

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

10 February 2011

(Extract from Book 2)

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

By authority of the Victorian Government Printer

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Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmar and Ms Tierney.

Electoral Matters Committee — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn and Mr Tarlamis.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

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Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. J. RYAN

Deputy Leader of The Nationals:

The Hon. P. L. WALSH

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

The Hon. D. M. ANDREWS

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

The Hon. R. J. HULLS

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Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
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Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
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Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 21 December 2010

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Thursday, 10 February 2011

The SPEAKER (Hon. Ken Smith) took the chair at 9.35 a.m. and read the prayer.

ACTING SPEAKERS

The SPEAKER — Order! With regard to the role of Acting Speaker, I mentioned yesterday that I had approached and spoken to some other members about being on the Acting Speakers list. There was some concern that members who may be in the chair at the time when a division is taking place could lose the opportunity to vote for their party. At any time when a division is taking place either I or the Deputy Speaker will be in the chair. I ask anybody to whom I spoke to take that into account.

PETITION

Following petition presented to house:

Dromana: stormwater drain

To the Legislative Assembly of Victoria:

The petition of the residents and visitors of Nepean electorate in Victoria draws to the attention of the house the unsightly health hazard and unsafe stormwater drain and associated pond and scour channel adjacent to the pier at Dromana. The damage this ugly and dangerous drain causes to the beach at this popular venue has marred the enjoyment of this locality by the community for many years and is worsening.

The petitioners therefore request that the Legislative Assembly of Victoria request Melbourne Water to urgently rectify the hazard of this drain ahead of the celebrations to recognise Dromana's 150 years as a township in 2011 and implement measures to ensure the drain outlet is relocated or otherwise reduce its damaging impact on the beach.

By Mr MORRIS (Mornington) (1386 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr MORRIS (Mornington).

DOCUMENTS

Tabled by Clerk:

Ombudsman — Investigation into the probity of the Hotel Windsor redevelopment — Ordered to be printed.

Parliamentary Committees Act 2003 — Government response to the Law Reform Committee's Report on the Inquiry into Powers of Attorney.

PARLIAMENTARY COMMITTEES**Membership**

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That —

- (1) Mr Angus, Ms Hennessey, Mr Morris and Mr Scott be members of the Public Accounts and Estimates Committee.
- (2) Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt be members of the Scrutiny of Acts and Regulations Committee.

Motion agreed to.

BUSINESS OF THE HOUSE**Adjournment**

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourn until Tuesday, 1 March 2011.

Motion agreed to.

MEMBERS STATEMENTS**Bravehearts: Geelong**

Mr TREZISE (Geelong) — On Wednesday, 2 February 2011, I had the pleasure of attending the inaugural meeting of Bravehearts in Geelong. For the information of the house, Bravehearts is an organisation committed to the protection of children from sexual assault and the provision of support and services to those children and their families.

Bravehearts was first established by a former Geelong woman, Hetty Johnston, in 1997 following the disclosure from her then seven-year-old daughter that she had been sexually assaulted by a family member. Since that time the drive and commitment of Hetty Johnston and supporters has seen Bravehearts grow across the country.

The Bravehearts launch was very well attended by around 100 people from all walks of life throughout the community. Cr John Mitchell, mayor of Geelong, welcomed people to Bravehearts and commended them on their work. Those present then heard from Hetty Johnston, who congratulated those involved in Bravehearts Geelong.

Without wanting to single out any individuals, I would like to commend Mr Ross Synot for his initiative, commitment and enthusiasm in the establishment of this important organisation in Geelong. I look forward to working with Ross and his team over the coming years in further establishing Bravehearts in our fair city.

Brian O'Sullivan

Mr WALSH (Minister for Agriculture and Food Security) — Today I would like the house to note the passing of Brian O'Sullivan on 29 December 2010. Brian was born in Hopetoun on 9 August 1943. He was raised on a wheat, sheep and cattle farm at Patchewollock. Brian spent his whole life in that community, until the last few years when he moved south to work on a property close to Yea.

The issue that I would like to highlight about Brian today is that he had a lifelong commitment not only to his community but to The Nationals, of which he was a member for 43 years. He held many office-bearer positions throughout that time. Most importantly he spent six years as the state president of The Nationals between 1995 and 2001 and made a fantastic contribution to our party.

I think the thing that most people in country Victoria and particularly in The Nationals will remember Brian for is that he was a great raconteur, a great storyteller, as is often the case with people from country Victoria. When Brian unfortunately fell ill with cancer he had just purchased a new four-wheel-drive ute. He loved to go north and travel in the outback of Australia. He was planning a trip to Lake Eyre, taking younger people of the Patchewollock district with him. Unfortunately he could not do that.

Moreland Eagles Football Club

Ms GARRETT (Brunswick) — I rise to acknowledge and offer congratulations on the establishment of yet another fine sporting club for kids in the Moreland area. The Moreland Eagles soccer club was established earlier this year. I had the privilege of attending the opening, on Australia Day, and the gala event night. Representatives from Europe came over to celebrate this opening.

The club will provide sporting activities for under-18s, under-16s, under-12s, under-10s and under-8s in both girls and boys soccer. This is yet another example of how grassroots kids sport in the area is helping to bring the community together and to give kids an active and healthy outlet and activity.

I would like to congratulate the president of the Moreland Eagles soccer club, George Yurtseven, for his extraordinary efforts in bringing the club together, and I look forward to attending many matches in this area. Moreland is the fastest growing soccer-playing community in Victoria — which you would not be surprised to hear — and it is terrific that such a community facility will be available to more kids from more homes, providing healthy activities for them. So, thank you.

Australia Day: City of Manningham

Ms WOOLDRIDGE (Minister for Mental Health) — I rise to congratulate two citizens who have enriched community life in my electorate of Doncaster. On Australia Day, Brother Sean Keefe was announced as the Manningham Citizen of the Year. Brother Sean is a humble leader. He is also a Donvale resident and the chaplain at Whitefriars College. He is actively involved in so many aspects of community life, volunteering his time and skills to many local activities and organisations.

His commitment to young people is particularly outstanding, with his work in the Kiwanis club, Drive Alive Today Tomorrow, Responsible Driving, Making Wiser Choices Committee and Walk the Torque. Brother Sean also supports and assists Doncare and Manningham Promoting Character. Brother Sean and I have been involved in many activities together and I have always delighted in supporting his many and varied contributions.

The Young Citizen of the Year was Stephanie Youssef, who has just graduated from Koonung Secondary College. She has been a member of the senior concert band and has been a year-10 mentor. Stephanie also participated in the Koonung World Challenge in which students raised funds to travel to Vietnam and Cambodia to build a school.

Stephanie has been a member of the scouts and the Fresh Youth Theatre, as well as a volunteer with St John Ambulance, and has supported children's and youth programs with the Deep Creek Anglican Church.

Both Brother Sean and Stephanie are worthy recipients of these honours, and they are to be congratulated for their genuine care for others. They serve as outstanding role models for all of us in the Manningham community.

Ray Cody

Mr PALLAS (Tarneit) — I rise to speak to the house about Ray Cody, who is a local constituent and

Labor Party stalwart of Werribee. Ray is here in the Assembly today.

Ray is of a generation of Australians who started work at the tender age of 14 years, and he began as a shop assistant in Ballarat. Ray was a member of a union from the age of 14 until his retirement at the age of 60. Ray moved to Werribee in 1962, together with his wife, Pat, and their young family. In 1971 Ray became a member of the Werribee branch of the Labor Party and of course remembers his main duty as letterboxing.

Ray has been a member of the executive branch of the party since 1970, and over the years has pretty much held every position. Ray has been involved in organising campaigns for Jack Jamieson, in a by-election for Tony Robinson in 1976 and for Ken Coghill in 1979. Ray has held positions on the state electorate campaign committee and our federal electorate assembly committees. Ray remains an active member of the Labor Party. He really is a diamond in the rough; a demonstration of what it means to take your representative role in the labour movement seriously.

I extend my sincere congratulations to Ray Cody on his 40-year membership of the Australian Labor Party. He is a true diamond in the rough and a testament to what it means to be a political believer.

Schools: flood and storm damage

Mr DIXON (Minister for Education) — I would like to take this opportunity to draw the attention of the house to the magnificent work done by principals, teachers, students, my department and the broader community in ensuring that most Victorian government schools were open and ready to receive students for the start of the school year following the recent rain and floods. In the floods 10 government schools sustained damage. Once floodwaters receded assessors were deployed and repairs were effected immediately. Department regional officers did a great job to enable this to happen, and in some cases alternative provision had to be made. There has been and still is some disruption to school bus routes due to the state of many roads.

In the storms last Friday approximately 164 schools sustained some level of damage, but as at today only a few are yet to open. Once again alternative accommodation was quickly organised.

I can assure all school communities that this government will support them. We will make good the damage and maintain all current levels of funding, even

if enrolments drop as families move out of some rural flood-affected communities. At a recent visit to Rochester I was amazed to see how much restoration had occurred and how the total community had pitched in to help. People whose businesses were affected went to school clean-up working bees, and teachers whose houses were flooded went to their school to pitch in. They were an inspiration to all.

Australia Day: Jagajaga federal electorate

Mr CARBINES (Ivanhoe) — I rise to address the house about the 2011 Jagajaga community Australia Day awards. These awards were hosted by our local federal member for Jagajaga, the Honourable Jenny Macklin, MP. For nearly 20 years these awards have recognised the outstanding contribution of many citizens in our community, including the Ivanhoe electorate. Award recipients are nominated by their peers, and I was pleased to attend the awards ceremony at the Heidelberg town hall last month.

Today I pay tribute to two members of the Olympic Village Combined Pensioners Association, Don Carr and Elaine Medley. The citation for Elaine Medley reads as follows:

Elaine is an important member of the Olympic Village Combined Pensioners Association and is known as a quiet achiever who always extends a supporting hand to those around her.

Elaine acts as a highly efficient treasurer for the club and is always contributing her time to their many and varied social events.

Admired in her local community for her spirit of friendship and caring nature, Elaine is especially famous for her Shrove Tuesday pancake tossing.

Don Carr's citation reads:

Don Carr is known as 'the handyman' to the members of the Olympic Village Combined Pensioners Association, because he is always willing to lend a hand.

Don has been a member of the association for eight years, extending his caring nature to visiting club members in hospital, escorting members to medical appointments and helping members who catch the bus to and from meetings.

Don loves a chat, and his colleagues love his compassionate and understanding company.

I congratulate Don Carr and Elaine Medley. They are a credit to their club and its members. I pay tribute to all award recipients of the 2011 Jagajaga community Australia Day awards. The Ivanhoe electorate is a better place for their dedication and hard work.

Floods: waterways management

Dr SYKES (Benalla) — There is a need to clarify the management of waterways in Victoria following the recent floods. In north-eastern Victoria concerns raised have included the massive build-up of debris and silt in waterways, especially the King River and Broken River immediately downstream of Benalla. There have also been many concerns about the willow removal program, in particular the failure to put in place adequate alternative bank stabilisation measures following the removal of the willows. I should note that the North East Catchment Management Authority is conducting its own review of waterway management and willow removal, and its work will be of great benefit. Another issue is the need for many millions of dollars to be made available to catchment management authorities and land-holders to repair the damaged waterways.

I wish to congratulate the Premier and the Deputy Premier on their outstanding, decisive and compassionate leadership during the recent floods. They have literally been everywhere, hearing and seeing firsthand the problems being experienced by flood-affected people and then promptly putting in place appropriate assistance measures. Many government and other non-government MPs have also pitched in, as have government agencies and non-government agencies. But of course the key players in the flood response are the affected individuals and communities, with volunteer input and community generosity being the most outstanding and positive feature of the floods. I thank them and say well done to everyone.

Australia Day: Shire of Yarra Ranges

Mr MERLINO (Monbulk) — On Australia Day, along with many other parliamentary colleagues, including you, Deputy Speaker, I attended the Yarra Ranges council Australia Day awards. I want to congratulate a number of people. Certificates of recognition were presented to Ian and Jean Blencowe of Kalorama, who have breathed new life into the wonderful Farndons Hall; Paula Herlihy for her work in education, community development and protection of the environment and local history, particularly around Mount Evelyn; Kurt Tebbut for his tireless work in Montrose for the Thompson Road Landcare Group and the Montrose Township Group, particularly in tackling graffiti; Graeme Young for his dedicated work at Pinks Reserve and his sport of softball; and David Dobson for his efforts in helping to stop the expansion of Montrose Quarry and his work with the Friends of Richards Reserve and the Montrose Township Group.

Robert Pergl, a future leader in protecting the Dandenongs, was awarded the young environmental achiever of the year award. The environmental achiever of the year award was presented to Carol Seager for her Kallista wildlife shelter. The mayor's lifetime achievement award was presented to Betty Marsden, who has been a hugely influential advocate for the environment. It was a richly deserved award. The citizen of the year award went to Mark Addison for his passion for and dedication to Upwey. Mark is involved in the Upwey Township Group, the Upwey RSL and the Upwey graffiti group. He established and helped to run the Upwey Billy Cart Race, is involved in the Upwey community hall and established the Grassroots Community Market. The award was given particularly for his support of young people in the region. Congratulations to Mark and all the award recipients.

Schools: Mount Waverley electorate

Mr GIDLEY (Mount Waverley) — I rise today to address the work of schools and school communities in Mount Waverley. Over the past four weeks I have been privileged to visit many schools and witness the great work that is being done in those schools by the school communities. They include parent organisations and other volunteer organisations whose members in many cases have used the school infrastructure to run volunteer programs. The volunteer programs are important. They mean that families whose members may be working can provide their children with programs run by volunteers over the school holiday period at Mount Waverley Secondary College, Syndal South Primary School, Glen Waverley Secondary College and others. During those visits I also witnessed the dedication of teachers and other school professionals. The preparation has been done. I wish to put on record my thanks to the schools and the school communities for the work they have done in preparing kids to come back to school and I wish them all the best for term 1.

Rail: premium stations

Ms RICHARDSON (Northcote) — As we all know, the Minister for Public Transport has reneged on a promise he gave the day before last year's election to continue the planned upgrade of 20 stations across Melbourne to premium status. It is concerning that one of the first acts of this new Liberal government has been to punish suburban commuters by slashing an extremely popular and necessary program. Premium stations are staffed from first until last train seven days per week. They provide indoor seating areas for travellers and include a range of safety upgrades, which all combine to provide a safer, more efficient travelling

experience for commuters. While the minister does not value these improvements, the feedback that I have received from commuters on the Frankston and Sandringham lines this week certainly suggests that train users are outraged by the scrapping of the upgrades and do not understand why they are being punished by this Liberal government which promised to fix the problems, not make them worse.

Highbett station is one of the 20 stations on the minister's hit list. Yesterday concerned residents were at Highbett station distributing a petition calling on this Liberal government to keep its promise to fix the problems by continuing the rollout of premium stations on the Frankston line. One of the residents collecting signatures was approached by an elderly commuter who asked, 'Why is the Liberal government punishing local residents like me who use Highbett station?'. That question, put by a victim of the Minister for Public Transport's policy on public transport, sums up perfectly the sense of disbelief at the swiftness with which this Liberal government has moved to punish commuters.

Members: inaugural speeches

Ms MILLER (Bentleigh) — Last night the last of my new fellow parliamentary colleagues delivered their inaugural speech. This is an important rite of passage for incoming members of the Parliament, as it allows us to articulate clearly areas of policy about which we are passionate as well as outlining the diverse backgrounds and history we have brought into this place. I would like to place on record my appreciation of what we have heard from my new government colleagues. It is clear that we come to this chamber with a real desire to make a difference and to effect change in areas such as education, health, small business and crime and safety. I hope it is also obvious that we are going to be fearless advocates for the communities we represent.

Ormond Primary School: student leadership

Ms MILLER — I congratulate James Nash and Bridget Schwerdt as the new student leaders at the Ormond Primary School for 2011. It is a great honour to be recognised as a leader amongst your peers within the community. I am confident they will perform well in their leadership roles.

Floods: Bentleigh fundraising

Ms MILLER — On Sunday, 16 January, I attended the Bentleigh Sunday market which is run by the Rotary Club of Bentleigh Moorabbin Central. I congratulate the president, Peter O'Brien, and all the

Rotarians for donating all funds raised on entry to the recently flood-affected Victorians.

Rosa and Frank Buggee

Ms MILLER — I congratulate Rosa and Frank Buggee on celebrating their 50th wedding anniversary last month. What a wonderful milestone they have reached in life. I wish them both very well for their future anniversaries.

Bill Comerford

Ms NEVILLE (Bellarine) — Today I rise to pay tribute to a great community leader in the Queenscliff and Point Lonsdale area, Bill Comerford. Bill has been a stalwart in the communities of Queenscliff and Point Lonsdale spanning a period of over 60 years. In recognition of his enormous contribution Bill received an Order of Australia medal as part of the 2011 Australia Day honours. This prestigious and well-deserved award honours Bill's lifetime of service to the community, including his 40 years with Point Lonsdale Surf Lifesaving Club, board member roles with the Queenscliff football and netball clubs, his role as chairman of the Queenscliff Point Lonsdale sports network, presidency of Queenscliff Sports Club, a member of the community development committee for Queenscliff Borough Council from 1998 to 2009 and his role on the committee that established the Queenscliff seafood festival. Bill is also a life member of the Victorian Water Polo Institute and he also served in the position of secretary for a total of 16 years. He was also the Queenscliff Citizen of the Year in 2000.

I have had the pleasure to work closely with Bill over the last eight years on securing the future of the Queenscliff sports centre. His passion and advocacy resulted in funding being provided in 2007 towards the upgrade of this important community facility. Bill would say his work would only be possible because of the support and efforts of his wife Peg, who also makes a huge contribution to the local community. I thank him for the great work that he has done to make the Queenscliff and Point Lonsdale community a better place. I also thank him for his friendship. Congratulations, Bill, on a well-deserved award.

Eastern Emergency Relief Network

Ms RYALL (Mitcham) — I would like to bring to the attention of the house the magnificent work of the Eastern Emergency Relief Network in the Mitcham electorate. It is a charitable organisation that was established when local welfare groups recognised the need in the city of Whitehorse for a central source of

emergency aid to those less fortunate in the community. Eastern Emergency Relief Network makes available furniture and household items, including food parcels, to those in need in our local community. It is run completely by volunteers, and I pay tribute to the 60 men and women who donate their time, experience and knowledge to assist their fellow community members when they are in need. Eastern Emergency Relief Network epitomises community spirit and mateship, and we should be proud of those who contribute their time and efforts in providing a vital and necessary community service. I commend the work of the Eastern Emergency Relief Network, and I say thank you to all involved.

Rail: St Albans level crossing

Ms KAIROUZ (Kororoit) — Since my election in 2006 one of the most pressing issues my constituents have come to me about has been the need to upgrade the level crossing at the St Albans railway station on Main Road. In consultation with many community groups, including the St Albans Traders Association, I worked to ensure that this voice was heard loud and clear within government. At the recent state election I was proud to announce that Labor would commit \$82.5 million in partnership with the federal government to deliver this much-needed upgrade to improve congestion and safety for our community. Unfortunately this commitment is now in danger of not being delivered under the newly elected Baillieu Liberal government. I would hope the Liberal government can put aside political interests and commit to the funding of this much-needed upgrade for western suburbs commuters. I urge the Liberal government to immediately seek talks with the federal government to ensure that this grade separation can go ahead as planned.

The people of Kororoit have an expectation that this grade separation will proceed regardless of who is in power. It is one of the most dangerous crossings in the metropolitan area. With all the relevant planning and consultation completed, there can be no excuse for delay or deferment. If this Liberal government is serious about public transport and upgrading infrastructure in the west, it will immediately fund this project.

Water: food bowl modernisation project

Mr McCURDY (Murray Valley) — I wish to raise the issue of the food bowl modernisation project in northern Victoria. In relation to honouring another coalition election promise, I reflect on the many concerns that have been raised with me over the last

12 months. In particular the issues focus on the Northern Victoria Irrigation Renewal Project and Goulburn-Murray Water. Across the Murray Valley electorate and in other areas of northern Victoria, people have been discussing the lengthy time frames to complete projects, management issues and the lack of consultation with farmers about how the projects will affect their businesses. An inquiry will be conducted by the Ombudsman, and it is now available to receive submissions. Submissions should be in writing, but it is also important to contact the Ombudsman's office to clarify how people may be able to make a verbal submission.

Northern Victoria has seen major works carried out, particularly on farms and within local shires, to make water savings. The concerns raised are substantial, so people should not miss this opportunity to have a say now. We have committed to ensuring there will be a transparent process so that farmers can have a greater say in the projects earmarked for their respective farms and communities. Now is the time for them to have input either as individuals or groups. This process will be available for a limited time. The broad powers held by the Ombudsman will allow him to investigate all concerns raised. Farmers, contractors and other business leaders need to talk to each other and to any affected groups in their regions to encourage others to have their say.

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

William Ruthven College: funding

Ms HALFPENNY (Thomastown) — I wish to draw to the attention of the Minister for Education the circumstances of William Ruthven College in Reservoir. This school has been created from a merger of Lakeside Secondary College, Merrilands College and Ruthven Primary School. Labor government funds have been provided to build and relocate the primary school and also to make plans for the redevelopment of the secondary school.

In this Parliament we have heard many members of the Liberal Party talk about governing for all Victorians, the importance of education to improve an individual's circumstance and the belief that opportunity should be given to those who take it — those who seek to better themselves. The school community of William Ruthven College is doing just that. The dedicated principal, Karen Money, as well as teachers, staff, students and parents are committed to rebuilding the school, not just the bricks and mortar. They are revitalising the curriculum and teaching methods as

well as developing innovative community partnerships. However, the facilities will not allow the transformation.

The commitment I am seeking on behalf of the whole school community is for the Baillieu coalition government to fund the work needed to give our local children the opportunities that others take for granted. We ask the Minister for Education, a former school principal, to come and see for himself the wonderful work that is being done. I ask that the minister reply to the invitations extended to him and visit the school. Then we can only hope that, having seen for himself the performance and the potential at William Ruthven College, he will ensure the government's multimillion-dollar axe will not — —

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

Australia Day: Shire of Yarra Ranges

Mr HODGETT (Kilsyth) — I was delighted to attend the Yarra Ranges Shire Council Australia Day awards at Mont De Lancey Historical Home and Museum. The awards presented the opportunity to celebrate the achievements of a number of individuals and community groups who have made a significant contribution to the Yarra Ranges municipality, a community that, as a local resident, I am extremely proud to be part of. I have had the pleasure of working closely with some of this year's award recipients, and I have seen first hand their outstanding achievements. I pay tribute to four outstanding individuals who received Certificates of Recognition awards.

Curt Tebbutt has been an active member of the Thompsons Road Landcare group for many years, working on weed eradication. He has also been a member of the Montrose Township Group, including a term as president. Curt spends hours each week working on graffiti eradication to ensure the Montrose township is kept looking good.

Graeme Young is a member of the Friends of Elizabeth Bridge Reserve group, where he carries out valuable maintenance as well as donating countless hours of gardening. Graeme is also involved with Pinks Reserve, where he has donated his time and efforts. As a softball coach and club member, Graeme has also contributed to the sporting community.

David Dobson's community commitment is diverse. He has spent hours working with the Friends of Richards Reserve on weed removal. He was also president of the STOP Montrose Quarry Expansion group working to

stop the expansion of the Montrose Quarry. David is also a member of the Montrose Township Group and actively works on graffiti eradication.

Brian Le Vier has been involved with the Lilydale Youth Club for 33 years, helping to train young people in boxing. During this time he has trained many champions. Although he is retired, he continues helping young people at the club.

I congratulate all of this year's award recipients, and I thank them for their efforts to make Yarra Ranges the wonderful community it is.

Cairn Curran Reservoir: water release

Ms EDWARDS (Bendigo West) — Following the devastating floods in January, I was invited to Baringhup West to visit the property of Mark Yarwood, who lives downstream from Cairn Curran Reservoir on the Loddon River. Along about a 15-kilometre length of the Loddon River from the gates of Cairn Curran there has been an extreme and unprecedented level of environmental destruction. The environment in this area is unrecognisable to the photos I was shown of the river and the riverbank prior to the flood.

The release of 80 000 megalitres of water from Cairn Curran on 14 January, just prior to the significant rain event of the following days, was a tsunami. A release of this quantity of water was unheard of, and it flowed with such speed and force that it created giant craters along the banks of the river, altered the flow of water in some areas and has damaged the entire ecosystem along this section of the river. There has been loss of native platypus habitat, birdlife, native grasses and river red gums that were over 100 years old. The giant trees have been uprooted and they disappeared downstream. The whole environment along the river has been altered.

Mark Yarwood and Cathy McCallum from the Baringhup Landcare Group met with me and John Lenders, shadow Minister for Agriculture and Food Security and shadow Minister for Water, last Friday. Mark said that the environmental effects of the flooding were an unspoken issue so far and that the clean-up would be a massive task. I agree with him. In fact the Loddon River may take decades to recover and regenerate. Cathy told us it had been heart-wrenching for many people who live along the Loddon River and use the river. While we all acknowledge the loss of private property, homes, businesses, livestock and livelihoods from the recent floods, it is incumbent upon us all to acknowledge the devastation caused to the environment at Baringhup West.

Vietnam veterans: Seymour memorial

Ms McLEISH (Seymour) — I rise to acknowledge the Mitchell sub-branch of the Vietnam Veterans Association of Australia and its remarkable effort to commemorate in perpetuity all Australians who served in Vietnam. Ross Stewart, John Phoenix, Ross Gregson and his wife, Denise, plus other committee members are integral to the development and construction of a 300-metre commemorative walk which is currently under way in the town of Seymour. All 60 254 men who served their nation in Vietnam are worthy of such recognition. The individual naming of Vietnam veterans is itself unique in Australia.

