminal justice system. I very much commend the Attorney-General for his endeavours in this place. The modernisation of criminal procedure is a major initiative of the Brumby Labor government, and it positions Victoria as a national leader in criminal law reform.

These reforms reflect the government’s ongoing commitment to help change the culture — across the criminal justice system and in the community generally — around attitudes to sexual assault. They will further streamline the criminal procedure and strengthen protections for complainants in sexual offence cases. Victims of sexual assault can experience incredible added stress and trauma as their matters go through the justice system, and giving evidence in court can be devastating, can have long-term effects and can add to the trauma of the original event. Alongside that, the right to a fair trial is a cornerstone of our legal system, and yet on balance the rights of victims must also be protected. In short, I think these reforms will help reduce the trauma for victims testifying in sexual assault cases.

In terms of detail, the bill modernises the language used in a range of acts dealing with matters connected to criminal procedure to achieve consistency with the plain English approach adopted by the Criminal Procedure Act 2009. The bill amends cross-references to acts or provisions which have been repealed and/or replaced by new provisions in the CPA. It harmonises Victorian law with respect to criminal procedure and ensures that it is clear and simple and reflects current practice and community expectations. The bill also provides transitional arrangements which set out when the provisions of the CPA will commence operation.

More specifically the bill will make the following changes. It will re-enact in the CPA sections of the Evidence Act 1958 that relate specifically to sexual offence cases, including those where the complainant is a child or cognitively impaired, and it will make necessary amendments to consolidate, clarify and improve these provisions. These amendments clarify the law with respect to the conduct of sexual offence
proceedings and in relation to the cross-examination of complainants in sexual offence proceedings. They clarify that a witness must not be cross-examined in relation to their sexual history or sexual activities without leave of the court in both summary and indictable matters. These amendments will also provide greater clarity in relation to the conduct of special hearings involving children or cognitively impaired complainants.

The bill will provide, under the CPA, that recorded evidence of an adult complainant in a sexual offence trial may be admitted as evidence in a subsequent hearing at the court’s discretion. The aim of this reform is to reduce the stress and trauma experienced by a complainant in having to attend court and give evidence twice, while ensuring that the accused receives a fair trial or hearing. This is consistent with the policy objectives of the government with respect to supporting victims of crime and improving victims’ experience of the criminal justice system.

The bill amends the Charter of Human Rights and Responsibilities to allow the Court of Appeal to determine charter issues directly from the County Court. It broadens the offence of perjury under the CPA by removing the technical requirement that the offence is only committed if the informant intended to use the statement by including it in a brief of evidence. It provides the Children’s Court with a rule-making power in its criminal division under the Children, Youth and Families Act 2005. It includes a clear and comprehensive criminal appeals framework in that act that reflects the appeals framework in the CPA.

Further, the bill amends the Crimes (Mental Impairment and Unfitness to Be Tried) Act 1997 to achieve a consistent approach in relation to appeal periods in criminal and related proceedings. It amends the CPA to further strengthen provisions which abolish the principle of double jeopardy in relation to sentencing appeals, and it requires courts to impose the appropriate sentence on appeal when sentencing a person for a second time.

I am pleased to see that the opposition has indicated, through the member for Box Hill, that it will not be opposing this bill. I would like to see us more often getting active support in far-reaching reform such as this, rather than a position of simply not opposing the bill. That is a pretty pathetic response by the opposition — and pretty consistent. We know what the opposition’s record was when in government. It did not move down the path of important reforms.

I am particularly pleased in what we have achieved in this reform. We have a reforming Attorney-General who is constantly striving to improve the procedures in our justice system, particularly with a commitment to looking after the victims of crime. I am pleased we reintroduced compensation and support for victims of crime which those opposite cruelly stripped away, in one of the many acts of destruction performed during the opposition’s time in government.

In conclusion, I am very pleased to support the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009. I wish it a speedy passage.

**Mr CRISP (Mildura) —** I rise to make a contribution to the debate on the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009. The Nationals in coalition are not opposing this bill. The purpose of the bill is to make various amendments to the Criminal Procedure Act 2009 and to make amendments to other acts consequential to the CPA. The provisions of this bill will make consequential amendments to other acts as a result of the Criminal Procedure Act 2009, provide transitional arrangements for the commencement of that act, amend that act in relation to witnesses in sexual offence and family violence cases and make other miscellaneous amendments relating to criminal procedure.

There are a number of areas of concern which the member for Box Hill has raised. One is that the various amendments appear to be fix-ups for the previous Criminal Procedure Act 2009. Another is that additional amendments and corrections may still have to be made because matters may have been overlooked in preparing this legislation.

One area involves the modernisation of terminology, particularly with sexual offences which, when they involve children, represent the most heinous of crimes. Extreme pressure is imposed on families involved in this process. Many children and their carers, I would imagine, would very much struggle with these issues, so simpler language is very important as we try to find our way legally through these most difficult areas.

The second area is appeals. The second-reading speech refers to a new part 5.4 of division 5 of the Children, Youth and Families Act, which provides for the right of appeal from the criminal division of the Children’s Court to the Supreme Court on a question of law. New section 430Q provides that if a person appeals to the Supreme Court from this division, a person abandons finally and conclusively their right to appeal to the
There has also been a look at broadening the offence of perjury. From the second-reading speech it appears that we are very much looking at the fact that the actual offence is only committed if an informant intended to use the statement by including that in the brief of evidence. That is how the law currently stands. This means that in many situations where a person includes evidence. That is how the law currently stands. This means that in many situations where a person includes false information in their statement they cannot be prosecuted, or the investigator does not know at the time of making the statement whether the statement will be included in a brief for summary prosecution or committal proceedings. Further, the offence does not apply in other situations such as where a statement is taken after the committal proceedings. For the purposes of the trial it is important that both the prosecution and the accused’s statements are accurate. Those who accordingly provide false information in a statement should be guilty of the offence of perjury.

That is clarifying a particular part of the law. However, the question I ask concerns the police resources to investigate and pursue. In the past the courts have tested this evidence, and if it has been found to be faulty, the full force of the law has been brought down. If the judgement calls for the police to become involved, then they will go about pursuing the matter. I believe this provision will require considerable effort by the police because every statement that is made or every bit of evidence that is tendered, even if it is not used, will need to be examined and tested. I am concerned about the resources required to do this. I know it is important, but we have to make sure that we provide the appropriate resources to back this up.

The next one is the transitional powers and overlap period. There are some difficulties in the bill in relation to this overlap period, and hopefully they can be addressed.

The bill amends 137 other pieces of legislation, which cover many issues of importance to the electorate of Mildura, and I will touch on a number of those as we go through. In relation to the Electricity Act 2000 the concern is very much about smart meters, about their rollout and performance and whether they will deliver consumers with the information they need. We have documented this already in the house. If the retailer is going to receive information within a very small timing interval that affects a customer’s account and the customer needs to pay extra to be aware of what is being paid, and if we end up with that being evidence in court, I can see that there will be difficulty if someone is being asked about what they did or did not know about their costs in relation to their electricity bill. That is a consequential concern I have.

As to the Rail Safety Act 2006, the area I am concerned about here is level crossing speeds and the impact of that on services to Mildura. I have only recently become aware that there are a significant number of level crossings where our trains have to slow down as they cross over those crossings and, although the reconstruction of the rail line to Mildura was for 18 tonne axle loadings at 80 kilometres an hour, it has come to my attention that it is necessary to slow down for those crossings and that is changing some of the travel times.

We cannot go past the Road Safety Act 1986 and the old saying that if you fix country roads, you save country lives. The Sunraysia Highway, particularly around Tempy, Speed and Turriff, is still narrow, and it features regularly in the Royal Automobile Club of Victoria road reports. Again, as we look at this, it is a short stretch of road that remains narrow and does not have the width it should, and with that amount of traffic there is a concern. We are very much again looking at how accidents occur, and you cannot escape the fact that this particular stretch of road has been on the list for a long time.

The Gas Industry Act 2001 is also being amended. Members will recall that Mildura has significant natural gas issues. Although the pipeline to Mildura has been exhausted, Mildura is lucky enough to have a natural gas supply. However, many country areas are waiting for the rollout of natural gas to their areas to assist both individuals and industry. With those words and those concerns, The Nationals in coalition are not opposing this bill.

Ms DUNCAN (Macedon) — It is always interesting to follow the member for Mildura in debate, although I got a little lost in relating the relevance of railway crossings to criminal procedure.

I rise in support of the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009, which implements the changes made by the Criminal Procedure Act, which was passed in February of this year. This bill makes a number of consequential amendments necessary for the effective implementation of the Criminal Procedure Act. In fact, just to give some evidence of the complexities of these changes to the legislation, there are 137 Victorian acts that deal with matters connected to criminal procedure, including the Children, Youth and Families Act 2005, the Crimes Act

The bill modernises the language by amending terminology used in a range of these acts. It updates cross-references to other acts or provisions which have been repealed and replaced and introduces detailed transitional arrangements to clarify when provisions of the Criminal Procedure Act commence operation. The bill also makes a number of policy changes that are consistent with the key principles of the Attorney-General’s justice statements to modernise the justice system and promote consistency, transparency, fairness and certainty in the criminal law. I believe a feature of this government and this Attorney-General is their willingness to change criminal procedures and legal proceedings to make them more user friendly, to make them easier for people to understand and to make them less traumatic for people who have to experience court proceedings.

One of the reforms has been evidentiary rules and procedures in sexual offence cases, and we have heard a little bit about this earlier today. I want to spend some time talking about this. This bill inserts into the Criminal Procedure Act sections of the Evidence Act that relate specifically to sexual offence cases. Given the importance of special rules in sex offence cases — and we have seen these previously — and their relationship to criminal procedure, these sections are more appropriately located with other procedural provisions in the Criminal Procedure Act.

The sections in the Evidence Act 1958 have largely been drafted in response to a number of major reviews by the Victorian Law Reform Commission, and those recommendations have been implemented over a number of years. The sections are inconsistent in style and content, or they overlap and duplicate each other. The application of some sections — for example, special hearings — is unclear and would benefit from clarification. This bill overhauls the rules and procedures to make them clearer and easier to understand. The bill provides certainty in relation to processes in sexual offence cases by providing clearer time limits as well as clarifying each division, which categories a witness division applies to, and which stage of a criminal proceeding they also apply to.

Where there are a number of overlapping sections in the Evidence Act of 1958, the bill consolidates these into a single division that is consistent and easy to find. Under the Criminal Procedure Act there is a new division 7, which refers to recorded evidence of a complainant at trial. This bill introduces a new procedure which broadens the use of recorded evidence in subsequent trials. Currently a child or cognitively impaired complainant in the County Court can have their evidence recorded at a special hearing prior to the trial. This means that in most sexual offence cases a child or cognitively impaired complainant only needs to give evidence on one occasion, so if there is a new trial following an appeal, for example, the court can replay the recording of the complainant’s evidence.

However, in some circumstances a complainant in a sexual offence case may be required to give evidence on a number of occasions — for example, an adult complainant in a rape trial may be required to give evidence a number of times where there is a mistrial or a new trial is ordered on appeal. Members would instinctively understand that it would be very traumatic and stressful to have to go through this a number of times. It can also lead to the discontinuation of a case, if a complainant decides not to continue to give evidence at subsequent trials, which is a tragic circumstance, but one that does happen. As we know some of these trials are also very protracted and go over several years.

Accordingly, the bill complements the special hearings provision by providing that the recorded evidence of a complainant — for example, an adult complainant — in a trial for a sexual offence can be used in subsequent trials. The bill provides that the prosecution must apply for this recorded evidence to be admitted and gives the court a discretion to determine whether to admit the recorded evidence or to require the complainant to give supplementary evidence or fresh evidence. This discretion is modelled on the approach used in New South Wales. The court must have regard to the interests of the accused receiving a fair trial in considering whether to admit this recorded evidence. This provides a balanced approach to those issues, reducing the risk of further stress and trauma to the complainant while ensuring that the accused receives a fair trial.

I understand the criminal bar does not support these changes. The right to a fair trial is a cornerstone of this legal system, but for too long the balance of fairness in the prosecution of sexual assault has been heavily weighted against complainants. It is important that the criminal justice system recognise the profound trauma of sexual assault and the way in which giving evidence in court may re-traumatise a complainant.

Over a number of years the government has introduced systemic measures to change the criminal justice system in ways that reduce the trauma and stress for complainants. This is another feature of this response to the needs of victims of sexual violence while ensuring that the trial processes remain fair to the accused. We
believe the impact of these changes will be minimal. On average there are some 31 retrials or mistrials a year in sexual offence cases. Not every case will rely on recorded evidence, as complainants may choose to give evidence again or the court may simply rule that it is not appropriate to rely on the record of evidence.

There are also appropriate safeguards in place to ensure that the accused enjoys the right to a fair trial. As I said earlier, the bill provides that the prosecution must apply for the recorded evidence of the complainant to be admitted and gives the court a discretion to determine whether to admit the recorded evidence or to require the complainant to give supplementary or fresh evidence. The court must have regard to the interests of the accused in receiving a fair trial. That is obviously the overarching principle in considering whether to admit the evidence. This provides a balanced approach to these issues, to reduce the risk of further stress and trauma to the complainant while ensuring that the accused receives a fair trial.

This bill before us this morning, the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009, is further evidence of this government’s view that our criminal justice system and our court proceedings generally need to be kept up to date. We know many of these bills are many, many decades old. The language is often obsolete and no-one truly understands it. The complexities of these amendments is evidence of the enormous complexities in the justice system. This government is about trying to reduce those to make the system more user-friendly — that is, make it more friendly for complainants while maintaining the rights of the accused to a fair trial. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009 is not opposed by the opposition. The purpose of the bill is to make various amendments to the Criminal Procedure Act 2009 and to make amendments to other acts consequential on the Criminal Procedure Act 2009. It also amends the act to provide for witnesses in sexual offence or family violence cases and to make other miscellaneous amendments relating to criminal procedure.

The main provisions of the bill include sundry additions to and modifications of the Criminal Procedure Act 2009, including of some provisions previously in the Evidence Act. It will allow previously recorded evidence by complainants in sexual offence matters to be used at any retrial subject to certain conditions and the court’s discretion. A person will be liable for perjury for deliberate false statements in writing for the purposes of a criminal trial. The bill amends the Children, Youth and Families Act 2005 to apply Criminal Procedure Act-type procedures with modifications. It amends the Public Prosecutions Act 1994 to bring procedures and terms into line with the Criminal Procedure Act 2009, and it makes sundry consequential amendments to numerous other acts, which I have previously alluded to. From the list at the back of the bill it is apparent that a wide range of other acts are to be amended as part of the changes. There is some uncertainty as to whether there will be any issues or amendments that have been overlooked in relation to this particular bill.

Within the Sandringham electorate a recently completed courthouse, which is part of a $28 million development, is underutilised. It deals with a high number of motor traffic prosecutions. The number of people who are fined at the intersection of Bay Road and Nepean Highway continues to escalate. Some 750 complaints have been made individually to my office. More than 20 000 people have incurred fines in circumstances where a senior magistrate is on the record as stating that the time for the amber light is way too short. A former chief superintendent of traffic, David Axup, has remarked that something is wrong. The incidence of fines is of concern. If a longer time were allowed on the amber light, parallel with the reverse right-hand turn for vehicles travelling in the other direction, that may be advantageous.

However, traffic cases are not the only cases within the purview of the Moorabbin Justice Centre. Cases will be impacted under the procedure outlined in the bill before the house. A number of members in the chamber would be aware that over the past 12 months in the area governed by the City of Kingston there has been a massive increase of 22 per cent in crime, which is a colossal increase. Some of the people involved will have the convenience of geography and be able to go to the Moorabbin Justice Centre, which may increase its local utility and functionality.

There has also been a serious increase in the number of critical assaults and property offences in the cities of Bayside and Kingston, and this is a matter of ongoing concern. There has been a suggestion, known to members in the chamber, that some of the 120 additional police who were allocated for the CBD (central business district) may be able to assist with the issues in the City of Kingston area. I look forward to an elaboration of how this will be achieved on the ground, because people are concerned about safety in their local communities.
There are also concerns regarding violence in the city. People who have been assaulted in the city may be aware that if prosecutions are brought under the Criminal Procedure Amendment (Consequential Transitional Provisions) Bill, this legislation will govern some of those prosecutions. It is to be hoped there is an improvement in public safety in the CBD of Melbourne, particularly at night-time. Not enough is being done to enable people to have a sense of safety as they walk down the streets. The Victorian government has failed to give an assurance to Victorians that when they go out at night on the streets of the CBD they will be able to do so without the threat of violence. I know a number of people who have had significant apprehension for their personal safety and wellbeing when walking down Lonsdale Street at 11.30 at night. People on the streets are fuelled not only by alcohol but also by drugs. The process adopted recently of people being given diversion treatment rather than being prosecuted for possession of drugs and then going to an entertainment venue can be of concern in the sense of a passive tolerance rather than a zero-tolerance approach to non-compliance with the law to make our communities and streets safe. As a community we also need to consider the underlying factors that lead to the large numbers of people on the streets in the early hours of the morning who are at risk. Some people do not have a ready form of transport home and are at risk not only to themselves but also to other people.

While the bill before the house deals with criminal procedure and perhaps will be applied at the Moorabbin Justice Centre, which does not have a significant volume of cases going through it the last time I checked compared with other parts of Melbourne, and while there is an increase in neighbourhood crime in the areas that my electorate covers within the cities of Kingston and Bayside, it is important that an ongoing effort is made.

Members in this house would be aware that some 21 years ago the Labor Party promised that if it were elected it would build a new police station in Sandringham. Up until the last election that promise had not been kept and there was no new police station on that particular site. People need to understand that it is important in the political process that people fulfil all their political commitments, not just if they are about establishing Grocery Watch or FuelWatch, which were given prominent publicity in the lead-up to an election. In this particular case, the commitment to build a new Sandringham police station was a front-page story on the cusp of the election. The Labor Party was elected to office but it failed to fulfil its promise, albeit serving in government.

I am pleased to report to the house that good progress has been made over the past 21 years. The Labor Party has been held to account year after year. A new police station is being constructed on the site as was originally promised, due to the advocacy of community stakeholders who have not been prepared to be taken for a ride on this issue. Soon police will be working from a good new facility.

It was the Liberal Party that during an election campaign first promised there would be a new police station in Sandringham. For the residents of Kingston and Bayside who confront rising crime and reduced operational use of police vehicles to service those areas, there may be some scope through the good work of the opposition that the government can be held further to account until the election of the next Liberal government. A stronger approach will be taken to important law-and-order issues, especially to make the streets of Melbourne safer and to reduce the reliance on pieces of legislation like the one before the house being used because they will not be required as the streets will be safer and the level of violence in the streets will have been reduced. The people of Melbourne will be able to go about their lives in an orderly and peaceful way.

Ms RICHARDSON (Northcote) — It is always a pleasure to follow the member for Sandringham, who seems to forget the number of cuts that the Liberal government made to police numbers, which of course led to an increase in crime. He skirts over that bit of history, but it gives me great pleasure to remind him of that fact.

It also gives me great pleasure to speak on the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009. Since coming to office Labor has made significant reforms to our justice system. We have had a very active and reforming Attorney-General, who has always worked in the interests of all Victorians. I am very pleased today to be able to speak in support of yet another one of his and Labor’s measures. This time it is designed to bring into full effect another act that was passed earlier this year.

In February Labor moved the Criminal Procedure Act 2009 through the Parliament. That overhauled Victoria’s criminal procedure laws by modernising the language used, rationalising and clarifying certain provisions, and improving the overall effectiveness of the justice system. In order for that bill to have its full effect, this Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill needs to be passed through the Parliament to make a number of significant consequential amendments. The Children, Youth and Families Act, the Crimes Act, the Evidence...
Act and the Magistrates’ Court Act are all amended, along with 133 other acts.

Aside from the significant improvements that have been made in language use, the bill brings to fruition important reforms in relation to sexual offence cases. These are very important reforms because, as we all know, the stress of dealing with the criminal justice system can have a devastating consequence for the victims of sexual assault. Obviously doing all we can to lessen the stress on those victims is the right thing to do, but it also helps the justice system deal with those particularly horrific crimes. That is what the community wants, and it is certainly what the victims want. It is my hope that these reforms will significantly increase the number of successful prosecutions.

The key changes made by the bill include: improving, clarifying and consolidating sections of the Evidence Act that relate to the giving of evidence by witnesses in sexual offence and family violence cases and including them in the Criminal Procedure Act. Currently a victim’s prior sexual history may not be brought before a court, and this provision in this instance clarifies that.

It also improves the response of the criminal justice system to victims of sexual offences by providing that the recorded evidence of an adult complainant in a trial may be used in subsequent trials where there is a mistrial or a new trial is required because of an appeal. This provision avoids the need for an adult victim to repeatedly provide evidence at subsequent trials. This is consistent with previous laws we introduced in 2006 that enable a child or someone who is cognitively impaired to be interviewed at a special hearing that is recorded for later use.

It also inserts a new appeals framework into the Children, Youth and Families Act to provide a clear and comprehensive basis for criminal appeals from the Children’s Court. Finally, it removes the power to award costs against a child for appealing against a decision of the Children’s Court in relation to a criminal charge. This will ensure that a child is not inappropriately discouraged from appealing in criminal matters. The bill has a range of other provisions, but given the short time left I will leave them to other speakers.

I conclude by saying these are very important changes to provisions that will further update our criminal justice system and most importantly provide the victims of crime with the support they need. I commend the bill to the house.

Mr FOLEY (Albert Park) — It gives me great pleasure to speak on the Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009. As we have heard, this is a very detailed piece of legislation making amendments to 137 acts. In the second-reading speech earlier this year the Attorney-General indicated that the modernisation of criminal legal procedures and criminal law in this state is a major priority of the government and that given the size of the task it would require a number of bills to be brought before the house.

This bill reflects that ongoing commitment. It ranges across a number of points in seeking to implement the modernisation of Victoria’s criminal procedure. The comprehensive and far-reaching array of amendments requires a series of transitional arrangements, settings, consequential amendments and complicated operational arrangements to be brought to bear. The bill traverses a wide variety of issues, and I do not intend to touch on all of them as a number of speakers have already done so.

One of the areas in which the bill seeks to make some general technical amendments is in relation to the Charter of Human Rights and Responsibilities. Whilst not substantially changing or limiting the operation of the charter, these changes essentially mean that some arrangements will be put in place to allow questions concerning the operation of the Charter of Human Rights and Responsibilities, when tested in the criminal procedure area, to proceed directly from the County Court, if that is the appropriate level, to the Court of Appeal rather than firstly going before a single judge of the Supreme Court.

I take this opportunity to make some more general comments on the effectiveness and the leadership role of the Victorian Charter of Human Rights and Responsibilities in criminal procedure and increasingly as a standard-bearer in the growing push for the recognition of human rights in law, the administrative arrangements of government and across other jurisdictions. In this respect I take the opportunity to bring to the attention of the house that our national government’s far-reaching and extensive consultation process, although not concluded, on what, if any, framework of human rights should apply at the federal level has certainly made it clear that it looks to the Victorian jurisdiction as the model on which it seeks to continue this debate at the national level. As recently as last week the commonwealth made it clear that it would proceed on the basis of seeking to establish a human rights framework in both law and the administrative arrangements of the commonwealth by modelling its
approach to human rights on the successful Victorian human rights charter.

That reflects the fact that the Victorian model is based on the approach of ensuring that what is best and appropriate in the legal and common-law arrangements we have in Victoria and our procedures at the civil, criminal and administrative levels dealing with the justice system have been based in its human rights approach on the emerging debate in comparable interstate and international jurisdictions, which points to the fact that our model works as effectively as any in the world.

It is very sad to learn, as we have learnt consistently in debates on a number of bills this week, that those opposite continue to oppose the notion of the application of the human rights charter to Victoria’s administrative systems. As recently as yesterday the shadow Attorney-General again took the opportunity to denigrate the operation of the human rights charter. Those opposite, with their backward-looking approach to this issue, would be best served by recognising that the future of the administrative, legal and criminal arrangements relating to how citizens seek to engage with criminal procedure and the law more generally is based increasingly around the notion that communities expect their individual rights to be recognised in these approaches.

This is in many respects a model bill that reflects the continued commitment to the endless and ongoing task of modernising and keeping our legal system appropriate that was made in this place by the Attorney-General in his justice statements 1 and 2.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

Sitting suspended 1.00 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

Mr Cameron — On a point of order, Speaker, I seek your guidance in relation to the appropriateness of the use of Parliament by the member for Hastings, who this morning made a personal attack on and allegations of corruption against the former Chief Commissioner of Police as well as some other police. I do that particularly in light of the comments yesterday and the Leader of the Opposition’s inability to pull into line his rabid backbench.

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

Questi0n Without Notice

Children: protection

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the first — —

Honourable members interjecting.

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

Mr Hudson interjected.

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

Mr BAILLIEU — My question is to the Premier. I refer to the first of some 250 government reports tabled today, the Department of Human Services annual report and the fact that in 2003 chronic child protection staff shortages were identified and in March 2008 the Minister for Community Services spent $52 000 personally travelling to Europe to recruit child protection staff, and I ask: given that the government has known for six years that the child protection workforce is in crisis, why does this annual report show that there are fewer full-time equivalent child protection workers than there were in the previous year?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I have said many times in the Parliament previously in relation to child protection, this is an issue which concerns all members of this place, and it is incumbent upon all governments at whatever time in their history to do what they can to ensure the best possible protection for children. It is no secret that we have had recruitment and retention issues in relation to child protection staff.

Honourable members interjecting.

The SPEAKER — Order! I suggest to members that the Premier will not be shouted down. I ask for some cooperation from the government benches.

Mr BRUMBY — A month or two ago, when I was asked another question on this issue — I think by the Leader of the Opposition — if my memory is correct I referred to an article in the Age by Carol Nader which looked at the day-to-day work of a child protection worker and at how difficult that work is when you go into someone’s home and you make a judgement about whether or not you remove a child from their parents. As a consequence of the nature of that work it is often difficult to recruit and retain staff.
I have been in this place for many years, and I have heard many debates about this issue. We have announced an additional package of funding of $77.2 million. We are putting in place additional measures to support staff in their extremely difficult work. With the 200 additional staff and the new recruitment initiatives, I expect a stronger focus on team effort and a stronger focus on supporting new staff, and the particular initiatives in some regions — —

Honourable members interjecting.

Mr BRUMBY — I believe the package we have put in place, with the 200 additional staff and the additional measures we are taking, will address those issues and we will make progress even in some of the more difficult areas of the state where, because of their geographic remoteness — places like Gippsland — it has been difficult to fill those vacancies. I believe the plan we have in place will achieve that goal.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome some visitors to the gallery today. We have the Presiding Officer from the Scottish Parliament, Alex Fergusson, along with a delegation of members: Ted Brocklebank, Ross Finnie, Rhoda Grant and Sandra White. Welcome to Victoria and welcome to the Parliament of Victoria.

We also have a delegation of Queensland parliamentarians. We must be doing something right. They must have come to see our exemplary behaviour at question time! I welcome to Victoria and to the Victorian Parliament the Honourable Annastacia Palaszczuk, who is the Minister for Disability Services and Multicultural Affairs, Julie Attwood, the parliamentary secretary to the minister, Grace Grace, Vicky Darling, Curtis Pitt, Desley Scott and Carryn Sullivan, who are all from the Parliament of Queensland.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Water: Victorian plan

Ms BEATTIE (Yuroke) — I ask my question in esteemed company. My question is to the Premier. I refer to the Brumby government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the government is securing water for families, businesses and farmers?

Mr BRUMBY (Premier) — I thank the member for Yuroke and welcome the delegation from Scotland. I thank them for bringing a bit of rain to our state.