The walk will feature an interpretive centre and a plinth with names listed under the heading ‘Killed in action’. All others will have their names inscribed on a wall divided only by the service in which they served. To create the feel of Vietnam, native grasses and trees that resemble rice paddies and rubber trees will line the meandering pathway. It is anticipated that military artefacts will also be displayed.

The Minister for Veterans’ Affairs and I announced that the Liberal-Nationals coalition government will provide \$1.2 million to assist this honourable project which will set the Seymour township apart and provide a needed tourism injection. Members of the public can assist with the construction by buying a paver to commemorate a loved one or represent their own service or unit. The ongoing commitment and dedication of the Mitchell sub-branch is to be commended.

Margot Carroll

Mr NEWTON-BROWN (Pahran) — I rise to recognise the work of local resident Margot Carroll in the fight against the Orrong towers project in Orrong Road. This may be an unusual motion in that Margot Carroll is a member of the ALP, but she was a strident critic of the high-rise, high-density policies of the previous government.

I have been involved in many residents groups, meetings and organisations over the years in my work as a local councillor previously, and the Orrong Group is one of the most organised, most dedicated and most effective groups I have ever come across. This group essentially prevented a 16-storey cluster of buildings being erected in the neighbouring electorate of Malvern, the electorate of the Minister for Gaming, which sits on the border with Prahran. This group ran a magnificent campaign. They made this an issue in the state election campaign and contributed significantly to my success in winning Prahran in the 2010 election.

They have essentially helped to dictate and inform Liberal policy, which is to reject the encouragement of high-rise, high-density developments along tramlines.

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

CONDOLENCES

Natural disasters: Australia

Debate resumed from 8 February 2011; motion of Mr BAILLIEU (Premier):

That this house:

- (1) notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia and multiple events in Victoria;
- (2) expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular in our farming communities — many of whom still remain isolated;
- (3) notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
- (4) notes the ready response of the Australian Defence Force and federal government agencies to the Victorian government’s requests for emergency assistance;
- (5) sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the State Emergency Service, Country Fire Authority, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the Victorian Farmers Federation, Victorian Employers Chamber of Commerce and Industry and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;
- (6) commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
- (7) undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future.

Dr SYKES (Benalla) — I rise to contribute to the debate and discussion on the floods and natural disasters from the perspective of my constituents in north-eastern Victoria. I wish to express my sympathy

and concern for the many people who have been affected by the recent floods. The focus in most recent times — and rightly so — has been on the massive flood damage in north-western Victoria, more recently in Melbourne, West Gippsland and of course Queensland.

We should not forget the impact of the floods in north-eastern Victoria and the many people who have been knocked around by them, in some cases three or four times. The extent of the floods in north-eastern Victoria included the Upper Murray and the Tallangatta area. In the electorate of Benalla the Kiewa Valley had massive downpours which impacted on the Kiewa River itself and, importantly, during the October and December floods there was massive damage to the tributaries flowing into the Kiewa. Many people were isolated and a large amount of damage was done to roads and bridges.

The Ovens Valley was particularly knocked around by the September floods, and follow-up floods have exacerbated that damage. People such as Clive and Anne Browne have properties that suffered particularly severely, but there are many cases of hardship that have been identified in that area. The upper King Valley around Whitfield and Cheshunt was particularly badly knocked around.

An iconic example of the damage in that area has been the damage to the Gentle Annie Bridge at Whitfield. Many people in the King Valley have been knocked around by flood damage not only to their properties and assets but also to their waterways. People in the King, Kiewa and Ovens valleys are already hurting from the 10 or 12 years of drought which many have been through, and many of the people in those valleys have also had to deal with the sudden cessation of the tobacco industry I think three years ago now. For a lot of those people normal life has been suspended, and the damage to their property and assets as a result of these floods has really knocked them around emotionally.

Properties in the vicinity of upper Ryans Creek and Fifteen Mile Creek also sustained extensive damage, with hop farms around upper Fifteen Mile Creek being particularly badly damaged in the September floods. In Benalla we escaped above-the-floor inundation, as did people in Wangaratta generally. However, it would be fair to say that there were a fair number of nervous people in both Benalla and Wangaratta, particularly in September and also as recently as last weekend, when the water was rising. To their credit the State Emergency Service and other authorities held a public meeting in Benalla last weekend, and once people were told that the floods were only going to be minor there

was a collective sigh of relief and people went home knowing they could sleep that night.

People in Benalla were sensitised by the 1993 floods, which caused a great deal of distress because many people were caught unawares. The first time they were aware of the flood was when they got out of bed in the middle of the night to go to the toilet and instead of putting their foot onto dry carpet they put their foot into 6 inches of water. That had a very significant impact on people emotionally and financially, and that impact is still there. Whenever there is heavy rain there are a lot of very nervous people in Benalla, particularly older people. Further south there was flash flooding along Seven Creek and Castle Creek in the Euroa area, particularly in September but not so much since then. Down Avenel way there was also heavy run-off on a couple of occasions. In the Goulburn River downstream of Eildon and the upper Goulburn River around Jamieson there were also problems.

We have worn our fair share of trouble, and a number of the issues that have come out of the floods in north-eastern Victoria have also been reflected elsewhere. One of the issues is the effectiveness of the early warning systems. I live on the Holland Creek. My property has been under three times. I have dealt with that. My most reliable warning system, which enables me to move my livestock off the flood plains ahead of the flood, is my neighbour upstream saying, 'Bill, the creek has broken its banks at our place. Expect it to come over to your place in about 12 to 14 hours time'. That is my warning system.

In times gone by that warning system was supported by a fax stream of information for people along the river, which gave you a heads-up that heavy weather was coming, and then you got progressive updates on increases in river heights. That simple system seems to have disappeared over the last two or three floods, so we have had to revert back to the old telephone tree and self-reliance. It does work well, but with modern technology and the ability to SMS there is a need to improve the early warning systems. I think my colleague the member for Rodney raised that issue in relation to the flooding of Rochester. We are not using our capacity to provide prior warning appropriately.

A lot of effort has been put into the recovery effort. There are still issues about the grants, with some people falling through the cracks. We have had clean-up grants of \$15 000 for affected land-holders and businesses, and that has been increased to \$25 000 by the Baillieu-Ryan government. The clean-up grant is available on multiple occasions if you are unlucky enough to have been hit more than once, which many

have. But there are some people still falling through the cracks, and they are the people who have moderate sized properties but earn off-farm income; because they do not earn 51 per cent of their income from primary production or a business, those people are missing out, despite often having experienced extensive damage to their property and assets and the waterway which flows through their place.

A particular subgroup of those people are the former tobacco farmers who, because their properties are not large, were able to make a viable income growing tobacco, but since that time they have not had a viable property. They have been forced to go off-farm to generate income and in doing that fail to meet the criteria of earning 51 per cent of their money on the farm. That is an issue that needs addressing, and I know that the Deputy Premier and the Premier are aware of these issues. I expect them to do what can be done bearing in mind that you do have to draw a line somewhere. If you live on flood plains, you do expect to get flooded, but we want to make sure that the assistance measures we provide are equitable and that everyone gets a fair helping hand from the broader community.

I should also acknowledge that we have been very fortunate to have a number of ministers visit the area and gain firsthand knowledge of the problems. The Deputy Premier, before being elected to that position, visited the Ovens Valley in September, a visit that was much appreciated. More recently we had the Minister for Environment and Climate Change visit the electorate and do a flyover of the affected areas in the company of the CEO of the North East Catchment Management Authority. We then had an on-the-ground meeting with people in the King Valley. The minister saw firsthand the extent of the damage to the waterways and understood why we were making pleas for a substantial increase in the amount of money available to repair the waterways for the benefit of everyone, not just the adjoining land-holders.

We also had a visit from the Minister for Agriculture and Food Security, who is also the Minister for Water and the member for Swan Hill. Again he was in tune with the issues that were impacting on our electorate — and this was back in December — perhaps not appreciating that only a few weeks later his own electorate would be subjected to one of the biggest floods in history.

The net result is that a lot of people have been affected. There has been a substantial response on the part of government, both the outgoing government and the new Baillieu-Ryan government. But there has also been

a fantastic effort by our volunteer services — the State Emergency Service, supported by the Country Fire Authority, the Red Cross and the community in general. Times are tough, but we will get through them. The main challenge is for people to pull themselves together and support each other, not just financially but also emotionally because there are a lot of fragile people out there. On Monday, prior to coming down to Melbourne, I had a person whom I would consider a very stable person come into my office and say, ‘Bill, I have had enough. I have been able to battle and do the recovery after the last four, but this is the fifth hit. I am now coming and asking for help’. We need to extend that help. The community needs to bind together; I am sure we will. I look forward to working with the community to ensure the best outcomes for the people in my electorate.

Mr HELPER (Ripon) — Nobody could commence a contribution to the subject matter before the house without extending our heartfelt condolences to those families, those communities and those friends who have lost loved ones in recent natural disasters. Of course our thoughts go out to our own communities, and as the previous speaker related his comments to the communities in his electorate I will relate mine to the communities in my electorate.

Our thanks go to the service clubs, to local government, to the community in general and to the emergency services, both volunteers and professionals, and to government departments. It is not often recognised that departments such as the Department of Primary Industries put in an extraordinary effort in response to natural disasters to work with landowners in terms of animal welfare issues and getting their recovery going as quickly as possible. To all of those people who have undoubtedly worked beyond the call of duty, particularly our volunteers, a heartfelt thankyou.

My concern goes out, as does the concern of other members with affected communities, to farmers and land-holders in terms of the damage that has been done to them. It is quite a regular sight in driving around my electorate to see people going through the tedious, heartbreaking and backbreaking task of pulling debris out of fences, re-erecting fences or otherwise addressing the impact of the recent floods we have had.

My thoughts also go to the business community in my electorate — be that the general business community or particularly the tourism industry, which is an important part of my electorate, as I know it is in many other electorates. Across most of Victoria the industry has been significantly affected. I will talk about that a little later in relation to Halls Gap in particular.

My heart also goes out to the residents in affected communities, some facing the uncertainty of whether they will get insurance coverage or not and others facing the heartbreaking task of in effect disposing of most of their life's possessions. There has been nothing more shattering than driving through Carisbrook and seeing people's lifetime of possessions effectively being put on the nature strip for disposal by the council. Those sorts of tasks must be really soul destroying.

In the electorate of Ripon a number of communities were affected, including Carisbrook, Clunes, Beaufort, Dunolly, Halls Gap, Glenorchy, Great Western, Stawell, Skipton and others. Just reflecting a little on Carisbrook and the comment I made earlier about my thanks going to the community for its fantastic reaction to these difficult circumstances, helping out neighbours and helping out other communities, Carisbrook is a fantastic example of that. Jefferson Hooper was recognised as the Central Goldfields shire Citizen of the Year at the recent Australia Day celebrations. He headed up the Carisbrook Lions response to the Carisbrook floods, which involved effectively providing three meals a day to the Carisbrook community so that not only were people able to be fed, but more importantly, I believe, they were able to be part of the companionship, the friendship, the sharing of experiences and the sharing of stories about how to move forward.

Before I move on from Carisbrook I would like to make a comment about the insurance industry. In Carisbrook the insurance industry has appointed a hydrologist who is looking at — or was supposed to have looked at, past tense, finished — the delineation between flooding from the creek and inundation coming from a different direction. My understanding is that those inquiries by the insurance industry are continuing. I put out a plea to the insurance industry to accelerate that and to settle claims as quickly as possible. Even while the hydrologist's inquiries are going on there are some instances where it is quite clear cut that people are either eligible or not eligible for insurance claims, and those claims should be settled as quickly as possible. Can you imagine, Deputy Speaker, the horror of not only having lost so many possessions and being dislocated, often having sent children and members of the family away to be accommodated a long way away, but also having to live through the uncertainty of not knowing whether an insurance company is going to settle your claim or not. I do put out a plea for the insurance industry to get on with it.

I also want to mention specifically the community of Halls Gap, a community that relies very heavily, disproportionately maybe, on the tourism industry.

Members would be aware of the horrors of the Grampians fires, after which the community put in a terrific effort of recovery, and it now has to face the impact of floods. Those floods have caused significant landslips, and just last weekend, with predicted rains, the authorities took the view that those landslips could be retriggered and may cause human harm, and therefore Halls Gap was evacuated. You can imagine that that has a pretty devastating impact on a community that relies so heavily on tourism.

I urge the new government to work with the community of Halls Gap, both with support for the physical work that is necessary to stabilise those landslips and to ensure that every time there is a possibility of significant rain Halls Gap does not have to be evacuated. I urge the government to make the investment of the undoubtedly enormous amounts of money that will be necessary to stabilise those landslips and also to work with the community to repair the damage that has been done to the tourism industry as a consequence of the recent climatic conditions.

I feel very much for the community of Glenorchy, which suffered significantly in the earlier floods. To again be inundated is a very sad circumstance for that community. And that is very much the case with Skipton as well. The Skipton community on the Emu Creek has suffered repeated floods but displays an extraordinary amount of resilience and bounces back. I want to put in an advertisement for the Skipton flood recovery appeal market that is on in Skipton this Saturday. I encourage any member who is driving through my beautiful electorate to drop in at Skipton and empty out their wallets at the Skipton flood recovery market.

I will conclude by again thanking all of the organisations, and the individuals that make up those organisations, for the extraordinary effort they have put in. I express my concern for the hard work and the untold difficulties that so many in our community will face in the recovery. In that regard my heart goes out particularly to sporting clubs. The Clunes football club, for example, lost the surface of its oval. I hope the government is able to support sporting clubs in their recovery. To add insult to injury, when the club put some of its equipment out to dry some scumbag knocked off that equipment. One can see that these events have brought out the best and the worst in people.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to speak to the motion put forward by the Premier and supported by other members of this house. It is amazing that during the 11 years that I have

been in this chamber we have gone through fires, floods, storms and other activities which have shown that we have unpredictable weather which causes a lot of concern, particularly in rural and regional Victoria. I know it has also impacted heavily on the metropolitan area of Melbourne, as was seen last weekend.

I want to speak to this motion firstly for my electorate of Lowan, which has been heavily impacted on by the rains. The front page of the *Wimmera Mail-Times* dated 19 January carried the headline 'It's a record' and highlighted that we have gone from a record lack of rain to record rainfall. It was predicted that the Wimmera River would hit a 1-in-200-year level. Thankfully it did not quite get to that height, but it did break a record that had stood for a long time.

I want to say a big thankyou for the enormous effort put in by the emergency services personnel, the council staff and the volunteers. I particularly want to highlight the volunteers. I have friends who live along the Wimmera River — in fact I live there too — and one of my friends there told me that the effort put in by the council and by young volunteers who were driving around asking people whether they wanted a hand and lumping sandbags to protect assets, whether they were houses or businesses, was very much appreciated.

In times of crisis we really come to the fore. The flood area did not impact on a lot of people in Horsham, but a lot of people there helped. Not only did they help in Horsham, they helped in places like Glenorchy, Dimboola and Jeparit. After sandbagging in Horsham they would lift the sandbags and put them onto pallets — it is pretty heavy work when they are wet — which were loaded onto trucks and moved up to Dimboola, and the same process went on. There was an enormous effort put in there, and then a couple of days later they moved them up to Jeparit. Thankfully most of the assets were protected, but still houses and businesses were inundated, and it has caused a lot of angst for many people.

Importantly, as the member for Ripon spoke about, a lot of people are concerned about what is going to happen with insurance. I know the federal government is looking into this issue, but a lot of people believed they were insured. The fine print of the insurance policies we take out is something that none of us looks at very closely. It is very, very fine print that you need to look at. Most people felt that they were insured.

The floods are impacting a lot on businesses like the Willaura golf club. I have been right through my electorate and all the towns that have been affected, whether it be Wickliffe, Streatham or Dadswells

Bridge. I have been to Glenorchy, which is in the seat of Ripon, and to Horsham, Dimboola and Jeparit. All of those communities were impacted on by the heavy rainfall. I have visited many other areas across western Victoria, including Halls Gap, which I will come back to. There was an enormous impact there. They did not get a lot of notice, so they did not have time to sandbag. I do not think they would have been able to stop the enormous force of the water that went through the Grampians area.

In my role as Minister for Sport and Recreation I have visited towns across particularly the north-east of Victoria like Carisbrook, Newbridge, Bridgewater and Charlton, and I have had reports coming in to my office highlighting the enormous impact of floods on sporting facilities.

I want to talk about some of the things in my area. The reality is that there has been a lot of damage to community assets, particularly our roads and some of the bridges and culverts. There was no way that the culverts or the bridges were going to handle the water that had to go underneath them, so what happened? Often the water just blew the bridges out of the way or blew the culverts out of existence. That was the case with the water moving along the Wimmera River. We did not go too badly at Horsham. There was a bit of blockage there, but at Dimboola and Jeparit there was an enormous amount of material that went down the river, whether it be trees, debris or that type of thing, which blocked up many of the weirs that were open. Unfortunately they could not handle the force of that debris coming through.

In Jeparit, for instance, they got some big equipment and took out part of the bank of the river so that the water could flow through to Lake Hindmarsh. If there is an upside to all of this, it is that Lake Hindmarsh is nearly full. It was dry a couple of years ago, and here we were thinking it would take 8 to 10 years to fill. It is full now, and water is probably flowing out through Outlet Creek. Hopefully some of the water will end up at Lake Albacutya. There is enormous support for that happening in the northern part of my electorate. There has been tremendous damage to the weirs, and a lot of money will be needed to help the recovery and put the weirs back in place. They control the environmental flows and all those types of things.

There is an upside, but I want to talk about the impact of the floods on our community facilities. Our roads have been terribly damaged. School groups are coming to the Roses Gap Recreation Centre this week — the member for Ripon has been dealing with this as well — but you cannot get buses on the roads in there. They

probably will not be able to get the roads fixed for months, but the good work of Parks Victoria, the Department of Sustainability and Environment, VicRoads and others has led to the development of a track to get around in there so that when the school groups do come — and they are coming this week and next week — they will be able to get in.

I went up to Halls Gap with the Minister for Tourism and Major Events to have a look at the damage and also to talk to the tourism operators up there. The enormous force of the water has created new streams. New maps will have to be designed to include these new water routes. A rock came out of the mountains up high and started rolling down, and that caused a river to form, blowing trees and rocks 3 metres in diameter out of the way. If that had hit the town, it would have caused a major problem. Water went through the town and cut it off for a day or so. It has caused enormous problems.

There has been a cumulative effect at Halls Gap. We have had drought, numerous fires, the code red debacle day — where people were told to get out of the town — locusts, floods and last weekend there was a concern that the storm that hit Melbourne and places like Mildura could hit Halls Gap, so part of Halls Gap was told to evacuate. We have the big jazz festival at Halls Gap this weekend. Around 6000 people are expected to attend, and people are very anxious about what is going to happen. There are a lot of discussions that need to go on between emergency services personnel, tourism operators and, importantly, the Northern Grampians Shire Council. I hope they can work through this in a productive way.

I would like to return to the floods in my area. They impacted on not only the town communities but also heavily on our agricultural community. Agriculture has a big bearing on our economic and employment fortunes right across western Victoria. Around 80 per cent of harvests had finished, even though we had the rains in September which downgraded a lot of those crops. Because of the prices and because of the enormous potential there was in these crops — they were expecting a couple of tonnes per hectare — there was an enormous opportunity. Most of the farmers were about 75 per cent to 80 per cent finished but there were a lot who were not, so the floods had an enormous impact.

When I flew over the area — and that was the only way you could get around — it was just amazing to see this big inland lake that went from Stawell to Glenorchy, Rupanyup, Murtoa, Horsham and around the Wartook Valley. It was just a big lake of water. The only way that lake of water was going to get north to Hindmarsh

was either via the Wimmera River through Horsham, where there is a bit of a bottleneck, or up the Yarriambiack Creek.

I would like to compliment the newspapers and radio people who did an enormous amount of work in keeping people informed. I will mention one article in particular which appeared on the front page of the *Wimmera Mail-Times* of 21 January 2011. It is titled ‘Cod found in Horsham street’. The caption underneath the photograph reads:

Matt Kennedy found this 25.2 kilogram Murray cod in Pepper Tree Lane, Horsham.

This enormous fish must have been blown out of the river. I do not know how it got down to the Wimmera River — —

Mr Weller — How big?

Mr DELAHUNTY — It was 25.2 kilograms. It is a big fish. I cannot use props in this place unfortunately. This gentleman caught it. It had been knocked around because of all the floods. There were some interesting stories, but what these newspaper articles also highlighted is the work that must go on. I think we can do better in relation to using local knowledge.

Ms Beattie interjected.

Mr DELAHUNTY — It is a pretty good fishing story! I want to come back to the point. There was damage to community assets, roads and other infrastructure and sporting facilities right across the state, particularly in the Loddon Mallee and Grampians regions but also in the Barwon-South Western, Eastern Metropolitan and Hume regions. All of these areas had some damage to their sporting facilities. It is important that we work together with the agencies, communities and councils to make sure those communities recover as quickly as they can.

I congratulate the Premier and the Deputy Premier for the work they have done in getting around to the affected areas and those ministers who have also visited those communities. I am also glad to see the implementation of grants programs to help in the recovery phase. It is important that we move on, but we do need to take on board the impact on these communities.

Ms GRALEY (Narre Warren South) — I rise today to speak on the condolence motion for the Victorian floods. I recall, as many people of this house do, that it was two years ago that a motion of condolence was moved in this house for the victims of the Black

Saturday bushfires. I recall quite vividly speaking of the horrors of that tragic day that saw such loss of life and real despair across the state. I also remember talking about the fires that raged in my electorate of Narre Warren South on Black Saturday. Thankfully in our case there was no loss of life, but the loss of homes, possessions and many precious memories were felt deeply by our local community. In fact I am still in close contact with a number of those people, and I am very pleased to say that they are rebuilding their lives, but it has taken some time.

Two years later we are speaking about another natural disaster — the summer floods. Again, fortunately, we have not endured in Victoria a disaster on the scale of that experienced elsewhere, particularly in Queensland; but my electorate of Narre Warren South has again suffered from a natural disaster. We have experienced extreme flooding over the last few days. The flooding has caused disruption to roads, schools and other services across our local area. If you travel around the electorate you will see huge piles of wet carpet and sodden household goods. People's dream homes have been inundated with water; everything is saturated.

According to official numbers, the State Emergency Service received more than 400 requests for assistance in the city of Casey last Friday night and on Saturday, although our local newspapers are saying this week that there were a lot more. From Hampton Park at one end of my electorate to Berwick at the other there was some sort of flooding happening. The floods not only caused damage to people's possessions but lives were very much disrupted by what happened — for example, the school year was delayed and a number of schools in my electorate are still not open.

At Hampton Park Secondary College, Lyndhurst Secondary College and Strathaird Primary School the start of the school year has been delayed. If you visited Strathaird Primary School, you would have been shocked to see how much water there was. All the carpet was completely saturated. I am very pleased to say that while the kids are not at school, Martin Shepherd, the principal, and his team of teachers and parents have been helping out on a massive clean-up.

At Hampton Park Secondary College, which a number of students from my electorate attend, 60 per cent of the classrooms have been very badly damaged. It is especially sad that their brand-new performing arts centre, their Building the Education Revolution building, which is their pride and joy, has been severely damaged by water. It is ironic that the Casey Cares flood concert for Queensland victims of the floods was to be held in this performing arts centre and has now

had to be moved. As the Minister for Education said earlier, the education department has moved in quickly to support the schools and their communities. I understand that most of the carpet has been removed and new materials are currently being moved onto the school site. I can assure the house that all the schools were very grateful for the sunny days this week; the schoolgrounds have been scattered with lots of things drying out.

The floods have caused great disruption to the lives of people because roads in Narre Warren South and the Cranbourne area have, in many cases, been made impassable, delaying traffic. It has taken several days to get the main arterial, Narre Warren-Cranbourne Road, open, but I have just been informed by VicRoads that it has now done so, and I am sure many pleased commuters are going to work today — and taking a little less time to get there.

I applaud the efforts of the City of Casey and its officers in quickly coordinating the emergency services and community organisations in my electorate and opening relief centres in Narre Warren, Cranbourne and Pakenham during the floods. In fact some of the flood victims from Pakenham had to go down to Cranbourne, and it was good to see both the Shire of Cardinia and the City of Casey working cooperatively in people's hour of need. We know disasters bring out the best in people, and we have seen on our television screens neighbours helping neighbours and strangers helping strangers. We also know a lot of the work is done by our wonderful volunteer emergency service workers.

A number of people in my electorate phoned talkback radio programs during this time to describe what had happened. One of these residents was Glenn Salt from Narre Warren. Glenn's house was flooded with water above knee height, and the streets around him were also flooded. Even though he had to leave his home and then contemplate returning to assess the enormous damage, he had this to say on Jon Faine's radio program:

There are people worse off ... I look to my friends in Queensland ... We're up and we're about, and you can only look forward.

Glenn's is a great attitude.

A valued member of the Hampton Park community, Michelle Halsall, who does many wonderful things in the local community, set up a Facebook page to provide residents of the City of Casey with all sorts of contacts and information about what was going on and where they could go for help.

Following Black Saturday many people from the ethnic communities in my electorate raised money, and I am very pleased to see that people have already started raising money for not only the Queensland flood victims but also the flood victims in Victoria. The Victorian Punjabi Federation had a fundraiser in my electorate on the Friday of the floods, and even though a number of people could not get to the fundraiser because they were caught at home in the floods, they raised over \$3000.

I was interested to see what Bruce Esplin had to say recently about the floods. He said:

... a lot of people would say, 'Well, we don't believe in climate change, therefore we don't need to do anything', or, 'Climate change is inevitable; we can't do anything'. I think all of that is wrong; there is a lot we can do as a community, but it will mean some hard decisions.