We all welcomed the rainfall in recent weeks, but we should not forget just how difficult the last 12 years have been. Since 1997 catchment inflows across the state have decreased by something like 40 per cent. In 1997, after a couple of decades of above-average rainfall, we had storages that peaked at 95 per cent. As I speak today those storages are at 35.6 per cent. This is after 13 years of drought and the worst ever inflows that we have experienced as a state, which were in 2006.

In response to the honourable member for Yuroke, the government has a very clear and transparent water plan. We have a plan that is black and white; we have a plan that is there for everyone to see. We stand by our plan; it is a plan that will deliver water security for all Victorians, no matter where they live. It delivers to us a road map to get us off water restrictions in the future. When you look at our plan you see we are building Australia’s largest desalination plant — 150 gigalitres, scaleable up to 200 gigalitres. We are upgrading Victoria’s irrigation infrastructure, we are building a statewide water grid and we are leading Australia — we are leading the country — on water recycling and conservation.

I thank the member for Yuroke for her question, because the point of the story is that our plan is working. As the Minister for Water said earlier this week in the Parliament, we are seeing the benefits of our plan in place across the state already. As a result of the Wimmera–Mallee pipeline, what had been level 4 restrictions are now down to level 1. With storages still at just 11 per cent, it would not have happened without our Labor government initiative to fund the Wimmera–Mallee pipeline.

Honourable members interjecting.

The SPEAKER — Order! The member for Lowan! Government benches will come to order! The Premier will not be shouted down. I particularly mention the members for Benalla and Bass.
Mr BRUMBY — As I said, in the Wimmera–Mallee pipeline we are seeing already the benefits of that great project, six years ahead of schedule and delivering water security. Of course history will show that the feasibility study for that project was funded very early on in our term of government after years and years of rejection by the local community under the former Kennett government, with absolutely zero success under that government.

Of course there is the goldfields super-pipe going down to Ballarat. I remember that when we turned that on the White Swan Reservoir was at 7 per cent. There was just a little puddle in the reservoir. We turned on that pipe and built up the water supplies, and this week too Ballarat was able to reduce its water restrictions. It is off the back of that investment and the improved rainfall we have seen.

Mr Hulls interjected.

Mr BRUMBY — Yes, thank you — opposed by those opposite. When you look at the Melbourne storages, which this week are at 35.6 per cent, you see the result of initiatives like reconnecting Tarago and the investment we have made there — —

Honourable members interjecting.

Mr BRUMBY — You opposed that one too! Wimmera–Mallee, the super-pipe, Tarago, desal — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Consumer Affairs!

Mr BRUMBY — The biggest project that we have going forward is the 150-gigalitre desalination plant. What that means is that we have got a source of water which is non-rainfall dependent. That is just so important to changing our water mix going forward.

Dr Napthine interjected.

The SPEAKER — Order! I ask for some cooperation from members of the opposition.

Mr BRUMBY — As I have made very clear, we have got a plan. It is fair to say that without a plan you have got chaos. What we have got in this place is a coalition of chaos in relation to water policy.

Honourable members interjecting.

The SPEAKER — Order! The Premier has concluded his answer.

Victorian Funds Management Corporation: executive salaries

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to the second of some 250 government reports tabled today, the annual report of the Victorian Funds Management Corporation (VFMC), which shows that the value of funds under management has plunged by $10 billion and every single market benchmark for investments has not been met.

Honourable members interjecting.

The SPEAKER — Order! Government members will cease interjecting in that manner. I warn the member for Prahran and the member for Northcote.

Mr WELLS — I ask: can the Premier explain why, despite these facts, bonuses for VFMC executives have gone up by 57 per cent and executive pay has gone up by 42 per cent, now including the highest paid public
servant in Victoria, who has an annual salary of more than $1 million?

Mr BRUMBY (Premier) — I thank the honourable member for his question. Victorians would rightly expect that bonuses paid to executives, whether they are in the government sector or the private sector, are paid on the basis of good performance. Similarly they would look dimly on bonuses which are paid to executives when performance has been poor or below average. That is the view I take in relation to these matters.

In relation to the Victorian Funds Management Corporation report, we have set financial compensation limits for the VFMC and it is not clear that those limits have been observed. Those limits do not allow high-performance bonus payments unless outstanding investment returns are achieved. The investment returns of the VFMC last year do not warrant excessive performance bonus payments, and neither the Treasurer nor myself will condone a compensation scheme that rewards underperformance. I believe it would be particularly offensive for any large performance bonus to be approved if targets have not been met when the rest of the Victorian government and Victorian employers are showing restraint under the pressure of the global financial crisis.

Accordingly, the government has today requested the State Services Authority to review the governance arrangements in place for the approval of remuneration arrangements made last financial year and the compliance of remuneration arrangements with the compensation policy framework established by the government. The Treasurer has had a frank conversation with the chair of the VFMC.

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition — —

Mr Baillieu interjected.

The SPEAKER — Order! I warn the Leader of the Opposition. The Chair will not be ignored in that fashion.

Mr BRUMBY — As I was saying, the Treasurer has had a frank conversation with the chair of the board, who is a new appointee and I believe a great asset to the organisation, who has said that he will work closely with the secretary of Treasury before, firstly, any further performance bonuses are paid; secondly, any changes to existing compensation arrangements are made for principal officers; and thirdly, any new executive compensation arrangements are entered into.

The government will not pre-empt the findings of the review or breach confidentiality requirements, but I will say this: the State Services Authority usually provides advice to ministers on a confidential basis. However, given the seriousness with which we view this matter, the action that the government takes following this review will be very clearly done on a public basis.

Police: government initiatives

Mr CARLI (Brunswick) — My question is for the Minister for Police and Emergency Services. I refer to the government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house what measures the government is taking to support our police in keeping Victoria the safest state in Australia?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Brunswick for the question. He joins with all honourable members on this side of the house and the vast majority of Victorians in showing respect for officers of Victoria Police, their authority and the office of chief commissioner.

We are very pleased as a government to have been able to provide Victoria Police with a record budget. What we have is more police on the front line than ever before. We know that that investment has been important. We have seen the great work of Victoria Police, and in the last eight years we have seen a reduction in the crime rate of 25 per cent — most of that during the time of then Chief Commissioner Christine Nixon.

I can advise the house of more good news as part of our record recruitment of police. Last Friday I went to a police graduation ceremony at Glen Waverley. I congratulate all the staff there on the work they do in preparing police, their encouragement and the way they go about training the new recruits, and I am sure I am joined by all honourable members on this side of the house in those congratulations. What we have seen as a result of that work is that since we have been in government, we have now had 5000 new recruits go through the academy. Those recruits not only replace those who have left but also increase the total number of police. There has been an increase of 1400 police in our first two terms. As you know, Speaker, during this term we want to increase police numbers by another 400 or 470. We totally reject the approach of others who would have the police force reduced by 800, as is known by their track records.
We also thank the police for their work and the role that they have in helping keep Victoria a safe place. We thank them also for their work to deal with the challenges of the future. The new chief commissioner, Simon Overland, has worked closely with the government to present a strong case. We have had discussions and, as you are aware, Speaker, we have announced a package of new powers that we want to put in place for police, including move-on powers for troublemakers, the issuing of infringement notices for those who are drunk or drunk and disorderly, new powers for dealing with weapons on a random basis, and also a new disorderly offence. I note there is only one side of this house that has endorsed this package for police, and that has been Labor.

We are proud of the police. We are proud of what they do, and we have full respect for officers of Victoria Police. That is why we have supported them with a record budget and record resources.

**Rail: level crossings**

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to the seventh of some 250 reports tabled by the government today, the annual report of the Department of Transport, which reveals that just 9 per cent of safety breaches identified in the Australian level crossing assessment model audits of level crossings have been resolved, leaving 19,397 safety breaches outstanding, and I ask: is it not a fact that at this rate it will take 16 years to resolve all the remaining deficiencies at level crossings?

Mr BRUMBY (Premier) — As the member for Polwarth would be aware, it would have taken well over 150 years under the funding profile of the former Kennett government — 150 years!

Let me go to the level crossing upgrade program to which the honourable member has referred. In 2005–06 we did 96 upgrades; in 2006–07, 57 upgrades; in 2007–08, a further 46 upgrades; and in 2008–09, a further 46 upgrades — 245 upgrades over four years. We can thank the Rudd government for its contribution to level crossing safety as well, and the economic stimulus package, with a contribution of around $30.3 million for that important work.

Let me put 245 upgrades over four years into perspective. Over a seven-year period which I can recall — let us call it 1992 to 1999 — there were 75 upgrades. There were 75 upgrades in seven years, and we have done 245 in four years. With 245 over four years and 75 over seven, we have got the runs on the board. In addition to that — —

An honourable member interjected.

Mr BRUMBY — You had your chance in the 1990s and you mucked it up. You did nothing!

The SPEAKER — Order! The Premier will not debate the question and will not use question time as an opportunity to attack the opposition.

Mr Batchelor interjected.

The SPEAKER — Order! The Chair does not need advice from the Leader of the House.

Mr BRUMBY — I am pleased to say that, in addition to that, the Victorian transport plan committed a further $440 million to a grade separation program which of course starts with Springvale Road. I was out there recently. That is another great project funded by our government in partnership with the federal government, a partnership which involves improving that interchange, which has 50,000 vehicles and 218 train movements every day. The 2009–10 state budget provided $60 million for that project and the commonwealth government has confirmed an $80 million commitment. That follows the success of a previous project — again a commonwealth-state funded project — on Middleborough Road in 2007. That is a great project.

I should say we also have in place a level crossing camera trial. We have successfully trialled enforcement camera technology at two locations. Legislation to enable the issuing of infringement notices to motorists breaching the road rules at enforcement camera sites I am pleased to say has passed the Parliament.

Finally, can I say in relation to the Australian level crossing assessment model (ALCAM), we have completed a two-year program of field surveys at every Victorian level crossing using ALCAM. Victoria was one of the first jurisdictions, as the honourable member is aware, to complete this process, and the results of these surveys help to inform our annual level crossing safety program. There has always been a very high number of level crossings in our state; it is in the nature of the development that has occurred in the state over more than 100 years. We are making inroads.

As I said, we have put in place additional budget funds and we have completed 245 upgrades over four years, and that is a much better rate of completion than occurred in the 1990s.
Children: early childhood services

Ms RICHARDSON (Northcote) — My question is to the Minister for Children and Early Childhood Development. I refer to Labor’s commitment to make Victoria the best place to live, work and raise a family, and I ask how the Brumby Labor government is providing support to Victorian children and families during the biggest baby boom in a generation.

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Northcote for her question. We are very proud of our record investment in supporting children and their young families. The member knows very well, being the member for Northcote, that Victoria is experiencing the biggest baby boom in a generation. In 1999, 10 years ago, there were almost 59,000 births in Victoria; now there are more than 71,000, which proves that Victoria is the best place to live, work and raise a family. The Brumby government understands the importance of supporting parents and children, particularly through the early years, and it has significantly increased its investment in early years services, including in maternal and child health services.

In Victoria we have the best maternal and child health service in Australia, and indeed one of the best in the world. That is not just my opinion; that is the opinion of child health experts. Since 1999 we have doubled our investment in maternal and child health, and that has resulted in increased participation in the key age and stage visits. In fact 99 per cent of all newborns are now visited by a maternal and child health nurse. That is a record number of visits by a record number of nurses.

This high-quality support continues through all of the 10 key age and stage visits, and there has been a record participation of 580,000 visits to maternal and child health services. These services are really important for parents with young children, particularly in the child’s very early years. It is a way of identifying problems with the health and wellbeing of the baby as early as possible, but is also very important for the parents, particularly the mother. Also very important to parents with young children is the maternal and child health telephone line. When we came into government the number of calls taken on this line was around 23,000; it is now taking 95,000 calls from parents, due to our increased investment.

The maternal and child health system is a great partnership with local government. The other great partnership we have with local government and the community sector is in the provision of kindergartens.

We understand the importance of children attending a four-year-old kindergarten program in the year before school. Now more Victorian children than ever are attending a kindergarten program, and the government’s support has massively increased. When we came into government the kindergarten fee subsidy for families holding a health-care card was $100. It is now $750, and that allows children of families with a health-care card to effectively participate in kindergarten for free. We have also introduced a subsidy for all three and four-year-old indigenous children.

Finally, this morning I was in Altona North with the local member, the member for Williamstown, and we had great pleasure in announcing the allocation of an additional 500 places for early childhood intervention. Together with the increase I announced today we now have a record number of places for children with special needs; we are helping them with special education, physiotherapy, speech therapy and all the things that are very important in supporting them in their early years and helping their transition to school. The government has responded very effectively to the baby boom. It has massively increased its investment in the early years services and it is still focusing on quality.

Bushfires: community preparedness

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the eighth of some 250 government reports tabled today, and that is the annual report of the Department of Sustainability and Environment, which shows that the government last year completed only 5 of 60 promised bridge and crossing repairs or replacements to enable safe access for rapid bushfire response, and I ask: is it not a fact that in failing to complete over 90 per cent of these vital preparation works the government is leaving Victorian communities dangerously unprepared to meet the threat of bushfire?

Mr BRUMBY (Premier) — As I have made very clear to the house this week and previously, the effort going into fire preparation and fire safety for this year’s fire season is the single largest effort the state has ever put in place. I mentioned in the Parliament yesterday that with the Minister for Police and Emergency Services and the Minister for Tourism and Major Events I was in the Otways, Anglesea and Aireys Inlet undertaking a number of activities there yesterday. The fact is that we have seen the biggest fuel reduction and fire preparation effort in the Otways that has been the case since records were kept — more than 30 years.
I believe all the steps we have put in place, whether it is the level of funding, whether it is the bringing forward of 700 firefighters to the Department of Sustainability and Environment, whether it is the additional equipment, whether it is the incident control centres, whether it is upgrading the internet and communications or whether it is the fire danger rating warnings, are designed to make our state as fire safe and as fire ready as possible.

Everyone in the state is in this together. It is not a single responsibility of any level of government; it is a joint responsibility of state government, of local government, of communities, of individuals and, I would have hoped, of every member of this Parliament. The one thing I hope we have been able to achieve through this Fire Action Week is a real focus on these activities. This morning I did an interview with Jon Faine on 774 ABC radio. He was, I think, out in the Dandenongs and there was a lot of discussion and a lot of debate. Not everybody agrees with everything that is said and everything that is done, but I have never heard so much debate, so much discussion and so much awareness about the forthcoming fire season.

It is good that there is that level of discussion, debate and understanding. If out of all of that we are better prepared than we have ever been before, which I believe we will be, hopefully we will get through this year’s fire season with minimum loss of property and no loss of life.

**Schools: Victorian plan**

Ms THOMSON (Footscray) — My question is to the Minister for Education. I refer to the government’s commitment to make Victoria the best place to live, work and raise and educate a family, and I ask: will the minister inform the house what progress has been made towards the Victorian schools plan commitment to rebuild, renovate or extend 500 government schools in four years?

Ms PIKE (Minister for Education) — I thank the member for Footscray for her question and for her strong interest in good education within her local community. At the last election the government announced that if it were to be returned it would embark on the biggest ever rebuilding program of our government school infrastructure in the history of the state. After three budgets the government is right on track to meet its target of the first 500 schools in that program under the Victorian schools plan. To date, over the first three budgets of this term of government, 375 schools have received funding. Projects are being rolled out, and as I said, the government is right on track to reach the 500 target.

There are a range of projects. There are major modernisations where schools are being completely rebuilt. There are regeneration programs where there are new configurations and where new infrastructure is being built to revitalise education in whole communities, such as Broadmeadows and Bendigo. There are brand-new schools in growth areas. We know of the 11 new schools under the Partnerships Victoria program. That is a fantastic program. Right around the state students are now enjoying state-of-the-art education facilities — 21st century facilities for 21st century learning. There are so many new facilities opening around the state that there are almost too many to attend. I know many local members enjoy going to their schools, discussing the new facilities with people in those schools and being part of the new developments.

This has been a huge investment by our government, but it has also been a mammoth effort by schools. I take this opportunity to put on record my appreciation for the very hard work that has been done by school principals, school leaders and school councils, in partnership with the regions and the Department of Education and Early Childhood Development. This is a huge task that is bearing great results.

On top of that investment, the Victorian government’s partnership with the Rudd government has meant even further resources coming into the education system in our state. An additional 2900 projects are being rolled out around Victorian schools. You virtually cannot drive down any street past any school without seeing the signs up, the facilities being redeveloped, fences up and workers on site. Schools right around the state are seeing so much work being done. Just this morning the Premier and I were in Bunyip at a fantastic school with a great educational program where a new facility is going up. It is not just about the new facilities and the new schools that are being built, because when you add those things to our school improvement strategy, this is a fantastic time, a wonderful time for education in Victoria.

I add that 2700 jobs in the building industry are being created by this additional investment. The government is very proud of its vision and commitment. The government has put the resources in and is well on track to achieving its goals. It places Victoria in an exceptionally good position to benefit from the additional money from the Rudd government so that Victoria can continue to take its place as the best state in Australia for educating young people.
Liquor: licences

Mr O’BRIEN (Malvern) — My question is to the Minister for Consumer Affairs. I refer to the Department of Justice annual report — yet another of the 250 reports tabled today — concerning a risk-based liquor licence fee system. I refer the minister to his $20 million liquor licence fee hike, which will force a tiny mum-and-dad mixed grocer to pay exactly the same risk-based fee as a massive liquor supermarket. I ask: will the minister concede that his proposals will cost jobs and that he has got it wrong, and will he now scrap these ridiculous and unfair fees until he can introduce a genuine risk-based system?

Mr ROBINSON (Minister for Consumer Affairs) — I thank the member for Malvern for his question on this topical subject. The government makes no apologies for introducing a risk-based liquor licence fee system. We make absolutely no apologies. We believe a risk-based liquor licensing fee policy, as one of several measures we have been introducing and announcing in recent months, is in keeping with the community’s expectations about how antisocial activity in relation to licensed premises should be tackled. Wherever I go across the state and whatever groups I speak to, there is universal support for that proposition. In fact it is interesting to find out that more and more people are putting out material saying exactly what the government is saying. I came across some comments just today. There is a figure who is entering public life — aspiring to public life — who said that she stands for ‘stronger law enforcement to curb alcohol-fuelled licence’. I wonder who it was, Speaker! I wonder who it was who said that. Let me advise the house and the member for Malvern that it was none other than Kelly O’Dwyer, who hopes to take over from the member for Malvern’s mentor.

In fact it is interesting to find out that more and more people are putting out material saying exactly what the government is saying. I came across some comments just today. There is a figure who is entering public life — aspiring to public life — who said that she stands for ‘stronger law enforcement to curb alcohol-fuelled licence’. I wonder who it was, Speaker! I wonder who it was who said that. Let me advise the house and the member for Malvern that it was none other than Kelly O’Dwyer, who hopes to take over from the member for Malvern’s mentor.

The SPEAKER — Order! I will explain to the member for Malvern once again that standing orders do not require the minister to answer a question.

Honourable members interjecting.

The SPEAKER — Order! And the standing orders of this house have been such for many, many years.

Mr ROBINSON — The centrepiece of the government’s proposition in relation to liquor licensing fees is that the direct costs of administering and supervising that industry should be paid for by the industry. It is a very simple proposition. What has been happening in recent years is that the industry has been subsidised by taxpayers. It has not been covering the direct costs of administering that system.

The costs of administering the system going forward include funding for the new compliance unit. I thought the other side supported the compliance unit. Let me just outline to the house briefly that in about the last 10 weeks, since that compliance unit was established, the very good work of that unit has seen about 4000 inspections undertaken. We have seen over 1000 warning notices issued. Some 15 criminal investigations have commenced as a consequence of that unit’s work over the last few weeks, complemented magnificently, can I say, by Victoria Police.

I agree with the Minister for Police and Emergency Services: we stand shoulder to shoulder with the new chief commissioner. He and his officers are doing a wonderful job. In 2008–09 Victoria Police, in relation to liquor-licensed premises across the state, issued 4170 infringement notices, a 40 per cent increase on the previous year. Victoria Police is doing magnificent work.

These things cost money, and the Victorian public says that the licensed industry should pay those costs. It should not be put on mums and dads. We have proposed a series of fees, and packaged liquor outlets as licensed premises must pay their contribution. The member would seem to be unaware that in the draft fees that were promulgated some time ago, and in the revised version of those fees, a hardship clause is evident.

Honourable members interjecting.

Mr ROBINSON — Just hold on! Small businesses with less than five full-time employees are able to apply for an exemption, a waiver or a reduction. That is a very reasonable proposition. It was there several weeks ago. I am sorry the member for Malvern did not read
the document and understand it was there. I am sorry, but in conclusion — —

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

Mr ROBINSON — In conclusion, the government does not resile from the introduction of risk-based liquor licensing fees, and the government stands by its commitment that the cost of administering the industry should be borne by the industry.

Health: government initiatives

Ms GRALEY (Narre Warren South) — My question is to the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on any recent milestones in the government's efforts to rebuild our health system?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Narre Warren South for her question and for her interest in health service provision in her growing local community. What our government has done in each and every year of its term in office is to give to our dedicated health professionals the resources that are needed to meet the health challenges that present today and also to lay the foundations to meet the challenges in the years to come. That is why every hospital has received a funding increase in every year. That is why across the board we have 130 per cent more recurrent funding throughout our health system than when we came to office. That is why we have invested not $500 million but $5.5 billion in the biggest health infrastructure program that this great state has ever seen. That is what we have done, and that is what we will continue to do.

What do those investments mean for local communities? There are a few milestones. I was asked about milestones by the honourable member, and an important one was celebrated just recently in her local community. That was the fifth birthday of the Casey Hospital, a hospital built by a Labor government to provide better health services to a growing part of our state. That new hospital, that fine facility in Berwick, is not just an important piece of physical infrastructure. What is important is the care and treatment that is provided within it.

I can inform the honourable member that 4750 babies have been born in that brand-new hospital, built by a Labor government. Since it opened it has admitted over 105 000 patients and 160 000 patients have presented to the emergency department there. I should also mention that 21 000 episodes of elective surgery have been performed at the Casey Hospital. That gives you a clear sense in human terms of what that investment means: more patients treated more quickly close to home, close to family and in the community they have helped to build. That is the power of the investment of this government.

There are a couple of other important milestones that have passed recently, and it is important to acknowledge them. We, as a government, as I said before, have made sure that in each budget we have given health services the resources they need. One of the ways you do that is to give health services the funding they need to employ more staff — to employ more nurses and to employ more doctors. We have not recruited 1000 extra nurses. We have not recruited 5000 extra nurses. We have recruited 10 516 additional equivalent full-time nurses right across our public hospital system. It sure beats sacking them! What that means is that we have more nurses in local communities providing better care to a growing number of patients.

But as important as the nursing workforce is, it is but one part of a team. The medical workforce is also important, and that is why we have provided funding to put into our public hospital system 3150 additional hospital doctors. On any measure that is giving to our health services the resources that are needed, the skills that are needed and the practical support that is needed to treat more patients, to treat them faster and to deliver better outcomes for communities right across our state.

I was asked about milestones. There are a couple of milestones that are fast approaching, and it is important to highlight these, because they very much tell the story of the difference in approach between this government and others. I draw the house’s attention to the fact that 28 October will be the 10th anniversary of Labor scotching, putting to an end, stopping in its tracks, the privatisation of the Austin Hospital. It took a Labor government to stop that.

There is another milestone that is important as well: 31 October will be the ninth anniversary of the failed privatisation of the Latrobe Regional Hospital. That abject failure meant that, at very considerable cost to Victorian taxpayers, the keys were effectively handed back to a Labor government to run that show and repair the untold damage to community confidence and health service provision in that part of regional Victoria.

Let me conclude simply by saying this: this side of the house — Labor — is as opposed today as it was then to privatisation of our public hospitals. Our position on
this is absolutely clear. The position of others — oracles — is less clear. We make no apology for our investment in health services. That is our record, and we will continue to ensure that every single health service has the resources it needs to treat the growing number of patients presenting for care.

**GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL**

Introduction and first reading

Received from Council.

Read first time on motion of Mr ROBINSON (Minister for Gaming).

**STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL**

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr HULLS (Attorney-General) — In summing up I thank all members for their contributions to debate on this very important bill. It is a vital part of the implementation of the uniform evidence law right across Australia and all the benefits which come with this greater consistency of laws across our borders.

As members of this house have indicated, the Statute Law Amendment (Evidence Consequential Provisions) Bill is a technical bill but it is also a very important bill. It is about national reform, and it also achieves a major commitment of the justice statement and furthers the work of this government to modernise the laws of Victoria in relation to our justice system.

Some issues were raised in relation to cross-examination. Where evidence to be admitted is from a previous proceeding, the provisions of both the 1958 Evidence Act and the Evidence Act 2008 will require that the defendant has had the opportunity to cross-examine the witness. It should also be noted that the benefits of section 65 and the broadened definition of ‘unavailability’ extend to the defence, as subsection (8) specifically lifts the hearsay rule for defendants. Obviously there are many provisions in Victoria designed to assist people to give evidence, such as the use of screens, remote video link and having a support person. These measures, of course, will be taken into account in relation to whether a person is genuinely unable to give evidence and whether that inability is able to be overcome.

The joint commissions in considering changes also considered the United Kingdom definition contained in section 116 of the UK legislation and specifically did not go down that path. The Victorian provisions respond to the recommendations of the joint commissions and therefore, by logical extension, are also not going down the path of the UK.

I believe this bill strikes the appropriate balance and is in line with national reform. I certainly commend the bill to the house.

Motion agreed to.

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

Third reading

The ACTING SPEAKER (Mr Ingram) — I advise the house that the Speaker is of the opinion that the third reading of this bill requires to be passed by a special majority. As there is no special majority of members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by special majority.

Read third time.

**CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL**

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr HULLS (Attorney-General) — I want to thank all members for their contribution to this very important bill. It is a technical but very important bill. It supports and implements the comprehensive and far-reaching legislative regime introduced by the Criminal Procedure Act. I wish this bill a speedy passage.

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

Third reading

Motion agreed to by absolute majority.

Read third time.

SENTENCING AMENDMENT BILL

Second reading

Debate resumed from 14 October; motion of Mr HULLS (Attorney-General).

Mr NOONAN (Williamstown) — Whilst I rise to support the bill before the house, I have to put on record my disappointment that we are having to deal with the issue of race-related hate crimes in the Victorian Parliament today. I accept that hate crimes occur in every country and Victoria is not immune from these despicable acts, but what I cannot understand is the motivation for these types of crimes. Why would anyone want to harm another person because of their sexual preference, the colour of their skin or because they practise a particular religion? I simply cannot understand that.

In fact during the Hanson years I must admit I was probably in denial about racism in this country. I could not believe anyone would take Pauline Hanson seriously. I could not believe her racially motivated views would gain any traction. But they did, and I think Australia is the lesser for her time in public office. Historians may record differing views about former Victorian Premier Jeff Kennett’s contribution to public life, but they cannot knock his leadership on multicultural issues. At the height of Kennett’s reign, he took on Pauline Hanson, labelling her views on race as ‘dangerous’ and ‘repugnant’. He was right.

Fortunately Hanson’s One Nation Party never took hold in Victoria. Her views were simply not supported. They were not fair. Victoria is a proudly multicultural society. We are almost boastful about our cultural diversity. In fact the Parliament has produced a poster featuring the members of the current Parliament, the 56th Victorian Parliament, who were born overseas. For the record there are currently 21 members of the Victorian Parliament who were born overseas, including 11 in the Assembly, and 10 in the Council.

Multiculturalism is part of Victoria’s identity, as it is part of our history. I refer to the gold rush. Migrants leaving Britain in 1852 bought more tickets to Melbourne than to any other destination in the world. At the height of the gold rush one in five men in Victoria was Chinese. Then there was the post-war migration program. Our Italian, Greek and Jewish communities, to name a few, have transformed the cultural and economic fabric of Victoria. More recently families from places including Vietnam, South-East Asia, Turkey, Macedonia, Iraq, Afghanistan and Africa have helped to make Victoria socially and economically stronger. Today we are a shining example and beacon of inspiration to the rest of the world, with over 40 per cent of Victorians having been born overseas or having at least one parent who was born in another country, and another 20 per cent of Victorians speaking a language other than English at home.

This cultural diversity is reflected in my electorate of Williamstown. Suburbs such as Altona North and Newport are home to a high proportion of residents who were born overseas. In Altona North, for example, 82 per cent of residents speak a language other than English, and about 55 per cent speak this language at home. These languages include Arabic, Italian, Greek and Vietnamese. This cultural diversity is evident in almost every aspect of our lives. Through architecture, restaurants, politics, commerce and industry, migrants have helped shape our state into the vibrant, prosperous, open and fair society that we all enjoy.

In July this year I joined thousands of Victorians on a walk through the streets of Melbourne to reaffirm to the world Victoria’s support for multiculturalism and cultural diversity. I walked with my four-year-old son, Will. It was the first time he had participated in any public rally, and I am glad I took him. It was a great event that demonstrated that Victorians have the will and the resolve to fight for the values that have helped shape our state over the past one and a half centuries. The Harmony Walk also delivered a clear message to an ignorant minority that has managed to cast a shadow over the state in recent times. The actions of those ignorant few will not be accepted by our Victorian community, and this bill reflects that.

The purpose of this bill is to amend section 5 of the Sentencing Act, requiring courts to take motivations of hatred or prejudice into account in sentencing offenders. At present section 5 requires a court sentencing an offender to take into account matters such as the nature and gravity of the offence, the offender’s culpability and the impact of the offence on victims. However, there is no explicit requirement that courts should take into account whether a crime has been motivated by hatred or prejudice, although it should be acknowledged that courts do, in practice, take...
hatred into account and therefore these amendments in many ways reflect current sentencing practice.

As recommended by the Sentencing Advisory Council, this bill does not seek to define specific groups to which aggravating factors should apply. Rather, this area of the law will be left to the courts to develop on a case-by-case basis. This means that the law is inclusive of our whole community, recognising as a hate crime any offence that is motivated or influenced by hate on the basis of race, ethnicity, religion, gender, sexual orientation, age, language or disability.

Under this bill a victim of a hate crime does not necessarily need to belong to the particular group towards which the perpetrator is directing their prejudice. For example, a good Samaritan who is attacked whilst coming to the defence of a member of such a group could be considered a victim of a hate crime.

The amendment is not limited to crimes against the person. Hate-motivated damage to property, such as graffiti, will also be recognised. This is an important addition. In recent times we have seen swastikas smeared across synagogues and disgusting graffiti painted at an Islamic mosque. Rocks and eggs have been thrown at Hindu worshippers at a temple in Melbourne’s south east. This type of behaviour is abhorrent and serves as a direct attack on the very values that almost every Victorian holds so dear. It is a shame that such a gutless few should soil our reputation internationally on this particular issue.

Having said that, I think we need to draw breath and put this problem into some perspective. I want to acknowledge journalist and writer Paul Austin from the Melbourne Age, who wrote a very good piece about this issue back in June. The piece, entitled ‘Ugly times, yes, but let’s not take the big stick to Victoria’, was published on 4 June. I kept that piece for this very debate, because I think it is a valid contribution to the debate. It reminds us that Melbourne’s political, social and media cultures are different and, as he put it, better than Sydney’s.

Paul used some interesting examples to support his argument. He referenced our civic leaders, including such people as Steve Bracks, who is of Lebanese origin; our current Governor, David de Kretser, who was raised in Sri Lanka; and AFL (Australian Football League) head, Alex Demetriou, who is proud of his Greek heritage. Paul also drew comparisons between Sydney shock jock Alan Jones and Melbourne 3AW’s Neil Mitchell, pointing to Jones’s role in the lead-up to the Cronulla riots back in December 2005. Paul also rightly acknowledged that our Victorian political leaders had adopted a bipartisan approach on combating race issues in our state.

This bill should send the clearest of messages and reinforce the view of this Parliament that attacks against any persons for reasons such as race-based hate cannot and will not be tolerated. Let us hope that, just like Pauline Hanson, this issue also fades into obscurity.

Mrs SHARDEY (Caulfield) — I rise to speak on the Sentencing Amendment Bill and to offer it my very strong support. The purpose of this bill is to require that the motivation of hatred or prejudice against a group of people be considered in sentencing an offender. The provisions in the bill amend the Sentencing Act 1991 to include among the factors that a court must have regard to in sentencing an offender, whether the offender was motivated wholly or partly by hatred or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated. The amendment in the bill applies to all sentences imposed on or after the commencement of the act, irrespective of whether the offence was committed before or after this amendment was passed.

I have a couple of issues to raise. When there is a pattern of offending against members of a particular group motivated by hatred or prejudice towards that group it causes enormous apprehension and distress to all group members who are at risk and thus needs and, I believe, deserves greater punishment, and this bill provides for that. Importantly, the Sentencing Advisory Council has considered this issue and recommends the approach adopted by this bill, namely to set out the broad principle while leaving the maximum discretion and flexibility to the courts. It should also be pointed out that the Sentencing Act 1991 already requires specific factors to be considered in sentencing where those factors are considered by the community to be particularly important — for example, the personal circumstances of any victim of an offence — so we recognise that already.

However, the coalition has offered its support in this Parliament for an initiative to provide for the justice system in sentencing an offender to take into account whether that offence was motivated by hatred or prejudice against a particular group. As the member for Caulfield I welcome this initiative as an additional weapon in fighting crimes resulting from anti-Semitic attacks in particular on members of the Jewish community and of course other groups within the community. This is an issue which I have discussed at length with my colleagues and with community leaders.
and individuals who have been the subject of or subjected to violent anti-Semitic attacks within my electorate, and I offer my full support to its implementation.

While the concept makes clear the opportunity for the judiciary to take into account as a factor in sentencing a racial or religious motive, it will still be up to the sentencing judge to decide what additional penalty will be applied. It is not mandatory, but there is that opportunity.

I viewed with concern the fact that steps were not taken by the Brumby government to have the racial and religious tolerance legislation or the criminal law invoked or enforced following the violent attack in my electorate on Menachem Vorochheimer. It took nearly two years and a great deal of perseverance for any justice to be seen to be served in Menachem’s case. I would have thought his case was one of the most unique cases that could be used to bring a focus to the importance of the implementation of the Racial and Religious Tolerance Act in this state, a piece of legislation which I supported and continue to support. I sincerely hope this additional legislation will deliver a very strong message to the community that crimes of violence based on racial hatred will not be tolerated, and that where they occur stronger penalties should be applied.

There are just a couple more issues I would like to raise. I have been alarmed that to date there is no hate crime unit set up, despite all the promises that had been made in the past and despite the continuation of racial attacks. My electorate of Caulfield in particular is not immune from these attacks. Because of its predominantly Jewish population there has been growing concern about the number of anti-Semitic incidents.

According to research conducted by Monash University in the most recent Jewish population survey, specifically there is a concentration of religious Jews in the area with the Caulfield postcode. This concentration is around 40 per cent, and overall nearly 15 per cent of Victorian Jews live in this part of my electorate. This means that there is a focus and a great deal of understanding about what needs to happen. Between September last year and September this year there were something like 72 separate incidents, including vandalism, egg throwing and verbal abuse. That people on their way to synagogue have had eggs thrown at them and have been shouted at in an anti-Semitic fashion is totally unacceptable, and I am appalled to hear of it happening frequently — almost every week. One incident brought to my attention involved an effigy of a Hasidic person which was stuffed with paper money, draped with an Israeli flag, had a wreath attached to it and was hung above the footpath under the railway bridge in Carlisle Street. I think this is appalling.

I would like the government to implement its promise to properly establish a hate crimes unit within Victoria Police. I understand there was meant to be a desk, but this has not continued to operate. I call on the minister to update the house on what is happening with regard to that unit, because I think it is well and truly needed.

A community security group also works across the Caulfield area. This group is a team of skilled and dedicated volunteers who are carefully selected and appropriately trained. The group works under the auspices of the Jewish Community Council of Victoria and exists to ensure the safety and security of the Jewish community in Victoria.

At almost every function I go to within my electorate there are security people at the gate and walking up and down the street to ensure the security and safety of the people attending the function. I must admit that prior to becoming the member for Caulfield I had not seen anything like this around Victoria. It is something that you think about very strongly, and is of concern that it is necessary. Every Jewish day school has security guards outside, as does every single synagogue.

Mr Kotsiras interjected.

Mrs SHARDEY — As has just been mentioned by my colleague, there are a lot of high fences and press-button security at the front of properties to ensure that people are checked before they come in. Most of the houses in my street, including mine, have very high fences.

I congratulate Dr Dvir Abramovich, the director of Jewish studies at Melbourne University. He is someone who speaks out very regularly in relation to race hate crimes, which he has described as the most pernicious expressions of prejudice. He has written about them that:

Heartless and unprovoked, they inflict enormous psychological harm, inspire vulnerability in the victim and intimidate an entire class of people.

Hate crimes are an offence against all Australians and when they are not spoken out against and action is not taken they tear at the heart and fabric of our society. I am very optimistic that these amendments will go a long way towards increasing sentences for those convicted of offences motivated by hatred or prejudice.
Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise to speak on the Sentencing Amendment Bill 2009. Over the past few months the media has reported a spate of what are thought to be racially motivated violent assaults. It was a proud moment when on 29 May this year the Premier reiterated that any attack on an individual because of race, culture, gender or appearance is unacceptable, and committed this government to taking measures to build respect in our society and ensure that Victoria remains a multicultural society which celebrates diversity and encourages all groups to live together in harmony and equality.

Hate crimes inflict on victims incalculable physical and emotional damage. Crimes motivated by offensive, spiteful or vicious hatred towards particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the groups to which the victims belong. Hate crimes can intimidate and disrupt entire communities and damage the civility that is essential to healthy democratic processes. In a democratic society, individuals cannot be required to approve of the beliefs and practices of others but must never commit criminal acts on account of them. Current law does not adequately recognise the harm to public order and individual safety that hate crimes cause. Our laws must provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.

Justifications for harsher punishments for hate crimes focus on the notion that hate crimes cause great individual and societal harm. When the core of a person’s identity is attacked, the degradation and dehumanisation is especially severe, and additional emotional and physiological problems are likely to result. Then society can in turn suffer from the disempowerment of a group of people. It is also asserted that the chances for retaliatory crimes are greater when a hate crime has been committed.

Looking to our history goes some way towards providing answers as to how the views that we now have were formed. Australia’s approach to immigration from Federation until the latter part of the 20th century excluded non-European immigration. However, the White Australia policy, as it was commonly described, could not withstand the attitudinal changes after World War II and the growing acknowledgement of Australia’s responsibilities as a member of the international community. The attitude to migrant settlement up to that time was based on the expectation of assimilation — that is, that migrants should shed their cultures and languages and rapidly become indistinguishable from the host population.

From the mid-1960s until 1973, when the final vestiges of the White Australia policy were removed, policy-makers started to examine assumptions about assimilation. They recognised that large numbers of migrants, especially those whose first language was not English, experienced hardships as they settled in Australia and that they required more direct assistance. They also recognised the importance of ethnic organisations in helping with migrant settlement. In the early 1970s, in response to those needs, expenditure on migrant assistance and welfare rose sharply.

Australia’s current migration program allows people from any country, regardless of their ethnicity, culture, religion or language and provided that they meet the criteria set out in law, to apply to migrate to Australia. According to the 2006 census, Australia’s population was then around 20 million people, and of those reporting country of birth about 24 per cent were born overseas and 45 per cent were either born overseas or had at least one parent who was born overseas. Australians identify with some 250 ancestries and practise a range of religions. In addition to indigenous languages, about 200 other languages are spoken in Australia. After English, the most common languages spoken are Italian, Greek, Cantonese, Arabic and Mandarin.

The Brumby government views cultural diversity as a source of both social and economic wealth. Multiculturalism refers to the acceptance of multiple ethnic cultures and, for practical reasons and/or the sake of diversity, can be applied to the demographic make-up of a specific place. Many countries have official policies of multiculturalism aimed at promoting social cohesion by recognising distinct groups within a society and allowing those groups to celebrate and maintain their cultures and cultural identities.

Equality is a cornerstone of human rights protection. As such, discrimination in all its forms is a violation of human rights. Discrimination can take the form of violence generated by prejudice and hatred founded upon a person’s race, ethnicity, religious belief, sexual
orientation, gender, disability or other such factors. Egalitarianism, derived from the French word ‘égal’, meaning equal, has two distinct definitions in modern English. It is defined either as a political doctrine that holds that all people should be treated as equals and have the same political, economic, social and civil rights, or as a social philosophy advocating the removal of economic inequalities among people.

Throughout history, people had been divided into an upper class and a working class. The rise of a middle class led philosophers to question the assumption that class divisions were natural and necessary. Egalitarianism asserts that all people are of equal value and should be treated the same irrespective of their birth. Equality before the law or under the law is the principle on which each individual is subject to the same laws, with no individual or group having special legal privileges.

Social equality is a social state of affairs in which all people within a specific society or isolated group have the same status in a certain respect. At the very least, social equality includes equal rights under the law, such as security, voting rights, freedom of speech and assembly, and the extent of property rights. It also includes access to education, health care and other social securities, as well as equal opportunities and obligations. It involves the whole of society.

The amendments made by this bill to the Sentencing Act 1991 will send a clear message that attacks against any Victorian based on race, religion, gender, sexual orientation, disability or age will not be tolerated. The Labor government has always put equal rights front and centre. The introduction of the Racial and Religious Tolerance Act 2001 is testament to this. The Sentencing Amendment Bill, however, takes this further, as the amendment to section 5(2) of the Sentencing Act applies to all crimes and provides for a wider spectrum than the Racial and Religious Tolerance Act to include gender, sexual orientation, disability and age vilification offences.

Community groups in my area have welcomed this bill and what it represents. One executive member, who is the president of a community-based organisation, remarked that members of the organisation welcome the provision that will allow judges, when sentencing, to take into account whether the crime was motivated by hatred or prejudice. This person said that attacks on individuals because of their age, race, gender, disability, religion or ethnicity should not be tolerated in our community and that these changes will help show that they are not tolerated.

This bill is part of the Brumby government’s plan to ensure that the people of Forest Hill and across Victoria continue to enjoy our communities and feel safe. The Australian Bureau of Statistics has cited Victoria as the safest state in Australia, with the 2008–09 figures revealing that the statewide crime rate has decreased by 25.5 per cent since 2001. Since Labor came to government, crime in Forest Hill has decreased by 35.5 per cent. This government will continue to provide the leadership and initiatives needed to help create a stronger and safer Victoria.

Local police officers should be congratulated on their efforts to decrease violent crime in Forest Hill. The 2008–09 Victoria Police crime statistics show the rate at which crimes in the following offence categories in Whitehorse have declined over the past year: serious violent crimes such as homicide and rape have decreased by 75.2 per cent and 13.7 per cent respectively; residential burglaries and motor vehicle thefts have decreased by 9.9 per cent and 20 per cent respectively; and crimes of assault against a person have decreased by 9 per cent. These statistics show that government funding has helped local police to commit resources to continuing their excellent work in keeping our local streets safer. The government recently announced a $47 million boost to put 120 more police on the beat and gave police additional powers to search for weapons, move people on from trouble spots and fine people on the spot for disorderly conduct.

This is a government that cares about community safety and the rights of individuals to feel safe and walk the streets without fear. This bill addresses community concern about racial and other motivations in offending by providing explicit legislative recognition so that, in sentencing, the judiciary will have regard to whether offences are motivated by hate for or prejudice against a particular group of people with common characteristics. It is another example of what this government is doing to keep the people of Forest Hill and all Victorians safe. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak briefly on the Sentencing Amendment Bill. I have to say from the outset that I strongly support the bill, and I strongly support any legislation that ensures the safety of Victorians on our streets. I have been a strong advocate of our cultural diversity for many years. As members would know, I was an adviser to a former Premier when he was Minister for Multicultural Affairs between 1992 and 1999. I firmly believe that our cultural diversity is one of our greatest strengths.

As we all know, Victoria is the multicultural capital of Australia. All communities tend to live in peace and
harmony. As the honourable member who spoke before me said, over 200 languages are spoken and over 120 different religions are practised in this state. We have a population that understands the different cultures of the world, and that is an asset we should utilise. Our cultural diversity is inherently ambivalent, and hence can be used destructively as well as constructively. The way it is used depends on us, because on its own multiculturalism simply means ‘many cultures’. On its own it is meaningless. It is how we use the term and how we engage with the people who make up our community. It is up to us to ensure that we continue to enjoy the advantages and the merits of living in a cosmopolitan society, a society that respects all people. The challenge for us is to use our differences as a unifying force to assist us to live peacefully with our neighbours and to give newly arrived migrants and refugees wishing to live in regional Victoria the opportunity to do so.

In my electorate of Bulleen 10 per cent of residents come from a Greek background, 10 per cent from an Italian background and 10 per cent from a Chinese background, so 30 per cent of my electorate is made up of those three different communities. They work well together, and they live well together in peace and harmony. The Sentencing Amendment Bill 2009 attempts to build on the work we have done to ensure that people are able to live together peacefully.

The bill provides for a court, when sentencing an offender, to take into account any motivation of hatred or prejudice against a group of people. However, it does not go anywhere near being enough to deal with the ever increasing levels of violence on our streets. I believe in justice for all and in the equality of all before the law. However, I also believe that Victorians should be able to walk the streets and live their lives without fear of violence or other crime, regardless of their race, religion or background. There should be a zero tolerance approach to violent crime, there should be sufficient police on the streets to uphold the law and there should be strong and effective sentencing.

As I said, we need tougher and more effective penalties to protect Victorians. While this bill goes a small way, and I strongly support it, we need to do more. During the last election campaign in 2006 I saw for the first time police on the beat in Bulleen Plaza, but since 2006 I have not seen a single police officer in the plaza. I am not saying they were there because of the election, but if police appear on the streets, it deters people from committing a crime. While the legislation is welcome, I urge the minister to ensure that there are more visible police on the streets so that people are not physically or verbally abused and so they can continue to live in peace and harmony and maintain the cultural advantage that other nations around the world envy.

Ms RICHARDSON (Northcote) — I share the concerns of the member for Bulleen about having more police on the beat. As we heard in question time today, we have a record number of police on the beat. It is the highest number in Victoria’s history, and that is thanks to the minister and to the Labor government.

I am very pleased to speak on the Sentencing Amendment Bill, which amends the Sentencing Act 1991. It will require courts to take into account motivations of hatred or prejudice in sentencing offenders. The amendment reflects current sentencing practices, but it will promote recognition of those practices. Section 5(2) of the Sentencing Act will be amended to include an additional factor that will allow a court to determine whether an offence is wholly or partly motivated by hatred or prejudice against a group of people with common characteristics and with which a victim is associated, or with which an offender believed a victim was associated.

Of course the bill reflects community concern over race or hate-motivated crime in Victoria. In Victoria we are blessed to enjoy a rich multicultural society, and Victorians are rightly proud of their community and rightly expect a strident response to any hate or prejudice-based crime. In recent times we have all been appalled by racially motivated violent attacks on Indian students. In my electorate of Northcote we have a high number of Indian students. When I have talked to them about recent events they have repeatedly expressed to me the overwhelming support they receive from an overwhelming number of Victorians. However, like me they have welcomed the Premier’s strong statements and our government’s actions to promote equality, multiculturalism and our fundamental opposition to hate or prejudice-based crime.

I know there are many speakers who wish to speak on this very important bill, so I will keep my comments brief. Given the bill is entirely in keeping with our values and entirely in keeping with the community’s expectations, I wish it a very speedy passage through the house.

Mr MORRIS (Mornington) — The Sentencing Amendment Bill 2009 is really pretty clear-cut legislation. It requires a court to consider whether an offender is motivated by hatred or by prejudice against a group of people who share certain common characteristics or which the perpetrator thinks the victim might be associated with.
In his press release of 2 June, the Attorney-General said:

The Brumby government believes all Victorians are entitled to feel safe in their community …

I could not agree more with that. His comment illustrates the clear difference between the government and the opposition on this matter. The opposition is prepared to act to end the violence which has become rampant on our streets, but I am not quite so sure the government is on the same page.

The reality is that violence is out of control across the state. Last Friday night in Mornington a young father was glassed. There was no provocation; he was simply attacked. The attack severed an artery in his temple, fractured an eye socket and fractured a cheekbone. He required more than 100 stitches, and he sustained injuries that he will carry for the rest of his life. Had the paramedics been quite so prompt, it would have been a murder investigation rather than an assault investigation — there was 5 to 10 minutes in it. That is not an isolated incident.

I agree that is not the subject of the bill, but I am simply making the point that there are a lot of other things that could have been in the bill as well as the subject we are discussing. The incident I referred to is not an isolated incident, and despite the Attorney-General’s belief, which as I said I certainly share, sadly most Victorians do not feel safe in this state.

My point in relation to the bill is that unless people understand that there will be serious consequences if they misbehave, then nothing much will change. We have a robust legislative framework, but sadly it is not enforced as frequently as it should be. Regardless of all of that, the subject before us is not only important from the point of view of the message that we as a Parliament want to send to the community, but it is critically important in the unacceptable activities that are the subject of the bill.

I have had, as I am sure many members have had, many communications regarding the bill which have suggested a variety of alternatives. They extend from suggestions that the legislation is entirely benign and accordingly unnecessary, to suggestions that there are in fact unforeseen and unintended — but the subtext is really intended but denied — consequences.

From my perspective the discussion is about whether the matters to which a court must have regard — that is the matters identified in section 5(2) of the principal act, which include the nature and gravity of the offence, the offender’s culpability, the impact of the offence on the victim and so on — are inconsistent with what is proposed in this bill and whether those matters should be extended. The question that has been put to me is, are they inconsistent? My answer to that is, no, they are not. The legislation has been drafted to be relatively broad; it does use the term ‘group’, but I think necessarily so.

The impetus for this legislation comes from a series of attacks on younger Indians, many of them studying in Melbourne. However, the origins of the legislation do not really matter. The motivation of the attacks on people of Indian origin — and there were 1447 attacks of this kind between 2007 and 2008 — could have been racial or it could have been because, as some people have suggested, the victims were soft targets; however, that suggestion is almost as offensive as the assault. The reason for an attack is irrelevant; whatever the reason may be, the targeting of a particular group of individuals is totally unacceptable behaviour.

Free speech is a precious right. We guard it jealously. It is critical in the maintenance of a free society. However, it is not acceptable in a civil society to use abusive or offensive language simply because you have a different point of view. If you need to resort to that form of argument, you probably have a dubious argument to start with and clearly your case is lacking. Equally it is unacceptable to use violence to settle an argument. It is unacceptable and abhorrent when disagreement turns into violence. It is even more abhorrent when violence is used in an attempt to intimidate or scare a group of people simply because of outright hatred. Such behaviour is certainly not acceptable to me, and I do not believe it is acceptable to the people of Victoria. For those reasons, the bill has my full support.

Mr Lupton (Prahran) — I rise to support the Sentencing Amendment Bill 2009 and to place on the record how proud I am to be a member of a government that is introducing this legislation.

The background to this legislation covers a considerable period of time. A number of us, as members of the government, have been working with different community groups in Victoria on the best ways in which to deal with crimes that are motivated by hatred or prejudice. In our multicultural state of Victoria we are very proud of the diversity of our community, but it is important in that context to ensure that people who are members of groups and people who are identifiable by their characteristics are given due protection of the law and that attacks that are based on
victims’ association with groups and that are motivated either wholly or in part by hatred or prejudice attract an aggravating sentence factor which results in higher penalties.

Earlier this year the government referred this matter to the Sentencing Advisory Council, which is chaired by that eminent professor, Arie Freiberg, the dean of law at Monash University. He and his colleagues on the Sentencing Advisory Council delivered a report to the government which recommended that a new subsection be included in the Sentencing Act which would have the effect of providing a new sentencing factor which courts must take into account when sentencing people found guilty of crimes of violence.

The council recommended that section 5(2) of the Sentencing Act be amended to provide that, in sentencing an offender, a court must have regard to whether the offence was motivated wholly or partially by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

The Sentencing Advisory Council reviewed practices and laws in a variety of jurisdictions and was particularly concerned to make sure that in a multicultural society those types of crimes were regarded as being more serious and aggravating. In the report of the Sentencing Advisory Council there is in fact a quotation from the well-known authority Sentencing — State and Federal Law in Victoria by Richard Fox and Arie Freiberg. I note that Arie Freiberg, that author, is the same Arie Freiberg who heads the Sentencing Advisory Council. It shows that over the decades that Professor Freiberg has devoted to law and policy in Victoria, he has become a principal authority on these sorts of matters. The report of the Sentencing Advisory Council quotes from Sentencing — State and Federal Law in Victoria as follows:

... in a multicultural society, the deliberate selection of any minority group for attack in order to undermine their sense of security and confidence in their lawful place in the community is a matter that aggravates the gravity of any crime committed with this motive.

I wholeheartedly endorse that approach.

I want to emphasise two particular aspects of this change. The recommendation of the Sentencing Advisory Council and the government’s introduction of the aggravating factor into this legislation means it must be considered by a sentencing court. It is mandatory that the court takes this into account. That will have a very significant effect not only in the way that courts sentence offenders but on the way that crimes are investigated and the way in which evidence is put before courts.

It will highlight if there is in fact a hatred or prejudice motivation involved in criminal activity. That is an important thing for us to do, because it means that we are better able to wipe it out.

The second part that I want to emphasise is that the motivation of hatred or prejudice does not need to be the whole motivation; it could be only a partial motivation. It is important that that be the case, because often crimes are committed with a variety of motivations. So long as hatred or prejudice is one of a number of motivations, that should be enough to attract the aggravating sentence factor, and because of this legislation it will be enough. It does not matter whether the motivation of hatred or prejudice was only a minor factor in the person’s thinking when they committed the crime; that will attract the higher sentence as a result.

Accordingly, groups in the community, including those that are significantly represented in my electoral district of Prahran — the Jewish community, the gay and lesbian community — and any community group that is identifiable and whose members feel there may be some issues about their personal security and safety, can take great confidence from this legislation and from the great and significant improvements that this government has made to policing in this state, with greater resources and with the highest number of police ever in the history of our state in place, that we are taking these matters of personal safety and community safety very seriously. This legislation is an important adjunct to that, and I commend it wholeheartedly.

Mr Burgess (Hastings) — It is a pleasure to rise to speak on the Sentencing Amendment Bill 2009. The purpose of the bill is to require that the motivation of hatred or prejudice against a group of people be considered in sentencing an offender.

The bill amends the Sentencing Act 1991 to include among the factors a court must have regard to in sentencing an offender whether the offence was motivated wholly or partly by hatred or prejudice against a group of people with common characteristics with which the victim was associated or believed to be associated. It applies the amendment to all sentences imposed on or after the commencement of the amendment, irrespective of whether the offence was committed before or after the amendment.
There are many considerations to be taken into account when deciding whether to support this legislation. For example, when there is a pattern of offending against members of a particular group motivated by hatred or prejudice towards that group, that causes apprehension and distress to all group members who are at risk and thus those offenders need and deserve greater punishment.

The fact that group hatred or prejudice is involved in an offence does not alter the court’s discretion as to the weight, if any, the court ends up giving to that factor. It does not mean, for example, that someone who bashes a member of a rival bikie gang must receive a harsher punishment than they would for inflicting similar injuries on an innocent member of the public. The Sentencing Advisory Council has considered the issue and recommended the approach adopted by the bill — namely, to set out the broad principle while leaving the maximum discretion and flexibility to the courts.

The Sentencing Act 1991 already requires specific factors to be considered in sentencing where those factors are considered by the community to be particularly important; for example, the personal circumstances of any victim of the offence. On the other hand, however, courts already can and do take motives of group hatred or prejudice into account in sentencing when appropriate. Whether Parliament should be hardwiring an increasing list of specific factors into sentencing legislation is another aspect that this house really should be considering in detail.