When I spoke about the Black Saturday fires I mentioned that we have a real challenge in tackling climate change in the future. Many of my constituents have contacted me complaining that they are experiencing the effect of the floods at the moment. They are concerned that we are not building in the correct way to cope with what have been 1-in-100-year floods, or 1-in-500-year floods, and that these things seem to be happening much more regularly. Residents have expressed a desire that, in future, better infrastructure be provided and maintained so that their homes are not inundated with water to the extent they have been.

I conclude by thanking all those in the local community who have given so much of their time, resources and generous spirit to support people who have lost a lot during these terrible floods. I would like to say thank you for the very generous and stoic efforts of the local State Emergency Service, which I can tell the house has been working extremely hard. I also thank the Country Fire Authority, the police and the indefatigable team at Red Cross. The ladies and men down there really just get out and help, and people are very grateful for what they provide. Thanks to all our other service clubs, including Lions and Rotary, which are always around to lend a helping hand, and the good old Salvation Army, which is always there. I express my heartfelt thanks for all they do.

As I said earlier, the City of Casey staff have done a really good job and the Casey Cares Flood Benefit Concert will take place on Saturday night in a new venue, the Cranbourne Community Theatre. Thanks to the City of Casey staff for stepping up for that. I know the people of Casey and the people of the Narre Warren South electorate will attend that concert, give

generously and enjoy seeing the talent the local area has. As usual we will join our hands together and make sure that the people who have experienced these very bad floods are given the utmost in support so that they can rebuild their lives.

Mr CRISP (Mildura) — I rise to speak on the natural disasters in Australia motion. In Mildura we had flash floods, and Friday, 4 February 2011, will long be remembered in and around Mildura as a day when the unexpected unfolded. What is termed by meteorologists a supercell — probably a remnant of Cyclone Anthony with a recharge of moist air from Cyclone Yasi — delivered 180 to 250 millimetres of rain in less than 24 hours. The heaviest rain was in and around Red Cliffs, Irymple and Cardross. The average annual rainfall in Mildura is only 276 millimetres.

The flooding was initially dispersed across the region, with calls from low-lying homes and businesses everywhere. This presented a difficulty for our emergency services, as they had teams going in all directions. By later in the day our local State Emergency Service unit, which has around 20 volunteers fully involved, and all the Country Fire Authority (CFA) volunteers were fully involved. The SES team was led by Michael Helwedge and Peter Fuda, and even their family members were assisting with the communications. I congratulate them for doing that work on what was that very difficult Friday evening.

On that evening, when the disaster became quite obvious, the SES established a sandbagging station in Mildura, and local residents were arriving in their droves to fill sandbags to protect their homes. The relief centre was opened, and initially it dealt with mostly only elderly and some non-English-speaking people as most of the other residents were either involved in protecting their homes or had been taken in by family or friends. Steady rain continued throughout Saturday morning and the problems started to seriously compound, with drainage systems throughout the town unable to cope and considerable numbers of houses being inundated, despite the best efforts of all those involved. By Saturday evening it was a case of Kerang revisited for the emergency services. A major electricity terminal station at Mildura is considered to be at low risk of flooding as it is protected by a levee bank, but the consequences would be considerable if that facility should fail. On that night it was gathering water from within the levee bank, and that was threatening the operation of the facility.

I congratulate all those involved in protecting that area, in particular the firefighters. There were a number of

familiar faces out there at Red Cliffs, including Gary Walsh and Glen Shaw, who with a large number of fire trucks — I believe in excess of six — then tried to remove the water from that area to maintain electricity supplies to over 35 000 homes and energy flow into South Australia. By midnight a temporary levee had been established around it. I thank Michael Waters, who took a phone call quite late at night with a request to build that levee in quite difficult conditions. Then the firefighters began to be able to lower that water so that Mildura would not be without electricity, nor would a large part of northern Victoria and South Australia. By Sunday morning another particular problem started to emerge in the Mildura region. Mildura is not a catchment as such, but a series of basins surrounded by sand hills. The surface water initially ran off, but the water that ran into the sand hills then began to come out of the sand hills by various drainage means and accumulated in the bottom of the basins. Mildura is underlaid by a subsoil drainage system that moves water that soaks through the soil to particular catchment areas, where it is pumped away.

As the day went on the pumps were overwhelmed — many burnt out — and the flooding began in rural areas, thus sparking another round of inundation of homes and evacuations, particularly in Irymple, where around 30 or 40 were flooded quite quickly. The Irymple Secondary College remains closed today. That also put considerable pressure on the local sewerage system, and even today there is estimated to still be 950 megalitres of water sitting in a basin at Irymple — that is equivalent to the volume of 950 Olympic swimming pools — despite several days of pumping. Rural flooding has now become a major issue, as we have basins that are rising due to gravity. The pumps have been overwhelmed, and grape crops and homes are still being flooded. These grape crops, particularly wine and table grapes, are ready to be harvested, and the losses are beginning to mount considerably. We need a solution to that rural flooding issue, but it has been difficult to find.

I would like to thank all those who have been involved: the SES, the CFA, the Mildura Rural City Council, Lower Murray Water, the Red Cross, the Salvos and in particular all those ordinary people who came and filled sandbags well into the night and in pouring rain to help save homes. I am reminded of an old adage: the bigger the drought, the bigger the flood. By jingo, we had a big drought, and we just had a big flood in Mildura.

What is next? We still have a mixture of response, relief and recovery running in Mildura. We are still responding to flooding issues in the rural areas, the relief effort is still being required as people are out of

their homes, and the recovery is under way. The army has been involved. It has been doing rapid assessments of homes, and that work is expected to be completed very shortly. We will then be able to work out how many people have actually been displaced. Already 1200 people have registered at the recovery centre as being impacted, and the number grows every day. Similarly my estimate is that around 200 or more homes and around 50 businesses have been inundated, and many remain so.

But we will recover; and with that recovery I am sure friends, families, service clubs, church groups and general members of the public will form a mop-and-bucket brigade. Volunteer registers are available. There will be substantial work to be done, but I am sure Mildura will do it. Similarly, in the great spirit that is reflected in Mildura, Mallee Family Care and Loddon Mallee Housing Services have a register of housing that people may have available. That is now being checked out so that when the rapid assessment comes in from the army we can work out who has to go where. A considerable package of government initiatives is available, which will help ease the pain in Mildura — and that will be needed as the assessments continue to be made. Many of those initiatives are available at either the recovery centre, through Rural Finance Victoria or through my office. Mildura's recovery will take a long time, but Mildura is a remarkably resilient community. Its citizens will recover, and they will do so with their heads held high.

Debate adjourned on motion of Mr McCURDY (Murray Valley).

Debate adjourned until later this day.

POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010

Second reading

Debate resumed from 21 December 2010; motion of Mr RYAN (Minister for Police and Emergency Services).

Mr MERLINO (Monbulk) — I rise to speak on the Police Regulation Amendment (Protective Services Officers) Bill 2010. We are debating this bill in February 2011 because it was Labor that forced the government to actually do a bit of work and introduce the bill and have the minister deliver the second-reading speech back in December 2010; otherwise there would

be no legislation being debated this sitting week and we would be doing that next month.

We are also debating this bill without the benefit of the vital oversight of the Scrutiny of Acts and Regulations Committee. Along with the Public Accounts and Estimates Committee, SARC is one of the most important parliamentary committees, and we are debating this bill without the benefit of its *Alert Digest*. The Victorian Parliament website outlines the role of SARC. It states:

... all members of SARC are involved in the scrutiny of bills. SARC examines all bills introduced into Parliament. There is no exception with regard to the type of bills SARC may scrutinise.

There is one exception — that is, when the incoming government fails to establish SARC and it goes ahead with introducing legislation anyway.

Honourable members interjecting.

Mr MERLINO — SARC raised the issue back in December, if you recall, Minister. This bill, like all the bills currently before the Parliament, is a skeleton piece of legislation. This bill is hardly two pages worth.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! I know it is exciting for the minister to have the first bill before the Parliament, but I ask that we have a little order.

Mr MERLINO — Vital issues that are not in this bill are diverted and dealt with by either regulation or gazettal. So much for the openness and transparency that the coalition promised last year!

Let me make it clear: the opposition does not oppose this bill. Whilst this bill is seriously flawed, I acknowledge the clear mandate for it following the 2010 election — and this is an opportunity for me to congratulate the members of the coalition on their victory last November. The community expects the government to deliver this policy and deliver it effectively. More than simply not opposing this bill, we are holding the government to account to deliver this commitment in full. The Liberal-Nationals election policy was unambiguous. It stated:

Protective service officers ... on every train station in metropolitan Melbourne and the major regional centres after 6 p.m. seven days a week ...

...

... 940 PSOs ... will provide blanket coverage ...

...

... from 6.00 p.m. until the last train ...

...

PSOs will be deployed exclusively on train stations and will not be diverted elsewhere.

This extraordinarily brief and, as I will outline, rushed and ill-thought-through Police Regulation Amendment (Protective Services Officers) Bill 2010 seeks to facilitate that policy. The bill amends section 118B(1) of the Police Regulation Act 1958, expanding the purposes for which a protective services officer (PSO) can be appointed to now include the protection of 'the general public in certain places'. The bill also repeals section 118B(1A) of that act, removing the legislative cap of 150 PSOs. Ironically, removing the cap was something that the coalition previously voted down.

Currently PSOs are limited to a specific security role of protecting public officials and places of public importance. As we all know, PSOs are deployed right here in the Victorian Parliament. They also protect places such as Government House, our courts, the Shrine of Remembrance and the Victoria Police Centre. This role was established in the 1980s following a government investigation into the security arrangements for senior public office-holders. The then Minister for Police and Emergency Services, Race Mathews, said that in his second-reading speech for the Police Regulation (Protective Services) Bill 1987, which established this new service. It is helpful to quote his remarks for this debate:

The establishment of this group will have the added benefit of releasing fully trained police to other areas of operational duty. However, the main intention of this initiative is to ensure that the level of security pertaining to the buildings which house senior public office-holders is maintained and that they are not left vulnerable to the violence and terrorism which we have witnessed in recent times.

For more than two decades that has been the clear and specific role of our PSOs, and our Victorian PSOs have carried out that security service role with distinction.

Essentially the coalition's policy and the government's bill before us today both seek to transform our PSOs from having that security service role to performing a crime prevention role. That raises significant issues for future policing in this state. I acknowledge the Minister for Police and Emergency Services at the table. There is no doubt that perceptions about safety on our public transport system played a significant role in the lead-up to and during last year's election campaign. Although crime on and around public transport is in decline, more work is required.

Mr Newton-Brown interjected.

Mr MERLINO — I will get to that. While under Labor there had been record funding for police, more police officers, greater powers and decreasing crime in Victoria, it was acknowledged that more needed to be done to make people feel safe. That is something that members on this side did indeed acknowledge.

On public transport safety, Labor's policy was around more police riding the trains and more Metro staff on our stations. The coalition's policies centred on PSOs on station platforms. To the victor goes the opportunity to implement their solution, and we will see that the government does it in full. With an inherited strong budgetary foundation and control of both houses of Parliament, the government has no excuse.

If previous debates on public safety in this place are any guide, I am sure that coalition members will make dire and inaccurate statements about crime and safety in Victoria. I take this opportunity to put a few facts on the table. Over the last decade the crime rate in Victoria has reduced by 30 per cent, which makes it the lowest since electronic recording commenced. Victoria is the only state where the rate of reoffending has declined for seven consecutive years. Tougher powers around banning troublemakers, random search provisions and on-the-spot fines for antisocial behaviour are making a difference to violence. The last quarterly crime statistics released last year showed a 27.5 per cent reduction in street assaults in the CBD and 12.4 per cent statewide compared to the same period 12 months before. Victoria has internationally competitive clearance rates of around 80 per cent. The Victoria Police transit safety division and the operational response unit have driven down crime on public transport by 48.4 per cent over the last decade.

In June last year the Victorian Auditor-General's Office released the report entitled *Personal Safety on the Metropolitan Train System*. The audit examined how successful Victoria Police and the Department of Transport had been from mid-2005 in reducing crime on Melbourne's train system. The report states:

Observing a crime on Melbourne's train system is, in relative terms, a rare event ...

Dr Peter Frost, the Acting Auditor-General, concluded that:

VicPol and the department have been successful in reducing crime on Melbourne's train system since 2007–08.

He further concluded:

Applying evidence-based approaches from mid-2006 has proved effective in reducing crime and has provided a solid basis for realising further gains in the future.

An honourable member interjected.

Mr MERLINO — You should read the Auditor-General's report. Essentially the Acting Auditor-General found that it was perceptions of safety that required greater focus, and he made a series of recommendations that were accepted by both the department and Victoria Police.

Last month our Victorian Chief Commissioner of Police, Simon Overland, said this about our public transport system:

The reality is that by world standards it's safe. By Australian standards, it's safe. It is a pretty safe system.

This is reflected in the 2009–10 Victoria Police crime statistics, which show that the total number of crimes on public transport fell by 7 per cent over the past financial year and that in 2009–10 there were less than 17 crimes recorded for every million trips, and 60 per cent of them were property crimes.

There has been a lot of debate around public safety on our transport system, and a lot of that debate has been centred on numbers of police officers and, over the course of the past 18 months or so, on numbers of PSOs. The debate has been: increase the police presence and increase the security presence, which will reduce crime and improve perceptions of safety.

The difference in the record on delivering police numbers could not be starker between the two sides of politics. The record of the previous Liberal-Nationals government — before the Baillieu-Ryan government — was absolutely appalling. It promised 1000 police yet cut 800. Labor's record is a proud one. What we promised on police numbers, we delivered: over the course of the life of the Bracks and Brumby governments we delivered almost 2000 additional police officers.

It is not just I who says that. This is what the Leader of The Nationals, who is currently the Minister for Police and Emergency Services, said on 14 April last year:

They next say, 'We have delivered'. You hear that refrain constantly. I accept what government members say. They have delivered on what they said they would. They have even done a little bit more.

Mr Ryan interjected.

Mr MERLINO — Members of the coalition want to rewrite history, but let me outline the final highlight of the Labor government. Labor's last budget, in May 2010, has the following line on page 323 of budget paper 3, 'Recruitment of additional police', and on page 325 under that same heading the following appears:

Funding is provided for 1700 net additional sworn police officers ...

Labor funded the 1700 police who will now be going through the system over the course of the next few years. They will be Labor's police.

Mr R. Smith interjected.

Mr MERLINO — Of course there is always more that needs to be done.

Mr R. Smith interjected.

Mr MERLINO — If the Minister for Environment and Climate Change looks at the record on delivering police numbers, he will see why I will have Labor's record any day compared to the coalition's record.

Mr R. Smith — Did Victorians get it wrong?

Mr MERLINO — At the election, the Victorian public never gets it wrong. That is acknowledged, and I acknowledged it at the start. The minister must not have been listening.

When tackling crime, more always needs to be done, and improving public safety is a key ongoing responsibility of any government. While Victoria is undoubtedly one of the safest places to live in the world, that is no consolation to a victim of crime, whether that crime happened on our public transport system or elsewhere. As the Acting Auditor-General pointed out in the report I referred to, more needs to be done to make people feel safe. That is why both sides of politics put significant yet different policies to the people of Victoria. Labor has a number of concerns about this bill. We maintain it is a deeply flawed approach to the issue and it risks not delivering long-term benefits to Victorian commuters.

There is the issue of recruitment and training. In my brief period as Minister for Police and Emergency Services in the last government, I saw firsthand the capacity constraints at the iconic police academy in Glen Waverley. Labor understood that in the process of delivering the greatest recruitment of police officers in the history of this state, substantial investment needed to be made into the academy and other training venues. We committed \$61 million to substantially upgrade and

improve Victoria Police's training capacity, and \$50 million was allocated for the police academy for things such as a new virtual training range, a new centre for investigations, a new lecture theatre, the upgrading of classrooms, the construction of a new accommodation wing and the upgrading of kitchen and dining facilities. Labor also committed to upgrading regional training facilities in Wangaratta, Ballarat and Gippsland, including a second virtual training range.

Was there any such foresight from the coalition? There was not one bit; there was absolutely nothing from the coalition about training facilities. There was Labor's additional police commitment, with 1700 officers in the May budget. In addition the coalition promised 940 protective services officers, but there was no substantial upgrade to the academy or any other training facility in Victoria on the horizon. Taking into account the attrition of police officers and PSOs, we are talking about thousands and thousands of recruits going through a training system that is already at capacity. This is just one example of the coalition's thought bubble — it releases a policy, and now it is a bill, without thinking of the requirements and consequences of its policies.

Despite the election campaign material of coalition members, PSOs are not police officers. Members only have to go as far as the Victoria Police website to see how it describes its own PSOs. It says:

Protective services officers are not empowered with the same powers of arrest as police.

It says their training:

... covers elements of the Victoria Police constables course ...

Their role, through the protective services division of Victoria Police, is to provide 'security services'. PSOs:

... are not 'sworn' members of Victoria Police ...

PSOs receive 8 weeks training compared to 23 weeks for sworn police officers. The element of the constables course in which PSOs are trained include defensive tactics, firearms instruction as well as training for their specific work locations. I will compare that with the training of a recruit to become a police officer: the 23 weeks training includes law and policing procedures, communication skills, scenario training, operational policing drills, defensive tactics, firearms training and physical education, and the list goes on.

Victoria Police makes it clear to potential recruits who dream of becoming a police officer what they need to prepare for. The Victoria Police website states:

Recruit training is intense and requires dedication, commitment and self-discipline in order to succeed ... Failure to meet the required standard may result in an applicant being expelled from the recruit training program.

It is a tough 23 weeks, and it needs to be. Policing is tough; it is complex; it is confronting. Our police officers are required to make split-second life-and-death decisions and often contend with people under the influence of drugs or alcohol or people suffering from a mental illness. In order to protect us and uphold the right, they have to deal with the very worst in our society. To prepare them for that vital task of protecting the general public, we train them intensively for 23 weeks. We put them on two years probation. We continually upgrade their skills.

Coalition members glibly say, 'If PSOs are good enough to protect members of Parliament, they are good enough to protect the public'. That is superficially a good line, but what they are really saying to the people of Victoria is that for the general public 8 weeks training is good enough. They say that 8 weeks training compared to 23 weeks training is good enough. That is what the coalition is saying. The coalition is seeking to transform the role of a PSO from a security service provider to a crime prevention role — that is, from protecting particular buildings to protecting the men, women and children of Victoria. Apparently this fundamental change in role and responsibility does not require any change in the duration of their training.

However, in order to improve perceptions of safety on public transport and deliver public value, PSOs must be able to assist commuters from a variety of backgrounds; they must be able to provide assistance and information to general members of the community; they must be able to administer emergency assistance to people in need, including first aid; they must be able to successfully manage individuals at risk of hurting themselves or others. This is a fundamentally different role to providing security at an important public building. Every person who catches a train on our metropolitan system or in our regional centres will see two people in uniform on the platform. They will look like police and they will be armed. The Victorian community will absolutely expect those two people to have the training and powers of a police officer, but they will not.

In terms of training, as I have already mentioned, we are in the midst of this greatest recruitment of police officers in Victoria's history. This is Labor's legacy. The many thousands of people who dream of becoming a police officer will apply over the coming months and years. Victoria Police does a great job in ensuring that the talent of recruits is kept at a high standard during

those periods of high intake. That quality control will be tested like never before because of this historic intake. Adding into that mix another 940 PSOs, this government and the Minister for Police and Emergency Services have a responsibility to ensure that quality is not compromised, particularly as the coalition has promised to deliver the 940 PSOs in this first term.

While I am sure there will be many applications to become a PSO, it is also expected that attrition will be high. We are talking about a job that is incredibly specific and, for many people, unattractive: 8-hour shifts walking up and down a station platform of about 400 square metres or so and permanent twilight-night shifts. Imagine, Acting Speaker, being in the dead of winter on a low-patronage station, cold, bored and having extremely limited career opportunities. Attrition will be a great issue.

The next issue I want to address is around the capital infrastructure requirements to make this policy work. The government has hardly addressed this issue at all. Permanent staff at every station from 6.00 p.m. will need toilets and other basic facilities. There are many stations that do not have these facilities. We have the member for Hastings in the house. In his press release of 9 November he says he is very happy about the new PSOs to be stationed on the Stony Point line at Stony Point, Crib Point, Bittern, Hastings, Tyabb, Somerville, Baxter and Leawarra stations. When you look at the facilities these stations offer you see that seven of them are without basic amenities for those PSOs. That situation needs capital from this government, but it has not allocated it.

If a PSO apprehends somebody they find committing a crime, how do they deliver that person to the police? Will they have to call the local police and wait for them to pick up the offender? Is that what is going to happen? What did the member for Kew say in the matter of public importance debate in November 2009? This is what he said:

A PSO is not just someone who is going to get on the phone and make a call to the police ...

If they are not going to get on the phone to police, what are they going to do with the offender? There are no vehicles provided for in this policy announcement. After a PSO arrests someone what do they do next? They hold the person they have arrested, and their partner will call Victoria Police. Local police resources will then be diverted to the station to pick up the offender. How do the weapons get to and from the station? The weapons need to be secured in a safe location. Has that cost been included in the coalition's

announcement? I do not think so. They have not done the work.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Beattie) — Order! The member for Hastings has had the misfortune to go from one side of the chamber to the other but still be right in the Speaker's ear. I ask him to temper his voice.

Mr MERLINO — This solution to fix the problem will not free up police resources. There is not an overall improvement in the allocation, delivery and flexibility of police resources. On the contrary this solution will require the utilisation of both PSOs and local police resources. I do not have a lot of time left in my contribution to talk about the issues of escalation and weapons risk as well as the issues raised by Metro chief Andrew Lezala and the Rail, Tram and Bus Union. Perhaps other speakers will talk about this.

I will perhaps talk about how this is going to impact on the transport budget. The Leader of The Nationals, in the matter of public importance debate in November 2009, said this is a very carefully costed program. The member for Yan Yean at the time then reported the Leader of The Nationals' comments that it would be funded out of the transport budget, not out of the budget for police. The member for Yan Yean then posed a question about what the then opposition was going to cut. The member for Kew, now the Minister for Crime Prevention, piped up and said, 'Nothing'. Nothing was going to be cut. That is what he said in a matter of public importance debate in November 2009. Twenty premium stations including, I am sorry to say, one in my electorate — Upwey station — that would have been staffed from the first train to the last train and seen capital upgrades improving the amenities and the security of patrons have been shelved by the coalition government. The coalition lied to the public in the debate 18 months ago, and now we are seeing its true colours.

On the issue of The Nationals reverting to type, there are 212 metropolitan stations. There are 85 regional V/Line stations. Every single metropolitan station is going to be staffed and 13 V/Line stations are going to be staffed. What about the other 72? Tiny metropolitan stations like Crib Point, Baxter and Officer will be staffed, but that is not necessary for V/Line stations such as Bunyip on the Gippsland line or Rockbank on the Ballarat line! This is The Nationals reverting to type. They say anything to get into power, but when they have the reins of government they absolutely screw the regions. That is what they do. This is a snub

for commuters who live between or beyond those regional centres.

There are lessons to be learnt. This has happened elsewhere. What the government is introducing is a second-tier police force that is less well trained and has fewer powers. In the United Kingdom in 2002 police community support officers were introduced. There are now some 16 000 of them. They are known as 'plastic police' because they do not have the training, they do not have the authority, they do not have the powers and they do not have the equipment. They were established to assist the sworn police officers in tackling antisocial behaviour, but above all it was about having a greater presence.

It helped, because in large letters on the back of their uniforms is the word 'Police'. But the public reaction to the drowning of a schoolboy in 2007 is a case in point. Ten-year-old Jordan Lyon drowned in a pond after trying to help his stepsister, who was in difficulty. Two police community support officers were first on the scene but did not enter the water. They called the police and waited. Sergeant Craig Lippitt arrived, and, with the boy's stepfather, dragged the boy out of the water, but it was too late. At an inquiry into the boy's death, Detective Chief Inspector Philip Owen defended the actions of the police community support officers. He informed the inquiry that they:

... are not trained to the same extent as police officers so wouldn't have been taught how to deal with a situation like this.

He further commented that they are not trained to 'deal with major incidents'.

An English *Associated Press* Newswire article of 27 September 2007 quotes Bob Ayers, a London-based former US intelligence officer, as saying:

If you dress somebody up so that they look like a policeman and stick them in the general population, we shouldn't be surprised when the general population expects these surrogates to behave and act as real policemen ...

It's a subterfuge. We are trying to convince the people that they have more police ... than there actually are.

Or consider these comments by Libby Purves in the *Times* of 25 September 2007:

... the public are entitled to be irritated and confused. If it looks like a duck and quacks like a duck, it ought to be able to peck like a duck.

Paul Kelly, chairman of the Greater Manchester Police Federation, said in the same *Associated Press* Newswire article:

We should do away with (community support officers) because they are a failed experiment ...

The Police Federation of England and Wales has said it has:

... always opposed the creation and presence of an ill-equipped and ill-trained second layer of law enforcers. We believe it causes members of the public more confusion as to who has what power, in what circumstances and for how long ...

These comments go to the heart of the problem of a second-tier police force. It is the path we are on.

There have been public comments made about the capacity of the academy, about the quality and duration of the training, the issue of getting weapons to and from train stations and the impact on the cost of the proposal. These are the questions that need to be answered.

Mr TILLEY (Benambra) — I rise to make a contribution to the debate on the Police Regulation Amendment (Protective Services Officers) Bill 2010. I am happy to see that the former government is finally engaging with the new government to see Victoria become a safer state. A ‘cannot do’, ‘will not do’ former government now comes kicking and screaming to the table to support the Victorian community and what was the nation’s proudest and best police force until we saw its conditions eroded over the last decade. The administration of the previous government barely resourced Victoria Police to protect the community.

This bill before the house represents the first act by the Liberal-Nationals government designed to stop the talk and spin that accompanied the crime epidemic which gripped Victoria for a decade. It is great to see the minister responsible for this bill in the chamber, and I know former colleagues will be listening very attentively to what we are going to deliver. It is about getting on with the job of tackling crime and antisocial behaviour and improving community safety throughout Victoria. It represents a truly positive, proactive and fresh approach — something which could not be achieved in the last decade.

Despite the many platitudes and promises that were wheeled out by successive police ministers and Premiers of the former Labor administration, Labor failed Victorians when it came to keeping them safe on our streets. We deserved better, and we will deliver a better option. Under Labor it became an unfortunate Monday morning tradition of waiting for the

publication of the names of Victorians who had become victims of crime the weekend before. Countless reports appeared in the press and electronic media about another bashing, stabbing or even a murder in the CBD or on a train or in an entertainment precinct in Victoria. Let it never be forgotten that over the course of the previous Labor administration violent crime against the person rose in Victoria by an astonishing 40 per cent. Assaults alone rose 70 per cent during the same period, and on Labor’s watch more Victorian families than ever before were touched by the injustice of indiscriminate thuggery than at any other time in our history.

Looking specifically at our public transport system, in 2009 there were more than 9 000 crimes reported. These statistics vividly demonstrate that violent attacks causing serious injury were a regular occurrence on our transport system under Labor. This is exactly what this bill seeks to address. This bill represents a watershed moment in law and order in Victoria, a turning point where the attitude of Victoria’s government goes from a duck-and-cover situation to proactive front-line visible policing where criminals are caught and punished. The one thing a police officer wants to achieve in this state is simply to perform their core function of catching crooks, something the last Labor administration did not support.

Mr Merlino — Do your research. They are not police officers.

Mr TILLEY — Absolutely, the legislation says exactly that: they are not police officers. But if you clearly understand their powers under section 458 of the Crimes Act, you know that under common law they can go out and perform those duties to protect the Victorian community.

I want to commend the Minister for Police and Emergency Services for moving so swiftly after the formation of the new Victorian government to the task of tackling the scourge of crime which has gripped our community for far too long. Let it not be forgotten that while this minister did not create the mess we have before us, he is the first person who has sat in that chair for over a decade who has shown the fortitude to roll up his sleeves and undertake real work to drive down crime.

Self-evidently, the bill before us is a relatively straightforward piece of legislation. It totals no more than three pages; however, what these three pages deliver is a major departure from the past decade of spin before action and spin doctor before police officer when it came to law and order in Victoria. Essentially the bill establishes a legislative framework which

allows for the deployment of 940 fully trained uniformed Victoria Police protective services officers (PSOs) who will be deployed on all metropolitan and major regional train stations. As a former member of Victoria Police I would work side by side with any one of those blokes, whether they were wearing a white shirt or a blue shirt, in the effort to protect the Victorian community.

Looking at the specific changes to legislation, the bill amends clause 118B(1) of the Police Regulation Act 1958 by inserting new clause 118(1)(b) to broaden the purposes for which protective services officers can be deployed to include the protection of the 'general public in certain places'.

The other substantive change the bill makes to the Police Regulation Act 1958 is that it repeals section 118B(1A), which currently limits the protective services officer force to 150 members, to allow for this wide rollout of the force. Increasing the number of PSOs will give the Chief Commissioner of Victoria Police the ability to more freely deploy Victoria Police members to protect the community not only in suburban metropolitan Melbourne but right throughout country and rural Victoria, because we will have dealt with the nasty little problem of the public transport system that those on the other side tried to cover up over the last 10 years.

Protective services officers deployed on our public transport network will patrol station platforms. They will be properly trained through the Victoria Police Academy, carry a firearm and have arrest powers. They do exactly the same operational safety training courses as the blue shirts, and I would walk side by side with any one of them any day of the week because that training is among the best in this nation.

Let me make it clear that PSOs who are deployed will be fully trained to respond to any threat, incident or attack that occurs on any train station from 6.00 p.m. until last train. These are the same PSOs who protect the Parliament, the Shrine of Remembrance, the courts and a whole lot of other areas. Because of the training that is delivered through Victoria Police they are very gifted at not having to grapple, tackle or use physical force; PSOs are very competent and articulate and can get people to do things without having to touch them. That training is not about just delivering physical force but also about being very smart, and these people are. The member for Monbulk has put them down for the last 30 minutes. The divide-and-conquer speech that he delivered in the last 30 minutes was an absolute disgrace.

PSOs deployed to the public transport network will not travel on trains. At the election the coalition committed to an extra 100 transit police, and, including officers already deployed, there will be 350 personnel whose role it will be to travel on our trains, trams and buses to ensure passenger safety. I support the Premier's view which he expressed last year when he said this policy will turn train stations from places of fear into places of safety. Victorians will again be able to see their public transport system as a safe mode of transport at night.

I recently travelled on my train line to see some friends. I could not believe the disgraceful conduct of some people or that I had no ability to get any support from the community or from any of the operators. It is a disgrace, and it has been going on for far too long. We are going to seek to change that. This is a clear critical first step that lays the groundwork for action to be taken to drive down crime. Lawlessness and violence have forced Victorians to fear for their safety when they have patronised our public transport system; the coalition is committed to putting an end to that dark chapter.

The first step we are taking today, combined with 1600 extra front-line police to be deployed over the first term of the Baillieu-Ryan government and the extra 100 transit police, demonstrates just how committed the coalition is to ensuring that our current Victoria Police officers are bolstered and supported by increased resources. Victorians will be able to go about their business safely. Adding 940 uniformed Victoria Police protective services officers to our system from 6.00 p.m. until the last train every night on metropolitan and major regional train stations is a great initiative, one which will start turning the tide of violent crime in our state.

The simple fact ignored in some of the debate is that we were elected to govern. If people out there are trying to block the delivery of our policy, they certainly need to consider their position. The opposition may be backgrounding media and causing arguments, but we will deliver. We are a strong government, and we will deliver every one of our policies not only to make the community safer but in a whole range of other areas, including business. The Premier and the minister should be commended for their swift action to date. I commend the bill to the house.

Mr NOONAN (Williamstown) — I rise to make a contribution to the spirited debate on the Police Regulation Amendment (Protective Services Officers) Bill 2010. In doing so I will make some quick observations about the contributions so far. However, before doing that I want to place on record my appreciation for the role that PSOs (protective services

officers) play in protecting the Parliament. I note that there is a PSO in the gallery.

The other observation I would make is that the minister at the table, the Minister for Police and Emergency Services, spoke on this bill for all of about 3 minutes when he delivered the second-reading speech. I want to congratulate the member for Monbulk, who managed to fill his 30 minutes — and indeed could have gone longer. The member for Benambra might refresh himself on section 458 of the Crimes Act 1958, which relates to arrest powers. One of the limiting factors is that those powers under section 458 require a PSO to catch someone in the act — red-handed. Perhaps he might familiarise himself with section 459 as it relates to this particular bill.

This bill is narrow in its scope, and it will not be opposed by the opposition. The bill is clearly designed to pave the way for the government's pre-election commitment to introduce PSOs after dark at our railway stations, although it is not clear whether that will be at every railway station. Whilst we on this side of the house accept that measures to increase safety on our rail system will be welcomed by the travelling public, it remains unclear whether the new government's approach will be effective in reducing crime on our railway network. One thing is clear — and the member for Monbulk pointed this out — the government certainly did not want this debate to take place in this particular sitting week. We know that because the opposition had to move a motion to bring this bill onto the notice paper to be debated in this sitting week.

Only a couple of weeks ago, in a radio interview the member for Monbulk referred to, the Chief Commissioner of Police, Simon Overland, admitted that the force was still 'doing an enormous amount of work and thinking' in terms of how the PSO plan would work. These comments suggest to me that Victoria Police is not ready for the introduction of PSOs at our stations, and probably with some good reason. As we debate this bill we are still pondering a number of questions about how the PSOs will be trained, deployed and controlled by Victoria Police. We are also pondering where the money will come from. It is estimated it will cost \$160 million to put those PSOs out there. It is not clear whether the money will come from the public transport or policing budget. It is also not clear whether the cost of the new PSOs will result in the axing of previous transport commitments, such as the upgrading of 15 suburban stations to premium stations.

I look forward to the minister's response to these and other questions that may be raised during the course of the debate. They are important questions and I think the travelling public will want to have some answers.

Before moving on, I want to refer to one more comment that the Chief Commissioner of Police made during that radio interview, and the member for Monbulk touched on this in his contribution. The chief commissioner was asked for his view about rail safety in Victoria and he said:

The reality is that by world standards it's safe. By Australian standards, it's safe. It is a pretty safe system.

That does not mean that more cannot be done to protect passengers. It is just a reminder that the response should be measured and balanced. To reinforce Simon Overland's comments, it is worth recalling the issue of personal safety and security on our metropolitan rail system, which was the subject of a report by the Auditor-General in June 2010. Contrary to much reporting, the Auditor-General concluded that since 2007–08 these strategies employed by the Department of Transport and the police 'have been effective in reducing crime' on our trains.

The Auditor-General also remarks on page 17 of his report that:

... the chances of a passenger being affected by crime on any single journey are statistically very low.

Indeed he puts a figure on it; he says it was '33 offences per million boardings' in the 2008–09 reporting period, which was a reduction of 27 per cent against his benchmark period of 2005–06.

The member for Monbulk talked about the role of PSOs and I think this is a very important aspect of this particular bill. Other than lifting the cap from 150 and paving the way for unlimited PSOs to be employed in Victoria, the role of PSOs will now change. That is something that needs to be understood. Of course we know that they are deployed at a limited number of sites, such as here in the Parliament and at the Shrine of Remembrance, but potentially we are now putting them on every station after dark. It is clear that PSOs are not sworn officers of Victoria Police. They are part of the protective services division of Victoria Police's specialist security services area. PSOs are not empowered with the same powers of arrest as police and to date have been used in relatively low numbers.

The policy decision of the Baillieu government to massively expand the number of PSOs needs to be understood for what it is. It is second-tier policing by stealth. I say this because, by sheer weight of numbers,

the principal role of the majority of PSOs in this state will move from the traditional role of providing protective services to one of crime detection and prevention. This shift ought to be understood for what it is, because it could have much larger consequences than this house may understand. In broad terms it even raises questions about the future direction of policing in this state.

To understand this — and again the member for Monbulk touched on this point — one only need look at the experience in the UK, where PSOs, or as they are called over there ‘police community support officers’, were created in 2002 to support full-time policing and have been the subject of much commentary. According to an article in the UK *Guardian* of 23 September 2010, the whole basis for the introduction of police community support officers was to provide communities with ‘a greater sense of security by their very visibility on the streets’, which certainly sounds familiar.

Today there are over 16 500 of these PSO-type officers across the UK. But unfortunately, as the member for Monbulk indicated, they are a much-maligned group of workers and have incurred the unfortunate tag of being ‘plastic police’. The police federation in the UK explains that the difficulty with PSO-type officers is that they may simply be a visible presence on the street but they create confusion among the public. When members of the public see a police uniform they have certain expectations of the individual in it. Those expectations can only be met by sworn officers; they cannot be met by unsworn officers. Almost 10 years down the track the UK PSOs are being described as a failed experiment, although the difficulty right now in the UK is that there is a need to slash the public service, so up to 40 000 police jobs may go.

It is interesting that, even with these cuts, the plan in the lead-up to the Olympics to be held in London in 2012 is to increase the number of sworn police officers by over 2500 in the London area, but not one additional PSO-type officer will be employed for this global event. Surely that must tell us as a Parliament something about the risks associated with the proposed PSO deployment in Victoria.

In conclusion, I accept that at the last election the new government won a mandate to improve safety on trains and at stations. But the new government will be judged by how it goes about it and whether the use of PSOs makes a difference. On the face of it, the UK experience seems to suggest there could be some problems with this policy.

The government has to provide some answers to the questions that have been posed during my contribution. This massive investment in PSOs by the government means there is much at stake. One wonders whether the early announcements by this government to increase fares whilst potentially cutting peak-hour services on lines such as those in my electorate — the Williamstown and Werribee lines — will help subsidise the cost. That remains to be seen. I note for the record that the Minister for Police and Emergency Services laughs at this suggestion, but it comes only months after his government has taken office.

There are obvious limitations with the PSOs. They cannot ride on the trains, and that needs to be understood. I am not sure how that will work if someone sees a problem on a train and the PSOs cannot get on it. There are many questions posed by this bill and about how it will be enacted. I look forward to hearing some answers from the minister.

Mr NORTHE (Morwell) — It gives me great pleasure to rise and speak on the Police Regulation Amendment (Protective Services Officers) Bill 2010. This bill seeks to amend the Police Regulation Act 1958 to make provision for the appointment of additional protective services officers to perform further functions. This bill is a consequence of two factors. Firstly, it is needed to address Labor’s failure to tackle serious crime in this state, particularly on public transport. Secondly, it is coalition policy to enhance community safety for all Victorians.

I note from the contributions thus far, particularly from members of the opposition, that on the one hand they give themselves a pat on the back for supposedly and allegedly debating this bill today and, on the other hand, they are critical of the fact that it has not been examined by the Scrutiny of Acts and Regulations Committee. That is an interesting point and somewhat hypocritical coming from the former Labor government.

I turn now to the bill. Clause 3 deals with the principal two objectives I outlined earlier. It amends section 188B of the Police Regulation Act 1958 to broaden the purposes for which protective services officers can be appointed. As previous speakers have pointed out, protective services officers play a vital and integral role within our community, whether at the law courts, the Department of Justice, the Shrine of Remembrance, the Victoria Police centre or here at the Parliament. They do a terrific job and I think all members of this house would agree. The bill before us today proposes to extend these purposes and where protective services officers can be based.

Clause 3 proposes the repeal of section 118B(1A) of the Police Regulation Act 1958 to remove the limit on the number of protective services officers that can be appointed under the act. As other speakers pointed out, this is currently restricted to 150 protective services officers.

The crime statistics on public transport make interesting reading. During the debate today it is important to note the number of offences that have occurred over a period of time on public transport in this state. They make quite alarming reading. If you view the Victoria Police crime statistics for 2008–09, you get some sense of the issues that exist on our public transport system. In 2008–09 there were 1152 assaults on public transport in this state, 1418 offences for property damage and in total 9412 offences. That is an alarming statistic.

This bill seeks to address some of the issues and challenges that confront many Victorian commuters. In speaking from a local perspective, in the electorate of Morwell there is a sense of unease among people travelling on the rail service after dark, particularly many regional commuters who use Melbourne's public transport system. In particular, senior members of our community feel quite vulnerable without the support of train stations being manned, and this bill seeks to address some of those issues.

There has been much publicity over a period of time with respect to incidents on the rail network. In the *Herald Sun* of 28 June 2010 there were articles about a number of vicious assaults that had occurred at McKinnon railway station where some thugs decided to take to some good citizens who were trying to do the right thing. This is just one instance of many where somebody has ended up in hospital with serious injuries as a result of assaults on our public transport system. It is simply not good enough that this type of situation occurs, so we believe the additional 940 protective services officers will help ensure that Victorian commuters are safe on our rail system.

The community has for a long time been calling for a greater security presence not only on the trains themselves but also at our railway platforms. In part what we seek to do here today is as a consequence of the fact that Victoria has the lowest average number of police per capita in comparison to other states. If you look at the national average, it is 293 police per 100 000 people, whereas in Victoria this figure is 262. It is imperative that we increase police resources, which we seek to do by 1600, but also ensure that the 940 protective services officers fulfil a very important duty for all Victorians.

The date of 8 November 2009 was an important day for many Victorians. That was the day when the coalition made some significant announcements with respect to tackling crime in this state. As part of that there were some initiatives associated with the Stopping Crime in its Tracks plan. This has been very much welcomed by the community in general. As part of that plan, and as a result of this bill, we will have 940 protective services officers manning our train stations in Victoria. Every metropolitan station will be manned after 6.00 p.m. until last train seven days a week, and also in some regional areas such as Geelong, Ballarat, Bendigo and Traralgon in my own electorate. In addition we will have 100 transit safety police officers and 1600 new front-line police officers. That significant package has been well embraced by not only those in my electorate but by the Victorian community.

I know speaking for many people within my electorate, that even the notion of having a protective services officer based at the Traralgon railway station has been very much supported. Some would say that there might not have been many incidents that have occurred within that train station, but this is a government that is being proactive with respect to securing our stations and making sure that commuters, not only in many regional areas of Victoria but in metropolitan Melbourne, are well protected into the future.

It is important to note that patronage on V/Line services, particularly in my region, has increased dramatically over the past few years. We have seen an approximately 124 per cent increase over the past five years in patronage on V/Line services in Gippsland. That is a very good thing.

We need to ensure that what comes from that is that our train stations are secure at the same time. I know from speaking with many pensioner groups within my region that they are very supportive of the notion that the Traralgon railway station will be manned after 6.00 p.m. until last train because it adds some comfort and surety for them into the future. It is very important for regional commuters to understand, and they welcome the opportunity — —

The SPEAKER — Order! The time set by the Premier for making a ministerial statement has now arrived. The member will have the call when the matter is next before the house.

Business interrupted pursuant to standing orders.

MINISTERIAL STATEMENT

Victorian families

Mr BAILLIEU (Premier) — In accordance with standing orders, I table the *2011 Victorian Families Statement*.

The wellbeing of Victorian families is a priority for the coalition government. Indeed the story of this state is the story of this state's families. It is the story of families realising their aspirations, of newcomers establishing families, of families coming here to pursue their dreams, of families overcoming challenges, of families prospering, of families growing, of families building for the future. It has not always been easy. Times have often been tough. From time to time Victorian families have found themselves facing and overcoming prolonged economic adversity, natural disasters, shortages, and regional and distant conflicts. But Victorians have largely triumphed and flourished and in turn successive generations have enjoyed the great legacy of a free, peaceful and democratic society where everyone gets a fair go. In short, the state of our families is critical to our state, and the state of our economy is obviously critical to our families.

For government to best represent the interests of families it is important that the government is reliably and regularly informed on the disposition of Victorian families and the challenges they face, and it is equally important that families and communities have the opportunity to regularly contribute their views on the changing circumstances in which they find themselves, and in turn it is important that the government considers families in the course of its decision making and reports regularly on progress on these issues. With this in mind the coalition committed more than 12 months ago to introduce an annual families statement to Parliament. And in opposition we began that process. Today we honour that commitment in government for the first time and commence a continuing program of listening to, learning from and better representing the interests of Victorian families.

The statement we table today is not intended as a comprehensive statistical analysis of family interests in our state. Our objective is to set out a range of important issues our government believes are significant factors in assessing the wellbeing of families. We trust this document will serve as a discussion point for Victorian families. Each year the families statement will be updated and grow to provide an objective snapshot of the quality of life of Victorian families, challenges ahead and progress in addressing issues of concern.

The coalition government has already moved to ensure families are at the centre of our decision making. All decisions of cabinet now consider in advance the benefits for families. The definition of 'family' will no doubt vary according to the perspective of different communities. Indeed the definition varies in different jurisdictions and for different regulatory purposes. For example, the Australian Taxation Office in its 'family group' definitions for the purposes of trust law uses an extended framework including spouses, children, grandchildren, parents, grandparents, siblings, nephews, nieces, their spouses and lineal descendants including adopted, step and ex-nuptial children, and former spouse or stepchildren. Family and relationship laws apply definitions appropriate to their particular purposes.

In Victoria the coalition government acknowledges and celebrates the extraordinary strength and essential role of traditional families and undertakes to ensure their recognition and support. And the government also acknowledges that Victorian families and households come in varied shapes and sizes. In addition to the traditional so-called nuclear family, Victorian families include the blended, step and extended families, single parents, people choosing not to have children, people whose children have moved out and begun families of their own and those embracing domestic relationships. There are families recently arrived from across the world and indigenous families for whom Victoria has been home for thousands of years. There are families with single incomes. Others with more. Families dependent on carers. Others dependent on government support. The definitions are less important than the recognition that families are the building blocks of our society.

This statement is for all families, whatever form they take, because this coalition government governs for all Victorians. Some families are thriving. But we know many families are currently doing it tough. In country Victoria in particular many families, having endured years of drought, now face the consequences of devastating floods. The coalition government has responded to these floods with a full package of assistance measures to ease the plight of the thousands of affected families. This package includes clean-up and personal hardship grants, financial support for affected businesses, funding for infrastructure rebuilding and assistance for agriculture and tourism.

The cabinet task force will continue to coordinate assistance and ensure that recovery and rebuilding takes place as quickly as possible and that local businesses and trades are engaged wherever possible. And we will not forget those affected by the Black Saturday

bushfires. Additional support has recently been announced and will continue as recovery and rebuilding proceeds. But Victorian families thrive best when their most basic of needs are met. First and foremost families need somewhere to live and a secure income to manage a household budget. To that end the coalition government aims to promote a strong, competitive economy and responsible financial management — keys to the future prosperity of Victorian families.

Families need infrastructure and services that work. A road network and transport system which is reliable, efficient, affordable and safe is essential to the daily lives of families. Equally important is having access to quality education, health and disability support services when and where families need them.

Families expect their neighbourhoods to be safe and friendly. And there is no hiding from the fact that Victorians are concerned about the impact of crime and antisocial behaviour. In an age of frantic change in social lifestyle and technology, a concern to all Victorian families is to maintain a sense of belonging and pride in our community.

Balancing the household budget has become a lot harder for many families. Although average earnings are up, the costs of some essentials have gone up faster, including housing, rents and utilities, health and education. The cost of food has risen faster than other costs, while transport and fuel costs continue to rise. These factors have placed increased pressure on household budgets, particularly for families on low incomes.

The government is working to relieve this pressure. This includes helping families manage their electricity, gas and water bills, introducing energy-saving discounts and giving additional discounts to concession card holders such as a 17.5 per cent year-round discount on electricity bills, which means that for an average annual power bill — currently around \$1600 — concession card holders will double their savings to \$280. And it also means expanding the natural gas network through rural and regional Victoria, reducing power bills and encouraging business investment.

The government is also acting on house prices by introducing stamp duty concessions for first home buyers, pensioners, concession card holders and eligible young farmers buying their first property, increasing the land made available for new housing and boosting the supply of affordable rental housing. Families already burdened by high prices have also faced paying high taxes and charges as well. Victoria has one of the

highest tax levels, as a ratio of gross state product, of any state in 2010–11. The government is conducting an independent review of Victoria's finances to ensure that taxpayers can have confidence that expenditure provides true value for their contributions.

We want Victorians to get the job skills they need. Currently youth unemployment is high, and many Victorians do not have the skills necessary to meet the demands of modern life. This government is fast-tracking concession fee places for TAFE diplomas for 15 to 24-year-old students holding a health care card from 1 February 2011. We want to ensure that our training system is responsive to the needs of all Victorians, providing opportunities for mature age and senior Victorians, those with disabilities or facing disadvantage. We want also to acknowledge and explore the important role that family businesses play in providing employment, training and community support.

But life is much more than a steady income and a balanced budget; it is also about a broader balance. It is about ensuring time is spent with our families, not time stuck in traffic or at the station. It is about being able to live in our neighbourhoods free from fear; in thriving local, regional and rural communities. It is about healthy and active families, and an education system that allows children to reach their full potential. The government is acting on all of these, for all Victorians.

The coalition government plans to improve public transport through better connections, more trains and trams and better maintenance. The government will be undertaking feasibility and planning studies for rail links to Doncaster, Rowville and Melbourne Airport, and a rail link to Avalon Airport. In the longer term, consideration will be given to more rail links, such as passenger rail between Geelong, Ballarat and Bendigo to provide regional families with more travel options.

With an increase in some violent offences over the past five years including assaults on public transport, community safety is one of this government's top priorities. The government is taking measures to improve public safety, including by deploying 1700 new police officers. One hundred of these officers will be deployed specifically for public transport and will be supplemented with protective services officers on patrol at all metropolitan and selected regional train stations. We will also abolish suspended sentences and home detention, establish baseline sentences and increase the average non-parole periods for violent offenders.

Regional and rural families face some distinct challenges such as limited infrastructure and services, and skill and labour shortages. The government is committed to providing more training and education opportunities to help keep young adults in rural and regional areas and allow them to contribute to their communities. We will work to improve infrastructure and services for regional and rural families.

The government will also ensure improvements in our education system. Principals will be provided with greater control over the running of their schools, including over building projects. The government will assist families' capacity to choose their schools. This will include providing funding to non-government schools to a quarter of the average cost of educating a student in a government school. We believe that children with behavioural problems and family issues should be better supported, and we will provide additional welfare officers for primary schools.

Our health system needs to have the capacity to care for people when they need it most. There is room for improvement in our health system. For example, over a quarter of emergency patients are made to wait longer than clinically recommended for medical attention. The government will develop the new Victorian health plan including specific plans for both the metropolitan and rural and regional health-care systems and a capital works plan for the next 12 years.

We will work to improve our health system, including 800 new beds over the next four years, more doctors, nurses and other health workers, and 340 new ambulance officers across the state. There are also plans to build a new hospital in Bendigo and improve other hospitals as part of a \$1 billion health infrastructure fund.

We will also focus on those suffering mental health difficulties. The government is committed to improving mental health services under a major new mental health plan that includes funding for more services and new facilities such as new mental health centres in Collingwood and Bendigo.

Caring for senior Victorians is more important than it has ever been. With an expected increase in demand for health services for the elderly it is important that our elderly are not forced to wait in hospitals for services. With this in mind the government is increasing funding for palliative care services and will continue to jointly fund the home and community care program with the commonwealth and local governments.