The amendment applies to an offence motivated by hatred or prejudice towards any group, regardless of whether or not that group is commonly subject to offences motivated by hatred or prejudice. It could apply, for example, to offences based on the victim’s membership of a rival bikie gang, who the victim works for, the football team they support or the victim having a past criminal conviction.

The fact that the legislation applies retrospectively shows that the government knew that the bill does not really change existing law. Otherwise the bill would arguably breach section 27(2) of the Charter of Human Rights and Responsibilities Act 2006, which provides that:

A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

However, members must note the contradictory point that the bill’s statement of compatibility argues that section 27(2) applies only to maximum penalties.

The question must be asked whether disputes about whether an offence was motivated by group hatred or prejudice will inhibit offenders from pleading guilty and thus result in longer court delays, and also whether there will be serious practical difficulties for courts in working out what the true motivation of an offender was. On the positive side of that, courts are in the best position to be considering such issues as they currently do that in a number of other ways through the sentencing process.

Whether the bill should specifically identify and protect groups particularly at risk is an uncertain aspect. The Law Institute of Victoria considers that the bill’s drafting runs the risk of this sentencing factor applying on an all-or-nothing basis.

In closing, I would sound one note of warning: governments should avoid legislating for the sake of legislation. History is full of such conduct, and such attempts have often produced unexpected and unwanted results.

Mr Lim (Clayton) — I rise to support this bill because I believe that violence is repugnant. For those of us who value living in a civilised society — in particular in Melbourne, which has the reputation of being the most livable city in the world — to have all these incidents of racially motivated violence is just unacceptable and should be condemned in the strongest terms possible. As decision-makers and policy-makers we need to try to understand the underlying causes, be they social dispossession, alienation, substance abuse, antisocial personality disorder or just mere opportunism associated with theft from a vulnerable victim.

Our first responsibility is to protect all members of the community through punishment and deterrence of offenders. When violence is in some way motivated by racial and religious hatred I find such conduct truly horrific.

I had the opportunity to meet with the Indian student delegation that came to Parliament to meet some of our members of Parliament. I feel the trauma that they have been through and feel very strongly about what they are feeling and have been suffering. The fact of the matter is that the Indian community — —

**Business interrupted pursuant to standing orders.**

**The Deputy Speaker** — Order! The time set down for consideration of items on the government business program has expired.

**Motion agreed to.**
Third reading

Motion agreed to.

Read third time.

UNIVERSITY OF MELBOURNE BILL, MONASH UNIVERSITY BILL, LA TROBE UNIVERSITY BILL and DEAKIN UNIVERSITY BILL

Second reading

Debate resumed from 14 October; motion of Ms ALLAN (Minister for Skills and Workforce Participation).

The DEPUTY SPEAKER — Order! The question is:

That these bills be now read a second time, that the circulated government amendment to the La Trobe University Bill 2009 be agreed to and that these bills be now read a third time.

Dr Napthine — On a point of order, Deputy Speaker, even though it is a cognate debate, I thought the procedure of the house was that each of the bills would be voted on separately, particularly as there is an amendment to one of the bills.

The DEPUTY SPEAKER — Order! I am advised that we have put the question previously on cognate bills in this way and we are required to put the questions in a succinct manner, and that is why they have been done this way.

Question agreed to.

Read second time.

Circulated amendment

Circulated government amendment to La Trobe University Bill as follows agreed to:

Clause 11, page 14, after line 12 insert —

“( ) Of the members who are persons appointed by the Governor in Council under section 12(1) and persons appointed by the Council under section 13(1)—

(a) 2 persons must be persons who have experience and interests in the Bendigo region;

(b) one must be a person who has experience and interests in the Albury-Wodonga region.”.

Third reading

Read third time.

LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL

Second reading

Debate resumed from 13 October; motion of Mr BATCHELOR (Minister for Community Development).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CEMETERIES AND CREMATORIA AMENDMENT BILL

Council’s amendment

Message from Council relating to following amendment considered:

Clause 21, page 28, after line 30 insert —

“(6) The Minister must cause the following information to be included in the annual report of operations for the Department of Health under Part 7 of the Financial Management Act 1994 for each financial year —

(a) the total amount paid as levy in that financial year;

(b) the total amount appropriated from the Consolidated Fund for the purposes of this Act for that financial year;

(c) a summary of the matters on which money appropriated from the Consolidated Fund for the purposes of this Act was expended in that financial year and of the amounts expended for those matters.”.

Mr ANDREWS (Minister for Health) — I move:

That the amendment be agreed to.

In so doing, I provide some brief commentary. This amendment essentially writes into the act the commitment that I as Minister for Health have given around the publication in the annual report of Department of Health of expenditures following
appropriations to deal with a levy that is created under the act once we have passed the bill today. The government was keen to be able to fund and provide financial support to large and small cemetery trusts by way of governance, training, equipment grants and a range of other worthy causes. In order to do that, it was important to have a facility within the new legislative framework that we put in place whereby a levy could be charged.

There has been a broad cross-section of support from the cemeteries and crematoria sector for this levy and its stated purposes, as outlined in the second-reading speech — that is, the purpose for which those moneys would be used after being collected. Cemeteries large and small are very keen to see that money levied and to see the expenditure, as we have outlined, flow throughout the system.

Some concern was expressed, not so much from the sector but from others, that we needed to make sure there was an accountability framework in place. I had given detailed commitments, and it was my intention to honour them. It was not so much a matter about the current government or me as the current minister not honouring those commitments, but in order to put these matters beyond doubt in the long term, members in the other place were of the view that an amendment should be moved.

This is a common-sense amendment. I have no hesitation in supporting it, and I ask all honourable members to support it as an addition to an already robust new framework, to make sure that our cemeteries and crematoria sector is on the best possible footing not only to provide dignified care, support and the best possible environment to support families at their most vulnerable but also to ensure that we as a Victorian community properly honour and celebrate the contribution of our forebears. On that basis, this amendment is worthy of support and I commend it to all honourable members.

Mrs SHARDEY (Caulfield) — I rise to support this very worthwhile amendment which relates to the reporting of the amount of levy which will be obtained from class A cemeteries as a result of the legislation, the total amount appropriated from the Consolidated Fund for the purposes of the act, and a summary of the matters on which money appropriated from the Consolidated Fund for the purposes of the act will be expended. This relates to a levy incorporated into the legislation for the collection of between 3 per cent and 5 per cent of the gross earnings of class A cemetery trusts. It was said in the second-reading speech that this money will be used for the support of class B trusts by class A trusts in relation to training programs and the particular needs of those trusts.

The issue opposition members raised at the time was that although the bill allowed for the collection of a levy of between 3 per cent and 5 per cent there was no hypothecation of this money, that it was just going into consolidated revenue and there was no means by which the government could be held accountable for the expenditure of that money. I think I raised at the time the fact that we wanted to be sure that not only this government but future governments would ensure that this money goes back to the sector.

Mr Andrews interjected.

Mrs SHARDEY — The minister is saying he had hoped I would have been confident, but I understand there was quite a lot of discussion at the back of the other place when this was all being discussed. Maybe the minister was not so supportive of the move at that time, but now he is and I am grateful for that.

Maybe the minister at some time will make absolutely clear — I have asked him before — what the 3 per cent to 5 per cent levy is to be based on. If it is to be based on gross earnings — —

Mr Andrews interjected.

Mrs SHARDEY — The minister is telling me he has written to me. I will believe him, but the issue I raised was whether the levy will be based on gross earnings, gross profit or gross revenue. Now I can be confident, having been assured by the minister, that it will be based on gross earnings, and that clarifies the issue.

It was with great pleasure that I learnt that this amendment was put before the upper house, and it was with even more pleasure that I learnt that the government agreed to it. With those few words, I offer the support of the opposition for this amendment.

Mr CRISP (Mildura) — I rise to make a contribution on the Cemeteries and Crematoria Amendment Bill. I support the amendment by the Legislative Council. The Mildura Cemetery Trust is included in this legislation as a class A cemetery, and there are concerns that as this is a very small trust the impost of this levy will be considerable. I had a conversation with two trustees, Max Thorburn and Judi Harris, at a recent local guide function, and they expressed concerns over how they would transition and manage this trust and how they would financially afford the levy and pay the trustees the additional amount.
I know a list of documents was to be tabled today, and the Mildura Cemetery Trust was listed as a report to be tabled. I note that under the Financial Management Act 1994 section 46 sets out the tabling requirements. Section 46(2) states that if the trust is under $5 million, the annual report does not have to be tabled but merely listed. That leaves us with a problem. Section 46(2)(b) enables me to write to the Speaker to request that the minister table this report so that we can see the impact of this amendment and the bill on the city and residents of Mildura, and I will do that.

Motion agreed to.

ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) 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 Electricity Industry Amendment (Critical Infrastructure) Bill 2009 (bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Electricity Industry Act 2000 (act) to create new offences relating to critical electricity infrastructure. The bill inserts new definitions of ‘critical electricity infrastructure’ to mean a critical generation facility or a related coal mine, or a substation, terminal station or distribution system or transmission system switchyard.

Clause 5 of the bill will insert a new part 4 in the act, creating new offences. New section 79 will make it an offence for a person to be present on land or premises or in an enclosure containing critical electricity infrastructure, knowing that he or she does not have authority to be present. New section 80 will make it an offence to interfere with critical infrastructure plant, equipment or vehicles if unauthorised to do so. The offences are not merely for the protection of private interests but for protection of the electricity supply.

Human rights issues

The bill does not raise any human rights issues because it simply creates new criminal offences and makes associated technical amendments.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

Victoria has been a national leader on climate change. It was the first state to set a renewable energy target; it is investing in renewable energy and low emission technologies; and it has introduced a household energy efficiency scheme.

The Brumby government is committed to ensuring affordable, sustainable energy for Victoria’s future. Through the climate change green paper, it is seeking input into how Victoria can reduce greenhouse gas emissions, adjust to climate change and make the shift to a carbon-constrained future.

Victoria faces particular challenges, given our current reliance on brown coal to generate electricity, in ensuring our energy supplies remain secure and reliable as they become less carbon intensive.

In recent times, the Latrobe Valley power stations have become a major focus of some protest groups. The actions of some protesters, however, in breaking into power stations and in some instances chaining themselves to equipment such as coal risers, have the potential to disrupt production and threaten supply to the National Electricity Market.

This bill introduces new provisions that are specifically designed to protect protesters, protect workers and protect our power supplies, while not impeding the right of all Victorians to protest peacefully.

Intruders into critical infrastructure sites are putting their lives at risk. Power stations, electricity switchyards and other critical infrastructure sites are not public places. They are industrial sites with significant inherent dangers, and access must be restricted for safety reasons. Simply being in these areas can be very dangerous and lead to serious injury and possible death. If intruders interfere with equipment, they can also injure others — power station workers, police and other emergency response personnel.

Such intruders may also jeopardise the state’s energy supplies. We do not want our public transport, our schools and our hospitals to lose power due to the unlawful actions of intruders on critical infrastructure sites. The temporary loss of power can lead to economic losses of many millions of dollars not just in
Victoria but potentially along the entire eastern seaboard if a cascading event were to occur.

This bill will therefore insert a new part 4 into the Electricity Industry Act 2000 to make provision for protecting critical electricity infrastructure. The new part is modelled on provisions already to be found in energy specific legislation in other jurisdictions.

Clause 4 of the bill introduces definitions of ‘critical electricity infrastructure’ and ‘critical generation facility’. Generators with capacity of 1000 kVA or greater are covered, together with associated coal mines and water storage facilities. Substations, terminal stations and switchyards are also included.

New section 79 prohibits a person knowingly being on a critical electricity infrastructure site without authority. The maximum penalty will be 120 penalty units or imprisonment for one year.

New section 80 prohibits interference with critical equipment, plant or vehicles where the person is not authorised and is reckless as to whether his or her actions may disrupt the generation, transmission or distribution of electricity. The maximum penalty will be 240 penalty units or imprisonment for two years.

The aim of the new part 4 is to reflect the serious consequences to the state and to individual Victorians that can flow from disruption of power supplies and the danger to life and limb that can arise from unauthorised entry onto power stations and other critical infrastructure. Importantly, there is nothing in this bill that restricts peaceful protests or lawful activity in public places.

The Brumby government welcomes robust community debate on climate change. It is equally determined to ensure secure and reliable power supply to Victorian households and businesses during the transition to a low carbon economy.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 29 October.
Human rights issues

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

Freedom of expression

Section 15(2) of the charter protects the right to freedom of expression. This is the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside of Victoria, and in any variety of forms. Freedom of expression is also the freedom from being compelled to say certain things or provide certain information.

Clause 14 of the bill limits the right to freedom of expression as it compels persons liable for land tax to notify the commissioner of any errors or omissions in their land tax assessment within 60 days of the issue of their assessment. This is, however, a reasonable limitation for the reasons set out below.

Right to privacy

The right to privacy is protected by section 13 of the charter. In accordance with this right, a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This means that a person’s privacy may not be interfered with where it is not permitted by law, or where it is neither certain nor appropriately circumscribed. Likewise, a person’s privacy may not be interfered with in an unreasonable manner or in a way which fails to accord with the provisions, aims, and objectives of the charter.

To the extent that clause 14 of the bill requires a person to advise the commissioner of any error or omission in their land tax assessment such as an individual’s eligibility for a concession, this provision engages the right to privacy. This clause does not, however, limit the right to privacy under the charter. This clause is necessary to keep the commissioner advised of any changes in the tax liability of a person, which enables the commissioner to issue timely and correct tax assessments, maintain equity between taxpayers and protect the public revenue. As such, the disclosures required by this clause are neither unlawful nor arbitrary.

Clauses 29 and 36 of the bill amend the TAA to permit the disclosure of information obtained under or in relation to a taxation law in a number of identified circumstances. In each instance disclosure may engage the right to privacy, but does not limit that right because the disclosures permitted are not unlawful or arbitrary.

Clause 36(a) permits the disclosure of information for the purposes of administering the UCM act and the FHOG act. This includes the ability to use such information in legal proceedings under either of these acts and is designed to help protect public revenue through the administration or enforcement of those acts. As such, although this clause engages, it does not limit the right to privacy because disclosure in the circumstances is not unlawful or arbitrary.

Clause 36(b) permits the disclosure to the Public Records Authority Victoria (PROV), Victoria’s archival authority with responsibility for managing and keeping public records. The State Revenue Office is already bound to transfer public records to PROV under the Public Records Act 1973 for the benefit of the Victorian government and public. As such, disclosure in these circumstances is neither arbitrary nor unlawful.

Clause 29(2) permits the disclosure of information to the Australian Taxation Office (ATO). The ATO is the commonwealth’s principal revenue collection agency and is responsible for the administration of federal taxes, excises and superannuation. Enabling disclosure to the ATO is designed to assist in the management of the commonwealth revenue system and protect the public revenue. Disclosure for these purposes is not arbitrary.

Clause 29(2) permits disclosure to the Australian Securities and Investments Commission (ASIC), which is Australia’s corporate, markets and financial regulator. ASIC is responsible for maintaining the fairness and transparency of the Australian financial system and the entities in it, and promoting investor and consumer confidence. These responsibilities include monitoring compliance with the law and, where necessary, prosecuting serious corporate crime. As such, enabling disclosure to ASIC would not be arbitrary as it would help ASIC investigate unlawful activities and apply any appropriate penalty or sanction.

Clause 29(2) permits disclosure to the Australian Crime Commission (ACC) which works with Australian law enforcement agencies to investigate nationally significant crime. Disclosures to the ACC will not be arbitrary as they will be made where the information would help the ACC with its investigation of serious criminal activities.

Clause 29(1) permits the disclosure of information to another state or territory revenue office where it is in connection with the administration or execution of a recognised law. A disclosure in these instances is not arbitrary as it will be for the purposes of protecting the public revenue through the administration or enforcement of recognised laws.

These disclosures are not unlawful because they will be permitted by law and limited to a purpose related to the responsibilities of each of the authorised recipients, as discussed above. For these same reasons, the disclosures are also not arbitrary. Notably, the secondary disclosure of any information disclosed under this clause will be strictly limited to the instances permitted under existing provisions in the Taxation Administration Act 1997.

2. Consideration of reasonable limitations — section 7(2)

Freedom of expression

The right to freedom of expression under section 15 of the charter may be limited by the operation of clause 14 of the bill.
(a) What is the nature of the right being limited?

The freedom of expression is a right of fundamental importance in our society and is an essential foundation of a democratic society. It encompasses the right not to be compelled to express all kinds of information, in any kind of form, including in documents.

(b) What is the importance of the purpose of the limitation?

To the extent that clause 14 requires a person to advise the commissioner of any changes in land ownership, this may limit the right to freedom of expression.

The purpose of requiring a person to provide information on any change in the nature of their land ownership is to ensure that the correct amount of land tax has been assessed and will be assessed in the future. Accordingly, the limitation plays an important role in maintaining equity between taxpayers and protecting public revenue.

(c) What is the nature and extent of the limitation?

Clause 14 only requires that a person provide the commissioner with the necessary information to ensure that the person is correctly assessed for land tax for each year that they are liable.

(d) What is the relationship between the limitation and the purpose?

The limitation is directly related to the purpose, which is to ensure that each person is correctly assessed for land tax, and, where relevant, to confirm a person’s eligibility for any exemption or concession.

(e) Are there any less restrictive means available to achieve its purpose?

It is possible to obtain information on changes in land ownership, but this would require consultation with many different agencies and may still fail to accurately reflect the land ownership changes. As such, there are no other means reasonably available to achieve the purpose.

(f) Conclusion

The limitation is reasonable and necessary so that the commissioner can effectively administer land tax and ensure that any concession or exemption is granted only to eligible persons.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because even though it does limit a human right this limitation is reasonable.

Tim Holding, MP
Minister for Finance, WorkCover and the Transport Accident Commission.

Second reading

Mr BATCHelor (Minister for Community Development) — I move:
As part of its ordinary activities, the State Revenue Office has identified two other changes to the Land Tax Act 2005 which will improve the administration of the land tax system. Firstly, there is confirmation of who should pay land tax where land is transferred without valuable consideration but the transfer remains unregistered, and secondly, there is clarification that a refund is available where unoccupied land is subsequently used as a principal place of residence and no other principal place of residence exemption had been claimed.

The Brumby government has continued with its efforts to harmonise payroll tax administration across Australia. The amendment to the Payroll Tax Act 2007 is a retrospective uniform amendment adopted by all jurisdictions. The changes are intended to bring greater certainty to the tax liability for various components of wages for itinerant employees and to eliminate potential double taxation. These nexus provisions are of fundamental importance — they establish in which jurisdiction payroll tax must be paid where employees operate in more than one jurisdiction in a month. They should be warmly welcomed as they will not increase taxation or impose additional burdens but lead to easier administration for multijurisdictional employers. The amendments demonstrate the ability of the jurisdictions to agree upon and enact sensible, national reform.

This bill updates Victoria’s reciprocal powers regime. The Taxation (Reciprocal Powers) Act 1987 provides the administrative framework by which other jurisdictions are able to enter Victoria and conduct investigations into their tax laws. It also allows Victoria to disclose Victorian taxpayer information to other jurisdictions for the purpose of administering their taxation laws. The other states and territories have legislation that grants Victoria reciprocal rights and powers. The Taxation (Reciprocal Powers) Act 1987 is over 20 years old and no longer represents best practice. As such, it has been the subject of an extensive review, consistent with this government’s commitment to modernising and streamlining the Victorian statute book.

Consequently, the bill repeals the Taxation (Reciprocal Powers) Act 1987 and subsumes its powers and responsibilities into the Taxation Administration Act 1997, which provides for the general administration and enforcement of Victoria’s taxation laws. Additionally, the bill will modernise these powers, reduce overlap and inconsistencies with other legislation and make the powers more transparent. It takes account of the advent of privacy legislation and the charter of human rights.
In practice, these changes will not significantly alter the operation of the current cross-border investigation and/or information sharing schemes. Similar amendments have already been enacted by all of the other jurisdictions.

Finally, there are two amendments to the Taxation Administration Act 1997 not associated with the subsumption of the reciprocal powers regime.

Firstly, the Unclaimed Money Act 2008 and the First Home Owner Grant Act 2000 contain specific provisions that permit the commissioner of state revenue to use information collected under these acts for the purposes of the taxation laws administered by the Taxation Administration Act 1997. The bill clarifies that the Taxation Administration Act 1997 has similar power to allow information collected under the taxation laws to be used for the purposes of administering the First Home Owner Grant Act 2000 and the Unclaimed Money Act 2008.

Secondly, the bill confirms that the commissioner of state revenue has the ability to serve court processes in recovery matters upon a defendant by post to align these provisions with other services provisions. This was the stated position under the old Stamps Act 1958, Pay-roll Tax Act 1971 and the Land Tax Act 1958; however, the transition of administrative functions to the Taxation Administration Act 1997 has meant the power was not as clear as it could be.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 29 October.

FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (charter), I make this statement of compatibility with respect to the Fair Work (Commonwealth Powers) Amendment Bill 2009.

In my opinion, the Fair Work (Commonwealth Powers) Amendment Bill 2009 (the bill), as introduced to the Legislative Assembly, is compatible with human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purposes of the bill are to amend the Fair Work (Commonwealth Powers) Act 2009 to reflect various amendments to the Fair Work Act 2009 (cth), and to make related amendments to various other acts.

Victoria’s referral of certain matters relating to workplace relations to the commonwealth Parliament was given effect to by the ‘referral framework’ in division 2A of parts 1–3 of the Fair Work Act 2009 (cth) from 1 July 2009. As a result, the fair work laws now apply to all Victorian employers and their employees, subject to the public sector exclusions from the referred matters.

Other states are likely to make referrals to the commonwealth commencing in 2010. At present, the commonwealth referral framework is specific to Victoria. Consequently, it is necessary for the commonwealth to amend the referral framework to accommodate the referrals of other states and, accordingly, it is necessary to amend the Victorian referral to reflect changes to the referral framework made by the commonwealth.

Additionally, it is also necessary to make some further amendments for consistency with referrals from other states and to address some technical issues.

The bill will also make consequential amendments to other Victorian acts.

Human rights issues

The bill does not raise any human rights issues as the amendments made by the bill are technical in nature and are predominantly for the purpose of giving effect to amendments made to the referral framework, as well as clarifying provisions and resolving drafting issues in the current Fair Work (Commonwealth Powers) Act 2009.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

When this government was first elected in 1999, we gave a commitment to do what was necessary to ensure that all Victorians have the benefit and protection of federal workplace relations laws that are fair and balanced. Victoria’s referral of workplace relations matters under the Fair Work (Commonwealth Powers) Act 2009 fulfilled that promise.

South Australia and Tasmania intend to join Victoria in making workplace relations referrals. This government flagged, when the new Victorian referral was made, that referrals from other states may result in some
refinements of Victoria’s referral. The Fair Work (Commonwealth Powers) Amendment Bill makes those refinements.

What refinements are made by the bill?

The bill before the house today adjusts Victoria’s referral to reflect changes to be made to the referral framework in the commonwealth’s Fair Work Act. These changes will accommodate the referrals from South Australia and Tasmania and address some minor technical matters.

Our referral must be amended to reflect these changes and to enable the commonwealth to present uniform referral arrangements to all states.

The bill will also make clear that certain phrases used in the referral’s amendment reference are to have the same meaning as in the Fair Work Act. This reflects the original intention and is expected to be adopted in referrals from other states.

The bill also amends the referral to reflect a change to be made to the commonwealth’s referral framework that will allow a state to terminate its amendment reference in certain limited circumstances, whilst its other references continue to be given effect under the commonwealth act. In addition, the bill will amend the referral’s termination provisions for consistency with the requirement under the intergovernmental agreement for a national workplace relations system for the private sector, that referring states give six months notice to the commonwealth of intention to terminate a referral. Again, these arrangements are expected to be adopted in referrals from other states.

Whilst finetuning of the referral is necessary to reflect the changes to be made to the commonwealth’s referral framework and for consistency with referrals from other states, it will have no immediate impact on the operation of the referral from the point of view of Victorian workers or employers.

Consequential amendments

In addition to finetuning aspects of the referral, the bill will also update references to federal workplace relations laws and industrial instruments in various state acts. These are technical amendments which will not alter the present schemes of these acts.

Conclusion

In introducing Victoria’s new referral in June of this year, this government observed that it was in the interests of all Victorian workers and employers that the state participate in a national workplace relations system based on the fair work laws.

In introducing this bill I take the opportunity to welcome the decisions of South Australia and Tasmania to join Victoria as full participants in the national system.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 29 October.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Statement of compatibility

Mr CAMERON (Minister for Police and Emergency Services) 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 Justice Legislation Miscellaneous Amendments Bill 2009.

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

Overview of bill

The bill amends:

the Crimes Act 1958 in relation to the recording, provision and misuse of records of interview;

the Criminal Procedure Act 2009 to remove a technical limitation on the use of the new interlocutory appeals process where the appeal concerns a decision made before a trial commences;


the Sheriff Act 2009 to clarify certain provisions, improve the execution of warrants and extend offences that can be committed against the sheriff;

the Telecommunications (Interception) (State Provisions) Act 1988 to ensure consistency with the Telecommunications (Interception and Access) Act 1979 (cth); and

the Infringements Act 2006 to improve the functioning and responsiveness of the infringements system.
Crimes Act 1958 — digital evidence capture

1. Human rights issues

The digital evidence capture project upgrades Victoria Police’s recording equipment from an audio-only analogue format to a digital audiovisual DVD. This equipment is used to record interviews with suspects in relation to indictable matters. Because the equipment now creates a digital format, there is a concern that it will be easier to disseminate the record by any means, including uploading a copy to an internet website, sending via email or making further copies of the DVD. The ease with which digital formats can be used and manipulated increases the risk of interviews being disseminated and the confidentiality of the investigative process being compromised.

Clause 4 of the bill inserts new section 464JA into the Crimes Act 1958. This section regulates the use of police audio and audiovisual records of interviews. Section 464JA(2) prohibits a person from knowingly possessing a recording unless they are a suspect, a legal representative of the suspect or are otherwise authorised to possess the recording in the course of their duties. Section 464JA(3) prohibits a person from playing a recording to another person unless the recording is played for the purposes set out in the bill. Section 464JA(4) prohibits a person from supplying or offering to supply a recording to another person other than a suspect, legal practitioner or authorised person performing their duties. Sections 464JA(5), (6) and (7) prohibit a person other than an authorised person from copying, erasing, tampering, modifying or publishing a recording. Criminal penalties of up to one or two years imprisonment apply to any person contravening these provisions.

Section 15 — freedom of expression

A person has the right under section 15 of the charter to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. Special duties and responsibilities are attached to the right to freedom of expression and the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality.

2. Consideration of reasonable limitations — section 7(2)

As these provisions restrict a person’s freedom to seek, receive and impart records of interview, the right to freedom of expression is engaged. However, to the extent that the right is engaged, it is clear that these provisions would fall within the permissible limitations set out in s 15(3) for the protection of the rights and reputation of other persons and for the protection of public order. Restricting the proliferation of these records is reasonably necessary to protect the privacy of persons connected with police interviews, such as the identity of victims and witnesses which may be revealed during the course of an interview, as well as the identities of the interviewee and police investigators themselves. As the records of interview now incorporate a visual medium, it is much easier for a person’s identity to be revealed than on the older audio-only analogue recordings. There is also the possibility that trials may be jeopardised if jurors are exposed to material published on the internet, especially if such records have been manipulated or doctored using digital editing software. Accordingly, I consider that these provisions are reasonably necessary for the protection of public order by preventing the corruption of investigative and judicial processes that may occur through the uncontrolled proliferation of records of interviews.