And the government is committed to helping the more vulnerable members of our community, including those with disabilities. While there are presently over 1 million people in Victoria with a disability, this is likely to increase as our population ages. But it is also their families that are affected. Carers in particular can have restricted opportunities to study, work and socialise. We want to develop a new approach to supporting people with disabilities and their carers and families; we will tap into their knowledge and understanding.

Above all, we are listening to the community. The *2011 Victorian Families Statement* which I am launching today represents the first step in what will be an ongoing discussion with the public. That discussion cannot just happen at government level. We will consult with and listen to the community about the future needs of Victorian families. To that end I am announcing today that the government will establish a families round table. The families round table will bring together relevant ministers, community groups, non-government organisations, business and church leaders.

The round table will meet regularly to map critical issues for families, lead community discussion, sponsor wider consultation and chart future changes. The government will also seek submissions from members of the broader public, other organisations and stakeholders. Their input to the work of the families round table will help to shape our government's annual families statement. That consultation will include a continuing program of community forums in regional Victoria and online opportunities. We will be inviting online feedback from members of the public, particularly younger Victorians.

We are committed to listening to and engaging with Victorians so we better understand the needs of families in Victoria and so that each year the families statement will truly reflect the needs and aspirations of all. I commend the families statement and I look forward to engaging with all Victorians to advance the wellbeing of families and our state.

Mr ANDREWS (Leader of the Opposition) — I welcome the Premier's comment that he is going to listen to families. One can only hope families have been listening to him for the last 15 minutes. What an uninspiring, almost-asleep performance. 'Families are the top priority and I shall be disinterested for all of them'; that is the commitment of this government.

All of us in this place, regardless of what party put us here, regardless of what community we represent,

support families. We are all, in whatever role we can play, passionate and committed — although the Premier is doing a good job of impersonating someone who is not — to supporting families in every way we possibly can.

It is a great pleasure to be able to respond to this wonderful, glossy document. I was certain we were not going to have any more of these. I thought they were all gone. I thought we were going to have a new dawn of open and accountable government. There would be no more glossy documents. In any event, the statement has been made. I hope many Victorians were listening to the Premier's great, passionate speech in support of them — motivated as usual.

The Premier and his colleagues were elected last year on a very simple platform: to fix the problems. Victorians voted for change; we accept that. We acknowledge that, and the Premier has made very straightforward commitments. He is going to fix the problems, and we wish him well in that. Now that we are on this side of the house it is our role on behalf of all Victorians, including Victorian families, to ensure that the Premier does just that: delivers each and every commitment in full and on time — hopefully with some passion — for every Victorian family.

That is why it is so very worrying — notwithstanding the worthy sentiments written in this document — to see that in only 71 or 72 or whatever days this government has absolutely failed to act, has failed to deliver and indeed has broken promises. It has betrayed the trust that has been placed in it rather than rewarding the sacred trust put in it by the Victorian community. There is no better example of that than the repeated embarrassing performances this week from the Minister for Community Services, who first of all seemed unaware that the Premier had committed to bringing forward to 1 January the all-year-round energy concession so boastfully talked about in this document.

I know it has been a long week, and maybe the Premier is having an off day, but today is not 1 January — that was some time ago. Having made an election commitment to deliver on 1 July, he then went to the *Herald Sun* and said, 'Well, bully for me; I'm going to give everyone an early Christmas present and bring it forward to 1 January'. It was Christmas in July. That is what this is all about: Christmas in July. The embarrassment of the Minister for Community Services is enduring and profound.

On Tuesday there was no talk of a bring forward; on Wednesday it was, 'Well, maybe, but we'll get back to you about that'. It is simply not good enough. Those

opposite, led by the Minister for Community Services, have either misled the Parliament or have misled the *Herald Sun*. I will leave it to the minister to determine, in the fullness of time, which is the greater sin.

Families in my electorate and families across this state know when 1 January was. Talk in the paper this week said, 'Oh, maybe a bill is needed, maybe legislation is needed'. The only bill that families have got is their energy bill, and it is not on the families round table but on their kitchen tables. The bills have come, but the concessions have not. That is to the embarrassment of the Minister for Community Services and to the shame of the Premier. This disgrace has been made clear for all to see this week.

Of course the government has some form on this. Some time ago I made the comment that it is much easier to talk about problems than it is to fix them, and that the Premier and his team, duly elected and supported by the Victorian community, would find this out over time. In some ways we all found that out, and just a couple of days before polling day we found out how credible they were in their commitment to fix the problems. That was when they steadfastly refused to have the independent Treasury cost their policies. Now, before we get to abuse of the Treasury, the same Treasury that is now holding the Treasurer's hand and propping him up as he seeks to prepare a budget for families in Victoria — in between counting workstations — if it is good enough to put together the Treasurer's first budget, it ought to have been good enough to cost those policies last year. Having steadfastly refused to hand over those policies, however, the now Treasurer instead got his lunch buddy from that powerhouse of the accounting profession whose name I cannot even remember — that is how well-known it is — two or three doors down from 104 Exhibition Street to put together a costings document. It was a document that said more via omission than via what was actually contained within it.

Time is against me — I have only 20 minutes, and I could regale the house for much longer than that, given the number of things that were bragged about, that were boasted of and that were promised across the length and breadth of this state: 'You want it; you've got it' — but I point out that the government had absolutely no hesitation in promising everything to everyone, everywhere at every time. But when you look at the documentation going the four years across the forward estimates, there are so many things, but not one real word and not one real dollar.

I would have thought, in a bipartisan way that in the community I live in — and I think in communities right across this state — children's health would be central to

the way in which we might all together support families. When the former government made announcements — fully costed, fully funded — for a \$250 million dedicated paediatric hospital at Monash Medical Centre, Clayton, the then opposition leader came out later that day and said, in effect, ‘Oh, what a great project! We’ve been thinking about this and working on this for some time. It’s a great project and, look, I’ll tell you what, we’ll match that. We’ll do it too’.

Having worked very closely as a government with Southern Health — with the paediatricians, with people like Professor Nick Freezer and so many others, not just to say that we supported a hospital out there but actually having done the detailed work to deliver one and having made the commitment on the day to begin in 2012 and open in 2014 — we naturally assumed, as did families across the south-eastern suburbs and Gippsland and the Latrobe Valley, that ‘That’s a good idea’ and ‘We’ll match it’, actually meant that. We thought it actually meant that. But, no, on the Thursday before polling day Sir Lunchalot and his mates came out with their document! And what did it include? There was no mention of Monash children’s hospital or any derivative thereof — not one word and not one dollar. They are the facts.

I can go through health service after health service, transport project after transport project, community facility after community facility, and school after school — I will come back to schools in a moment — where coalition members went across this state and promised everything to everyone under this banner of ‘fix the problems’. They said, ‘Because families come first, we are going to build the future’, but they were not going to fund it. They hoped they could slide and no-one would notice, for instance, that when they promised to rebuild the Royal Victorian Eye and Ear Hospital and from the ground up, oops, they forgot to say when. It will not happen in the next four years because it too is not mentioned in the documentation provided by the then opposition, now the government, just two days before Victorians cast their vote. I can cite example after example of where I think this government will undoubtedly find that it is much easier to talk about problems than it is to fix them.

On education, I note the glossy document that we were never going to have makes some comments. There is no page number on it. They did promise reform — —

Honourable members interjecting.

Mr ANDREWS — There is no number on that one, sport. Go back to counting workstations!

The government says in this statement:

Victorians deserve to have access to services and opportunities wherever they live.

That is a great sentiment, absolutely. I can think of no better example of not just talking about that but actually delivering it, and that is the Victorian schools plan. It did not matter if you were in a safe Nationals electorate, in a community with 500 people, or in a community that had never supported the Labor Party and was highly unlikely to ever support the Labor Party. It did not matter. Primary votes, and two-party preferred votes and the pendulum were not a consideration in the Victorian schools plan. That is why the plan had at its centre a commitment to support every single school over 10 years.

What we have had in furtherance of this government’s stated support for families is the Minister for Education during the last sitting week in this place junking the Victorian schools plan by making it clear that he would be delivering on Liberal Party commitments. That is his first and only priority. So even now, only 70-odd days in, it is easy to say that the coalition governs for all Victorians, but actually delivering it will prove very difficult indeed for this government.

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully!

Mr ANDREWS — Rather than governing and making decisions that might impact on and benefit a family — even one family — across the state, we have had a situation where it is review and task force, and review again, and more reviews — and now we have the family round table, no doubt the Chippendale round table. Families cannot eat a round table. Families cannot get medical care at a round table. You cannot take the round table down to the energy company in replacement of the broken promise to bring forward the concessions. If anything, you might well be chopping up the table for firewood, because winter will be here before these concessions are. Perhaps you could live under the round table, I am not sure. Again I could go through so many examples.

We have a situation where, with much pomp and ceremony, much gloss — no passion, I might add — we got a little spiel about all these wonderful rail links the government would build. Having learnt the lessons of last time in office, when it closed rail lines, now the coalition is apparently in favour of building new ones. That is a great thing. It is a good thing. I think all families would support that, until of course they learn

they will have to ride a feasibility study into the city. I have heard of discount airfares, and things have come down a lot, but I do not know how anyone is going to ride the feasibility study to Melbourne Airport. Again, much of this, certainly in tone if not in substance, was not necessarily up-front during the election campaign itself. There was much fanfare, with the coalition saying it was going to do all sorts of things.

Last week we heard some announcements about massive boosts in Geelong. This is a spin-free government, but it is going to give a massive boost to Geelong. It was not only that, but there was a feasibility study as well. Of course you can take your feasibility study down to the bank and say to the bank manager, 'Look, I am a family, Ted says he supports me and I have my feasibility study here, I would like a loan, please', or 'I am a bit behind in my mortgage, could you help me out? I have a feasibility study'. What a sham. What an absolute disgrace. The coalition would say anything to anyone, anywhere, any time and deliver nothing. The lack of passion — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully!

Mr ANDREWS — The lack of — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully! That is two warnings.

Mr ANDREWS — We have seen in 70-odd days an abject failure by government members to keep their word, an abject failure to deliver on the commitments they have made, and an abject failure to honour the trust that has been placed in them by the Victorian community. Legitimately those opposite are the government. They ran on a very simple slogan: fix the problems.

What I would say to the Leader of the Liberal Party, the Premier, is this: if you cannot even come in here and pretend to be passionate about Victorian families; if you come in here like it is the No-Doz that brought you in here; if your colleagues are asleep behind you or on their Blackberrys — and that is what they were, absolute drones, half asleep, if not more; if you cannot even pretend to be for Victorian families, is it any wonder that you have spent all your time in office so far failing to deliver for them, breaking promises? If you cannot pretend to back families, no-one will be surprised that you will fail to deliver for them. The words in this statement are worthy sentiments, and that

is all they are from this government and this asleep Premier.

Mr RYAN (Minister for Police and Emergency Services) — It is my great pleasure to join this critically important debate on an issue which is pivotal to this government and the future of Victorians at large. It is around the issue of families. It is around the fact that when all of us think of what we are, what makes us and what brings us to this place, so much of it is around family and the sorts of standards and principles that have been imbued in all of us because of issues around family.

It is a shame that we should have the Leader of the Opposition stand here and mock what I think is a wonderful initiative by the Premier of the state of Victoria. Indeed I congratulate the Premier for bringing in this statement today. As I said to him before this started, he should be very proud of the fact that he made it very, very clear right through the campaign that issues around looking after Victorian families would be absolutely pivotal to the way in which this government conducted itself and discharged its responsibilities to Victorians.

The Premier should be equally proud that amongst the first of the initiatives he brings to this Parliament is today's statement on families and their future. I congratulate him on doing so; it is a great step on his part. Importantly also it will be a cornerstone of what we as a government bring to the Parliament at the start of each year. We do genuinely regard families as being absolutely critical to the future of our state.

All this is to be contrasted, of course, with what we see and hear from this pathetic rabble opposite today. When we see the Leader of the Opposition, the leader of the alternate government that is all too soon to be forgotten as being that absolute rabble that its members now are, conducting himself in the manner that he has today, it is nothing less than a disgrace. Is it any wonder that they sit where they do? Is it any wonder that Victorians voted as they did on 27 November? If Victorians wanted to see a restatement of the bases, the justification, for the change they made on that great day of 27 November last year, they would see it in the conduct of the rabble who sit opposite today masquerading as Her Majesty's opposition and led by a Leader of the Opposition who can do no better than denigrate what has been a remarkable initiative — —

Ms Allan — On a point of order, Speaker, I ask that you direct the Deputy Premier back to the discussion, which is on the Premier's families statement. We know

that the Deputy Premier is in here only to protect the Premier and he has muscled his way into — —

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

Mr RYAN — So it is that the focus on families is reflected in the speech which the Premier has so ably delivered here today and in the commentary contained within the document that we have before us.

Honourable members interjecting.

Mr RYAN — In passing I might say that it is a document which is carefully page numbered. It does have numbers on the pages. It just goes to show that the Leader of the Opposition is not only blind to the issues that are under discussion but blind full stop.

Mr Andrews — On a point of order, Speaker, I would have thought that it was probably unbecoming for the Deputy Premier of this great state to take the piss out of people who cannot see.

Honourable members interjecting.

Mr Andrews — Quite frankly, there is nothing funny about blindness, and humour to that effect is in no-one's interests.

Mr RYAN — For the sake of clarity, inasmuch as I have caused offence to the Leader of the Opposition, I withdraw and I apologise.

Moving right along, this is an important issue of critical significance to us as a state. We have embodied in our government the significance of families and how crucial they are to us and to Victoria. In the passage of all legislation that goes before the cabinet, there is a specific check against the impact of that legislation on families, just as there is a specific check of the impact of that legislation upon rural and regional Victoria. These are important initiatives which go to the very heart of the way in which we intend to govern for all Victorians.

This question of family is critical to all of us. It is about the ability of the family environment to imbue standards, principles and respect in those around us and to have our children hopefully come out of a stable environment to enable them to make their way in the world in a manner which we would hope represents the best for them and the future of our state. The harsh reality is that — and it is not necessarily anybody's fault — these days in the contemporary world in which we live it is all too often the case that a lot of our young people come out of environments that are unfortunately

not able in this day and age to offer to them these fundamental principles that we as a Parliament once regarded as a given aspect of family life.

These in turn are issues which have shaped the way in which we are going to govern the state. They underpin why we have established through a ministry an office for crime prevention. We recognise that a lot of the matters which the Premier has referred to and which are reflected in the documentation before us about difficulty in community structures, law and order matters and the like are of a longer term nature: they are to do with a lot of the problems that arise because a lot of our young ones just do not have those essential elements that we have long regarded as being the cornerstone of families. So it is that we as a government have created a specific portfolio which is going to be directed under the leadership of the minister toward addressing those all-important issues. Again, it is a cornerstone of what we have done under the leadership of the Premier.

We recognise that families are now under enormous pressure from a variety of circumstances. Again, it is a feature of the contemporary world. As I say, family structures are under threat. Financially, a lot of our families are struggling with the cost of living. A degree of that without doubt rests upon the shoulders of those who now sit opposite, but it extends to issues such as meeting the mortgage payments, what are the interest rates and how are we who live in regional Victoria going to be able to educate our children, particularly when so many of them come to a metropolitan environment. These matters cause enormous pressures, of course, upon our families in not only in metropolitan but country areas.

The minister for small business was but up to a moment ago beside me here at the table. We see increasingly the pressures upon small business. One of the realities of today is that the small business sector continues to struggle with what I think is another element of the famed two-speed economy. It is true that if you are running a business which is hooked into a government contract at any level then you are doing reasonably well, but if you are running one of the true small businesses where issues of cash flow and outstanding small debt are ongoing to your being able to conduct your future, which are so often run by families, you are under intense pressure.

I note in section 2 of the document, which forms part of the statement that, on the opposing page to page 4 as numbered on the page, there is a photograph of a dairy farmer. It is interesting to reflect that when you are talking about small businesses and family businesses it

is reflective of how important businesses of that ilk are to Victorians at large, but particularly those of us who live in rural and regional Victoria. The whole dairy industry is underpinned by families. It so important to us as a government to make sure that in advancing the interests of families we have regard to the enormity of the pressures upon those who are involved in those smaller family farms because so many of those enterprises are operated by family units.

We have seen the pressures on families of fire and flood. Those matters have been dealt with at length by the Premier in his contribution. In a quick reflection, I must say that in Lockington years ago, when my father owned a stock transport firm, he managed to get the truck bogged one night in the course of a heavy flood. He brought his mates home to get some gear to go and get the truck out. My mother, in her great faith sense, tried to bless him with a bottle of Lourdes water, at which point my father said, 'Marie, my darling, we have enough water'.

The simple fact is that the Premier is to be congratulated on bringing in this statement. It identifies what is a cornerstone of responsibility for us as a government, and it shows Victorian families can depend upon the Liberal-Nationals coalition for their future.

Mr HOLDING (Lyndhurst) — We have just heard from the Deputy Premier, and indeed the Premier himself, the government's belief in the adage that if you simply say it, it must be true. We saw it with this statement in this glossy document which has been tabled in the house today, and we also heard it in the rhetoric from the Deputy Premier, who said the statement was so ably delivered, according to him, by the Premier. There was the lack of passion, the sleepwalking here in the chamber and the disappointed and depressed faces of those opposite who could see that the Premier had no passion in this at all.

This government has not learnt the difference between campaigning and governing. Government members did not get the memorandum that the election is actually over and it is now for them to get on with the job of actually governing for Victorians and delivering on the promises that they made during the last election. As an opposition we welcome the opportunity to contribute to a discussion as to how this government can best deliver for Victorian families. But the building blocks of this discussion and debate must be grounded in truth and not deception. The greatest disrespect that can be proffered to Victorian families is not to deal honestly with them on the great issues that face them. That is the

test that should be applied to this statement that has been delivered in the house today.

The Premier says in this statement that, first and foremost, families need somewhere to live. But there is not \$1 or one initiative in this statement that provides any support for low-income families or for families in public and social housing or those hoping to get into the private rental market. There are no words for them; there are no initiatives for them that will actually help them access low-cost, affordable housing.

Let us look at the difference between both parties on this issue. When we were in government we put on the table in partnership with the federal government over \$1 billion to provide low-cost housing for Victorians — 6500 public and social housing units by 2012 and 7500 subsidised private rental units. There was more than \$500 million from the state government and over \$1 billion in partnership with the federal government. It was the biggest support package for public and social housing and low-cost private rental accommodation in Australian history.

What did those opposite put on the table? A risible \$30 million. Members should not judge them by what they say but by what they do. We remember the member for Doncaster campaigning against social housing projects in her electorate. A campaign ran on her website against the Doncaster Hill social housing project. The member for Ferntree Gully campaigned against social housing projects in his electorate. The government does not advocate providing support for Victorian families by providing access to low-income families.

The statement that has been delivered today says there is increasing budget pressure on households and that:

The government is working to relieve this pressure.

That is at the centre of this government's claims about how it will support Victorian families. What has the government done? In December the Premier told Victorians he would fast-track a year-round energy concession for power bills. We remember that front page of a *Herald Sun* saying it would be a Christmas present for Victorians. Christmas has come and gone, and low-income Victorians are still waiting for the concession to be brought forward. Low-income families are still waiting — —

Ms Wooldridge interjected.

The SPEAKER — Order! The Minister for Community Services!

Mr Andrews interjected.

Mr HOLDING — It is Christmas in July according to the Leader of the Opposition. Now we know who the turkey is. We have just heard her interjecting across the table and making claims about what this party may or may not have done.

Prior to the election the then opposition bought advertising space in suburban newspapers to promise that if elected it would keep supermarket prices down. What nonsense! What an insult to Victorians to hold out the false hope that it is within the gift of the state government to bring downward pressure on supermarket prices. What will be the impact of this government's policies on a litre of milk, a loaf of bread, a tub of butter or whatever it might be?

We know the opposition has no initiatives in this area. It was revealed when we heard the Treasurer answering a question without notice in December last year. When he got up in the chamber he was all at sea. All this was going to be delivered by cutting government waste. The downward pressure on supermarket prices was going to be delivered by cutting government waste. What did we see? We saw the Treasurer having to be rescued by the Minister for Ports, who raised a humiliating and patronising point of order, trying desperately to provide assistance to the Treasurer. The Minister for Ports was trying to throw him a lifebuoy, and it was nothing more than an anchor which took the Treasurer straight to the bottom.

What have we heard? Instead we have heard that it is all about input prices. It is going to bring downward pressure on input prices. That is how the government is going to deliver on its promise, according to those opposite, to lower supermarket prices for families. But what have we seen? In January this year we saw retail gas and electricity prices go up, and we heard nothing from those opposite. We saw public transport fares go up by up to 5.9 per cent. That was put out in a statement by the Minister for Public Transport. There was not a peep about what the government would be doing to relieve pressure on Victorian families. Gas and electricity prices are up between 4 and 14.5 per cent. There has been nothing from those opposite about what they will do to relieve pressure on household prices. But these are the things they are going to be doing to deliver their commitment to lower supermarket prices for groceries for Victorian families.

Mr O'Brien interjected.

The SPEAKER — Order! The Minister for Energy and Resources!

Mr HOLDING — Now the Minister for Energy and Resources tells us about water prices. This week we have heard about water prices from those opposite. They have conceded that no matter how much cost is involved with changes at the desalination plant, it will make no difference whatsoever to the cost to the Victorian consumer. The Minister for Water has made absolutely clear it is a fixed-price contract. There will be nothing from those opposite to reduce pressure on household prices or lower grocery prices for Victorian families. The emperor has no clothes in relation to reducing — —

Mr Andrews — He has got a table, though.

Mr HOLDING — Yes, exactly. He will be sitting there with no clothes on at the round table with all the knights of Camelot, yet there will be no impact whatsoever on household prices for Victorian families.

The least those opposite can do is deal honestly with the Victorian people and put aside the rhetoric from the election campaign, when they claimed they would be able to drive down retail gas and electricity prices, when they claimed they would drive down water prices, when they claimed they would put downward pressure on public transport prices, and when they claimed they would put downward pressure on prices for Victorian families. Since the election we have seen a string of broken promises from those opposite as they admit and concede that in so many of those areas they have no intention of doing anything to reduce prices for Victorian families, no intention of doing anything to provide low-cost, affordable and secure accommodation for Victorian families, and no intention of doing any of the basic things that they claimed during the election campaign they would do. Instead what we have seen is spin and glossy documents. The very things coalition members said they would not be doing when they were campaigning in opposition are exactly what they have turned to in government. These people opposite have been revealed as unready and unfit for governing in Victoria.

Ms WOOLDRIDGE (Minister for Mental Health) — I am very pleased to rise today in support of the *2011 Victorian Families Statement*. This stems from a commitment from the Premier back in opposition that we would develop an annual families statement to provide a snapshot of issues affecting Victorian families. This is a Premier that delivers on his commitments, and that is why we are here today. I congratulate the Premier on that.

Mr Andrews interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to put down that paper.

Ms WOOLDRIDGE — It is very disappointing that all we have had from opposition members are personal attacks and misconceptions about what they achieved in government. What we really know is that the former Minister for Water, the member for Lyndhurst, has absolutely lost the plot. He talks about honesty. Where was the honesty when the former government talked about not piping water along the north–south pipeline and not taking water from the north? Where was the honesty about the cost-of-living perception among families when he burdened Victorian families with the cost of the desalination plant for decades to come? And where was the honesty from the Leader of the Opposition when he was the Minister for Health? In 2006 the centrepiece of the then Labor government’s policies — —

Mr Holding interjected.

The SPEAKER — Order! The member for Lyndhurst should address members by their correct names and not interject.

Ms WOOLDRIDGE — Where was the honesty? The centrepiece of the 2006 Labor Party campaign was a comprehensive cancer centre in Parkville. Not one brick is in place four years later. The former government absolutely failed to deliver the centrepiece of what it committed to do for Victorian families.

Mr Andrews — Have you been there? No.

The SPEAKER — Order! The Leader of the Opposition!

Ms WOOLDRIDGE — What we have had instead was a failure under a Labor government. What we have seen today is a denial of the impact they had over those long, dark years on Victorian families. When we talk about families we are always thinking in the context of our own families. When I think about my family the notion is very much a nuclear family. I think about mum, dad and a young son happily living in suburban Melbourne.

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton!

Ms WOOLDRIDGE — However, if you scratch the surface of families what you see is the inevitable complexity that all families have. You have multiple parents, mental illness, degenerative illness, Aboriginality, divorce, de facto relationships,

guardianship, success, lack of success, country and city areas, pensions and portfolios, ageing parents and kids starting schools. There is no doubt that families are very complex, and we reflect that in our support for the range of assistance and services that families in this state need.

The glue that keeps families together is that sense of kin, that sense of love and support, of seeking the best for individuals and the hope that each and every member of the family can reach their full potential for the future. That is what we want to do as a state government. That is what we want for Victorian families. We want not to do it for them but to ensure that they have an environment where families can flourish. We want an education system where children can — —

Ms Thomson interjected.

The SPEAKER — Order! The member for Footscray should desist from her interjections.

Ms WOOLDRIDGE — We want an education system where children learn to think and to prepare for jobs as yet unimagined. We want an economy where new jobs can be developed in value-added industries. We want an environment where innovation is rife and small business owners have the confidence to start small businesses for the future. We want an environment where high-quality health and community services are available where people need them and when they need them, whether that be in country or city Victoria. We want an environment where communities are safe, inclusive and nurturing of everyone, and where we can celebrate religious and ethnic diversity and realise that is a key issue to what makes Victoria vibrant.

Ms Beattie interjected.

The SPEAKER — Order! The member for Yuroke!

Ms WOOLDRIDGE — What do we actually have? Eleven years of Labor neglect. If I just think about the most vulnerable families in this state, in the areas that I represent in terms of my portfolio, we have families that cannot access mental health services. They cannot access them in the community or in the hospitals. They cannot get the support they need when they need it. We see at its peak over 2700 children who have been abused and neglected, unable to have even a case manager to make sure they are being supported and protected. The number of young people binge drinking has doubled over the last 10 years of Labor administration and people cannot access drug services. Ageing parents are too afraid to die because they do not

know what is going to happen to their adult child with a disability, and there are over 2700 people waiting on Labor's waiting list to access those supports. Families are struggling to pay their bills of ever-increasing costs of services and utilities.

The difference, and why the government was elected, is that we have solutions for the future. We are going to make the difference and keep the focus on Victorian families to make that difference. There will be a significant boost to community mental health services, mental health services for young people, strengthening of clinical services and making sure there is a transition from clinical services into accommodation and support in an ongoing way. We are going to have more mother and baby units: antenatal and postnatal support for women who need assistance during pregnancy and after the birth.

I love it that the Labor Party in opposition keeps on raising these concessions, because there will be an additional \$350 million for 800 000 families for an all-year-round electricity concession — something the Labor Party never did. We have new, innovative supported accommodation and respite. We will recognise the role that carers can and do play in the support of the people for whom they care. We are going to lead the implementation of this policy and work with the federal government and the other states to implement a national disability insurance scheme. There are long-term solutions for families who have family members with profound and severe disabilities.

Sitting suspended 1.01 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government: freedom of information

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his comments in the *Age* newspaper on 30 November last year, where he said, 'Accountability and transparency will be the principles that underpin our government', and I ask: given that the federal Treasury has now released incoming government briefings and the federal shadow Treasurer released the blue book briefings following the 2010 federal election, will the Premier commit to releasing the Department of Premier and Cabinet blue books provided to him on coming to government?

Mr BAILLIEU (Premier) — As the Leader of the Opposition knows, the blue books are not subject to

FOI or release. They are prepared by the department for both sides of politics in the event of a change of government —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr BAILLIEU — or in the event that there is no change of government. The department prepares information.

Mr Andrews interjected.

The SPEAKER — Order! I do not want to have to start warning the Leader of the Opposition.

Mr BAILLIEU — That information is prepared by the department, and it has never been subject to release. If the federal government chooses to change the arrangements, that is up to it. My understanding is that at the federal level part of this information has been released, but then again if —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BAILLIEU — If the Leader of the Opposition wishes to make a freedom of information application, he will in the process be given the legal opinions and will get the response that is appropriate.

Hotel Windsor redevelopment: Ombudsman's report

Mr NEWTON-BROWN (Pahran) — My question is to the Premier. Will the Premier outline to the house the government's response to the Ombudsman's investigation into the probity of the Hotel Windsor redevelopment, which was tabled in Parliament today?

Mr BAILLIEU (Premier) — I thank the member for Pahran for his question. In doing so I note his track record in the field of planning, his understanding of probity and his understanding of how the planning system should work. Today the Ombudsman has tabled his report into the probity of the Hotel Windsor redevelopment. This is the report that the community of Victoria has been waiting a long time for. The Ombudsman has made 17 recommendations, and I will come to those in a moment.

The fact is that this report follows the release, albeit an inadvertent one, of a media plan from the former Minister for Planning. At the time the former Minister

for Planning claimed that he knew nothing about a proposed sham consultation, that it was all the fault of a staffer. He knew nothing; he did not know; it did not happen; and it was all his staffer's idea. What we learnt today is that this is not what occurred at all. In fact in the week before the media plan was prepared a meeting was held between two departmental officials, the former minister and the former minister's chief of staff where this plan was concocted.

This report brings into question the accounts of these events by the former Minister for Planning, it brings into question the management and conduct of the office of the former Minister for Planning by the former Minister for Planning, it brings into question the adequacy and the terms of reference of the probity audit into this affair which the former Minister for Planning commissioned, it brings into question the conduct and the role of the then chief of staff of the former Minister for Planning and it brings into question the application and the adequacy of codes of conduct that applied under the previous government. There are serious issues raised. There are 17 recommendations. We have now had the morning to look at this report, and I can say that we take each and every one of these recommendations seriously and will respond accordingly.

Honourable members interjecting.

The SPEAKER — Order! The member for Bendigo East! The Premier has 1 minute left.

Mr BAILLIEU — I can understand the embarrassment of the opposition at this scandal, but this again raises the need for an independent, broadbased anticorruption commission, for fully transparent processes, for record keeping in Heritage Victoria, and for the departments to be upgraded and for additional training. But it also brings into question the leadership of the Leader of the Opposition, because it is now a question of what the former Minister for Planning is doing on the front bench of the opposition to represent the opposition as an alternative government. It is totally and utterly unacceptable, and it is now a question for the Leader of the Opposition.

Ms Allan — On a point of order, Speaker, firstly, I would like an indication whether, in line with your direction to the house last night, the clock is going to stop during this point of order. Obviously that has now passed. The point of order I wish to raise is that an attack on the Leader of the Opposition is clearly not part of government administration. If only the Premier had been as fired up about families in his earlier

response to the house as he is in attacking the opposition — —

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

Mr Baillieu — On the point of order, Speaker, this report brings into question the integrity of the previous government, many members of which still sit on the front bench here. The backbench ought to be aware that the problems we have to fix are of their doing.

The SPEAKER — Order! There is no point of order. The Premier has completed his answer.

Ms Allan — On a point of order, Speaker, I appreciate that this is the first question time where we are operating under the new sessional orders and that there is a 4-minute limit to ministers' answers. However, there continues to be some ambiguity before the house about what is going to happen in regard to the clock stopping when points of order are being taken. You indicated to the house last night that it would be at your discretion. However, you did not indicate at the start of question time today, or indeed while I was taking my point of order, whether the clock would stop. It would assist all members of the house if you could provide some consistency in that regard.

The SPEAKER — Order! In regard to the point of order raised by the member for Bendigo East, there were 15 seconds to go at the time she got to her feet. I did not stop the clock because I believed there were only 15 seconds left to go and it appeared to me that the Premier was winding up in that period of time. If it had been 15 seconds from the start of the Premier's response, then yes, I would have stopped the clock. However, there were only 15 seconds to go. I want to make it clear that it is at the discretion of the Speaker. I will judge it the way I see fit. If I believe the clock should be stopped, I will say, 'Stop the clock'.

Government: freedom of information

Mr HOLDING (Lyndhurst) — My question is to the Treasurer. What specific changes have been made to the processing of freedom of information applications in the Department of Treasury and Finance as a consequence of the change in government?

Mr WELLS (Treasurer) — I thank the shadow Treasurer for his question. I find it fascinating that in all his time as minister for finance the former minister did not ask for one briefing. I cannot believe it; not one briefing. In answer to his question about freedom of information — —

The SPEAKER — Order! I ask the Treasurer not to be critical of members of the opposition.

Mr WELLS — In regard to FOI requests and the issue of transparency, under the Baillieu government that is all under review. We will make sure that our freedom of information policy is very good and achieves our election promises. As far as the Department of Treasury and Finance is concerned, the issue of transparency will be improved significantly in comparison with the time under the former minister for finance.

Anticorruption commission: establishment

Mr THOMPSON (Sandringham) — My question without notice is directed to the Minister responsible for the establishment of an anti-corruption commission, and I ask: is the minister aware of an Ombudsman's report today which exposes a massive cover-up, and what is his response?

Ms Allan — On a point of order, Speaker, in *Rulings from the Chair* of November 2010 at page 157 there is a ruling from a previous Speaker that questions regarding Ombudsman's reports can only be answered by a minister insofar as they relate to their ministerial responsibilities. Given that the subject of this report is outside the scope of the Minister responsible for the establishment of an anti-corruption commission and particularly given that the minister is yet to have any legislation that underpins his responsibility as a minister, I suggest that this question be ruled out of order.

Mr Ryan — On the point of order, Speaker, the minister has responsibility for the introduction and implementation of the anticorruption commission. The report tabled today goes to issues to do with corruption, with inappropriate conduct and with various breaches of codes of conduct, and I believe it is appropriate for the minister to answer this question.

Ms Green — On the point of order, Speaker, I support the point of order raised by the member for Bendigo East. I draw to your attention the discussion last night. I think this clearly falls into the portfolio of the Minister for Local Government, because last night the member for Benalla raised this matter with the Minister for Local Government. I think you ought to rule as the member for Bendigo East has suggested, given former rulings from the Chair and the fact that the adjournment matter was raised with the Minister for Local Government by the member for Benalla last night.

The SPEAKER — Order! I believe the member for Yan Yean has the two reports mixed up. The one raised last night was in regard to a councillor from Hume City Council. This report is one by the Ombudsman regarding the Hotel Windsor redevelopment. I do not uphold the point of order.

Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission) — For the clarification for the member for Yan Yean, what we are speaking about here is the report that was tabled today. There are certainly a number of matters, but it is entitled *Ombudsman Investigation into the Probity of the Hotel Windsor Redevelopment*.

The most important thing is that this again demonstrates the importance of establishing an anticorruption commission here in Victoria. It also highlights the significance of properly defining what corruption is. This anticorruption commission is going to have to grapple with that issue, but the most important thing is that it is a miscarriage subverting or perverting an official function, and I would have thought that a minister of the Crown has an official function — or example, in a planning process. That perversion or subversion of an official planning process is a matter of profound concern for the whole of the government, and that is why we need an anticorruption commission in this state — not just a patchwork, but a single body that can look across the whole of government.

The other aspect of the anticorruption commission that we propose to set up on this side of the house — —

The SPEAKER — Order! Stop the clock.

Ms Allan — On a point of order, Speaker, in the minister's contribution he made a very serious allegation about a member of this house, alleging that in his opinion he was perverting proper planning processes. That is a very serious charge. It is a charge that is not substantiated in the Ombudsman's report that has been tabled.

An honourable member interjected.

Ms Allan — It is not. The Ombudsman does not make any findings of impropriety in regard to any member of Parliament or the former minister involved. A motion — —

The SPEAKER — Order! What is the point of order the member is making?

Ms Allan — Raising an allegation of this kind can only be done by a substantive motion, and I ask that the

minister be directed not to go down that path. If he wants to, he needs to do so through the appropriate forms of the house, which would be through a substantive motion.

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

Ms Allan — On a further point of order, Speaker, for the assistance of all members of the house but in particular for the opposition, we would appreciate some clarification on the grounds on which the previous point of order has been ruled out of order.

The SPEAKER — Order! The basis is that the minister was referring to the report that was released this morning, and what is in that report is what he is referring to the house.

Ms Allan — On a further point of order, Speaker, I would request then that you examine *Hansard* and the comments that have been made by the minister, where he clearly said — and many members in the chamber heard this — that he accused the former minister, who is currently a member of this chamber, of perverting the proper planning processes. I would ask that you examine *Hansard*, examine the point of order that I have raised, examine your response to that point of order and report back on how that point of order has been ruled out of order.

The SPEAKER — Order! I will look at *Hansard*. Start the clock.

Mr McINTOSH — As I was saying, Speaker, the anticorruption commission that this government will set up will have a very important enforcement process, but also it will have another part which is perhaps unique in this country. The idea is that the anticorruption commission will also be about the prevention of corruption by educating public officials — MPs, ministers, public servants — but most importantly it will have a reporting function — that is, there will be a positive obligation on all of us to report where we detect or see or perceive that there is corruption. It begs the question in relation to this report. What you have are serious allegations out of this report, and it begs the question: the Leader of the Opposition has an obligation to report these matters to somebody — an anticorruption commission.

The SPEAKER — Order! Stop the clock.

Mr Nardella — On a point of order, Speaker, question time is not the time to attack the opposition. It is about ascertaining answers on government business. The minister is attacking and continuing to attack the

opposition. I ask you to ask him to desist from doing that. To ask the Leader of the Opposition to take action in regard to any member on this side of the house is absolutely irrelevant to government business.

Dr Napthine — On the point of order, Speaker, what we have seen from the opposition is a serious misuse of the process of this house to try to frustrate question time and to further continue the cover-up which was perpetrated by the previous government on this Windsor Hotel issue. What we have had is cover-up upon cover-up upon cover-up to try to cover up the misdemeanours and misbehaviour of previous ministers, and the people along the front bench — —

Honourable members interjecting.

Dr Napthine — What we see now is continuing action from the same failed people trying to now perpetrate — —

Honourable members interjecting.

The SPEAKER — Order! Minister!

Dr Napthine — They are trying to misuse the forms of the house to ruin a question time that the people of Victoria are very interested in.

The SPEAKER — Order! The minister was in fact reporting to the house on the Ombudsman's report and concerns that have been raised by the Ombudsman.

Honourable members interjecting.

The SPEAKER — Order! It is in the report. I am aware, as we are all aware, that we do not want opposition members being criticised. Question time is not for that. I ask the minister to come back to concluding his report.

Mr Nardella — On another point of order, Speaker, the Minister for Ports impugned the reputation of a member of this house in his contribution on the point of order. Again I ask you to ask him to desist from doing that in the future. It is absolutely inappropriate, and I ask you to ask him to withdraw.

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

Mr McINTOSH — As I said, the Ombudsman has found serious allegations relating to conflicts of interest and perverting the decision-making process. All of these matters are of profound concern. The independent, broadbased anticorruption commission the Baillieu government will set up will have an educative function, but most importantly we have to remember

that we all have a responsibility not to turn a blind eye to corruption.

Ms Thomson interjected.

The SPEAKER — Order! The member for Footscray has a warning.

Mr McINTOSH — We have a responsibility to report corruption. Education, not just enforcement, is important. We must be able to report corruption. That begs the question: what is the member for Essendon still doing on the front bench of this Leader of the Opposition?

The SPEAKER — Order! I ask the minister not to do that again. He has been warned; he knows the rules. The minister will not do it again.

Government: freedom of information

Mr HOLDING (Lyndhurst) — My question is to the Treasurer. What advice if any has he or his office received about a freedom of information application requesting access to the Department of Treasury and Finance blue books?

Mr WELLS (Treasurer) — I have received no information in regard to FOI requests.

Members: code of conduct

Mr WAKELING (Ferntree Gully) — My question is to the Minister responsible for the establishment of an anti-corruption commission. I refer the minister to the findings of the Ombudsman's investigation into the probity of the Hotel Windsor redevelopment. Given that the report reveals serious breaches of ministerial conduct, what action is the government taking to ensure that this disgraceful conduct never recurs?

Ms Allan — On a point of order, Speaker, I would ask that the member's question be either withdrawn or substantially redrafted.

The SPEAKER — Order! On what basis?

Ms Allan — The question is factually incorrect. The Ombudsman's report does not contain the allegations that are made in that question. Yes, there are findings around proper processes, as have been referred to, regarding departmental record keeping — they are matters for the department — and matters regarding codes of conduct for ministerial staff, but the report does not contain the allegations that are in the question asked by the member for Ferntree Gully. The question should be either withdrawn or substantially redrafted.

The SPEAKER — Order! Would the member for Ferntree Gully consider rephrasing his question?

Mr WAKELING — My question is to the Minister responsible for the establishment of an anti-corruption commission. I refer the minister to the findings of the Ombudsman's investigation into the probity of the Hotel Windsor redevelopment. Given the details in the report, what action is the government taking to ensure that this situation does not recur?

Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission) — I thank the honourable member for his question, because it highlights a significant part of the Baillieu government's pledge to the state of Victoria to establish an anticorruption commission and to have proper standards to which members of Parliament, ministers, public servants and others should adhere.

A critical factor is that what happens in Victoria is different from what happens in many other jurisdictions, such as New South Wales, where there is a strict code of conduct for ministers and members of Parliament. That strict code of conduct can be looked at to see whether there are any breaches, and that in itself can determine whether there is corrupt behaviour.

As ministers of the Crown and as executive councillors all of us swear to discharge our duty without fear, favour or affection. It is an important part of the process that we should be doing this for proper purposes, in an impartial way and for the benefit of the people of Victoria, not for some byzantine process to ensure that we get re-elected, not to concoct some sort of shabby media strategy and not to pervert planning processes. These matters are critical to the state of Victoria. Without them we cannot have government integrity and the people of Victoria will start to lose trust — if they had not lost trust because of the last government, as was demonstrated at the last election.

Importantly, Victorians are entitled to expect that ministers and MPs adhere to a very strict code of conduct, and any breach of that should be treated very seriously. For the first time, like other jurisdictions — the commonwealth or New South Wales parliaments — we will have ministers who will be bound by a strict code of conduct. That strict code of conduct should apply not just to ministers; it should be a special code of conduct for MPs. Any breach of that should see serious consequences. Again it begs the question: what is the member for Essendon still doing on the opposition leader's front bench?

The SPEAKER — Order! I ask the minister to resume his seat. I think he has finished his contribution.

Minister for Public Transport: responsibilities

Ms RICHARDSON (Northcote) — My question is to the Minister for Public Transport. I refer to the minister's statement on 19 January 2011 following criticisms of the government's cuts to city loop services, when he said, 'I can only go on the advice that I have been given', and I ask: after fare increases, cuts to the premium station program and his undermining of the regional rail link, when will — —

Honourable members interjecting.

The SPEAKER — Order! Members of the government will come to order. I would like to hear the end of the question.

Ms RICHARDSON — When will the minister start taking responsibility for his actions, or is this a minister who hides behind public servants when the going gets tough?

Mr MULDER (Minister for Public Transport) — I will take the questions in order. First, in relation to changes to the timetables, as the member will be aware, the former government signed a contract with Metro Trains Melbourne and part of that contract was that Metro would deliver a greenfield timetable for Melbourne. That was part of the contract that you lot signed! Last year Metro produced what was called its cure plan for the development and implementation of the new timetable due to be implemented in April and May next year. Once again, your government and your minister oversaw the development of the timetable.

The SPEAKER — Order! The minister will address his answers through the Chair.

Mr MULDER — There are serious consequences for the incoming government if we do not abide by the contractual arrangements that the former government put in place.

Mr Holding interjected.

The SPEAKER — Order! The member for Lyndhurst!

Mr MULDER — This is your doing. This is the doing of the former government. This is its timetable. This is its work — —

The SPEAKER — Order! The minister will answer through the Chair.

Mr MULDER — This is the action of its former minister.

I will go to the second part of the question, which is an undermining of the regional rail project. What an absolute disgrace. I have received a briefing on this project; it was \$880 million undercosted and you say we are undermining it. Do you know how that was put together? I will tell you how that was put together. You said, 'We need a transport plan. We need a glossy brochure. We need to do the advertising. Let's go to the department, get the projects, get some indicative costs, go to the federal government, get a cap contribution and then ask Victorian taxpayers to make up the difference'. You are saying that the government of the day is undermining the regional rail link. What an absolute disgrace. The way that this government went about its business was this: no. 1, make the announcement — —

Ms Richardson interjected.

The SPEAKER — Order! The member for Northcote has had her chance.

Mr MULDER — No. 2, get the photograph; no. 3, put the brochure out; no. 4, work out how much the federal government is going to pay; no. 5, work out what the difference is — —

Ms Richardson interjected.

The SPEAKER — Order! The member for Northcote is on her first warning.

Mr MULDER — and then hide it before the election. That is exactly what happened with the regional rail project. This is typical. Every single rock has been turned over in that department — —

Mr Herbert interjected.

The SPEAKER — Order! The member for Eltham has been warned.

Mr MULDER — Every single rock you turn over in that department has got a snake under it — another hidden cost, another project. I will just touch on the issue of fare evasion. The fare evasion figures for May of last year were held back. They were hidden — —

Ms Richardson interjected.

The SPEAKER — Order! The member for Northcote is on her second warning.

Mr MULDER — They were hidden and they prove the government did not want to tell the community

what was happening with fare evasion; there was \$80 million in hidden costs.

Ms D'Ambrosio — On a point of order, Speaker, I remind the minister that he is now the minister and not a member of the opposition and that he should answer the question, not debate it. He is debating the issue, and I ask you to bring him back to the question.

The SPEAKER — Order! I do not uphold the point of order. The minister was answering the question.

Mr MULDER — As I indicated, there is \$80 million in hidden costs in relation to fare evasion. It almost seems that each day you are presented with another project to look at you find that there is more money hidden away by the former government. This is the way that it has done business. If you go back in history, each and every time Labor leaves office this happens. When we go back through the finances we find all these hidden cost blow-outs.

What I would say is this: have a look at the cost blow-outs, about \$880 million, and the opposition can tell me what projects of the former government it thinks we should cut because they were not funded. You know they were not funded. What an absolute disgrace. I welcome the question, and I welcome another question on regional rail — —

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

Ms Allan — On a point of order, Speaker, I did not want to interrupt such a poetic flow from the Minister for Public Transport, but I ask that you advise the minister of the appropriate forms for addressing the chamber. He was casting all sorts of aspersions on you, Speaker, with which I do not think you necessarily want to be associated. Perhaps you would also ask that he finally make himself responsible for his own actions.

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

Former Attorney-General: conduct

Mrs FYFFE (Evelyn) — My question is to the Attorney-General. I refer the Attorney-General to today's Ombudsman's report on the Windsor Hotel scandal, and I ask: has the Attorney-General had the opportunity to consider the conduct of the former Attorney-General in relation to this matter, and what are the implications for future government administration?

Ms Allan — On a point of order, Speaker, I would seek your direction for the house. The question referred to the Ombudsman's report. The matters and recommendations in the Ombudsman's report are not within the scope of the responsibilities of the Attorney-General. They are not even vaguely referred to. The conduct of the former Attorney-General is not referred to. It is completely beyond the scope. If the framing of this question is in regard to the Ombudsman's report, the question needs to be ruled out of order, because it is not within the scope of the Attorney-General's responsibilities.

Mr Clark — On the point of order, Speaker, the conduct of the former Attorney-General is indeed referred to in the Ombudsman's report, as the member will find if she cares to examine it. As I understand the member's question, it related to that conduct and its implications for future government administrations.

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

Mr CLARK (Attorney-General) — The former Attorney-General's conduct is raised in this report, particularly in relation to exchanges of correspondence between him and the Ombudsman, which are set out as appendices to the report. There is a letter from the former Attorney-General to the Ombudsman referring to a solicitor-general's opinion and asking the Ombudsman not to take any further steps in relation to the investigation. The Ombudsman replied to that letter, stating that it was unnecessary and inappropriate for the Ombudsman to accede to the former Attorney-General's request to meet with the solicitor-general and indicating that the investigation would continue. However, the former Attorney-General then wrote again to the Ombudsman proposing what he described as an independent arbitration of the Ombudsman's jurisdiction. The Ombudsman subsequently responded by rejecting the proposed arbitration and confirming that the investigation would proceed.

The first and most striking issue raised by this exchange of correspondence is: why was the former Attorney-General seeking to prevent the Ombudsman's investigation from proceeding? This conduct of the former Attorney-General occurs in a context where, previously, the government used every device within its power to attempt to frustrate the work of the Legislative Council committee, which resulted in the Legislative Council — —

Ms Thomson interjected.

The SPEAKER — Order! This is the member for Footscray's second warning.

Mr CLARK — The Legislative Council committee requested that the Ombudsman conduct the investigation. It also needs to be pointed out that solicitor-generals opinions do not usually arise spontaneously; one has to assume that the government was desperate to obtain reasons to avoid cooperating with the Ombudsman in the conduct of his investigation.

However, the situation gets worse than that, because following that first exchange of correspondence we see the former Attorney-General refusing to accept the Ombudsman's response and instead seeking to induce the Ombudsman to engage in some proposed form of arbitration. Not only the content but the tone of that second letter from the then Attorney-General crossed the line between what could be considered an appropriate representation of a government's point of view and an attempt to bully an independent officer of the Parliament.

The tone of that letter was peremptory and offensive. By way of example I quote the concluding sentence:

In order to discuss and progress this process I suggest that you contact Mr John Cain, Victorian government solicitor.

There is no dialogue; there is no request for response. Instead there is what can only be construed as a menacing tone of command in the choice of language used by the former Attorney-General. This attempt by him to impose some form of binding arbitration on the Ombudsman demonstrated a gross failure to recognise the standing of the Ombudsman as an independent officer of this Parliament. It was a hopelessly flawed, ill-conceived and desperate attempt to block the investigation, and I have to say the Ombudsman showed remarkable courtesy in the way he responded.

This is part of a wider pattern of bullying and denigration of independent office-holders that we saw under the previous government. I can assure the honourable member and the house that these ways of the old government will not be the ways of the new government and that the new government is determined to restore the standing of and respect for the independence of public institutions and to put an end to the former government's era of attempted intimidation and coercion of independent officers of the Parliament, such as the Ombudsman.

Minister for Manufacturing, Exports and Trade: responsibilities

Mr ANDREWS (Leader of the Opposition) — My question is to the Treasurer. I refer the Treasurer to the humiliating admission made earlier today by his ministerial colleague, the Minister for Manufacturing, Exports and Trade, that he has been stripped of all of his legislative responsibilities under the general order signed by the Premier earlier this year. I ask the Treasurer: can he report on how many workstations are in the office of Mr Dalla-Riva, the Minister for Nothing?

Mr WELLS (Treasurer) — I thank the Leader of the Opposition. What this government is committed to is eliminating waste and mismanagement after what we have seen over the last 11 years. We have put in place a \$1.6 billion savings plan to make sure that we have an efficient government. That is what we will be basing our government on. We also said that we will implement all of our election promises, including that \$1.6 billion savings plan. When we talk about efficiency we look at what the previous government did in terms of waste and mismanagement.