Telecommunications (Interception) (State Provisions) Act 1988

1. Human rights issues

Part 5 of the bill amends the definition of ‘restricted record’ in the Telecommunications (Interception) (State Provisions) Act 1988 (Interception Act) to mean ‘a record other than a copy, that was obtained by an interception … of a communication passing over a telecommunications system’. This will have the effect that certain obligations under the Interception Act will not apply to copies, namely to:

- keep an intercepted record in a secure place where it is not accessible to persons other than persons who are entitled to deal with it (sections 9(1) and 9E(1)); and
- destroy it when it is no longer likely to be required for a permitted purpose (sections 9(2) and 9E(2)).

This amendment potentially engages the right of a person not to have his or her privacy or correspondence unlawfully or arbitrarily interfered with.

Section 13 — right to privacy

A person has the right under section 13(a) of the charter not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. In the context of telecommunication interception, this right requires a person’s privacy to be protected in respect of their communications and for individuals in Victoria.

2. Consideration of reasonable limitations — section 7(2)

Telecommunications interception legislation has a direct impact on the personal privacy of individuals in Victoria. Section 13 of the charter requires that a person’s communications (as a form of correspondence) are adequately safeguarded from unlawful or arbitrary interference and that their privacy be protected in respect of their communications. The primary objective of the commonwealth and Victorian interception legislation is to protect the privacy of individuals who use the Australian telecommunications system by making it an offence to intercept communications passing over that system. It also seeks to balance the privacy rights of individuals with legitimate law enforcement and security objectives.

The purposes of the amendment are to remove the existing onerous record-keeping regime and to ensure that the act is consistent with the Telecommunications (Interception and Access) Act 1979 (commonwealth interception act), which was amended by the Telecommunications (Interception) Legislation Amendment Bill 2000 (cth) to exclude copies from the definition of ‘restricted record’.

While limiting the definition of restricted record has the effect of reducing the safeguards on the use, disclosure or handling of communication or personal information collected in an intercepted communication, the impact of the amendments on the right to privacy need to be considered in light of all the protections that currently apply to this scheme. The failure to have additional protection afforded to copies of ‘restricted
records’ does not automatically mean that the right to privacy is being arbitrarily interfered with.

It must be acknowledged that the record-keeping regime and other obligations that applied to restricted records are now over 20 years old. In that time, the technology involved in the holding, storing, copying and backing-up of restricted records has evolved significantly to the extent that the record-keeping process that was envisioned in 1988 can no longer be practically applied to the administrative demands of the present day and is in fact inhibiting the effective use of intercepted information. There have also been significant developments in the area of privacy protection, with legislation such as the Information Privacy Act 2000 now in effect which did not exist when these restrictions on records were originally contemplated.

It should be noted that both Victoria Police and the Office of Police Integrity, as collectors of communications records, are bound by the Victorian Information Privacy Act 2000, which obliges the police and other state public sector organisations to only collect personal information by fair and lawful means and in a manner that is not unreasonably intrusive.

Section 127A(1) of the Victorian Police Regulation Act 1958, which was amended in 2007, prescribes criminal penalties for members of police personnel who commit unauthorised use, access or disclosure of information and documents that come into their knowledge or possession.

It should also be noted that a copy of a restricted record would still be subject to the safeguards and protections present in the commonwealth interception act. Section 63 prohibits a person from communicating, making use of, making a record of or giving in evidence in a proceeding any information obtained through a telephone intercept. Subsection (2) applies the same restrictions to interception warrant information. Any person found contravening this section is guilty of an offence and faces possible imprisonment.

It must be concluded that while the new amendment to the definition of restricted record will reduce the safeguards surrounding the use and storage of intercepted information, the remaining protections that exist in this scheme combined with the general privacy protection provided by other legislation is satisfactory in ensuring that an individual’s right to privacy will not be arbitrarily interfered with through the operation of this bill.

**Infringements Act 2006**

1. **Human rights issues**

Clauses 44(5), 45 and 48 amend the Infringements Act 2006 to provide that an infringement warrant may be stayed upon the making of a payment order but that the warrant will become enforceable again upon a person defaulting under the payment order. At present, infringement warrants are cancelled upon the making of a payment order and a fresh warrant must therefore be issued upon each default, attracting the associated fee on each occasion. The purpose of these amendments is to avoid the escalation of such fees.

Under the act, an infringement warrant authorises a range of enforcement measures, including entry to property occupied by the person named in the warrant, search and seizure of personal property, the sale of such property, and (if sufficient personal property cannot be found or is reasonably believed not to be available), arrest of the person named in the warrant. By providing for an infringement warrant authorising these measures to automatically become enforceable again, clauses 44(5), 45 and 48 potentially engage the charter rights to liberty in section 21, freedom of movement in section 12, right to privacy in section 13 and the property rights in section 20.

2. **Consideration of reasonable limitations — section 7(2)**

Section 21 of the charter provides that every person has the right to liberty and security and must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law. Section 21 also provides that a person must not be subject to arbitrary arrest or detention. Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria.

Clauses 44(5), 45 and 48 engage section 21, and by necessary implication section 12, because they provide for infringement warrants, which authorise the arrest of a person named in the warrant, to automatically become enforceable again upon default under a payment order. In my opinion, these provisions are compatible with section 21 (and represent a reasonable and proportionate limitation on section 12) because the authorisation is specifically provided for and confined by law.

The clauses clearly identify when an infringement warrant will become enforceable again and, taken with the relevant provisions of the Infringements Act 2006, the circumstances in which an individual may as a result be lawfully subject to arrest by way of enforcement of the unpaid infringement sum. In particular, it is clear that a person will not be liable to arrest unless they default under the payment order. Under the applicable non-statutory processes, individuals receive a series of notifications that they are not in compliance with the payment order followed by notification that they are in default. In addition, under the Infringement Act 2006 the power of arrest may not be used unless a prescribed seven-day notice warning of available enforcement mechanisms is served, and the power of arrest is restricted to an enforcement measure of last resort where insufficient personal property is found and the person executing the warrant reasonably believes that there is not sufficient personal property on which to levy the amounts named in the order.

Specifically, the measures in clauses 44(5), 45 and 48 enable a proportionate approach to enforcement by avoiding the accrual of multiple fees and the consequent recovery of disproportionate sums in fees from defaulters.

**Section 13 — right to privacy**

Clauses 44(5), 45 and 48 may engage the right to privacy to the extent that they provide for an infringement warrant, which authorises the entry, search and seizure of property at premises occupied by a person named in the warrant, to automatically become enforceable again upon default under a payment order.

In my opinion, however, the right to privacy is not breached. The measures and the circumstances in which they are authorised are clearly provided for and confined by law, and the enforcement mechanism in question represents a
reasonable and proportionate means of enforcing the fines incurred by an individual who has defaulted under a payment order. Under the applicable non-statutory processes, individuals receive a series of notifications that they are not in compliance with the payment order followed by notification that they are in default. Moreover, pursuant to the Infringement Act 2006 personal property may only be removed from the residential or business property of a natural person if a prescribed seven-day notice warning of available enforcement mechanisms is served. The measures in clauses 44(5), 45 and 48 specifically seek to enable a proportionate approach to enforcement by avoiding the accrual of multiple fees and the consequent recovery of disproportionate sums from defaulters.

Section 20 — right to property

Section 20 provides that a person must not be deprived of his or her property other than in accordance with law.

Clauses 44(5), 45 and 48 may engage this right because these provisions provide for a warrant authorising the seizure or sale of property to automatically become enforceable again. In my opinion, however, the right is not limited because the deprivation is provided for by law of sufficient clarity and is not arbitrary, representing a reasonable and proportionate mechanism for enforcing fines due under a payment order which a person has defaulted on.

Accordingly, I consider that the amendments to the Infringements Act 2006 are compatible with the charter. Clauses 44(5), 45 and 48 may engage with, but do not limit, rights conferred by sections 13, 20 and 21 of the charter. Any limitation placed on section 12 of the charter is reasonable and proportionate.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Bob Cameron, MP
Minister for Police and Emergency Services

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The Justice Legislation Miscellaneous Amendments Bill 2009 will make improvements to the operation of justice legislation in six discrete areas.

The Crimes Act 1958 amendments will provide appropriate legislative support for the new digital audiovisual technology that Victoria Police has recently rolled out for use in recording interviews with suspects in indictable matters. Amendments to legislation relating to criminal procedure, major crime, the sheriff and telecommunications interceptions are largely minor and technical improvements to the respective schemes.

Finally, amendments to the infringements system will improve the operation and responsiveness of that system.

Amendments to the Crimes Act 1958

The bill will establish appropriate legislative support for the digital evidence capture project. This project has upgraded Victoria Police’s analogue audio-only recording equipment to digital audiovisual recording equipment to facilitate the recording of interviews with suspects in indictable matters. It essentially replaces outdated audio cassette tapes with DVDs. This project has been developed jointly by Victoria Police, the Office of Public Prosecutions and the courts to ensure common technology platforms.

Deployment of the new units began during February 2009 and has recently been completed.

The new equipment is capable of creating three full audiovisual copies of an interview in digital format that is recorded to blank DVDs. It also enables the third DVD to be an audio-only copy of the record of the interview. The bill requires police to provide the interviewee with the audio-only recording within seven days of it being made, however, if that person is subsequently charged with an offence, directly following the interview or on a subsequent date, they will be provided with a full audiovisual recording. This must occur within seven days of the charge being laid. In addition, where police create a written transcript of an interview, they must supply a copy within seven days of it being made.

The bill creates a number of summary offences related to knowingly possessing a recording; playing a recording to another; supplying a recording to another; copying a recording; knowingly or recklessly erasing, tampering or modifying a recording; and publishing a recording.

The offences in relation to playing and publishing a recording target the inappropriate dissemination of an audiovisual recording. ‘Publish’ is deliberately defined very broadly to capture the multitude of ways in which videorecordings can be made available to others. The definition is intended to capture new and emerging technologies as well as existing methods of distributing recordings.

The offences are necessary, as records of interview often contain a great deal of sensitive information about the circumstances of an alleged offence and the identity and details of persons, including police investigators, suspects, victims and third parties. Clearly, in relation to some offences, there will be graphic or disturbing
information that should not be freely disseminated to others who are unconnected with the criminal justice processes. The bill seeks to preserve the integrity of the process and to protect against personal details and possibly graphic details of offences being made public unnecessarily.

To provide protection for the legitimate uses of a recording in the context of the criminal justice system or complaints made about processes in that system, the bill provides a definition of ‘authorised person’.

Authorised persons include the Chief Commissioner of Police, the Ombudsman, the director, police integrity, and other appropriate persons. They are, largely, persons who have a direct involvement in the criminal justice system or in relation to complaints about a person’s treatment within that system. An accused person and their legal representative will be entitled to access and use a recording for purposes connected with their involvement in the criminal justice system.

The offences will not restrict necessary administrative tasks being undertaken in relation to the creation and distribution of a recording for legitimate purposes. Additionally, a recording may be used for training or testing purposes. However, this is only authorised where all legal proceedings relating to the recording being used have been concluded and steps have been taken to de-identify the suspect and third parties.

Importantly, the bill will not limit an accused person’s access to evidence in a criminal proceeding against them and does not change any of the requirements in relation to the preparation and provision of a brief of evidence.

The bill also provides for any necessary directions to be made by a court in relation to the supply, copying, broadcasting, playing and erasing of a recording. Further, a court direction can be sought by a person interviewed (or their legal representative) or by an authorised person to access and use a recording, even following the completion of criminal proceedings. This may be necessary for subsequent or related proceedings or where complaints are subsequently pursued.

Police will be required to maintain a copy of a recording for a minimum period of seven years. This will ensure that a copy of a recording is always available after criminal proceedings have been resolved if it becomes subsequently necessary to examine the circumstances of an interview. At the expiration of seven years, subject to a further direction of a court (if any), police will determine the ongoing retention of a recording or its disposal.

Importantly, police will continue to be subject to the retention and disposal processes required in relation to public records as well as other organisational requirements that determine the maintenance and disposal of corporate records.

The digital evidence capture provisions will modernise the Victorian legislation regarding records of interview and are modelled on existing legislation which has worked effectively in Western Australia.

**Amendments to the Criminal Procedure Act 2009**

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

**Amendments to major crime legislation**

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

The bill will ensure that the relevant provisions of the Major Crime (Investigative Powers) Act 2004 will apply to persons who are already in custody and who are brought before the chief examiner for an examination by way of an order of the Supreme Court or of the chief examiner. Such provisions will apply to a person in custody who is ordered to attend for an examination in the same manner as those provisions currently apply to a person who is at liberty and who is required to attend for an examination under a summons.

For the purposes of a corporation or a financial institution that is required to produce documents under a summons, the bill will relax the preliminary requirements that the chief examiner must comply with before the witness produces a document or thing.

The representative of a corporation or financial institution will continue to be informed about the application of legal professional privilege and confidentiality, the right to legal representation and the
right to complain to the special investigations monitor. Only those matters not relevant to these organisations will be excluded from the requirements and this change will not affect the continued full application of the requirements where a representative of such an organisation is summoned to give evidence.

One final technical amendment to the major crime legislation will rearrange the sequence of actions under provisions enabling the chief commissioner, the chief examiner or an interested witness to make submissions to a court in criminal proceedings where the court is considering whether to release evidence which has been given to the chief examiner under a coercive powers order. This will ensure that the legislative process accurately reflects practice.

Amendments to the Sheriff Act 2009

The bill makes a number of minor technical amendments to the Sheriff Act 2009 to:

- clarify the powers of entry for civil warrants;
- clarify the operation of the provisions dealing with the simultaneous execution of multiple warrants; and
- ensure that the offences contained in part 5 of the act include offences committed against appropriately trained justice employees.

The bill also makes a number of minor grammatical amendments to the Sheriff 2009, and repeals certain provisions in other acts that contain incorrect references to the sheriff and deputy sheriff.

Amendments to the Telecommunication (Interception) (State Provisions) Act 1988

The bill makes a range of technical amendments to the state act which governs telecommunications interceptions, essentially to bring Victoria’s provisions into line with the Telecommunications (Interception and Access) Act 1979 of the commonwealth. The commonwealth act has been the subject of various sets of amendments over recent years. As a consequence, there are now certain discrepancies between the two acts and it is appropriate to rectify these to remove confusion and eliminate unnecessary duplication.

The bill includes telecommunications interception amendments that will eliminate superfluous record-keeping requirements, align the definition of ‘restricted record’ with the commonwealth definition, ensure that ministerial reporting lines reflect legislation administration arrangements and clarify that, for the purposes of the state act, the term ‘warrant’ refers only to telecommunications interception warrants and not to stored communications warrants, which are solely regulated under the commonwealth act.

The bill also rectifies some obsolete and inaccurate cross-references in the state act that have developed over time as a result of changes to the commonwealth act.

Amendments to the Infringements Act 2006

The bill contains a number of measures designed to improve the functioning and responsiveness of the infringements system.

The bill amends the Infringements Act 2006 to enable a defendant who has previously applied (unsuccessfully) for revocation of an enforcement order to reapply. A defendant will be able to make a second application as of right, but will require leave of the Magistrates Court to make a third or subsequent application. The purpose of this provision is provide some flexibility in the operation of the revocation process, to take account of circumstances in which a defendant was unable to make a complete or timely application in the first instance.

The bill creates a mechanism for a prisoner to call in warrants to imprison for non-payment of court-imposed fines. It also provides for outstanding warrants relating to infringements and court-imposed fines to be processed together, and enables an order for a term of imprisonment in lieu of payment of an outstanding warrant to commence on the date on which the prisoner signed the form requesting that such an order be made.

The bill also enables an infringement warrant to be stayed while a defendant is complying with an order to pay outstanding fines, and to become enforceable again if the defendant defaults. This will increase the efficiency of fines administration and reduce the costs associated with managing these orders.

The bill also amends the Infringements Act 2006 to enable certain sanctions available for enforcement of outstanding infringement warrants — orders for attachments of earnings, attachments of debt and charges over real estate — to become fully operational.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 29 October.
HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) 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, I make this statement of compatibility with respect to the Health Practitioner Regulation (National Law (Victoria)) Bill 2009.

In my opinion, the Health Practitioner Regulation (National Law (Victoria)) Bill 2009, as introduced in 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

It is necessary to provide some background information to place this bill in its context.

In 2008 the Council of Australian Governments signed an intergovernmental agreement for the establishment of a new national scheme for the accreditation and registration of health practitioners.

The national scheme is designed to create a modernised national regulatory system for health practitioners and deliver improvements to the quality and safety of Australia’s health services.

The process agreed to bring about the national scheme involves the passage of a Health Practitioner Regulation National Law 2009 (‘the national law’) in the Queensland Parliament. The national law contains the substantive provisions of the national scheme, including the essential powers and functions of the national boards with respect to registration of health practitioners and complaints handling.

This bill applies the national law as a law of Victoria. It contains two parts and is very brief. Part 1 contains preliminary provisions. Part 2 adopts the national law as a law of Victoria. It also defines certain terms in the national law for the purposes of the adoption of that law in this state.

Human rights issues

The national law engages a limited number of rights which are protected by the charter. (Unless otherwise stated, all clause numbers referred to in this statement are clauses of the national law).

Section 13: privacy and reputation

Section 13(a) of the charter recognises a person’s right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The right to privacy encompasses a right to information privacy. The requirement that any interference with a person’s privacy must not be ‘unlawful’ imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any interference with a person’s privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

The rights protected in section 13(a) of the charter are engaged in the following six broad areas.

Collection, use and disclosure of personal information

An individual’s application for registration as a health practitioner, renewal of registration as a health practitioner or endorsement as a health practitioner can only be thoroughly assessed if the national boards have access to a wide range of information about these individuals. The national law therefore gives the national boards the power to collect a broad range of information which will enable them to verify an applicant’s identity and qualifications and also assess the person’s suitability to be a health practitioner (clauses 77, 78, 81, 99, 100, 107, 109 and 110). Without these powers, the national boards would be unable to realise the key objective of the national law — to protect the public, by ensuring that only suitably trained and qualified health practitioners who practise in a competent and ethical manner, are registered.

The national law requires the registration of students undertaking an ‘approved program of study’ (clauses 86–93, 229, 230). Under the national law, a national board has discretion as to when to register students, based on the potential for public risk. Education providers must provide the national boards with details of impairment or where a student has been charged, convicted or found guilty of an offence that is punishable by 12 months imprisonment or more (clause 178). The national board is required to provide notice to the education provider when the student is registered. The purpose of this is to enable the education provider to notify the student that he or she has been registered (clause 89). The register of students kept by the national boards is not a public register. National boards need this information to enable them to protect the public, by ensuring that students enrolled in an approved program of study are suitable to undertake clinical training.

Criminal history checks

The national law contains several provisions which permit a national board to have regard to an applicant’s criminal history (clauses 5, 55, 74, 77, 79, 109, 135 and 231). Criminal history is defined (in clause 5) to mean:

(a) every conviction of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this law;

(b) every plea of guilty or finding of guilt by a court of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this law and whether or not a conviction is recorded for the offence;

(c) every charge made against the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this law.

The national law requires a person to disclose their criminal history when applying for registration as a health practitioner
(clause 77). A national board is required to check this information before deciding the application for registration (clause 79). A national board may refuse a person’s application for registration (general and non-practising registration) on the basis of relevant criminal history. The board must form an opinion that on the basis of that information, the person is not appropriate to practise the profession, or that it would not be in the public interest for the person to practise the profession (clauses 55, 74).

Applications for renewal of registration must contain details of any change in the applicant’s criminal history that has occurred (clause 109).

In addition, the national law grants a national board a power to obtain a written report about a registrant’s criminal history, at any time (clause 135). This information, along with details about when a criminal history check was carried out and the nature of the check, must be kept in a record on each registrant by a national board (clause 231).

The requirement of an applicant to disclose their criminal history, and its subsequent treatment by a national board, engages the right to privacy. Criminal history is defined broadly to include charges and acquittals. The criminal history check may disclose information that is arguably not relevant to registering in a health profession.

However, a criminal history check is the only available objective mechanism to identify the existence of both charges and findings of guilt that are relevant to determining the risk an applicant may pose to members of the public. The very nature of the role of a health practitioner and their unsupervised access to the public, means that it is important for a Board to refer to a wide range of information. For example, an applicant’s criminal history may disclose numerous charges for indecent exposure to a member of the public. Although no conviction resulted, this information could give a national board cause to make further inquiries or to seek further information from an applicant, in determining the person’s suitability to practise. The expectation is that in the vast majority of cases, non-conviction information would not be taken into account when determining an application for registration. The ability to access this information will, however, guard against the rare likelihood that this information may prevent a registration being granted to a person whose registration would not be in the public interest. An important safeguard on a person’s right to privacy in the national law is the relevance test. A national board may only refuse registration (general and non-practising registration) on the basis of relevant criminal history. The right to privacy protects against unlawful and arbitrary interferences with privacy. The criminal history provisions do not amount to such an interference. The provisions serve a legitimate aim, namely to determine whether an applicant may pose a risk to a member of the public. The provisions are not unlawful. Moreover, the inclusion of a relevance test means that only information that has a bearing on a health practitioner’s ability to safely deliver health services to the public will be taken into account when registering a health practitioner under the national law thus creating a nexus between the purpose of obtaining criminal history information and its use. A national board’s decision to refuse registration is reviewable by the VCAT (clause 199). The provisions are therefore not an arbitrary interference with an applicant’s right to privacy.

Mandatory notifications

Clauses 140–143 provide for mandatory notifications by health practitioners in certain circumstances.

A registered health practitioner must make a notification to the national agency in two circumstances. First, if the practitioner forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes ‘notifiable conduct’. ‘Notifiable conduct’ means that the practitioner has practised while intoxicated by alcohol or drugs, engaged in sexual misconduct in connection with the practice, placed the public at risk of substantial harm in the practitioner’s practice or placed the public at risk of harm because the practitioner has practised in a way that constitutes a significant departure from professional standards.

Second, a notification must be made if the practitioner forms a reasonable belief that a student has an impairment that, in the course of the student undertaking clinical training, places the public at a substantial risk of harm.

These provisions engage the right to privacy as a notification may disclose information about a health practitioner’s alcohol or drug use, or sexual conduct in connection with their practice. The right to privacy protects against unlawful and arbitrary interferences with privacy. The mandatory notification provisions do not amount to such an interference. They are not unlawful and they are appropriately circumscribed to require only notifications that reveal information that has a bearing on a health practitioner’s ability to safely deliver health services to the public.

Health assessments

A national board may require a registered health practitioner or student to undergo a health assessment if the board reasonably believes that the practitioner or student has, or may have, an ‘impairment’ for the purposes of the act (clauses 5, 168–177). A health assessment may consist of a medical, physical, psychiatric or psychological examination or test of the person. The power to require a person to undergo a medical assessment would interfere with a person’s right to bodily integrity and therefore engages the right to privacy.

The requirement that the national board must form a belief on reasonable grounds that the person has a physical or mental impairment that detrimentally affects or is likely to detrimentally affect the person’s ability to practise or study
recognises that not all health problems will warrant an assessment.

The health assessment provisions do not limit the right to privacy because they are neither unlawful nor arbitrary. Rather, they are necessary in order to assess whether a practitioner has an impairment which could prevent a person from safely practising or studying.

Public registers

Division 3 of part 10 sets out the requirements that will govern the keeping of public registers of health practitioners. The division has been carefully crafted in order to strike an appropriate balance between the right of health practitioners to information privacy and enabling the public to verify that a particular individual is an appropriately registered health practitioner. Each national board will be required, in conjunction with the national agency, to keep a public national register of health practitioners currently registered by that board and a public national register of practitioners who were registered by the board but whose registration has been cancelled by an adjudication body (clause 222). National boards for a health profession for which specialist recognition operates must keep similar registers for specialist health practitioners (clause 223). The information that must be included in such a register is specified in clause 225, and includes the suburb and postcode of the practitioner’s principal place of address, the type of registration the practitioner holds and information about any conditions that have been imposed on the practitioner’s registration. These registers will be available at the national agency for inspection, free of charge, by members of the public and will also be published on the agency’s website (clause 228).

Clause 226 sets out a number of mechanisms that will ensure that the public registers do not unreasonably limit the right of health practitioners to information privacy. Recognising that publishing information about a practitioner could place some individuals at risk because of their personal circumstances, a national board may decide not to record information about a practitioner in a register if a practitioner requests that the information not be published and the board reasonably believes that the inclusion of the information in the register would present a serious risk to the health or safety of the practitioner (clause 222(3)). A national board may also decide not to include information about a condition or undertaking relating to a practitioner’s impairment if it is necessary to protect the practitioner’s privacy and there is no overriding public interest for the conditions or the details of the undertaking to be published. Similarly, the national board may decide to remove information that discloses a registered health practitioner has been reprimanded if it considers that it is no longer necessary or appropriate for the information to be recorded on the register.

Division 3 of part 10 does not limit a person’s right to privacy because it does not authorise an interference that is unlawful or arbitrary. This is because any interference serves the legitimate purpose of protecting the public and the clauses adequately specify the circumstances in which these interferences may occur.

Entry powers

Clause 4 of schedule 6 provides that an inspector may enter a place, either with consent of the occupier, or pursuant to a warrant, or if the place is a public place, while the place is open to the public.

A place may be a private home, for example, where a practitioner practises his or her profession from a home/office. In this scenario, the entry into that place may engage the right not to have one’s home unlawfully or arbitrarily interfered with.

The right has not been limited by the national law since the law provides clear boundaries around when and how entry may be made. Entry may only be made either pursuant to a warrant or with consent (schedule 6, clause 4). A warrant may only be issued if the magistrate is satisfied there are reasonable grounds for suspecting there is a particular thing or activity that may provide evidence of an offence at the place (schedule 6, clause 6).

Section 15: freedom of expression

The health practitioner regulation national law engages the right to freedom of expression in two areas: restrictions on advertising and mandatory notifications.

Advertising restrictions

Clause 133 provides a limited restriction on a person from advertising a regulated health service or a business providing a regulated health service. The clause prohibits a person (or business) from advertising a regulated health service in a particular manner that may be harmful to the public. The clause attaches a financial penalty for a person or body corporate who breaches the restriction.

The charter protects a right to impart information and ideas of all kinds, whether within or outside Victoria and whether orally, in writing, in print, by way of art or in another medium chosen by him or her (section 15(2)). The charter also provides (section 15(3)(b)) that special duties and responsibilities are attached to the right to freedom of expression and the right may be subject to lawful restrictions reasonably necessary for the protection of (inter alia) public health.

The limited restriction on commercial advertising in clause 133 is a restriction reasonably necessary for the protection of public health. The purpose of this provision is to protect the public from accessing health services through advertising that is misleading or deceptive or in some other way detrimental to public health. This is considered necessary given the public health risks associated with some forms of health service. It is noted that a similar provision currently exists in section 94 of the Health Professions Registration Act 2005.

Mandatory notifications

Clauses 140–143 provide for mandatory notifications by health practitioners in certain circumstances and have been discussed above.

As well as engaging the right to privacy, these clauses will have the effect of compelling expression in certain circumstances. However, to the extent that these clauses may limit the right to freedom of expression, the clauses are reasonably necessary for the protection of public health (see section 15(3)(b) of the charter). They provide a means of protecting the health of the public by ensuring that serious conduct by health professionals, that may place the public and
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public health at risk, are reported to the appropriate authorities to avoid events reoccurring.

Section 20: property

Clauses 11, 12, 14 and 15 of schedule 5 to the national law could be considered to engage the right not to be deprived of property other than in accordance with law.

These clauses provide for seizure and forfeiture of property in certain circumstances. The clauses enable an investigator to seize and secure evidence from a public place (clauses 11 and 12 of schedule 5) and provide for a seized thing to be forfeited to the national agency in certain circumstances (clause 14 of schedule 5). The bill provides that a seized thing may be destroyed or disposed of, in some cases (clause 15 of schedule 5).