Ms Allan — On a point of order, Speaker, as entertaining as this is, the question was not about the previous government. The question was clearly about the minister and was very narrowly defined. In light of the sessional order change that was put through this Parliament yesterday, that ministers' answers need to be relevant as well as direct, succinct and factual, I ask that you direct the minister back to answering the question that was asked by the Leader of the Opposition, which was: how many workstations are in the Minister for Nothing's office? That is the simple question that we would like answered.

Mr Clark — By the member's point of order, Speaker, she herself has demonstrated the relevance of the Treasurer's answer. He was responding specifically to the issue of workstations and the waste and mismanagement of the former government, which they typify.

The SPEAKER — Order! I do not uphold the point of order, and I think the member understands why.

Mr WELLS (Treasurer) — We see manufacturing as a very important part of this economy, and in the run-up to the election we made sure — —

Mr Holding interjected.

The SPEAKER — Order! This is the member for Lyndhurst's second warning.

Mr WELLS — We talked about broadening the base of the Victorian economy, and part of that was about manufacturing. As part of our election commitments we are going to send an investigation into manufacturing to the Victorian Competition and Efficiency Commission. That was part of our election promise, and we will get onto it. Manufacturing will continue to be a very important part of the economy with the strong support of the Baillieu government.

Regional and rural Victoria: government initiatives

Mr NORTHE (Morwell) — My question is to the Minister for Regional and Rural Development. Can the minister outline to the house what action the coalition government is taking to deliver on its plans to create new prosperity, more opportunities and a better quality of life for people in regional and rural Victoria?

Mr RYAN (Minister for Regional and Rural Development) — What a pleasure it is to respond to this very timely and appropriate question from the member for Morwell. I want to tell the house that even at this point in time, 75 days since that great day on 27 November last year, the coalition government is fairly racing ahead with the implementation of its plans for regional Victoria. Work is well under way, I am able to tell the house, on the preparation of our legislation, which will bring to this place the legislative base for our \$1 billion Regional Growth Fund. This will be the flag-bearer for future development across the regions of Victoria, and I will have the great honour of being able to bring it to the chamber in the not-too-distant future.

This morning, in company with the Minister for Regional Cities and the parliamentary secretary who assists me, Mr Drum in the other chamber, I had the great pleasure of meeting with the chairs and deputy chairs of the five non-metropolitan Regional Development Australia committees. Mr Speaker, can I tell you, there was a real buzz in the room. They are up and about, I can tell the house, because they understand this is going to be a new era for the development of country Victoria. It was a great pleasure to be able to sit there and brief them in relation to what we propose to do.

They understand in time to come there will be a new era of decision making in which they will have a major participatory role. We will re-empower these people to be able to shape their own future through regional Victoria. These committees and their chairs, with whom we met this morning, will have a pivotal role in doing so. Part of the first \$500 million which will be

allocated to the fund in this first term of our government will go to two specific funds which will be under the direct control of those committees. The Putting Locals First Fund and the Local Government Infrastructure Fund will each have \$100 million allocated to them and those committees will direct the way in which those funds are to be used.

Might I also say I am to meet imminently with the federal minister, Mr Crean, who has responsibility for regional development and local government at a federal government level. I will meet with him in relation to mutual interests about being able to further develop regional Victoria. While it is important that we have the federal government at the table under the model that we will bring to the chamber, the very important thing is this: we want him to bring a few bob with him. We want some money from the federal government to be brought into this important conversation that we will be having with it. It will mean that for the first time in the history of Victoria we will have at the table local government, state government, federal government and private enterprise in what is to be a far-reaching and beneficial structure for the good of regional Victoria. I am proud to be able to say that the coalition government is, as I say, racing ahead with these plans.

As part of the proposals we have also developed we will integrate Regional Development Victoria with the Department of Planning and Community Development, and those arrangements have been put in place. What that will do is bring together the all-important issues of planning to do with regional development. This is something that the former government never understood. Regional development will continue in its own right. This will truly be a brand-new and wonderful day for regional Victoria, driven by the Liberal-Nationals coalition, led by the Premier.

MINISTERIAL STATEMENT

Victorian families

Debate resumed.

Ms WOOLDRIDGE (Minister for Mental Health) — It gives me pleasure to continue my remarks on the families ministerial statement. Before the suspension of the sitting I had contrasted the last 11 years of Labor neglect of Victorian families, particularly disadvantaged families, with this government's plan for families, for the future of their children and for the future of this state. I have been going through the solutions we have that will help families achieve their aspirations. I mention in

particular the secondary supply of alcohol. We will be limiting the secondary supply of alcohol to minors. This is an issue that sat on the former minister's desk for many, many years. There had been many reports recommending that this action be taken, and there was much advice recommending that the minister act, but it is only a coalition government that will act to ensure that minors are not supplied with alcohol by people other than their parents or other than where their parents have authorised it.

This epitomises our approach to Victorian families: strengthening the role and rights that parents have to make decisions that affect them and their families. This move has been very broadly welcomed by both the sector and families but most of all by families, who confront a fragmented system which is difficult for them to navigate when they have complex needs. We want to put families at the centre of decision making to ensure that they can access the full range of support they need rather than trying to get support individual silo by individual silo, which they experienced under the former government. This will make a real difference to families, particularly disadvantaged and complex families who need a range of supports such as mental health services, drug and alcohol services, family violence services and disability support, or support in terms of the protection of their children and those who have faced and experienced the justice system. We will put families at the centre of our decision making and service delivery to ensure that they can access the support and care they need.

This families statement is a first step in an ongoing conversation with families about their concerns, their needs, their hopes and their aspirations for the future. It is a reflection that all our decision making will be couched in the context of the impact of our decisions on Victorian families. I look forward to working with the Premier and all government ministers and members for a very positive future for Victorian families. I commend this ministerial statement. I commend the Premier for taking the initiative for Victorian families, and I look forward to being part of a government that delivers brighter prospects and brighter futures for Victorian families.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to speak on the Premier's families statement. Today we have heard more about the vision of this government, which got elected on a promise to cut the cost of living for families. Members of this government spent thousands of hours during the campaign in November telling anyone within earshot how committed they were to families and how they understood the pressures of the cost of living. They

even went so far as to commit to Labor's strategy, A Fairer Victoria, which very much surprised me, when doing a podcast interview with the Victorian Council of Social Service in November. Indeed, they would say anything.

Let us look at more evidence of this government's supposed sincerity when it comes to helping families. Last year the current Minister for Planning when in opposition letter-boxed thousands of families in the northern suburbs with a document called 'Soaring living costs are hurting everybody'. In it the coalition said it had over 100 policies in areas such as public transport, health, education, and law and order, all of which were designed to cut the cost of living for families. But what we see here today is a families statement that really is very light on details of how the government will achieve cutting the cost of living for families. It is a document that tells Victorian families, 'We do not really know what it is that you need from us. We are going to consult with you, we are going to set up a round table. You can go away and then come back and tell us what you think we should be doing'.

In the document the government says:

It is ... important that families and communities have the opportunity to regularly contribute their views on the changing circumstances in which they find themselves.

I thought they had that opportunity 72 days ago. It was not all that long ago that we had a very big round table called the state election. The fact is that this government made promises and now it is trying to find a way of not delivering on those promises. Let us look at just some examples of the promises it has made. It certainly leaves us wondering how it will help families who are doing it tough.

It is this government, including the Premier and the Minister for Energy and Resources, if I may mention them, which went to the election on a commitment to introduce a form of gross feed-in tariff scheme that relies on families who are not in the scheme subsidising those who can afford the fit-out. Anyone who understands how such schemes operate knows that is how they are sustained. When you look at the average solar household in Victoria, you see that it receives about \$300 per year for the power it puts back into the grid. A gross feed-in tariff scheme could mean that the average solar household would receive around \$1200 a year, subsidised by families in the rest of the community, which is a cost of living pressure they can well do without. That is what this government is intending to deliver.

The government had made this commitment, despite the news late last year, before the election. This government had the chance to revise what I consider to be an ill-conceived idea when it saw that the New South Wales gross feed-in tariff scheme collapsed under the very heavy weight of debt — a debt that is now being borne by ordinary families. Is this where this government wants to take us? It is a very important question.

We also have to look at the fact that in January, under this government's watch, there were increases in energy prices ranging between 4 per cent and 14.5 per cent. Did the government say anything then to families? I do not think so. What coalition members did was suddenly realise that they were in government and they had to do something to actually deliver on what they said they were going to do. They went away and concocted this document about Victorian families, which basically allows them to tread water for who knows how long before they reveal to all of us here and to Victorian families just how they are going to achieve a reduction in the cost of living for families. This is all happening under their watch.

'Disingenuous' is a word that comes to mind. I will not go so far as to accuse government members of being disingenuous, but I am concerned about their sincerity when it comes to families and supporting those in need. Despite the fact that the Premier promised a reduction in the cost of living, one of the first acts of this government was to approve on its watch an increase in public transport costs in the order of 5.9 per cent.

When was the Premier or the Minister for Community Services going to tell Victorians that they had made a huge mistake? The fact is that we need to consider that in December a promise was made by the Premier to bring forward or fast-track — which is another word used in this document on Victorian families for another promise the government has made, and I look forward to seeing whether that promise is kept — energy concessions. It was an offer in the form of a Christmas present. Energy concessions were going to be brought forward from 1 July to 1 January. I do not know about the Minister for Community Services or indeed the Premier, but where my family comes from, Father Christmas can bring you either a bag of presents for Christmas or a bag of coal. I will leave it for members of this house to decide what the government delivered to low-income families in Victoria. Even given question after question in this house this week, we have yet to have confirmation that the energy concession will be brought forward to 1 January.

Apart from that, on this side of the house we have had story after story from MPs reporting that they have had constituents on low incomes, including pensioners, ringing them or coming into their office worried and concerned because they have got their electricity bill but no concession. These are people who, having heard the promise of the Premier in December last year, felt secure about being able to re-budget a little for Christmas knowing that they could afford perhaps that little extra luxury in the food on the Christmas dinner table or that new pair of school shoes for the kids, expecting the concession to come through the bills in January or February. Members of this government have to explain why they have walked away from families in almost 800 000 Victorian households. They have to explain why until today they have failed to confirm that the energy concession, which we on this side welcome, will be brought forward to 1 January. Government members are floundering, trying to find excuses for why they cannot deliver and why they cannot achieve a cut to the cost of living for families in the way they promised.

The document is about Victorian families. When it comes to transport services, health services and the like, we only have to look at some of the specifics to see that government members have not really been able to articulate anything that they would deliver for families in growing communities. There is nothing in the way of improvements in transport.

If I can indulge for a moment in considering my own community around Mill Park, government members have not committed to funding the academic and research precinct at the Northern Hospital, which is vitally important to ensure that health services are accessible for families in growing communities so that families have the necessary services where they live. There is a great divide between what is said and what is delivered. It is time that government members were a little more frank with the community about this.

In December the Treasurer recommitted in the house to the Premier's election promise to bring down the cost of living for Victorians, including grocery prices. Even after the families statement today, it remains unclear just how they will achieve that. It has come to this: government members need to come clean with Victorian families. Saying what they mean is one thing; Victorian families can certainly accept what people say, and they did so at the last election. Let us not be disappointed if Victorians soon begin to doubt the sincerity of members of this government while waiting to see whether they actually do what they mean, not just say what they mean. The document presented today by

the Premier can be judged against the backdrop of promises that have been broken in these 70-odd days.

**POLICE REGULATION AMENDMENT
(PROTECTIVE SERVICES OFFICERS)
BILL 2010**

Second reading

Debate resumed from earlier this day; motion of Mr RYAN (Minister for Police and Emergency Services).

Mr NORTHE (Morwell) — I look forward to continuing my contribution to this important debate. I remind members that this bill enables the government to recruit 940 protective services officers across the state of Victoria to patrol both metropolitan railway stations and those in country Victoria.

As I said in my contribution earlier, 8 November 2009 was an important day for many Victorians. That was when the coalition made an announcement about stopping crime in its tracks. Part of that package was to ensure that not only 940 protective services officers would be recruited across Victoria but also 100 additional police officers for the transit safety division and also that 1600 new front-line police officers would be recruited. This package certainly resonated with many in the Victorian community. Community safety has been a talking point among many communities. I am sure all members of Parliament have had constituents coming into their offices conveying concerns about community safety. The coalition government has put in place a number of measures to deter crime and antisocial behaviour not only in our public transport system but across all of Victoria. I welcome this bill coming into the Parliament.

Ms RICHARDSON (Northcote) — I am very pleased to rise to speak on the Police Regulation Amendment (Protective Services Officers) Bill 2010. The first thing that struck me when listening to the minister deal with his second-reading speech and the presentation of the bill to the house was how the information that is provided in the bill and second-reading speech is incredibly thin.

This is a big change for our public transport network. Yes, it is an attempt to deliver an election commitment, but as anyone in public office knows, it is all about delivery. The public sense of weasel words or, in this instance, weasel by omission, is particularly sharp. In this case what we are seeing is the devil in the

yet-to-be-declared detail. I look forward to seeing a whole lot more from the minister on this particular issue.

Given the scant detail we have before us, it is critically important that when addressing any problem we do not create more problems on top of those we are seeking to solve. I am concerned that is exactly where this bill will land us in time. That is where the detail becomes important. I urge and encourage the minister to take special care when he rolls out this new role for our PSOs (protective services officers). The bill seeks to broaden the purposes for which PSOs can be appointed, and it removes the existing cap on the number of PSOs that can be appointed. I thank the PSOs who work on our behalf at ports, the Shrine of Remembrance and Parliament. I put on the record my appreciation for the work they do.

This bill will extend the role of PSOs from the protection of places and public officials to include the protection of the general public in certain places. I feel certain that these extra PSOs on our public transport network will do all they can to fulfil this new role and duty. However, given the performance of this Liberal government in its first few weeks and its fledgling state, so to speak, members would do well to be wary of what will happen regarding the implementation of this bill. Given that the government's mantra of 'fix the problems' has been clearly laid bare by the Minister for Public Transport, who has done nothing but deliver bad news for our commuters across the network, you would be forgiven for running a red flag on this issue in view of the lack of detail that has been provided in respect of this bill.

The government is changing the role of PSOs from one of providing security to one of being in effect police officers at our train stations but has provided no additional training for these individuals. A police recruit gets 23 weeks training; a PSO gets just 8 weeks. No doubt the PSOs will make the very best of this training, but what is clear to us is that the government has not provided additional training for PSOs.

To date the community has in fact paid a very high price for the government's decision in respect of implementing this policy. When the question was put to government ministers about how this policy would be paid for, the Minister for Police and Emergency Services, despite the fact that he is leading the government charge in respect of this policy and has initiated it, made it quite clear that he will not be responsible and nor will his department be responsible for funding this policy. No doubt a feeble voice from the wilderness came from the Minister for Public

Transport pleading and begging that his department be not responsible for the funding. Clearly he was drowned out. This all takes us to the point where the money for this government policy with respect to PSOs is coming out of the transport budget. On the chopping block are the 20 premium stations that this government committed to upgrade prior to the last election. This is the first commitment to be broken by the Liberal government regarding public transport.

Clearly having a very weak Minister for Public Transport who refused to stand up for communities and defend the commitment he made prior to the last state election has left the commuting public in the worst possible state in terms of where we are today. Who is to say these PSOs will patrol every single station? Local Liberal MPs have shown a considerable lack of backbone in the defence of their own premium station upgrades, and if we see some more display of that, I do not imagine there will be PSOs at every single station. Does the minister want PSOs at Richmond station? They might struggle to get on the platform given the kind of chaos we are going to see as a consequence of the changes to the timetable that he has announced and obviously sought to blame everyone else for.

Why would commuters trust the Liberal government when it has a transport minister who is responsible for more cuts than Edward Scissorhands? All the new minister has done is announce cut after cut in his budget area, and he has not spoken in defence of the commuting public. I look forward to hearing from the minister in response to a question that has been put to him repeatedly by speakers on this side of the house about why country commuters are not receiving the same amount of protection as metropolitan commuters. PSOs are to be everywhere on metropolitan stations, but their presence is limited outside Melbourne. I do not think the answer for country commuters will be at all good, because I think what we are again seeing is a return to type. The Nationals talk big in defence of country people when they are in opposition, but flick them into government and suddenly people see cuts across regional and country Victoria.

In conclusion, they say a picture speaks a thousand words. The picture we did not see today was of a passionate, animated and committed Premier when he was speaking on behalf of families. What we did see was a picture in his *2011 Victorian Families Statement*. It was in the part about the need to protect commuters and public transport, which is something we believe needs to happen as well. In the statement there is an advertisement for the Labor Party's policies before the last election. I am sure I am not wrong on this. The picture shows a Victorian police officer, not a PSO, on

a train — and that particular Victorian police officer had 23 weeks training at the academy, as opposed to what a PSO receives.

If the PSO policy is going to deliver the protection the Liberals have promised — indeed repeatedly promised — then perhaps in the 2012 Victorian families statement they might want to think about putting a photo of a PSO in there instead of what they have here, which is an ad for the Labor Party policy before the last election. They are damned by their own document, just like commuters are all damned by a weak minister and this Liberal government.

Debate adjourned on motion of Mr McINTOSH (Minister for Corrections).

Debate adjourned until later this day.

SENTENCING FURTHER AMENDMENT BILL 2010

Second reading

Debate resumed from 21 December 2010; motion of Mr CLARK (Attorney-General).

Ms HENNESSY (Altona) — I rise to speak on the Sentencing Further Amendment Bill 2010, and I open my comments by making the observation that the reason we are debating this bill today is that the opposition called on this debate last year when the bill was introduced. It would be remiss of me not to also reflect upon the fact that this bill has not been to the Scrutiny of Acts and Regulations Committee, a process that the opposition believes enhances integrity, transparency and scrutiny of legislation. We debate this bill without the benefit of a *SARC Alert Digest*. This is at the government's behest.

I would like to put on the record that the opposition does not intend to oppose this bill, as this bill is but a modest extension of the wide-ranging criminal justice reforms Labor introduced when it was in government. It also reflects what Labor did and committed to do in the event that it was re-elected.

Sentencing is quite a complex matter. When we reflect upon the criminal justice system, sentencing is probably the arc that incites the most passion, comment and debate. As a matter of principle I put on the record that the opposition is very committed to ensuring that when we debate issues such as law and order and sentencing we debate them in context and within the general context of the criminal justice system. When a particular sentence attracts media commentary we often

see quite legitimate disappointment and frustration articulated about the sentence, and one would not be human if one did not empathise with a victim of crime who feels particularly frustrated by a sentencing outcome that has been handed down. However, what that demonstrates is that we need to ensure that a matter as complex as sentencing is better understood in the community, and sentencing cannot be properly understood if it is not transparent. The opposition, as we did in government, came to the position of abolishing suspended sentences for serious offences on the basis that suspended sentences were simply not transparent. In fact they were a legal fiction.

This is a point that has been quite significantly canvassed by the Sentencing Advisory Council, and it is particularly why the previous government introduced the Sentencing Amendment Bill 2010. The bill we are debating today amends the Sentencing Amendment Act 2010, introduced by the previous government, which in fact abolished suspended sentences for serious offences. Serious offences are set out in section 3 of the Sentencing Act 1991 and cover issues such as manslaughter, child homicide, defensive homicide, rape, kidnapping, armed robbery, sexual penetration of a child under 16 and intentionally causing serious injury. It is important that we put on the record that it was under the previous government that suspended sentences were abolished for the purposes of those offences.

Another incredibly important reform achieved by the Sentencing Amendment Act 2010, passed last year by the previous government, was to provide credible sentencing options to courts as alternatives to imprisonment, in line with the recommendations of the Sentencing Advisory Council. Often when we have this debate about suspended sentencing we attempt to do so in an abstract vacuum, but it is important that we always consider sentencing in the context of the broader criminal justice system. This is particularly important in the context of judicial discretion and a judge or magistrate's capacity to either impose a term of imprisonment or make an alternative order. It is the opposition's view, as it was when we were in government, that when a judge or magistrate imposes a term of imprisonment the offender ought to serve that term of imprisonment. This bill does not ameliorate judicial discretion in that the Sentencing Amendment Act 2010 also provided the option for a judge or magistrate to order that an offender serve their punishment by way of being subject to an intensive correction management order or a community-based order.

Besides the lack of transparency, another of the shortcomings of suspended sentencing was that if a person had their sentence suspended, there were absolutely no obligations for that person to be subject to any form of monitoring.

When the previous government introduced the Sentencing Amendment Act 2010 it also introduced a host of other non-custodial options that a judge could utilise. Intensive correction management orders and community-based orders are incredibly important because a judge can require as a condition of service to one of those orders that an offender be subject to things such as compulsory drug and alcohol treatment. Given what we know about the role that drug and alcohol abuse and mental health play in the commission of crimes, it is very important that if we are serious about improving community safety, if we are serious about keeping the Victorian community safe, we need to also eliminate the causes of crime.

The Sentencing Amendment Act 2010 also abolished the mandatory sentence of imprisonment for a subsequent offence of driving while suspended. That amendment, which was passed under the previous government, is one of the important things that makes the bill workable. I am pleased that the then opposition, now government, supported that bill.

Some backdrop to this bill is important because it does in part expose the emptiness of the government's claim to be the champion of sentencing reform. This government would like the community to believe it has come into power to abolish all suspended sentences, when in fact it was the previous government that abolished suspended sentences for serious crimes and addressed all the other sentencing anomalies. This is a bill that simply does not match the government's rhetoric on sentencing. I will address that as I go through the provisions of the bill.

The bill contains a new category of offence called a 'significant offence', which is defined as including causing serious injury recklessly, aggravated burglary, arson, arson causing death and trafficking in a commercial quantity and a large commercial quantity of a drug of dependence. The government would like to have the community believe that as a consequence suspended sentences are now no longer available as a sentencing option for all of these offences, which is a matter I will return to shortly.

The bill also adds two new members to the Sentencing Advisory Council: a member of a victims crime support or advocacy group and a serving police officer who is

the rank of senior sergeant or below. The opposition does not oppose those amendments.

In the course of the debate last year when Labor abolished suspended sentences for serious offences, the then shadow Attorney-General, now Attorney-General, criticised the Sentencing Amendment Act 2010. He said that:

... it should have provided for the abolition of suspended sentences for all crimes.

Here was the coalition's chance. The coalition is now in government. This bill arrives, but gee, the tough guy rhetoric is exposed because this bill does not in fact abolish suspended sentences for all crimes. There are six offences, and six offences only, that this bill applies to, and not all of them all of the time. For the three offences listed of causing serious injury recklessly, aggravated burglary and arson, suspended sentences will still be available if the matter is heard summarily in the Magistrates Court. Suspended sentences are only abolished if those three offences are heard and determined in the County or Supreme courts.

But the government did not quite tell us this when it put out its press release because it simply did not suit it. It is the opposition's view that the creation of this new category of offence — the 'significant offence' — also warrants greater clarity from the government. To date there has been no such explanation or policy justification as to why it has created this new offence. The Attorney-General's second-reading speech did not address this issue. I understand that the shadow Attorney-General had the benefit of a briefing from the Department of Justice, and he is grateful for that, but it is not apparent on the public record why this new category of offences has been created and why the offences in this new category have been inserted there.

We know suspended sentences have been abolished for serious sentences, something done by the former government. We know that the Department of Justice has been reviewing the Crimes Act 1958. We know that the Sentencing Advisory Council is shortly due to report on its review of maximum penalties. Without a rational explanation from the government it would appear it has plucked a handful of offences out and labelled them 'significant'. Why has it not also included, for example, culpable driving? Why has it not included intentionally causing a serious disease? Are these not significant offences?

I note that the Law Institute of Victoria is critical of, among other things, the distinction between a serious and a significant offence. It makes the point that if the intention is to have both definitions more or less the

same in terms of their outcomes, then the offences should all be classified as serious. I would be grateful if government speakers could address that point during their contributions on the bill.

Yet another area where the government's rhetoric fails to meet its action relates to the date of commencement of this bill. The Attorney-General may recall that last year when he was shadow Attorney-General he was very critical when the Sentencing Amendment Act 2010 was passed, as the intention was for it to come into effect on 1 July 2011. In his very passionate contribution to the debate on that bill he said the test would be to bring the bill into operation before its commencement date of 1 July 2011.

He committed that if the coalition was elected it would bring the bill into operation as soon as possible. Here we are. The government was elected. Here is its chance. The bill is introduced, and what does the government do? It does nothing to bring forward the operation at all. In fact this bill has a default commencement of 1 January 2012. So rather than matching its rhetoric of bringing forward the removal of suspended sentences for many crimes, this bill may even have the effect of pushing the commencement date back.

The other issue the opposition wishes to raise is resourcing. It is probably the greatest weakness of this bill, and in fact the government has not told Victorian taxpayers how much this bill is going to cost them. What are the cost implications of this bill? How much will it cost to replace suspended sentences in this bill? Jail, community-based orders and intensive correction management orders are incredibly resource intensive. The opposition would like to know what the government says this will cost.

The opposition would like to know what use of predictive modelling, as is often used in the corrections system, the government has planned to assess the resource impacts. Other than an election commitment to build 500 prison beds, there is not one more cent for prison officers, not one more cent for the community corrections office and not a brass razoo to ensure that the administration of the prisons and the monitoring of offenders is effective and safe. We have the big spin. Coalition members are here in their Superman outfits, they are tough on crime, but when we look at the telltale signs, look at the detail, look at what is caught by this bill and what is not and look at what the government put in its unverifiable, unfunded and uncosted election promises, the cupboard is bare.

We know from the Productivity Commission review of government services that it costs a bit over \$100 000

per year to meet the necessary capital and operating costs per prisoner in Victoria. That is to say nothing of the impact on the community corrections system, an area to which the government has not committed one dollar. It is one thing for the government to say, 'Look, we're going to build more beds in prisons', but prisons need prison officers, and if there are more offenders who are the subject of intensive monitoring orders — the alternative to a prison sentence — then the government needs to resource those.