These provisions are necessary to prevent items being hidden or destroyed which may frustrate an investigation into serious misconduct occurring.

It is noted that items may only be seized by an investigator if he or she reasonably believes that the item is relevant evidence to an investigation being carried out (clause 11 of schedule 5). An inspector may only enter a place either with consent or pursuant to a warrant, or if the place is a public place, entry must be made when it is open to the public (clause 4 of schedule 5).

It is also noted that the forfeiture provisions (clauses 14 and 15 of schedule 5) apply in limited circumstances where the investigator cannot find its owner after reasonable inquiries or cannot return the item to the owner after making reasonable efforts. The bill requires regard to be paid to the nature, condition and value of the thing in deciding the reasonableness of the inquiries to be made.

The bill requires any item not forfeited to be returned to the owner and the bill establishes the appropriate time for doing so (clause 16 of schedule 5).

As the engagement with property rights is neither unlawful nor arbitrary, these clauses do not limit the right protected by section 20 of the charter.

Conclusion

I consider that the bill is compatible with the charter.

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.

This bill seeks to implement the Health Practitioner Regulation National Law Bill 2009 (or the national law). The national law sets out the regulatory framework for the new National Registration and Accreditation Scheme for the Health Professions ('the national scheme').

The national law implements the commitment made by the Council of Australian Governments (COAG) on signing the intergovernmental agreement (IGA) on 26 March 2008 to establish the national scheme by 1 July 2010.

The national scheme is a significant milestone in the reform of the Australian health care system. It creates a single national registration and accreditation system for ten health professions. These include: chiropractors; dentists (including dental hygienists, dental prosthetists and dental therapists); medical practitioners; nurses and midwives; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists; and psychologists.

The four professions of Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners, medical radiation practitioners and occupational therapists will also join the scheme from 1 July 2012.

The cornerstone of the national law is protection of the public. It provides a framework for the regulation of health practitioners in relation to registration, accreditation, complaints and conduct, health and performance, and privacy and information sharing. It builds on the best elements of existing regulatory models, such as the Victorian Health Professions Registration Act 2005 ('the HPR act') and other health practitioner legislation throughout Australia.

The national law follows an extensive consultation process that saw high-level engagement from regulatory bodies, practitioners and the public. Over 550 submissions were received from professions, regulatory bodies and the general public. The Australian Health Workforce Ministerial Council ('the ministerial council') considered all responses in building the legislation to create a national law that will deliver real improvements to the quality and safety of Australia’s health-care system.

These considerations have included the following policy issues.

Public interest consideration

Health ministers have confirmed their commitment to a high level of public interest consideration within the national scheme. New provisions relating to mandatory reporting, student registration, criminal history and identity checks, strong community representation on national boards and an easier process for the public to make complaints all support this commitment.

To provide an additional level of protection, health ministers have agreed that the national law should
extend and better define the role of state and territory health complaints bodies in relation to the preliminary assessment of complaints received from the public. Under these arrangements, national boards and health complaints bodies will not only have to inform each other of any complaints received that are relevant to the other, but must also consult each other on the handling of complaints. They must reach agreement on whether a complaint should be taken further by the national board. If agreement cannot be reached the more serious view of the matter will prevail and the national board will carry the complaint forward on that basis. Therefore, our Office of the Health Services Commissioner will have a crucial role to play with the national boards in the preliminary stage of the investigative process.

This approach builds on arrangements already in place in Victoria under the HPR act, and this approach has been endorsed nationally. Our practitioner registration boards work closely with the Office of the Health Services Commissioner to determine whether a notification is best dealt with by the Office of the Health Services Commissioner or by the relevant board.

Agreement was made to strengthen and formalise the role of community members in state and territory boards. The national law now requires that there is the same ratio of community members on state and territory boards as on national boards.

Under the national law, serious complaints — those relating to matters that could amount to professional misconduct — will continue to be dealt with by VCAT in Victoria. The national boards, on the other hand, will deal with matters that relate to unsatisfactory professional performance and unprofessional conduct as well as matters that are regarded as health issues. This continues the approach that was implemented in Victoria from 1 July 2007 when the HPR act was introduced to ensure that the most serious matters are heard in an independent tribunal.

To summarise a couple of the key features of the national law:

**Mandatory reporting**

There will be a requirement that practitioners and employers (such as hospitals) report a registrant who is placing the public at risk of harm. Reportable conduct will include conduct that places the public at substantial risk of harm either through a physical or mental impairment affecting practice or a departure from accepted professional standards. Practitioners who are practising while under the influence of drugs or alcohol, or who have engaged in sexual misconduct during practice must also be reported.

The legislative provisions relating to mandatory reporting include exemptions to protect people from situations where a practitioner would not be expected to report, for example in a legal privileged situation. These provisions in the national law provide for an unprecedented level of public safeguards.

**Criminal history and identity checks**

Mandatory criminal history and identity checks will apply to all health professionals registering for the first time in Australia. All other registrants will be required to make an annual declaration on criminal history matters when they renew their registration and these declarations will be audited on a random basis by an independent source.

**Independent accreditation functions**

The accreditation functions of the national boards will be independent of governments. Accreditation standards will either be developed by an independent accrediting body or by the accreditation committee of the national board (for the relevant health profession).

The final decision on whether the accreditation standards, courses and training programs are approved for the purposes of registration is the responsibility of the national boards. The national law clearly sets out the relationship between an accrediting body and a national board to ensure that this relationship works in a fair and effective way.

The ministerial council, however, will have powers to appoint the external accrediting body for a profession when that profession first joins the national scheme. It will also have the capacity to act where, for instance, it believes that changes to an accreditation standard will have a significantly negative effect on the recruitment or supply of health practitioners. In exercising these powers however, the ministerial council must first consider the potential impact of its decisions on the quality and safety of health care.

**Student registration**

National boards will be required to register students in the health professions, with this requirement effective at the beginning of 2011. The national boards will decide at what point during their programs of study students will be registered, depending on the level of risk to the public.
Students will be registered, in the main, by a deeming process based on lists of students supplied to national boards by education providers. Students already registered under state or territory legislation before the commencement of the scheme will be deemed to be registered from 1 July 2010 to ensure continuity of registration. The national scheme will also enable national boards to act on student impairment matters or where there is a conviction of a serious nature which may impact on public safety.

**Transitional arrangements for privately practising midwives**

The national law contains a transitional clause for privately practising midwives who attend homebirths. This grants them an exemption from the requirement to hold appropriate professional indemnity insurance in order to be registered under the national scheme. Ministers have already communicated that their intention is that this transition period should last for no longer than two years following the commencement of the national scheme. This is to allow urgent work to be done to identify a solution to the issue of privately practising midwives being unable to access appropriate insurance cover. To increase the safeguards in this transition period, health ministers have agreed that relevant midwives will also be required to:

1. provide full disclosure and informed consent that they do not have professional indemnity insurance;
2. report each homebirth; and
3. participate in a quality and safety framework which will be developed after consultation led by Victoria.

**Health programs for practitioners**

The national law gives the national boards the power to fund health programs for health practitioners. Health programs of this kind have been a successful service offered by the Nurses Board of Victoria and the Medical Practitioners Board of Victoria for some time, and the legislation provides for the national boards to continue these programs under the national scheme. Our experience to date in Victoria shows that these types of programs are essential to the ongoing good health and working ability of the health workforce.

**Extension to include other professions**

On 1 July 2012 the remaining two health professions regulated in Victoria, Chinese medicine practitioners and medical radiation practitioners, will transition into the national scheme. In addition, on that date, Aboriginal and Torres Strait Islander health practitioners and occupational therapists will be regulated under the national scheme.

Victoria is the only jurisdiction where Chinese medicine practitioners are regulated and it is anticipated that the Victorian experience will be used as the basis for the emerging national model. It is particularly satisfying that in agreeing to regulate Chinese medicine, the other states have acknowledged the approach first identified as a need in this state through the review of Chinese medicine that was started in 1995 and led to regulation coming into force in Victoria from 1 January 2002.

The Victorian government is fully committed to the implementation of the national scheme for health professionals. The national law contains measures designed to protect both the public and practitioners and to facilitate greater workforce flexibility and mobility. It is a contemporary regulatory framework to support standards of excellence in the delivery of services in the Victorian health-care system.

I commend the bill to the house.

**Debate adjourned on motion of Mrs SHARDEY (Caulfield).**

**Debate adjourned until Thursday, 29 October.**

**Remaining business postponed on motion of Mr WYNNE (Minister for Housing).**

**ADJOURNMENT**

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

**Motor vehicles: registration**

Dr NAPTHINE (South-West Coast) — The issue I raise is for the Minister for Roads and Ports, and the action I seek is that the minister withdraw bulletin 23 issued to motor car traders by VicRoads and re-examine the process required of incorporated bodies, with or without an Australian company number (ACN), to register vehicles, with a clear view to reducing and not increasing the red tape involved. Bulletin 23 was issued to all motor car traders by VicRoads on 8 October 2009, and it says in part:

An incorporated company with an ACN must provide either a certificate of registration of a company, certificate of
incorporation, or other public document … that shows its ACN. A printout from the ASIC — Australian Securities and Investments Commission — website alone is not sufficient as proof of identity.

The minister needs to examine why the traditional method of providing an ASIC printout is no longer seen as adequate to facilitate registration of vehicles for these bodies. It is quite amazing that the bulletin goes on further to say:

Incorporated bodies without ACNs are incorporated through an act of Parliament or corporations law. They may include organisations such as hospitals, local councils, or trade unions.

These organisations must provide either a copy of the act under which they are incorporated, or a public document … that references the relevant section of the act.

They have to do this in order to get their vehicles registered. What VicRoads is asking is that when a hospital in Warrnambool registers a vehicle, the motor car trader has to provide to VicRoads a copy of the act under which the hospital is registered to prove the hospital is a registered hospital, and that must also apply to TAFEs, trade unions and local councils. It is absolutely ludicrous — red tape gone over the top. In both situations the real question for the registration of vehicles by incorporated bodies with or without ACNs is why motor car traders cannot simply use the VicRoads client ID which already exists within VicRoads for all of these companies, bodies and organisations, most of which are regular purchasers of new vehicles.

The government should be making it easier for motor car traders to facilitate business and reduce business costs, not bogging down motor car traders in absolutely unnecessary bureaucratic red tape. When motor car traders are told by VicRoads that they must supply a copy of an act of Parliament for every hospital, local council or organisation like a TAFE in order to register a vehicle with those organisations, it is absolutely ludicrous. Bulletin 23 should be withdrawn.

Insurance Australia Group: Kerry Panels

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Small Business, and the action I seek is that he refer the issue of a business dispute between Kerry Panels and Insurance Australia Group (IAG) to the small business commissioner so it can be resolved quickly and expeditiously. In 2005 panel beating work undertaken by Kerry Panels was not up to the industry standard required of any panel shop. The proprietor of Kerry Panels is Mr Gerry Raleigh, a prominent Victorian Automobile Chamber of Commerce member and advocate and champion for small independent motor vehicle repairers.

In normal circumstances if work was referred back to Kerry Panels, the business would have had up to three opportunities to fix its mistake. Panel shops owned or badged by insurance companies like the Royal Automobile Club of Victoria or CGU Insurance would be given three, or sometimes more, opportunities to rectify problems. This is the normal, everyday practice. When Mr Raleigh’s problems surfaced it appears that the normal custom and practice was discarded. Mr Raleigh offered to buy back the vehicle, but that was rejected by IAG through its failure to respond to Mr Raleigh’s mailed and faxed letters offering to do so.

Instead of resolving the matter IAG hired two independent engineers, two independent assessors and a legal firm to block any resolution to the matter. Kerry Panels is the only small body repairer singled out for this financial punishment for Mr Raleigh’s strong advocacy for the little man in business. Kerry Panels is in a unique and extraordinary situation. Instead of IAG settling this case expeditiously, it has cost Kerry Panels over $100 000 to defend its position. This is a case of malice and a concerted effort by a big insurance company to do as much financial damage as possible to a small independent company.

At no stage has IAG offered Kerry Panels the opportunity to rectify its work or to buy the vehicle. This is unheard of in the industry and is not the way IAG operates with other smash repairers. Not only has it cost Kerry Panels $100 000 to defend its position but it is costing it around $70 000 per year in repair work. This is harsh and oppressive conduct by IAG, which is a large company.

I ask that the minister refer this matter to the small business commissioner to see what action can be taken to sort this out, whether it be through mediation, conciliation or some other process, so that Kerry Panels, Gerry Raleigh and his employees can get back to doing the work they are very good at doing. We are all human and make mistakes. This instance occurred in 2005, and Kerry Panels should not have been continually punished since then for that mistake.

Calder Highway, Ravenswood: safety

Mr WALSH (Swan Hill) — The action I seek is from the Minister for Roads and Ports and it concerns the hazardous intersection of the Calder Highway and the Calder Alternative Highway at Ravenswood. This is an intersection between one of the state’s major...
freeways and the Calder Alternative Highway, which bypasses Bendigo and which carries the majority of the traffic from north-west Victoria to Melbourne. It is a difficult intersection, particularly for drivers of large vehicles such as buses and trucks entering the freeway as they go to Melbourne. Traffic approaching from the Calder Alternative Highway has to stop before crossing the northbound lanes of the Calder Highway and then stop again on an uphill incline before turning right into the southbound lane of the freeway to Melbourne. An uphill right-hand turn from a complete stop and then moving across the dual-lane freeway to the left lane is a very difficult process, particularly for big trucks.

I have previously written to the Minister for Roads and Ports about this intersection following concerns raised with me by transport operators in my electorate. The minister’s response at that time indicated that VicRoads saw no reason to alter the intersection. Since I received that response there has been another tragic accident at the intersection with one fatality and serious injury. This latest accident highlights the need for a change to this intersection.

I ask the minister to immediately instigate a review of the intersection with the aim of using funds from the safer road infrastructure program to create a safer intersection. Traffic flows on this section of the Calder will continue to increase, particularly if we return to some more normal seasonal conditions in northern Victoria. It is a major route for a substantial amount of the grain that comes to southern Victoria and for a lot of the horticultural produce that comes out of northern Victoria, not only to the market in Melbourne but also for export.

Rooming houses: registration

Mr FOLEY (Albert Park) — The matter I wish to raise is for the attention of the Minister for Housing, who fortuitously is at the table. The action I seek from him is that the government act on the recommendations made recently by the government’s rooming house task force. This would involve moving against those operators of intentionally substandard unregistered rooming houses who prey on some of the most vulnerable members of our community, particularly those seeking to cope with homelessness.

In asking for this action I note that the Premier announced this task force following reports about the growing number of unregistered rooming houses. We are seeing a new type of rooming house emerge in response to tightening private rentals which makes housing inaccessible for low-income private renters. These new types of rooming house operators generally choose not to register with local government and are increasingly found in private suburban houses. They then sublease rooms to those at the margins of the housing market who are coping with homelessness. In some cases the model has extended to commercial or industrial premises. Together they comprise a model of unregistered rooming houses responding to a failed market in affordable private low-rental housing.

Sad many of these premises have proven to be not only of an unacceptable physical standard but they exploit those most at risk in society, particularly those who present with a range of issues, from mental illness and drug and alcohol issues through to those new to the Australian housing market which include an increasing number of families of which a disproportionate number are represented by single women, many of them seeking to escape abusive relationships.

Some common features of rooming house residents are their low incomes, insecure housing arrangements, tenuous links to the rest of society and general exclusion from the mainstream housing market. One can add to this mix those who have simply suffered the bad luck that life sometimes delivers to us all. Rooming house residents deserve a fair go just like the rest of the community.

Nowhere has this been highlighted more than by the coroner’s investigation into the deaths of Christopher Giorgi and Leigh Sinclair in a tragic fire in Brunswick in 2006. The coroner made a range of recommendations around compliance, enforcement and regulation of the private rooming house sector, the need for new powers to apply to regulators and the registration of operators. Other recommendations made were on minimum standards, fire safety and the operation of the Residential Tenancies Act.

That these recommendations fit with the work of the government’s task force is welcomed. Any government action needs to ensure that the onus of responsibility is placed on the private operators to bring together and improve the standards for administrative simplicity for the sector. The government also needs to build an active enforcement culture, seek more access to affordable private rental and seek increases in the supply of social housing more generally. Nothing can restore the lives of Christopher Giorgi and Leigh Sinclair, but at least a legacy of their untimely deaths could be greater access to affordable secure housing for all.
Glenferrie Road, Kooyong: traffic management

Mr O’BRIEN (Malvern) — I wish to raise a matter for the attention of the Minister for Public Transport, and the action I seek is the renovation of tram and train lines on Glenferrie Road in Kooyong near Kooyong station in my electorate. The route for the no. 16 tram lines on Glenferrie Road in Kooyong near Kooyong station is much used by local residents, by students who attend a number of local schools and by spectators travelling to watch the terrific tennis tournaments held at Kooyong Lawn Tennis Club. The no. 16 tram down Glenferrie Road is similarly popular.

However, where the tramlines meet the train there is a problem. The train entering Kooyong station from the west and exiting the station from the east is forced to travel at a slow speed as it crosses Glenferrie Road. When I say slow, I mean ridiculously slow. Slow as in snails are thought to have told the train to ‘get on with it’. Slow as in maritime union officials are thought to have complained about the train’s work rate. I mean slow! This causes the boom gates to remain down for an inordinate time, causing major congestion on Glenferrie Road and major delays for road and tram commuters. Of course this problem is exacerbated during peak hours, when there are more trains crossing the road but also more cars and trams on the road to be delayed.

The better response to this ongoing problem is to grade separate the railway crossing. I have previously raised the need for grade separations in my electorate, including on Glenferrie Road. However, the minister has so far refused that very reasonable request. While maintaining my campaign for the sensible long-term solution of grade separation, my constituents and others using Glenferrie Road need action now. In the absence of the preferred option of grade separation, I therefore ask the minister to arrange for the necessary works to be carried out on the interface between the tram and train lines to enable trains to cross Glenferrie Road at a reasonable speed.

A number of constituents have contacted my office on this matter. One said that they had raised the matter with VicRoads and it was confirmed by VicRoads that problems with the interface between the train and tramlines is the reason the trains are forced to travel so slowly when crossing Glenferrie Road.

As a regular user of Glenferrie Road and a regular traveller on the Glen Waverley line, I can confirm from personal experience the frustration that train passengers and road users experience as a result of this problem at Kooyong. Fixing the problem to enable the Glen Waverley line trains to travel across Glenferrie Road at a reasonable speed would do wonders for the congestion and delay on local roads. Reducing congestion presents environmental benefits through reduced idling time, as well as economic benefits.

In the absence of grade separation, I urge the minister to take the necessary action to fix the tram and train interface on Glenferrie Road, and to do so as a priority.

Francis Street and Somerville Road, Yarraville: truck curfew

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for Roads and Ports. The action I seek is for the minister to provide an assurance to local residents in the Yarraville area that the truck curfew enforcement work being undertaken by VicRoads along Francis Street and Somerville Road will be maintained at adequate levels on an ongoing basis. This request for action follows an email from Peter Knight from the Maribyrnong Truck Action Group which I received on 29 September. Mr Knight wrote to me to clarify whether the funding available to VicRoads to assist in enforcing the truck curfews along Francis Street and Somerville Road would be sustained beyond December of this year.

The state Labor government introduced a night and weekend truck curfew on Francis Street and Somerville Road in Yarraville in April 2002. These curfews apply from 8.00 p.m. to 6.00 a.m. Monday to Saturday and from 1.00 p.m. on Saturday to 6.00 a.m. on Monday. Truck operators and drivers with legitimate local access requirements are exempt from the curfew restrictions. The exemptions have been and continue to be necessary because there are many local businesses on Francis Street and Somerville Road and in surrounding areas that rely on trucks for deliveries and pickups. The curfew arrangements have been well supported by VicRoads, the Victorian Transport Association and the Transport Workers Union. In fact the VTA and the TWU have distributed widely information about the curfews over the past eight years or so. VicRoads has also installed over 30 signs advising drivers about the curfew as well as promoting the benefits of using alternate routes.

These curfew arrangements have been effective in reducing the number of trucks on Francis Street and Somerville Road. VicRoads has been conducting weekday counts on both of these roads since the introduction of the curfews in 2002. While total daily traffic volumes have increased in the Melbourne metropolitan area, truck traffic on the various sections
of Francis Street still remain lower than the 2002 levels during the curfew hours. Truck movements along Somerville Road during curfew hours also remain relatively steady compared to 2002.

VicRoads is to be commended for its work in actively patrolling these curfews. As I understand it, in the last financial year alone it has dedicated more than 600 hours to curfew patrols on Francis Street and Somerville Road. Since 2007 more than 360 infringement notices have been issued to drivers for breaking the curfew in this area. This work is supported and appreciated by the local community. It is not resisted by the trucking operators either. In fact I have spoken with the VTA and the TWU about this and both agree that only trucks with a genuine local origin or destination within the designated curfew zone should be there during those times. Clearly the enforcement of the curfews by VicRoads makes a difference, so I seek some assurances from the minister that this work will be maintained at adequate levels on an ongoing basis.

**Box Hill Hospital: redevelopment**

Ms WOOLDRIDGE (Doncaster) — My matter tonight is for the Minister for Health. The action I seek is for him to make good his long overdue promise to redevelop Box Hill Hospital, as waiting times in the emergency department and for elective surgery that are far longer than they should be. The release of the *Your Hospitals* report yesterday confirms that Box Hill Hospital is buckling under pressure and has failed to meet seven out of the government’s nine benchmarks.

Let us have a look at the hospital’s performance. Box Hill Hospital is on bypass over 4 per cent of the time, meaning that for 1 hour every day patients cannot access their closest hospital and are moved on elsewhere. While urgent cases are seen immediately, there has been a significant decrease in the proportion of patients being seen in the required time frame in the emergency department. These include patients with severe pain, severe breathing difficulties or major fractures. Over one-third of patients are left on trolleys in the emergency department unable to get a bed within the 8-hour target, and 2791 patients are waiting for elective surgery, which is a 10 per cent increase on the number of patients waiting last year. Doncaster constituents continue to report waits in the emergency department and for elective surgery that are far longer than they should be.

These indicators are not just numbers. They relate to real people who are distressed, as are their families, as often their lives are put on hold while they wait for treatment. Box Hill is a hospital under stress. Our doctors, nurses and ancillary workers do a wonderful job in very trying circumstances. They need better facilities, but over and over the Brumby government has failed to deliver. It promised funds for redevelopment back in 2006 as part of its election commitments. Every year we have waited for the government to deliver but we have been disappointed.

Earlier this year the Brumby government failed to heed a petition from over 1000 residents calling for the full funding of the redevelopment. The government held out hope of attracting federal funding as a way of getting the rebuild under way, but that hope was dashed several weeks ago when the Premier missed out on attracting money from his federal mates. It is now up to this government to provide the funds. All we have been promised is an announcement before the end of the year. Doncaster residents want more than an announcement. We do not want another promise of rebuilding with only a small down payment and the rest on the never-never, or a drip feed of funds with numerous re-announcements, which the government is so renowned for.

We want Box Hill Hospital to be rebuilt and we want it to be rebuilt now. We need new facilities, we need timely access to care in emergency departments and timely access to elective surgery. The government must do better in its delivery of health care for the people of Doncaster, Manningham and the eastern suburbs as a whole.

**Foster care: Daar Aasya project**

Ms BEATTIE (Yuroke) — I rise to make an urgent request to the Minister for Community Services. I request that the minister facilitates a meeting between her advisers and the people from the Daar Aasya project, which is a project to facilitate foster care between Muslim and non-Muslim people. More than 100 Muslim children across Victoria need foster care every year. That is approximately two children a week who need foster care for all the same reasons that children of any other group need foster care. However, they have important cultural issues that need to be attended to. Information sessions are held about the Daar Aasya project, and so far about 4000 members of the community have attended with seven families starting to take children into their care. When children are fostered by families they may have different cultural needs and perhaps they may have different dietary needs, and people need to be sensitive to that. People from the Daar Aasya project want to meet with the minister to put all those things before her and her advisers to see how they can be helped in the future.
Mr MORRIS (Mornington) — The matter I raise this afternoon is for the Minister for Environment and Climate Change. Despite being only weeks away from the start of the beach season the review of recreational boating zones for Port Phillip and Western Port is not yet complete. The action I seek from the minister is that he ensures that the review of the boating zone framework is completed and that both boat owners and beach users are made aware of the outcomes prior to the Christmas break.

The review of recreational boating zones has been a long-running process, and that is not a criticism. It is recognition of complexity. Information published on the Parks Victoria website indicates that comments on the final recommendations were invited until 5 December 2008. There are a number of interests here of course. Parks Victoria has responsibility for most of the foreshore areas, many of them managed under delegation. It also has a responsibility in that it acts as the local port manager for both Port Phillip and Western Port.

The review had to be undertaken jointly with Marine Safety Victoria, which is responsible for recreational boating. Nevertheless, I would have thought that 10 months is a more than reasonable time to complete the review and to start to get the message out there about what has been decided. On Wednesday of last week a spokesman for Parks Victoria was reported in the Mornington Mail as saying that changes are coming but he could not say when.

We are getting to the point where even if there is immediate action, it is unlikely that the message will be put out as promptly as it should be. In my electorate I have four no-boating zones — two in Mount Martha and two in Mornington. In all other areas there is a speed limit of 5 knots.

If people do not know where the no-boating zones are and where the access zones are, it leads to conflict between boat users and swimmers, and that potentially leads to aggravation. There are significant safety aspects as well. Even a boat moving at 5 knots can do a fair amount of damage to a swimmer if they do not see it coming. There is a real potential for conflict, but if people know the rules and if people know where they should be, then that potential is reduced. It is time — more than time — to complete the review. It is now time for action. I urge the minister to ensure that the zones are put in place prior to the summer season.

**Brookland Greens estate, Cranbourne: landfill gas**

Mr PERERA (Cranbourne) — I raise a matter for the attention of the Minister for Environment and Climate Change. The Ombudsman today released his report into the movement of methane gas from the former Cranbourne landfill on Stevensons Road into the Brookland Greens residential estate.

I welcome the report on behalf of the residents of Brookland Greens, who have been through a very difficult experience. I call upon the Minister for Environment and Climate Change to take action to adopt the recommendations made by the Ombudsman in relation to his portfolio.

The government understood that the residents of Brookland Greens deserved an independent assessment of how this situation occurred; that is why the government provided $700,000 in funding to the Ombudsman. I am pleased that the remediation works on the site are progressing, with the $11 million underground wall separating the landfill from the estate now complete; new gas bores have been installed and leachate extraction has been improved. The council will now upgrade the landfill cap and increase the gas extraction. These actions are all part of stopping the movement of gas and ensuring life gets back to normal for residents.

I was very pleased to note that the Ombudsman found that the assistance provided by the Victorian government to affected residents was both ‘timely and reasonable’. This assistance included providing the Environment Protection Authority (EPA) with $3 million to assist the City of Casey to install in-home monitoring equipment and undertake household modification works; establishing emergency grants to help households; ensuring residents were able to access free legal advice; and establishing a community contact centre on the estate as a one-stop shop for the...
community to access information and support. The centre operated from November 2008 to October 2009.

The minister has today outlined the ways in which the government has already acted to strengthen the legal standards for landfill design, construction and operation. The government has also strengthened the Environment Protection Authority’s capacity to deal with landfill owners and operators who do not comply with requirements. While these actions to strengthen the EPA are important, it is also important that all members of our community comply with environmental law, whether they are businesspeople, individuals or members of local government.

As the owners and operators of the site the City of Casey and the City of Frankston had a clear obligation to manage the site safely and effectively. I note the Ombudsman’s findings that the City of Casey ‘failed to have regard to environmental protection’ and that ‘the landfill was not managed and operated effectively’. The Ombudsman also found that the City of Casey and the Frankston City Council ‘failed to take action to address the issue’. This was despite the EPA issuing a number of regulatory notices and fines to try to improve management of the landfill.

I am pleased the residents of Brookland Greens estate can now have clarity about how this situation occurred.

**Responses**

Mr WYNNE (Minister for Housing) — I thank the member for Albert Park for raising this extremely important issue for the attention of the house. As he indicated, the findings of the coroner in relation to the tragic fire at a rooming house on Sydney Road, Brunswick, which will be released on 29 September, really formalise what we already know about the quite deplorable conditions in unregistered rooming houses across the state. Prior to the release of the coroner’s recommendations the government had already acknowledged the severity of the problem and the need for further action to be taken. That is why we established the rooming house task force, which I am pleased to say was chaired so ably by the member for Albert Park.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Housing will continue without assistance from the member for Albert Park.

Mr WYNNE — The rooming house standards task force conducted extensive research and consultation with the sector to produce a very sound report, which has been submitted to me and the Minister for Consumer Affairs because there is in fact, as people would know, an intersect between my responsibilities as Minister for Housing and the regulatory framework which is the responsibility of the Minister for Consumer Affairs.

The task force made 32 recommendations relating to supply, standards, compliance, enforcement and regulation. The coroner also made 18 recommendations in relation to regulation, compliance and enforcement. In fact, there are crossovers and obvious synergies between the report of the coroner and indeed the task force report. The government is currently formulating a response to both sets of recommendations, and I expect it will be making an announcement and public release of the report in the near future.

I thank the member for Albert Park for his leadership and commitment to this issue. As many members would know, the member for Albert Park represents an area that has a very large number of rooming houses. In particular the area around St Kilda has traditionally had some very large rooming houses, including the Gatwick in Fitzroy Street, which is very well known, and there are a number of smaller rooming houses dotted around the St Kilda part of his electorate, so he is very familiar with the issues that attend to those rooming houses.

I would also like to thank the members of the task force which was drawn from a wide group of people: the Tenants Union of Victoria; the Council to Homeless Persons; the Victorian Council of Social Service; the Municipal Association of Victoria, because local government has a very key role to play in terms of the regulation of rooming houses; the Registered Accommodation Association of Victoria; St Kilda Rooming House Issues Group; Yarra Community Housing, which is one of our housing associations and the biggest not-for-profit provider of rooming houses in the state; the Community Housing Federation of Victoria; and most importantly also the Real Estate Institute of Victoria, which played a very helpful role, as I understand from the member for Albert Park, in the deliberations of his task force. All those stakeholders provided incredibly important inputs into the process.

It is important that we consult the housing sector and other relevant stakeholders to ensure that our response finds a balance between improving the regulation of community-run and private rooming houses to ensure there is an adequate supply of transitional and crisis accommodation for those in most need. We are very conscious of the need to have a very balanced response.
As many members know, Victoria is also embarking on a new homeless strategy as well, so the work of the rooming house task force very nicely fits into the broader conversation that the government is having with the housing sector more generally about the development of a new 10-year strategy for homelessness going forward.

I thank the member for Albert Park. The government is actively considering the recommendations that he has made and those made in the coroner’s report, and in the near future the government will be releasing the report and its response to it.

The member for South-West Coast raised a matter for the Minister for Roads and Ports in relation to seeking a withdrawal of bulletin 23 to motor car traders — which went out on 8 October this year, I think. It is suggested by the member for South-West Coast that the bulletin places an unfair regulatory burden upon people seeking to register their vehicles.

The member for Melton raised a matter for the Minister for Small Business seeking the intervention of the small business commissioner in a dispute between an organisation called Kerry Panels and the Insurance Australia Group. I will make sure that the minister is aware of that request.

The member for Swan Hill raised a matter for the Minister for Roads and Ports seeking his intervention in what he regards as a dangerous situation at the intersection of the Calder Highway and the Calder Alternative Highway at Ravenswood. The advice of the member for Swan Hill is that heavy trucks turning in that area are having difficulty negotiating that intersection, and he is seeking some funding from the Safer Roads program to review and address that situation.

The member for Malvern raised a matter for the Minister for Public Transport seeking the minister’s support for the resolution of the interface problem between — —

Mr O’Brien — To fix the problems where the tram lines cross the train line at Kooyong.

The DEPUTY SPEAKER — Order! My notes indicate the renovation of train and tram lines in Glenferrie Road, Kooyong, particularly in relation to the number 16 tram route, and I think that will do.

Mr WYNNE — The member for Malvern raised a matter. He wants the issues arising where the number 16 tram route intersects with the train line at Kooyong station resolved. Thank you very much, Deputy Speaker, for your interest.

The member for Williamstown raised a matter for the attention of the Minister for Roads and Ports — do you want to have a go at this, too, Deputy Speaker? — seeking a continuation of the truck curfew enforcement program at Francis Street in Footscray — —

Mr Noonan — Yarraville.

Mr WYNNE — Yarraville, I beg your pardon.

The DEPUTY SPEAKER — Order! And Somerville Road.

Mr WYNNE — Deputy Speaker, no-one could accuse you of being a pedant, could they?

The member for Doncaster raised a matter for the attention of the Minister for Health supporting the redevelopment of the Box Hill Hospital — and I believe that to be accurate, Deputy Speaker.

The member for Yuroke raised a matter for the attention for the Minister for Community Services seeking a meeting between the minister and her advisers with the Daar Aasya project in relation to foster care issues with the Muslim community.

Ms Wooldridge — With her advisers.

Mr WYNNE — And the minister as well.

The member for Mornington raised for the Minister for Environment and Climate Change an important matter for people who are interested in recreational boats, including me, seeking support for the implementation of the new boating framework on Port Phillip and Western Port bays and particularly in relation to the no-boating zones.

Finally, the member for Cranbourne raised a matter for the Minister for Environment and Climate Change, seeking advice from the minister in relation to the adoption of the recommendations of the Ombudsman that are specifically related to the Minister for Environment and Climate Change’s portfolio. Thank you, Deputy Speaker.

The DEPUTY SPEAKER — Order! You are most welcome, Minister. The house now stands adjourned.

House adjourned 5.34 p.m. until Tuesday, 10 November.
QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 13 October 2009

Treasurer: land tax

459. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer with reference to land tax —

(1) What is the estimated amount of land tax expected to be collected from assessments of land tax for 2006 levied at each of the marginal tax rates set out in the 2005–06 land tax scale.

(2) How many taxpayers paid land tax in 2006.

(3) What is the estimated number of taxpayers who will pay land tax in 2007.

(4) How many payers of land tax in 2006 had property holdings with values —
   (a) up to $199,000;
   (b) $199,001–$539,999;
   (c) $540,000–$709,999;
   (d) $710,000–$849,999;
   (e) $850,000–$1,129,999
   (f) $1,130,000–$1,619,999;
   (g) $1,620,000–$2,699,999.

(5) What was the aggregate amount of land tax paid in 2006 by taxpayers —
   (a) up to $199,000;
   (b) $199,001–$539,999;
   (c) $540,000–$709,999;
   (d) $710,000–$849,999;
   (e) $850,000–$1,129,999
   (f) $1,130,000–$1,619,999;
   (g) $1,620,000–$2,699,999.

(6) How many forms of notification of lands held on trust have been lodged with the State Revenue Office for 2006.

ANSWER:

I am informed that:

(1) Details of land tax estimates of tax paid, or number of taxpayers by marginal tax rates are not readily available, as the requested data is not collated.

(2) 185,494 taxpayers paid land tax in 2006.

(3) 214,852 taxpayers paid land tax in 2007.

(4) The precise value ranges requested are not readily available.
(5) The precise value ranges requested are not readily available.

(6) In 2006 there were 56,627 notifications of land held on trust lodged with the State Revenue Office.

**Public transport: Crown land — Warrandyte**

1117(j). Mr SMITH (Warrandyte) to ask the Minister for Public Transport with reference to Crown land relevant to the Minister’s portfolio in the electorate of Warrandyte —

(1) What is the description and address of the land.
(2) Does the government intend to sell any of the land or acquire new land in the electorate.

**ANSWER:**

As at the date the question was raised, the answer is:

The sale of Crown Land is the responsibility of the Minister of Finance.

**Community services: property transfer duty**

1595. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer — in 2007–08 —

(1) On how many property transfers was duty paid.
(2) How many property transfers had values for duty of —
   (a) up to $115,000;
   (b) $115,001–$200,000;
   (c) $200,001–$300,000;
   (d) $300,001–$400,000;
   (e) $400,001–$500,000;
   (f) $500,001–$600,000;
   (g) $600,001–$870,000; and
   (h) $870,001 or greater.
(3) What was the aggregate amount of duty paid in respect of transfers with property values of —
   (a) up to $115,000;
   (b) $115,001–$200,000;
   (c) $200,001–$300,000;
   (d) $300,001–$400,000;
   (e) $400,001–$500,000;
   (f) $500,001–$600,000;
   (g) $600,001–$870,000; and
   (h) $870,001 or greater.

**ANSWER:**

I am informed that:

(1) Duty was paid on 78,538 property transfers in 2007-08.
(2) The State Revenue Office data is not published in the requested ranges.
(3) The State Revenue Office data is not published in the requested ranges.

**Treasurer: land tax**

1612. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer —

(1) What is the estimated amount of land tax expected to be collected from assessments of land tax for 2007 levied at each of the marginal tax rates set out in the 2006–07 land tax scale.


(3) What is the estimated number of taxpayers who will pay land tax in 2008.

**ANSWER:**

I am informed that:

(1) The estimated total amount of land tax collected for the 2007 year is $989 million.

(2) Around 210,000 land owners received land tax assessments for the 2007 year.

(3) Around 180,000 land owners received land tax assessments for the 2008 year.

**Treasurer: payroll tax**

1616. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer how many employers were registered for payroll tax at 30 June 2008.

**ANSWER:**

I am informed that:

28,963 employers were registered for payroll tax at 30 June 2008.

**Small business: Kilsyth electorate — business grants**

1772(b). Mr HODGETT to ask the Minister for Small Business with reference to grants funding in the electorate of Kilsyth —

(1) What grants have been issued to businesses to increase business growth and trade opportunities.

(2) Which companies or businesses were recipients of grants.

(3) How much has the Government spent on small business or industry and trade grants.

**ANSWER:**

I am informed as follows:

The Department of Innovation, Industry and Regional Development grant funding is not recorded by electorates. The expense and time involved in compiling these answers would represent an unreasonable and unnecessary burden on the Department, agency or authority and, therefore, the Victorian taxpayer.
**Treasurer: first home bonus duty**

1847. **Mr Wells** to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer in 2007 how many property purchases that qualified for the First Home Bonus were valued —

1. Within $0–$20,000.
2. Within $20,001–$115,000.
3. Within $115,001–$870,000.
4. More than $870,000.

**ANSWER:**

I am informed that:

In 2007, 38,062 property purchases qualified for the First Home Bonus, however the State revenue data is not published in the requested ranges.

**Treasurer: Department of Sustainability and Environment — fire suppression funding**

2008. **Mr Walsh** to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer did the Department of Sustainability and Environment receive an advance from Treasury to undertake suppression activities during the summer bushfires; if so, how much was the advance and when was it made.

**ANSWER:**

I am informed that the Department of Treasury and Finance had extensive consultations with the Department of Sustainability and Environment (DSE), before the commencement of the 2008–09 fire season, on the costs associated with preparation for the coming fire season.

The 2009–10 Budget papers included information on the interim advance provided to DSE in 2008–09 for fire suppression activities ($338.1 million). Final Treasurer’s Advance funding is approved as part of the end of financial year processes and will be reported as part of the State’s 2008–09 Financial Report.

**Small business: franchising industry**

2019. **Mrs Victoria** to ask the Minister for Small Business does the Minister plan to initiate an inquiry into the franchising industry —

1. If so, when.
2. If not, why not.

**ANSWER:**

I am informed as follows:

There is no plan for a State-based inquiry into the franchising industry.

However, Victoria has been actively involved in advocating changes to the Trade Practices Act, including reforms to the coverage and operation of the mandatory Franchising Code of Conduct (the Code).

The Report’s 11 recommendations do not suggest the franchising sector has major systemic issues. However, improvements to the Code are still possible and my office is closely monitoring the formal response from the Federal Government.

Overall, the Victorian Government considers that further changes to the Code need to be national, well-defined and prospective, so that it does not affect rights of parties under existing contracts.

**Arts: Museum Victoria — discovery programs**

2040. **Mr Smith** (*Warrandyte*) to ask the Minister for the Arts what is the total annual cost to run Museum Victoria’s Discovery Program for Children and Discovery Program for Adults.

**ANSWER:**

I am informed that:

In 2007–2008 the net cost for the Discovery Program was $179,227.91.

**Health: Wodonga Regional Health Service — obstetric services**

2053. **Mr Tilley** to ask the Minister for Health what is the total value of invoices raised by the Department of Human Services to the New South Wales Department of Health that are outstanding for obstetric services provided to New South Wales residents at Wodonga Regional Health Service (Wodonga Hospital).

**ANSWER:**

I am informed that:

The Department of Health does not raise separate invoices for obstetric services provided to New South Wales residents at Wodonga Regional Health Service (Wodonga Hospital).

Each year New South Wales makes a net payment to Victoria for health services provided to residents of New South Wales across all Victorian health services. This is a whole of state position derived from the annual cross-border reconciliation process conducted by the Victorian Department of Health and the New South Wales Department of Health.

**Education: Ferntree Gully Secondary College site — expenditure**

2060. **Mr Wakeling** to ask the Minister for Education with reference to the former Ferntree Gully Secondary College site on Dorset Road in Ferntree Gully —

(1) How much was spent on building maintenance in —
   (a) 2006;
   (b) 2007;
   (c) 2008; and
   (d) 2009 to date.

(2) How much was spent on upkeep of the grounds in —
   (a) 2006;
   (b) 2007;
   (c) 2008; and
   (d) 2009 to date.
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(3) How much was spent on insurance for the site in —
    (a) 2006;
    (b) 2007;
    (c) 2008; and
    (d) 2009 to date.

(4) How much was spent on costs other than building maintenance, upkeep of grounds or insurance
    for the site in —
    (a) 2006;
    (b) 2007;
    (c) 2008; and
    (d) 2009 to date.

ANSWER:

(1)

(a) 2006; $37,142, closed 3/12/06
(b) 2007; $13,824
(c) 2008; $6,030
(d) Nil

(2)

(a) $12,695
(b) $63,222
(c) $53,314.22
(d) $580

(3) The Department of Education and Early Childhood Development has a number of state-wide insurance
    policies that cover public liability, buildings and equipment. These policies are based on the entire DEECD
    asset base and cannot be attributed to specific schools and/or buildings.

(4) If you provide more detail in a further question as to what information you are particularly seeking, I may be
    able to assist you.

Education: Ferntree Gully Primary School site — maintenance

2061. Mr WAKELING to ask the Minister for Education with reference to the former Ferntree Gully
    Primary School site on Dorset Road in Ferntree Gully —

(1) How much was spent on building maintenance in —
    (a) 2006;
    (b) 2007;
    (c) 2008; and
    (d) 2009 to date.

(2) How much was spent on upkeep of the grounds in —
    (a) 2006;
    (b) 2007;
    (c) 2008; and
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(d) 2009 to date.

(3) How much was spent on insurance for the site in —
   (a) 2006;
   (b) 2007;
   (c) 2008; and
   (d) 2009 to date.

(4) How much was spent on costs other than building maintenance, upkeep of grounds or insurance
    for the site in —
   (a) 2006;
   (b) 2007;
   (c) 2008; and
   (d) 2009 to date.

ANSWER:

I am informed as follows:

(1)
   (a) $5,790
   (b) Nil
   (c) Nil
   (d) Nil

(2)
   (a) $33,365
   (b) $223,256
   (c) $65,914
   (d) $1,128

(3) The Department of Education and Early Childhood Development has a number of state-wide insurance
    policies that cover public liability, buildings and equipment. These policies are based on the entire DEECD
    asset base and cannot be attributed to specific schools and/or buildings.

(4) If you provide more detail in a further question as to what information you are particularly seeking, I may be
    able to assist you.

Education: regional offices

2079. Mr DIXON to ask the Minister for Education what is the annual recurrent cost, including the break-up
    of wages, leasing costs, building costs, material and other costs, of running the —

   (1) Western Metropolitan Regional Office.
   (2) Southern Metropolitan Regional Office.
   (3) Northern Metropolitan Regional Office.
   (4) Eastern Metropolitan Regional Office.
   (5) Loddon Mallee Regional Office.
   (6) Hume Regional Office.
   (7) Grampians Regional Office.
(8) Gippsland Regional Office.
(9) Barwon South Western Regional Office.

ANSWER:

I am informed as follows:

Regional office expenditure is drawn from the operating expenditure of the Department, the details of which are available in the Annual Reports which are available on the Department’s website.

Roads and ports: Ferntree Gully electorate — street lighting

2085. Mr WAKELING to ask the Minister Roads and Ports with reference to street lighting along Burwood Highway, Dorset Road and Ferntree Gully Road in the electorate of Ferntree Gully —

(1) Does the Government have a street light maintenance and replacement regime on each of these roads —
   (a) if so, what are the regimes;
   (b) if not, why not.

(2) If street light maintenance is delegated to the electricity provider, what are the contractual arrangements in terms of street light maintenance and replacement.

ANSWER:

I am informed that:

Some part of these arterial roads have lights which are owned, operated and maintained by VicRoads. The maintenance regime involves the replacement of lamps, luminaires or poles as and when faults are reported to VicRoads Metropolitan South East Region.

The remainder have lights which are operated and maintained by the electricity distribution business-United Energy for most of the length of these three roads. The maintenance regime involves routine patrols at night to inspect, replace or repair the lights at least 3 times per year. The service standards are set down in the Public Lighting Code.

Health: community health services — audits

2122. Mr WAKELING to ask the Minister for Health —

(1) Does the Department of Human Services conduct maintenance and renewal/reconstruction audits of community health service facilities.

(2) Has Knox Community Health Service been audited by the Department of Human Services; if so —
   (a) was the audit conducted in relation to —
      (i) maintenance;
      (ii) renewal/reconstruction;
   (b) what was the date of the audit;
   (c) what were the findings, associated costs and expected commencement and completion dates to undertake any works in relation to —
      (i) maintenance;
      (ii) renewal/reconstruction.
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ANSWER:

I am informed that:

(1) From time to time, the Department of Human Services has conducted surveys, inspections and reports to assess the condition and functional suitability facilities and the maintenance of Essential Safety Measures against the building legislation requirements of the day.

The Department of Human Services/The Department of Health does not formally do renewal/reconstruction audits but it does do inspections and performs reviews for capital planning evaluations purposes.

(2)

(a) (i) The Department of Human Services undertook a survey of the Knox facility in August 2006 to identify its condition in relation to meeting current building legislation.

The survey report included a prioritised listing of works and advised on essential safety measures that are required to be maintained for that facility.

(ii) The report did not advise on renewal/reconstruction.

(b) The survey was reported in August 2006.

(c) The report advised the works required over the next 5 year were estimated at $133,100.

Department of Human Services funds of $127,240 were approved in 2008–09 to contribute and assist Knox Community Health Service to upgrade to meet Commonwealth legislation requirements.

The building is owned by the Department of Human Services/ The Department of Health but the agency arranges maintenance in lieu of a peppercorn rent.

Currently there is ongoing dialogue with the service regarding the ability to meet disability access requirements.

Sports, recreation and youth affairs: FReeZA program — funding

2130. Mr HODGETT to ask the Minister for Sport Recreation & Youth Affairs with reference to the Municipal Association of Victoria State Council resolution in May 2008 requesting a review of FReeZA funding to be conducted by the Government —

(1) When will the Government undertake the review.

(2) How much funding was provided to the Maroondah City Council in —

(a) 2000;
(b) 2001;
(c) 2002;
(d) 2003;
(e) 2004;
(f) 2005;
(g) 2006;
(h) 2007;
(i) 2008;
(j) 2009.

(3) How much funding was provided to the Shire of Yarra Ranges in —

(a) 2000;
(b) 2001;
ANSWER:

I am informed that:

(1) In 2007, the Office for Youth completed a review of FReeZA resulting in a number of new improvements for the 2008-2009 program. This included the provision of funding up to $38,900 over two years to assist local governments and community organisations to better plan the delivery of FReeZA events for young people.

In addition, the FReeZA Support Service, delivered by The Push, now offers a greater range of services at no cost to FReeZA providers. These new services include additional training for FReeZA workers, best practice music industry resources and information posted on the FReeZA website and continued support and advice for young people on all aspects of planning, marketing and staging events via a toll free 1800 number.

In February 2008, local governments were invited to participate in the Victoria Rocks Music Equipment Grants program and apply for a $10,000 grant that supports young people to access music equipment in their local community. The program aims to build on existing initiatives, such as FReeZA, promoting opportunities and pathways for young people to participate in other music based programs.

(2) The following FReeZA funding was approved for the Maroondah City Council:

(a) 2000/01-$18,182;
(b) 2001/02-$18,025;
(c) 2002/03-$18,750;
(d) 2003/04-$19,450;
(e) 2004-$12,405 (six month contract extension from 1 July to 31 December 2004);
(f) 2005-$19,450;
(g) 2006-$19,450;
(h) 2007-$19,450;
(i) 2008-$19,450;
(j) 2009-$19,450.

(3) The following FReeZA funding was approved for the Shire of Yarra Ranges:

(a) 2000/01-$18,182;
(b) 2001/02-$18,025;
(c) 2002/03-$18,750;
(d) 2003/04-$19,450;
(e) 2004-$9,725 (six month contract extension from 1 July to 31 December 2004);
(f) 2005-$19,450;
(g) 2006-$19,450;
(h) 2007-$19,450;
(i) 2008-$19,450;
(j) 2009-$19,450.
Agriculture: yabby population

2187. Mr WALSH to ask the Honourable the Minister for Agriculture with reference to changes to the limits of yabbies that can be caught by recreational fishers —

(1) What studies have been carried out to determine that there will be no adverse impact on the population of yabbies when the new limits are introduced.

(2) What monitoring processes will be put in place to ensure the yabby population is maintained at a sustainable level.

ANSWER:

I am informed that/as follows:

(1) The previous limit of 20 litres of whole yabby or 5 litres of yabby tail were shown to not equate i.e. 5 litres of tails equates to more than 20 litres of yabbies. Extensive stakeholder consultation strongly supported increasing the whole yabby limit to 30 litres which more accurately equates to the 5 litre tail limit. ‘Tailing’ is a significant part of the recreational take and this limit has remained at 5 litres. Yabbies are widespread and plentiful throughout regional Victoria and the new regulation poses no threat to their sustainability.

(2) Continued monitoring and analysis of compliance activities for the recreational and commercial sectors will be used to identify any trend changes that might effect yabby populations. Yabbies (cherax destructor) are not listed as threatened under either the Flora & Fauna Guarantee Act 1988 or the Federal Environment Protection Biodiversity Conservation Act 1999.

Treasurer: pensioner concessions

2192(d). Mr HODGETT to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer with reference to the concession discounts available on gas, water and electricity bills for concession card holders —

(1) Did the Minister instruct the water companies to remove the discount from being printed on water bills; if so, when.

(2) When did the Minister become aware that utility companies were ceasing to print discount information on bills.

(3) Why were changes to the printing of discounts on bills introduced.

(4) How is the Government informing concession card holders of the changes to bills effective from 1 July 2009 that will result in the discount details no longer being printed.

(5) How is the Government informing concession card holders that, from 1 July 2009, the onus is on card holders to contact their utility company to provide their details in order to claim and pay the discounted amount on their bills.

(6) What is the expected figure of eligible concession card holders not claiming their discount on utility bills.

(7) What impact does the Minister forecast the changes to the printing of discounts on bills to have on the State budget.

(8) How much money does the Government expect to save in the non-claiming of discounts on utility bills.

ANSWER:

I am informed that:

This question does not fall within my portfolio responsibilities as Treasurer.
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Education: Glenroy Specialist School

2193. Mr DIXON to ask the Minister for Education with reference to the proposed Glenroy Specialist School redevelopment —

(1) How will access to services be geographically easier from the proposed development of a single facility.

(2) What surveys have been conducted to assess travel times for students, given that students will be coming from a larger geographic area.

(3) How does the development of a single facility catering for a large number of students —
   (b) relate to the de-institutionalisation of people who have special needs;
   (a) provide greater community related services for the individuals who have disabilities, while supporting service/community and individual integration.

(4) What model has been proposed for normalisation.

(5) What consultation has been undertaken with key stakeholders and community leaders.

(6) What consultation has been undertaken with parents and children who attend the school.

(7) How has the Department of Education and Early Childhood Development determined the criteria for the redevelopment.

(8) What is the Department of Education and Early Childhood Development’s criteria for the school’s redevelopment.

ANSWER:

I am informed as follows:

(1) Currently Glenroy Specialist School occupies premises owned by Yooralla on a lease arrangement. There are plans for a new school to be built in the coming years. A purpose built facility will enable students to access educational and support services in an integrated way. The proposed development continues the current education provision model for Glenroy Specialist School. Options for changing the model were considered by the school community and by the Department of Education and Early Childhood Development. At the conclusion of this process, the Glenroy Specialist School Council voted to continue providing a service to students as a single educational institution. This decision was supported by the Department.

(2) As there is no change to the present education provision model, there is no change to the student catchment area.

(3) The size of the facility has no connection to the de-institutionalisation of people who have special needs.

The proposed facility planned for the school will include a range of community related services for individuals who have disabilities, while supporting service/community and individual integration. There is no correlation between the size of the facility and service capacity. If anything, a larger facility will provide increased capacity for a wider range of services simply because of the economies of scale.

(4) The students attending Glenroy Specialist School have a range of physical and intellectual disabilities ranging from moderate to extreme with compounding medical conditions that require monitoring through to emergency treatment. The education environment provided includes the usual curriculum subjects such as literacy and numeracy along with specialist training for self sufficient living, integration into the community and preparation for employment. The model of facilities proposed for the school is being adapted in the planning process to meet the needs of the school and its students.

(5) The Department’s planning process involves discussion with the school council and key community and other stakeholders.

(6) The planning process is led by the school council whose members represent the parents with children attending the school. The school council will consult with staff, students and parents during the process,
including the initial educational concept phases through to master planning, schematic design and design development.

(7) The Department has a standard schedule of room and area entitlements for special developmental schools. However, it is recognised that Glenroy Specialist School provides specialist educational and medical services to students that varies from other special developmental schools, and in recognition of this, the school has been given additional room and area allowances.

(8) The need for the relocation of the school is due to the lease arrangements between Yooralla and Department. The current lease expires at the end of 2009 but negotiations are under way for the lease to be extended.

Planning: City of Kingston — structure plan

2196. Mr THOMPSON (Sandringham) to ask the Minister for Community Development for the Minister for Planning —

With reference to the proposed City of Kingston structure plan relating to the area of Mentone between the railway line and the Nepean Highway north of Balcombe Road —

(1) When will the plan be approved.

(2) What has been the cause for delay in the plan being approved.

ANSWER:

I am informed that:

(1) Kingston City Council adopted the structure plan entitled Moorabbin to Mordialloc Integrated Framework Plan in July 2008. The plan examines the Moorabbin, Cheltenham and Mentone Major Activity Centres and the Parkdale Neighbourhood Activity Centre, as identified in Melbourne 2030. The Plan provides a number of strategic directions for each of the Activity Centres and provides guidance on the desired built form within various precincts within each centre. The recommendations of the Plan have been translated into proposed controls, stipulating mandatory and discretionary heights and setbacks to be included in the Kingston Planning Scheme.

(2) The proposed structure plan controls are expected to be included in the Planning Scheme via a Ministerial Planning Scheme amendment. Council has requested my support to prepare, adopt and approve an interim amendment, to be known as Amendment C100 to the Kingston Planning Scheme. Officers of the Department have been working with the Council to finalise the proposed wording, before I consider the introduction of the interim controls and authorise the preparation of similar permanent controls that would proceed through the normal statutory planning process, including consideration by an independent panel, if necessary.

Community services: Malmsbury Youth Justice Centre — Victorian certificate of education

2208. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to educational outcomes for young people at Malmsbury Youth Justice Centre — what percentage of students received a Victorian Certificate of Education in —


(2) 2005–06.

(3) 2008–09.

ANSWER:

I am informed that:
Most young people in custody have very poor literacy and numeracy skills and have often left school early. Educational delivery at Malmsbury Youth Justice Centre is provided by Bendigo Regional Institute of TAFE, and is focused on basic literacy, numeracy, vocational training and job readiness skills.

With reference to educational outcomes for young people at Malmsbury Youth Justice Centre, there is no specific data on the percentage of students that received a Victorian Certificate of Education in—


(2) 2005–06.

(3) 2008–09.

Community services: Parkville Youth Residential Centre — Victorian certificate of education

2209. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to educational outcomes for young people at Parkville Youth Residential Centre — what percentage of students received a Victorian Certificate of Education in—


(2) 2005–06.

(3) 2008–09.

**ANSWER:**

I am informed that:

Most young people in custody have very poor literacy and numeracy skills and have often left school early. Educational delivery at Malmsbury Youth Justice Centre is provided by Bendigo Regional Institute of TAFE, and is focused on basic literacy, numeracy, vocational training and job readiness skills.

With reference to educational outcomes for young people at Malmsbury Youth Justice Centre, there is no specific data on the percentage of students that received a Victorian Certificate of Education in—


(2) 2005–06.

(3) 2008–09.

Community services: Melbourne Youth Remand Centre — Victorian certificate of education

2210. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to educational outcomes for young people at Melbourne Youth Remand Centre — what percentage of students received a Victorian Certificate of Education in—


(2) 2005–06.

(3) 2008–09.

**ANSWER:**

I am informed that:
Most young people in custody have very poor literacy and numeracy skills and have often left school early. Educational delivery at Melbourne Youth Remand Centre is provided by Kangan Batman TAFE, and is focused on basic literacy, numeracy, vocational training and job readiness skills.

With reference to educational outcomes for young people at Melbourne Youth Remand Centre, there is no specific data on the percentage of students that received a Victorian Certificate of Education in—

(2) 2005–06.
(3) 2008–09.

Community services: foster care

2212. **Ms Wooldridge** to ask the Minister for Community Services —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.
(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

**ANSWER:**

I am informed that:

(1) (a) 2104
   (b) 1963
(2) (a) 4400 (includes statutory Child Protection placements and a small percentage of voluntary placements)
   (b) 3439 (includes statutory Child Protection placements and a small percentage of voluntary placements)

Community services: foster care — Barwon-south western region

2213. **Ms Wooldridge** to ask the Minister for Community Services with reference to foster care in the Barwon South West Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.
(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

**ANSWER:**

I am informed that:

(1) (a) 225
(2) (a) 421 (includes statutory Child Protection placements and a small percentage of voluntary placements)  
(b) 364 (includes statutory Child Protection placements and a small percentage of voluntary placements)

Community services: foster care — eastern metropolitan region

2214. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to foster care in the Eastern Metropolitan Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —  
(a) 2004–05;  
(b) 2008–09.

(2) How many children and young people received foster care in —  
(a) 2004–05;  
(b) 2008–09.

ANSWER:

I am informed that:

(1) (a) 337  
(b) 306

(2) (a) 506 (includes statutory Child Protection placements and a small percentage of voluntary placements)  
(b) 516 (includes statutory Child Protection placements and a small percentage of voluntary placements)

Community services: foster care — southern metropolitan region

2215. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to foster care in the Southern Metropolitan Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —  
(a) 2004–05;  
(b) 2008–09.

(2) How many children and young people received foster care in —  
(a) 2004–05;  
(b) 2008–09.

ANSWER:

I am informed that:

(1) (a) 357  
(b) 335

(2) (a) 729 (includes statutory Child Protection placements and a small percentage of voluntary placements)  
(b) 540 (includes statutory Child Protection placements and a small percentage of voluntary placements)
Community services: foster care — north-west metropolitan region

2216. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to foster care in the North West Metropolitan Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.

(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

ANSWER:

I am informed that:

(1) (a) 504
    (b) 420

(2) (a) 1085 (includes statutory Child Protection placements and a small percentage of voluntary placements)
    (b) 817 (includes statutory Child Protection placements and a small percentage of voluntary placements)

Community services: foster care — Gippsland region

2217. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to foster care in the Gippsland Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.

(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

ANSWER:

I am informed that:

(1) (a) 144
    (b) 204

(2) (a) 400 (includes statutory Child Protection placements and a small percentage of voluntary placements)
    (b) 341 (includes statutory Child Protection placements and a small percentage of voluntary placements)

Community services: foster care — Grampians region

2218. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to foster care in the Grampians Region —
(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.

(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

**ANSWER:**

I am informed that:

(1) (a) 124
    (b) 123

(2) (a) 244 (includes statutory Child Protection placements and a small percentage of voluntary placements)
    (b) 229 (includes statutory Child Protection placements and a small percentage of voluntary placements)

**Community services: foster care — Hume region**

2219. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to foster care in the Hume Region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.

(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

**ANSWER:**

I am informed that:

(1) (a) 159
    (b) 149

(2) (a) 528 (includes statutory Child Protection placements and a small percentage of voluntary placements)
    (b) 273 (includes statutory Child Protection placements and a small percentage of voluntary placements)

**Community services: foster care — Loddon Mallee region**

2220. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to foster care in the Loddon Mallee region —

(1) How many foster carers received financial reimbursement from the Department of Human Services in —
   (a) 2004–05;
   (b) 2008–09.
(2) How many children and young people received foster care in —
   (a) 2004–05;
   (b) 2008–09.

**ANSWER:**

I am informed that:

(1) (a) 254
    (b) 177
(2) (a) 487 (includes statutory Child Protection placements and a small percentage of voluntary placements)
    (b) 359 (includes statutory Child Protection placements and a small percentage of voluntary placements)

**Community services: supported accommodation**

2221. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Disability Support Register and people waiting for Disability Services Supported Accommodation Options as at June 2009 —

   (1) How many people aged under 18 were waiting.
   (2) How many people aged 18 to 24 were waiting.
   (3) How many people aged 25 to 29 were waiting.
   (4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 23 people aged under 18 were registered as requiring Supported Accommodation Options
(2) 262 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 171 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 836 people aged 30 or more were registered as requiring Supported Accommodation Options.

**Community services: supported accommodation — Barwon-south western region**

2222. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Disability Support Register and people in the Barwon South West Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

   (1) How many people aged under 18 were waiting.
   (2) How many people aged 18 to 24 were waiting.
   (3) How many people aged 25 to 29 were waiting.
   (4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;
(1) 1 person aged under 18 was registered as requiring Supported Accommodation Options.
(2) 23 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 11 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 60 people aged 30 or more were registered as requiring Supported Accommodation Options.

**Community services: supported accommodation — eastern metropolitan region**

2223. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Eastern Metropolitan Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 9 people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 53 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 43 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 191 people aged 30 or more were registered as requiring Supported Accommodation Options.

**Community services: supported accommodation — southern metropolitan region**

2224. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Southern Metropolitan Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 5 people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 65 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 38 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 230 people aged 30 or more were registered as requiring Supported Accommodation Options.

Community services: supported accommodation — north-west metropolitan region

2225. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the North West Metropolitan Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 3 people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 56 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 42 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 208 people aged 30 or more were registered as requiring Supported Accommodation Options.

Community services: supported accommodation — Gippsland region

2226. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Gippsland Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 18 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 8 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 32 people aged 30 or more were registered as requiring Supported Accommodation Options.
Community services: supported accommodation — Grampians region

Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Grampians Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 2 people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 11 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 9 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 37 people aged 30 or more were registered as requiring Supported Accommodation Options.

Community services: supported accommodation — Hume region

Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Hume Region waiting for Disability Services Supported Accommodation Options as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 1 person aged under 18 was registered as requiring Supported Accommodation Options.
(2) 19 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 11 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 49 people aged 30 or more were registered as requiring Supported Accommodation Options.

Community services: supported accommodation — Loddon Mallee region

Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Loddon Mallee Region waiting for Disability Services Supported Accommodation Options as at June 2009 —
(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:
I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 2 people aged under 18 were registered as requiring Supported Accommodation Options.
(2) 17 people aged 18 to 24 were registered as requiring Supported Accommodation Options.
(3) 9 people aged 25 to 29 were registered as requiring Supported Accommodation Options.
(4) 29 people aged 30 or more were registered as requiring Supported Accommodation Options.

Community services: supported accommodation

2230. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:
I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 212 people aged under 18 were registered as requiring support to live in the community.
(2) 144 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 109 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 630 people aged 30 or more were registered as requiring support to live in the community.

Community services: supported accommodation — Barwon-south western region

2231. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Barwon South West Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.
ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 7 people aged under 18 were registered as requiring support to live in the community.
(2) 5 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 8 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 62 people aged 30 or more were registered as requiring support to live in the community.

Community services: supported accommodation — Hume region

Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Hume Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 19 people aged under 18 were registered as requiring support to live in the community.
(2) 13 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 8 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 53 people aged 30 or more were registered as requiring support to live in the community.

Community services: supported accommodation — Gippsland region

Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Gippsland Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;
(1) 17 people aged under 18 were registered as requiring support to live in the community.
(2) 10 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 6 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 36 people aged 30 or more were registered as requiring support to live in the community.

Community services: supported accommodation — Grampians region

2234. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Grampians Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 11 people aged under 18 were registered as requiring support to live in the community.
(2) 5 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 5 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 16 people aged 30 or more were registered as requiring support to live in the community.

Community services: supported accommodation — Loddon Mallee region

2235. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Loddon Mallee Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 19 people aged under 18 were registered as requiring support to live in the community.
(2) 14 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 14 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 36 people aged 30 or more were registered as requiring support to live in the community.

**Community services: supported accommodation — eastern metropolitan region**

2236. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Disability Support Register and people in the Eastern Metropolitan Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 35 people aged under 18 were registered as requiring support to live in the community.
(2) 34 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 24 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 92 people aged 30 or more were registered as requiring support to live in the community.

**Community services: supported accommodation — southern metropolitan region**

2237. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Disability Support Register and people in the Southern Metropolitan Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 54 people aged under 18 were registered as requiring support to live in the community.
(2) 36 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 26 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 200 people aged 30 or more were registered as requiring support to live in the community.
QUESTIONS ON NOTICE

Tuesday, 13 October 2009

Community services: supported accommodation — north-west metropolitan region

2238. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the North West Metropolitan Region waiting for support to live in the community as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 50 people aged under 18 were registered as requiring support to live in the community.
(2) 27 people aged 18 to 24 were registered as requiring support to live in the community.
(3) 18 people aged 25 to 29 were registered as requiring support to live in the community.
(4) 135 people aged 30 or more were registered as requiring support to live in the community.

Community services: daytime activities

2239. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 3 people aged under 18 were registered as requiring Daytime Activities.
(2) 17 people aged 18 to 24 were registered as requiring Daytime Activities.
(3) 7 people aged 25 to 29 were registered as requiring Daytime Activities.
(4) 161 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — north-west metropolitan region

2240. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the North West Metropolitan Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Daytime Activities.
(2) 3 people aged 18 to 24 were registered as requiring Daytime Activities.
(3) 1 person aged 25 to 29 was registered as requiring Daytime Activities.
(4) 27 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — southern metropolitan region

2241. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Southern Metropolitan Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 1 person aged under 18 was registered as requiring Daytime Activities.
(2) 1 person aged 18 to 24 was registered as requiring Daytime Activities.
(3) 2 people aged 25 to 29 were registered as requiring Daytime Activities.
(4) 42 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — eastern metropolitan region

2242. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Eastern Metropolitan Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.
ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 1 person aged under 18 was registered as requiring Daytime Activities.

(2) 4 people aged 18 to 24 were registered as requiring Daytime Activities.

(3) 1 person aged 25 to 29 was registered as requiring Daytime Activities.

(4) 22 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — Barwon-south western region

2243. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Barwon South West Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.

(2) How many people aged 18 to 24 were waiting.

(3) How many people aged 25 to 29 were waiting.

(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Daytime Activities.

(2) 2 people aged 18 to 24 were registered as requiring Daytime Activities.

(3) Nil people aged 25 to 29 were registered as requiring Daytime Activities.

(4) 32 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — Gippsland region

2244. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Gippsland Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.

(2) How many people aged 18 to 24 were waiting.

(3) How many people aged 25 to 29 were waiting.

(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Daytime Activities.
(2) 2 people aged 18 to 24 were registered as requiring Daytime Activities.

(3) 2 people aged 25 to 29 were registered as requiring Daytime Activities.

(4) 8 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — Grampians region

2245. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Grampians Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Daytime Activities.
(2) Nil people aged 18 to 24 were registered as requiring Daytime Activities.
(3) Nil people aged 25 to 29 were registered as requiring Daytime Activities.
(4) 13 people aged 30 or more were registered as requiring Daytime Activities.

Community services: daytime activities — Hume region

2246. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Support Register and people in the Hume Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

ANSWER:

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) Nil people aged under 18 were registered as requiring Daytime Activities.
(2) 1 person aged 18 to 24 was registered as requiring Daytime Activities.
(3) Nil people aged 25 to 29 were registered as requiring Daytime Activities.
(4) 2 people aged 30 or more were registered as requiring Daytime Activities.
Community services: daytime activities — Lodden Mallee

2247. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Disability Support Register and people in the Lodden Mallee Region waiting for Daytime Activities as at June 2009 —

(1) How many people aged under 18 were waiting.
(2) How many people aged 18 to 24 were waiting.
(3) How many people aged 25 to 29 were waiting.
(4) How many people aged 30 or more were waiting.

**ANSWER:**

I am informed that:

As at 30 June 2009, with reference to the Disability Support Register;

(1) 1 people aged under 18 were registered as requiring Daytime Activities.
(2) 4 person aged 18 to 24 was registered as requiring Daytime Activities.
(3) 1 people aged 25 to 29 were registered as requiring Daytime Activities.
(4) 15 people aged 30 or more were registered as requiring Daytime Activities.

Water: Maroondah Reservoir

2249. **Ms ASHER** to ask the Minister for Water: With reference to the concrete structure of the Maroondah dam:

(1) What is the current condition of the structure?
(2) Is the structure experiencing any form of cement distress, such as cracking; if so, what maintenance has been, or will be, carried out.

**ANSWER:**

I am informed that:

Maroondah Dam is monitored to very high standards. There is no evidence to suggest that the condition of this dam is anything but satisfactory. Melbourne Water has a rigorous monitoring and maintenance program in place for the Maroondah Dam to comply with the Australian National Committee on Large Dams (ANCOLD) guidelines. All monitoring undertaken by Melbourne Water indicates the structure is performing entirely within acceptable parameters.

While the surfaces of this dam show some cracks, the vast majority of these are weathered construction joints and Melbourne Water has confirmed that no remedial actions are required.

Although Maroondah Dam is an 80-year-old structure, the Board of Works (now Melbourne Water) performed extensive investigations and carried out major upgrading works in the late 1980s and early 1990s to ensure that it conforms to modern safety standards.

Subsequent assessments by independent expert dam engineers have confirmed that the dam is in excellent structural condition and conforms with all accepted dam safety standards.
Treasurer: duty

2261. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer with reference to duty paid in 2008–09 —

(1) How much duty was paid in respect of the transfer of second-hand motor vehicles.

(2) How much duty was paid in respect of purchases of property that qualified for the First Home Bonus.

(3) On how many property transfers was duty paid.

(4) How many property transfers had values for duty of —
   (a) up to $115,000;
   (b) $115,001–$200,000;
   (c) $200,001–$300,000;
   (d) $300,001–$400,000;
   (e) $400,001–$500,000;
   (f) $500,001–$600,000;
   (g) $600,001–$870,000;
   (h) $870,000 or greater.

(5) What was the aggregate amount of duty paid in respect of transfers which had values for duty of —
   (a) up to $115,000;
   (b) $115,001–$200,000;
   (c) $200,001–$300,000;
   (d) $300,001–$400,000;
   (e) $400,001–$500,000;
   (f) $500,001–$600,000;
   (g) $600,001–$870,000;
   (h) $870,000 or greater.

ANSWER:

I am informed that:

(1) This is a matter for the Minister for Roads and Ports.

(2) The State Revenue Office (SRO) does not ordinarily collate and compare Bonus and duty statistics. The requested data is not readily available.

(3) Duty was paid on 63 382 property transfers.

(4) The SRO does not record data in the requested ranges. The data is not readily available.

(5) The SRO does not record data in the requested ranges. The data is not readily available.

Treasurer: payroll tax

2267. Mr WELLS to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer —

(1) How many employers were registered for payroll tax as at 30 June 2009.

(2) In 2008–09, how many employers had annual taxable payrolls of —
(a) up to $750,000;
(b) $750,001–$850,000;
(c) $850,001–$950,000;
(d) $950,001–$1,000,000;
(e) $1,000,001–$1,500,000;
(f) $1,500,001–$2,000,000;
(g) $2,000,001–$2,500,000.

(3) What was the aggregate amount of payroll tax paid in 2008–09 by employers that had annual taxable payrolls of —
(a) up to $750,000;
(b) $750,001–$850,000;
(c) $850,001–$950,000;
(d) $950,001–$1,000,000;
(e) $1,000,001–$1,500,000;
(f) $1,500,001–$2,000,000;
(g) $2,000,001–$2,500,000.

ANSWER:

I am informed that:

(1) 30,073 employers were registered for payroll tax as at 30 June 2009.

(2) The State Revenue Office (SRO) does not ordinarily collate payroll tax employer data in these exact brackets. The requested data is not readily available.

(3) The SRO does not ordinarily collate payroll tax employer data in these exact brackets. The requested data is not readily available.

Agriculture: Walpeup research station — future

2268. Mr CRISP to ask the Honourable the Minister for Agriculture: how much did the closure process for the Walpeup research station cost the Government.

ANSWER:

I am informed that/as follows:

The Walpeup Research Station is scheduled to close in late December 2009. In an effort to minimise the impact of the closure on the local community, an expression of interest process seeking alternative users for the site is being undertaken. The objectives of the process, endorsed by the local community, are to find an outcome that delivers jobs, local economic activity, maintains the site’s environmental integrity, benefits the district agricultural sector and provides community amenity.

To date, the expression of interest process has incurred costs of $24,143.48; for advertising in major daily, regional and industry newspapers, and the appointment of a facilitator to convene a collaborative workshop for proponents, probity and legal advice.

A further $25,000 will be provided to assist in the development of a viable business plan detailing how the proponents propose to manage the site and achieve the objectives of the local community.
Consumer Affairs: Liquor Control Advisory Council — funding

2275. **Ms WOOLDRIDGE** to ask the Honourable the Minister for Consumer Affairs: with reference to the Liquor Control Advisory Council —

(1) What budget allocation has been made for 2009–10.

(2) What budget allocation was made for 2008–09.

(3) What was the total funding allocated to members in 2008–09 for remuneration and allowances.

**ANSWER:**

I am advised that:

(1) The budget allocation for the Liquor Control Advisory Council for 2009-10 is $18,000.00. The Liquor Control Advisory Council meets approximately 6 times per year. Total remuneration to members per meeting is $2,957.00 based on full attendance by eligible members. The number of meetings held per year may vary according to the demands of the Council’s work program.

(2) In 2008-09 the budget for the Liquor Control Advisory Council and the Liquor Licensing Panel were combined into one pool of funds. $16,000.00 of this pool was allocated to LCAC.

(3) The total funding paid to members in 2008-09 for remuneration and allowances was $14,836.00. This amount is based on attendance by eligible members at the six meetings of the Council. Members of the Liquor Control Advisory Council are paid in accordance with Cabinet guidance Guidelines for the Appointment and Remuneration of Part-Time Non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees. Under these guidelines, the Chair and members are paid sessional rates for the meetings they attend. The Chair is paid $437.00 per meeting and the members are entitled to receive $360.00.

Consumer Affairs: Liquor Control Advisory Council — meeting dates

2276. **Ms WOOLDRIDGE** to ask the Honourable the Minister for Consumer Affairs: on which dates did the Minister meet with members of the Council —

(1) Between 1 July 2007 and 30 June 2008.

(2) Between 1 July 2008 and 30 June 2009.

**ANSWER:**

I am advised that:

(1) During the financial year 2007-2008, 4 meetings of the full Council were held and 6 sub-committee meetings were held. I did not meet with members of the Council during the financial year 2007-2008.

(2) During the financial year 2008-2009, I met with members of the Council on the following dates:

- 23 October 2008
- 11 December 2008
- 3 April 2009

Health: sexual and reproductive health task force — funding

2285. **Ms WOOLDRIDGE** to ask the Minister for Health with reference to the Sexual and Reproductive Health Taskforce —

(1) What budget allocation was made for —
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(a) 2008–09;
(b) 2009–10.

(2) What was the total funding allocated to members for remuneration and allowances in 2008–09.

ANSWER:
I am informed that:

a) Nil
b) Nil
c) Nil

Health: sexual and reproductive health task force — meeting dates

2286. Ms WOOLDRIDGE to ask the Minister for Health on which dates did the Minister meet with members of the Taskforce between 1 July 2007 and 30 June 2008.

ANSWER:
As I announced on World AIDS Day on 1 December 2008, the Brumby Government has established three new taskforces to provide high-level policy advice on work in HIV prevention, treatment and care, viral hepatitis and sexual and reproductive health.

The three taskforces meet together twice a year as the Sexual Health and Viral Hepatitis Forum and I attend these meetings.

Community Services: My Future My Choice — funding

2289. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the My Future My Choice Advisory Committee —

(1) What budget allocation was made for —
   (a) 2007–08;
   (b) 2008–09;
   (c) 2009–10.

(2) What was the total funding allocated to members for remuneration and allowances —
   (a) 2007–08;
   (b) 2008–09.

ANSWER:
I am informed that:

(1) There is no dedicated budget allocation for the my future my choice Advisory Committee. The Department of Human Services covers the cost of room hire, secretariat support and remuneration for members through the joint State/Commonwealth funding for my future my choice.

(2) The total funding allocated to members for remuneration was-
   (a) $ 700
   (b) $ 700
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Community Services: My Future My Choice — meeting dates

2290. Ms WOOLDRIDGE to ask the Minister for Community Services on which dates did the Minister meet with members of the Committee —

(1) Between 1 July 2007 and 30 June 2008.
(2) Between 1 July 2008 and 30 June 2009.

Answer:

I am informed that:

This is not a Ministerial Advisory Committee. The Committee provides advice to the Department of Human Services in its implementation of my future my choice. I have met with individual members of the Committee on occasion.

Community Services: ministerial councils, taskforces and committees

2291(a). Ms WOOLDRIDGE to ask the Minister for Community Services can the Minister provide a list of all Ministerial Councils, Taskforces and Committees which reported to and/or provided advice and input to the Minister in 2008 and 2009.

Answer:

I am informed that:

The Minister receives advice from multiple sources, including taskforces established by government and other bodies outside government which send information to the Minister. It is not possible to accumulate accurate lists over multiple years of all the sources of advice received by the Minister.

Women’s affairs: women’s register — funding

2292. Ms WOOLDRIDGE to ask the Minister for Women’s Affairs with reference to the Women’s Register —

(1) What was the budget allocation for —
   (a) 2008–09;
   (b) 2009–10.

(2) How many people were registered in 2008–09.

Answer:

I am informed that:

With reference to the Women’s Register, the budget allocation for 2008-09 was $3000 and the staffing costs of a VPS3 project officer. The budget allocation for 2009-10 is $3000 and the staffing costs of a VPS3 project officer as well as an additional $50 000 for an upgrade to the register.

As of June 30 2009 the Women’s Register had 1900 members.

Community services: disability support register — funding

2293. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Disability Register —
(1) What was the budget allocation for —
   (a) 2008–09;
   (b) 2009–10.

(2) How many people were registered in 2008–09.

**ANSWER:**

I am informed that:

(1)(a) and (1)(b)

The Disability Support Register (DSR) is the management system used to register requests for ongoing disability services and as such does not have a budget allocation.

(2) As at 30 June 2009 there were 2,575 people registered on the DSR seeking ongoing disability supports.

**Community services: supported accommodation**

2301. **Ms WOOLDRIDGE** to ask the Minister for Community Services is data regarding projected demand for shared supported accommodation for people with a disability collected; if so, what form is the data kept.

**ANSWER:**

I am informed that:

The Disability Services Division collects data on current demand for shared supported accommodation via the Disability Support Register.

Projections of future demand for supported accommodation are not currently available due to limitations of current population-level data on people with a disability; and the changing patterns of demand and service delivery.

A joint national effort is currently in process to improve jurisdictions’ capacity to undertake reliable forecasts of future demand for supported accommodation, which involves:

– enhancements to the Australian Bureau of Statistics’ Survey of Disability Ageing and Carers; and

– the development of a nationally consistent methodology for estimating potential demand for specialist Disability Services.

**Corrections: Melbourne Youth Justice Centre — assaults**

2354. **Ms WOOLDRIDGE** to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Melbourne Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.
ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Malmsbury Youth Justice Centre — assaults

2355. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Malmsbury Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Parkville Youth Residential Centre — assaults

2356. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Parkville Youth Residential Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Melbourne Youth Justice Centre — assaults

2357. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Melbourne Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.
ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Malmsbury Youth Justice Centre — assaults**

2358. **Ms WOOLDRIDGE** to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Malmsbury Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Parkville Youth Residential Centre — assaults**

2359. **Ms WOOLDRIDGE** to ask the Minister for Corrections how many incidents of assaults on staff by detainees occurred at Parkville Youth Residential Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Melbourne Youth Justice Centre — assaults**

2360. **Ms WOOLDRIDGE** to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Melbourne Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.
Corrections: Malmsbury Youth Justice Centre — assaults

2361. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Malmsbury Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Parkville Youth Residential Centre — assaults

2362. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Parkville Youth Residential Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Melbourne Youth Justice Centre — assaults

2363. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Melbourne Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.
Corrections: Malmsbury Youth Justice Centre — assaults

2364. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Malmsbury Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Parkville Youth Residential Centre — assaults

2365. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of assaults on detainees by other detainees occurred at Parkville Youth Residential Centre in —

(1) 2007.
(2) 2008.
(3) 2009 to date.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Melbourne Youth Justice Centre — self-harm incidents

2366. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Melbourne Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Parkville Youth Residential Centre — self-harm incidents

2367. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Parkville Youth Residential Centre in —

(1) 2007.
(2) 2008.
(3) 2009.
ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Malmsbury Youth Justice Centre — self-harm incidents**

2368. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Malmsbury Youth Justice Centre in —

(1) 2007.
(2) 2008.
(3) 2009.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Malmsbury Youth Justice Centre — self-harm incidents**

2369. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Malmsbury Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

**Corrections: Parkville Youth Residential Centre — self-harm incidents**

2370. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Parkville Youth Residential Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.
ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Corrections: Melbourne Youth Justice Centre — self-harm incidents

2371. Ms WOOLDRIDGE to ask the Minister for Corrections how many incidents of self-harm occurred at Melbourne Youth Justice Centre in —

(1) 2000.
(2) 2001.
(3) 2002.
(4) 2003.
(5) 2004.
(6) 2005.
(7) 2006.

ANSWER:

I am advised that:

This question matter falls within the portfolio responsibilities of the Minister for Community Services.

Treasurer: drug related crime — fines

2375. Ms WOOLDRIDGE to ask the Minister for Finance, WorkCover and the Transport Accident Commission for the Treasurer with reference to the value of fines imposed for drug related crime —

(1) What was the value of fines imposed in —
   (a) 2006–07;
   (b) 2007–08;
   (c) 2008–09.

(2) What was the value of fines collected in —
   (a) 2006–07;
   (b) 2007–08;
   (c) 2008–09.

ANSWER:

I am informed that:

This question is a matter for the Attorney-General.
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