Labor does not oppose this bill. What we oppose is the pretence, empty rhetoric and hollow chest beating and the government's attempt to hoodwink the community into thinking this bill does more than it actually does.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Sentencing Further Amendment Bill 2010. I say at the outset that it is fitting that one of the first pieces of legislation that we are debating in this house relates to the area of sentencing and the broader area of law and order, because if there was one issue that clearly polarised the Victorian community at the last election it was the handling of law and order under the former Brumby government.

As was mentioned by the member for Altona, the bill that has come before Parliament today follows on from a bill that was introduced last year in the last sitting week of the previous Parliament. It is unbelievable that members of the Labor Party are criticising the Liberal-Nationals coalition on its commitment to law and order when the piece of legislation they are talking about was introduced and finalised last year within the last week of the previous Parliament. This bill builds on the commitments the coalition made well over 12 months ago in the area of law and order, with particular reference to suspended sentences. I remember quite clearly when the then Attorney-General criticised the commitment made by the coalition about acting on suspended sentences. He joked it off, and he said it was ridiculous and it was something that did not need to be addressed. Yet there we were in the final sitting week of the previous Parliament and the Labor government in its last days was scrambling to gather some sense of control over the law and order debates. It was the shadow Attorney-General, now the Attorney-General, who was leading the debate with respect to the abolishing of suspended sentences.

The bill when enacted will build on the provisions that have been put in place by the act that was mentioned by the member for Altona. It will provide further commitment to removing suspended sentences for a range of crimes, including recklessly causing serious

injury, commercial drug trafficking, aggravated burglary and arson.

While those opposite are scrambling to try to gather a sense of where they are in opposition and where they lie with the Victorian community, they have no other choice but to support this piece of legislation. The obvious question is: if they are supporting this bill in February 2011, why was it that in October 2010, just a few months ago, when the then Attorney-General, the member for Niddrie, had the opportunity to include these exact provisions in his legislation he did not take up that opportunity? The charge was led by the member for Box Hill, the minister at the table who is now the Attorney-General, who called for the previous government to act on this important issue and expand the bill that was before the house in October 2010. I congratulate the Attorney-General for not only talking about this issue but acting on this issue. In fact one of the first pieces of legislation that was introduced into the new Parliament in December was an amending bill on suspended sentences.

Suspended sentences have caused great concern to people across Victoria but more specifically in my community of Ferntree Gully. There has been no greater champion of this cause than Ferntree Gully resident and president of the Crime Victims Support Association, Noel McNamara. He fought for many years to try to convince those on the other side when they were in government to act on these areas. Despite the numerous calls members of the association made, the numerous efforts they made to try to meet with representatives of the government and the numerous rallies they held on the steps of Parliament, nobody in the then government was willing to act on these important issues except, as I have mentioned, in the last sitting week of its 11 years in government. I think that is an enormous shame.

Whilst I have mentioned the outstanding work of the minister at the table, I also want to recognise the work of people like Noel McNamara, who is not only a Ferntree Gully resident but somebody who has stood up with his wife, Bev, on behalf of victims of crime. They receive phone calls at 4 o'clock in the morning from families who are dealing with the trauma of losing their loved ones to crime. They stand up for those people. They do not take a salary. They do it because they love what they do, and I pay tribute to the work they do.

Twelve months ago, prior to the election, I conducted a survey of residents in my electorate. When I spoke on this bill last year I called upon the then government to go out and consult with my community, as I had done, on these important issues. Over 900 residents

responded to my survey, and in their responses they provided a range of views on law and order within the city of Knox: 96 per cent felt less safe than they did 10 years ago; 94 per cent believed the number of police on the beat was inadequate; 86 per cent believed police would not respond on time when called upon to do so; and in the area of sentencing — this very important issue with which we are dealing today — 97 per cent of the nearly 900 respondents indicated that they believed sentencing was inadequate.

Clearly one of the frustrations that was borne out in their handwritten comments was they could not believe the fact that suspended sentences were being meted out to people who were committing a range of crimes, and that the average person in the street would think that if some were found guilty by a court of committing a particular crime they would face a jail term.

We had a simple slogan, 'Jail means jail', and those opposite laughed at us about that concept. But do you know what? In October 2010 the former government, dragged kicking and screaming into the Parliament, finally adopted part of the position that was being put forward by the coalition opposition. It is interesting to see opposition members, floundering as they are now trying to find some relevance in this place, having to come out and support this position. They were not prepared to do it three months ago. Where were those members opposite three months ago? Did they stand up to the former Attorney-General, the member for Niddrie? Did they say, 'We need to go further, we need to listen to the contribution of the member for Box Hill'? At the time they said, 'No, we are not going to go further. If the member for Niddrie thinks that is far enough, that is far enough'. But here we are, three months later with a change of government, change of heart and change of direction. Now all of a sudden the opposition is quite happy to tick off the policy that has been put in place by the coalition government.

It is clear that the Victorian community sent a very loud message in November last year. The community wanted to see a change of direction in a whole range of policies, but none more so than in the area of law and order, policing and sentencing. Victorians want to see a state where they feel safe. They want to see a Victoria where people who perpetrate crimes will be hauled before a court and dealt with by the justice system efficiently and appropriately. But, more importantly, if a person is found guilty they want to see that they will go to jail. They will not get a suspended sentence but will receive a jail term which is appropriate for the crime.

As the second-reading speech identifies:

Suspended sentences are a fiction that pretends offenders are serving a term of imprisonment, when in fact they are living freely in the community. A suspended sentence does not subject an offender to any restrictions, community service obligations or reporting requirements.

I will leave the opposition with this thought. Whilst the former government may have changed the act in 2010, it had 11 years to stop that situation. That government was not prepared to act. We as an incoming government will act on these important issues.

Ms DUNCAN (Macedon) — Yet again I rise to support this bill, but I would like to make some comments about the contribution of the member for Ferntree Gully. It is extremely frustrating in this place to hear members of the new government completely reinventing history and completely ignoring major aspects which they do not even refer to by suggesting, for example, that when we were in government we changed the Sentencing Act 1991 — I think they are suggesting in 2010 — and that that was the only thing we had done, somehow suggesting that we did that at the 11th hour before an election.

I remind the member for Ferntree Gully that there were three elections prior to that. Presumably if we were trying to do something to beat an election, we would have done so perhaps in 2002, in 2006 or as late as 2010. For the benefit of the member for Ferntree Gully, who does not like the facts to stand in the way of a good line or a good bit of spin, the first changes we made to the Sentencing Act were in 2006. In fact in August 2004 the Bracks government requested that the Sentencing Advisory Council (SAC) look at suspended sentences and provide the government with some advice on that area. Again that is completely contrary to what the member for Ferntree Gully has been saying. I urge him to check the facts before he comes into this place and misleads the Parliament.

In August 2004 the then government requested advice from the Sentencing Advisory Council on the use of suspended sentences. One of the key issues that was identified during the consultation, and the reason we support this bill now, was the contrast between the community's perception of suspended sentences as a light penalty and their treatment at law as a severe penalty. Suspended sentences are seen as a severe penalty, because their having been given a sentence of imprisonment is recorded in a person's criminal record for the rest of their life. Of course that is a very serious fact.

Part 1 of the council's report was released in May 2006 and focused on the issue of suspended sentences and the proposed transition of a new range of intermediate sentencing orders. In the report SAC recommended that suspended sentences be phased out in Victoria by December 2009. In 2006 the Bracks government implemented some of the recommendations made in that report. The recommendations adopted in that legislation — and I note that the member for Ferntree Gully has come back into the chamber — included restricting the use of suspended sentences for serious crimes to exceptional circumstances only, the inclusion of a list of factors the court must consider when deciding whether a suspended sentence is desirable in the circumstances, and allowing a young offender upon breach of a suspended sentence to serve all or part of their restored sentence in a youth justice centre or youth residential centre.

In 2008 when the SAC published part two of its report it stated that its recommended time line to abolish suspended sentences by 2009 was no longer realistic. SAC also stated that although it still believed suspended sentences were conceptually flawed and that they had been overused, a final decision regarding their abolition should be deferred until the other reforms recommended in both parts of its report had been implemented and evaluated.

The Sentencing Amendment Act 2010, which this bill extends, was introduced by the previous government. Under section 12 of that act suspended sentences were completely abolished for serious crimes. The act also implemented, either in part or wholly, other recommendations from the Sentencing Advisory Council for the reform of Victoria's intermediate sentencing orders. They are not part of this bill and presumably the government will continue in its reforms, as it has said it will do, and perhaps we will see some of those changes in future legislation.

I make the point, though, in contributing to the debate on this bill that I understand, as the Sentencing Advisory Council acknowledged, the community's perception of suspended sentences as not being any punishment at all and that there would be no time spent in jail unless there were further breaches. However, my basic view, and I think the view of the previous Attorney-General generally in his dealing with these issues, is that as a general course courts need more sentencing options, not fewer. I am concerned at some of the changes this government may well introduce which will be about reducing the options that courts have available to them when they structure a sentence.

As the previous speaker from the opposition said, causes of crime are very complex and sentencing is an incredibly complex task. We all sit here and say, 'This is inadequate' or 'This is not right', but we are not the ones who are sitting in the courts and hearing all of the evidence. Unfortunately the sources for most of our information are the front pages of tabloid newspapers, which are notoriously bad at giving a full report of the sentence. They will give one or two lines. Judges and magistrates take an enormous amount of time and put an enormous effort into structuring and articulating sentences, but sadly newspaper court reporters seem to ignore most of it. We know no two offences are the same; we know no two offenders are the same. The circumstances around offending and offenders varies from offence to offence, and our courts need to be able to structure sentences in such a way that allows those differences to be considered.

Most judges and magistrates will say that the overwhelming consideration in their mind when structuring a sentence is to try to prevent further offences, so they will structure a sentence for an offender that is aimed at stopping the offender committing an offence in the future. If, for example, their offence is as a result of drug or alcohol issues, the courts will try to structure a sentence in such a way that compels them to seek treatment for those issues, as I believe is appropriate. One of the difficulties communities have with respect to sentences handed out by our courts is the amount of information that is supplied, not only to them but to all of us. We get all of our information about our courts, and most of us form our views, from reading newspapers. I am sure there would not be one of us here who has not read a story on the front page of the *Herald Sun* and, without knowing any of the details of the case, had as their first response, 'That sounds horrendous; that sounds inadequate'.

We do know, though, and there has not been a lot of work done in this area, that when members of the public are invited to participate in the sentencing process — it has not happened a lot but it has happened — they inevitably give lighter sentences than those imposed by the courts. We saw a series of workshops on television some time ago — I think the program was called *You Be the Judge* — where members of the public were given real cases and real evidence and were asked to hand down an appropriate sentence. In each and every case — and I think there were over 300 participants in that study — the sentences handed down by the public were less than the sentences that had been handed down by the court. I understand the community's perception that we need to get tougher on crime, but when you say to people, 'What do you think would be an appropriate sentence

in all of the circumstances?', most often we, the public, we MPs, are unable to articulate what we think would be an appropriate sentence. However, our gut sense is that sentences are inadequate.

This study shows us that when people are fully informed, when they hear what the judges hear, often — and inevitably in this case — their sentences will be less than those that have been handed down. I believe we can have confidence in our courts. If most of us spent a few hours or a few days in our courts, we would walk away thinking that the way in which our courts deal with crime is difficult but that they do a very good job. This bill does nothing to address the resource issues that will follow from this change to suspended sentences. A 500-bed jail will just be at the thin edge of the need. We will need much more resourcing to deal with this amendment.

Mr NEWTON-BROWN (Pahran) — I rise to speak in support of the Sentencing Further Amendment Bill 2010. The member for Altona seemed to suggest that in some way we have gone a bit soft, that we have not fulfilled our election promises and that this is just tinkering at the edges.

Ms Hennessy interjected.

Mr NEWTON-BROWN — Let me assure the member for Altona that after 71 days this is the start of becoming tougher on crime — and there will be plenty more to come. The Attorney-General has called suspended sentences a fiction and said they are a fiction because they have the effect of pretending that a criminal is serving a prison sentence when in reality they are not. That is right. They are not serving the sentence; they are at the beach, they are at home watching TV or they are on holidays. People on suspended sentences are doing no sentence whatsoever.

Ms Duncan interjected.

Mr NEWTON-BROWN — Exactly. It is suspended, and it is a farce. To understand how truly epic this work of fiction is you have to start by reviewing the hierarchy of sentencing options under the act. When a lawyer comes to do a plea in the Magistrates Court or the County Court or the Supreme Court they will assess all the circumstances. They will look at the type of crime, the severity, any mitigating factors, any exacerbating circumstances and the prior history of the offender before making a pitch for an appropriate sentence. They will probably pitch a little under what they think the offender should get, but will make a pitch to fit the crime. In the case of a trifling offence the presiding officer — the magistrate or the

judge — will say, 'It is found proved' and then it is dismissed. That will happen in the case of a very minor offence or a very young offender, or perhaps a small fine might be imposed as you go up the ladder of seriousness. When it gets more serious a community-based order is an option, and then on to intensive corrections orders, which is where you spend a more significant amount of your week doing community work under closer supervision.

The highest point in that hierarchy is an actual sentence. To get a sentence from a magistrate or a judge is a pretty difficult thing to do. It is a term of imprisonment, and it is not given lightly. The reason for it not being given lightly is that it is in line with our core principles that we do not just lock people up when they make a mistake. We give people chances. We give them warnings; we give them a chance to rehabilitate. That is why we have the non-custodial options, so that when a sentence is deemed to be too heavy you go back down the ladder to those other options. A suspended sentence is not one step down from a sentence; it is a step to the side. A magistrate or a judge cannot impose a suspended sentence if a custodial sentence is not warranted for the offence under all the circumstances, but under the previous government's legislation, if, and only if, the circumstances warranted a prison sentence, a suspended sentence could be considered. What does this actually mean? It means the criminal walks out the front door of the court.

In my former life as a barrister I had cases where I considered the circumstances surrounding the crimes and made an assessment of what I should ask for. Many times I came to the conclusion that a community-based order (CBO) was appropriate in all the circumstances. Before I went into the courtroom I would discuss with the client that I was going to ask for a CBO and that I reckoned I could get it for the client. A number of times I was told, 'I don't want that; get me a suspended sentence. I don't want to have to do community work'. That is the real flaw of suspended sentences. There is absolutely no punishment.

It was suggested before that it is a serious thing to receive a suspended sentence and have it on your record, and indeed it is. But if you are a career criminal and have a list of priors five pages long, are you going to care if you have another suspended sentence? I think not. It is a fiction. The Attorney-General politely calls it a fiction; I call it a farce. The criminals spend not a day in prison, not an hour doing community work and not \$1 in fines. For the last 11 years Labor has been handing out these get-out-of-jail cards like confetti.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise to speak on the Sentencing Further Amendment Bill 2010. The bill has two main purposes. Firstly, it proposes to amend the Sentencing Amendment Act 2010 to abolish suspended sentences for significant offences as defined in clause 3 of the bill. Secondly, it proposes to amend the Sentencing Act 1991 to make further provisions for the membership of the Sentencing Advisory Council.

As you would be aware, Acting Speaker — as, may I say, an old-timer in this chamber — if there was one government that fought crime and was tough on crime, it was the Labor government. We took the measures that were required in order to fight crime, but at the same time we understood and respected how important suspended sentences are. In particular we understood how important it is to make provision for judiciary discretion. This bill builds on what the Labor government did over more than a decade.

It does very little, as a matter of fact. What is happening is that the Attorney-General and the government are talking tough but are doing very little. I recall clearly when we were in government the member for Box Hill, now the Attorney-General, talking tough, saying that at the moment the coalition came into office it would provide the resources to fight crime and deal with the requirements that are needed for the purposes of dealing effectively with sentencing.

When you talk about these matters you need to provide resources. An amending bill without resources behind it means very little, and that is exactly what this is. It provides for 500 more beds, as has been talked about, but it does nothing else and provides not an additional penny. It is important that members — and, if I may, members of the backbench in particular — be aware that today the government is talking tough but is providing very little in terms of effective resources.

We will not oppose the bill, because it builds on the good work done by previous Labor governments. We made significant reforms to sentencing during our period in office. Most recently Labor passed the Sentencing Amendment Act 2010 prior to the last election. That act abolished suspended sentences for serious offences as defined in section 3 of the Sentencing Act 1991, including murder, attempted murder, child homicide, rape, intentionally causing serious injury, kidnapping, armed robbery and others. That act abolished mandatory imprisonment for subsequent offences of driving whilst disqualified, and I think that was fair and reasonable. It is important that judiciary discretion be retained.

I refer members to correspondence from the Law Institute of Victoria (LIV) addressed to the shadow Attorney-General. It is dated 18 January 2011 and is in reference to the Sentencing Further Amendment Bill 2010. It says:

The LIV believes that suspended sentences hold an essential place in the sentencing hierarchy for all offences, and allow the sentencing judicial officer to impose an appropriate sentence after taking into account all aspects of the offence, offender and victim.

The LIV strongly supports the principle of judicial discretion and believes that judicial officers are best placed to impose the appropriate penalty ...

I will quote further, because I think it is important that members of this house take into account the views advanced by the Law Institute of Victoria:

The abolition of suspended sentences for 'serious offences' via the Sentencing Amendment Act 2010 and for 'significant offences' via the Sentencing Further Amendment Bill 2010 denies the reality that in many cases, a wholly suspended sentence imposed for an offence classified as 'serious' or 'significant' is appropriate.

I refer members to this good example provided by the law institute:

A good example to illustrate the appropriate imposition of a suspended sentence would be the mercy killing of a mortally ill elderly woman by her loving elderly husband.

I refer members again to the Law Institute of Victoria correspondence which I will provide to the house through the shadow Attorney-General. What the bill does, as I have indicated, is define the significant offences as causing serious injury recklessly, aggravated burglary, arson causing death and trafficking a commercial quantity of a drug of dependence. As a consequence of this bill suspended sentences are not available as a sentencing option for the new significant offences. What the bill does is add two new members to the Sentencing Advisory Council — a member of a victims of crime support advocacy group and a serving police officer below commissioned officer rank.

What we say about this bill is that it does not live up to expectations. It does not meet the expectations that were created by the then opposition and now government. The government criticised our legislation last year because it said it should have provided for the abolition of suspended sentences for all crimes. In fact that is what the Attorney-General said at the time.

In addition the concerns that we have and criticisms that we level at the bill introduced today include the issue of timing. When the Sentencing Amendment Bill

2010 was passed before the November state election the intention was for it to come into effect on 1 July 2011. The now Attorney-General was highly critical of that time frame saying:

... the test will be ... to bring the bill into operation ahead of the announced commencement date of 1 July 2011.

He went on to say:

... if there is a change of government on 27 November, we will be looking to bring this bill into operation as soon as can possibly be achieved.

In fact this bill does nothing to bring forward the date. It has a default commencement date of 1 January 2012 — —

Mr Clark — Have you read it?

Mr LANGUILLER — Of course I have. We always do our homework. I draw the attention of the house again to this important matter. For those of us who have experienced government we know it is tough, we know that you have to grow the economy, we know that you have to be able to provide resources and we know you have to put your money where your mouth is. This bill does not do that because it does not provide any additional moneys for the purpose of what the government says it wants to achieve by introducing this bill. Apart from the election commitment of 500 more prison beds over four years the government has said nothing about the cost of the bill, the extra resources that it will require or how any of it will be paid.

In his second-reading speech the Attorney-General said jail will mean jail. He talks about community-based sentencing with teeth. Nothing in this or in the government's election commitment deals with the massive increase in resources — namely, for prison officers and community corrections. We do support the bill but we are critical about it not delivering the resources that are required.

Dr SYKES (Benalla) — I rise to contribute to the Sentencing Further Amendment Bill 2011. I note that this bill in context is part of one of the basic platforms of the Baillieu-Ryan coalition government which was elected on 27 November 2010, in that law and order was something on which the community demanded a tougher stance and on which the previous Bracks and Brumby Labor governments had not delivered to their satisfaction. The Liberal-Nationals coalition government now has the chance to deliver on its commitments.

As the Attorney-General said in his second-reading speech:

Suspended sentences are a fiction that pretends offenders are serving a term of imprisonment, when in fact they are living freely in the community.

If I heard correctly, I believe the member for Altona agreed with the statement that suspended sentences are a fiction. It is good to have bipartisan recognition of that fundamental factor.

The second thing is that this legislation is part of a progression toward toughening up on crime. We acknowledge that the Labor government in its last days in October 2010 did remove the suspended sentence option for a number of crimes and our party, then in opposition, supported that but signalled — to use the words of the opposition — that more needed to be done. So what we have is a progressive toughening up on crime with the following crimes now being added — recklessly causing serious injury, commercial drug trafficking, aggravated burglary and arson. When people are found guilty of these additional crimes they are deemed to be ineligible for suspended sentences options.

It is pleasing that not only is this bill clearly supported by members of the government but also members of the opposition have indicated that they do not oppose it, despite having raised some concerns. The bill before the house implements the wishes of the community. The member for Ferntree Gully mentioned Noel McNamara, who has fought so hard for so long representing the victims of crime and who has demanded, pleaded for and begged for tougher sentences for people who have had terrible pain and suffering inflicted upon them, including his family.

We had a situation in Benalla where there were some very painful outcomes for a person. Through that I became involved with Noel McNamara, and I respect him for his passionate commitment to pursue this matter on behalf of many victims of crime. That is a small sector of the community, but the community at large has made it clear that we want our communities to be safe. Part of the process of delivering a safe community is to be tough on crime: do the crime, do the time.

The Attorney-General in his second-reading speech also flagged that this is part of a progressive toughening up in that the coalition parties supported the Sentencing Amendment Bill 2010 but made it clear that, if elected, a coalition government would legislate in its first term of office to abolish suspended sentences for all offences.

What we are saying is that this is a significant step down the road but there is more to come, and we need to work through that progressively as we understand all of the implications and do our homework so that we put before this Parliament soundly based proposals and do not find ourselves in the embarrassing situation that the previous Bracks and Brumby governments often found themselves whereby they would introduce legislation only to find that it needed to be amended a matter of weeks or months after the bill had been passed and implemented. Often the shortcomings of the previous government's legislation had been identified in debate in this Parliament, but the arrogance of the Bracks and Brumby governments saw them proceed, deaf to the advice coming from the opposition and the Victorian community.

I know the community is looking forward to this legislation being implemented. Just yesterday I spoke on Mansfield community radio. When I said this piece of legislation was coming before the house, the proposal was welcomed but it was said that it needed to go further. The interviewer also made the point that if people are going to be given the option of community service or community-based orders, they must carry out those duties and not get away with basically thumbing their noses at the judiciary and law enforcement agencies.

Our community are saying we should proceed with this carefully, taking into account all of the complexities linked with the committing of crimes and the associated factors. We know the community and the government — and the opposition acknowledges that suspended sentences should go — recognise that jail is not always an appropriate option, even if serious offences have been committed, but if we need to have other options such as community-based orders, then we must ensure that they are carried out if they are given to a person.

There is another aspect of concern. My community — the electorate of Benalla — seeks the removal of suspended sentencing in situations such as culpable driving and driving without a licence, because regrettably there have been many situations in country Victoria where people have gone before the courts obviously thumbing their nose at the courts, saying, 'I want to continue to drive, regardless of whether or not I have a licence'. Unfortunately the circumstances under which they drive often put other people at risk, so those people must also be brought to heel. Therefore I personally welcome the commitment of the Attorney-General and the Liberal-Nationals coalition government to move further down this track and ensure

that the suspended sentence option is removed from other serious crimes.

The opposition raised the issue of resourcing. That is an interesting issue to raise in this debate, because I recall being on the Public Accounts and Estimates Committee, interviewing the then Attorney-General in May 2010, when the proposal to remove suspended sentencing was floated by him after the budget had been brought down. When the Attorney-General was asked to explain how he would meet additional costings associated with the need to have additional spaces in jail he was quite dismissive of this very basic question that we, the members of the Public Accounts and Estimates Committee, put to him.

It is interesting that the former Attorney-General — who introduced a change in suspended sentencing that would result in more people going to jail but did it only a few weeks after the budget had been brought down — failed to provide any indication of the costs of that policy change that had been made on the run. It is good to have the questions being asked now, and I am sure that the Baillieu-Ryan government will ensure that there is appropriate accommodation for additional people in our jails and appropriate supervision so that we will have a situation where the people that have done the crime will do the time.

I endorse this bill proposed by the Attorney-General. I commend him for his endeavours in bringing this bill before the Parliament so soon into our term in government but also for his amazing contribution to the preparation of various forms of legislation both in opposition and now in government.

Mrs VICTORIA (Bayswater) — I too have great pleasure in rising to speak on the Sentencing Further Amendment Bill 2010 brought to the house by the Attorney-General. I was delighted to see that this is yet another coalition policy beginning to be delivered, so many of which have already been put into process since the election in November.

I bring to the attention of the house some of the things that are happening in my community in expectation of this bill. Certainly crime and law and order were issues on which we were all bombarded when it came to pre-election lobbying by our communities, and my community was no different. For a start, my constituents complained a lot about how there were not enough police available, not enough police on the streets and too many police in administrative roles and not on the front line. I commend this bill to the house.

Mr CLARK (Attorney-General) — I am pleased to be able to close the debate on this bill and thank members for their contributions to it. One knows one is winning the war of ideas when one's opponents come along and join in support of a measure that one is bringing to the house, and it is pleasing to see the change of heart of members opposite. In the previous Parliament they needed to be dragged, kicking and screaming, to accept the community's rightful and appropriate call for suspended sentences to be abolished, recognising that they are in fact a legal fiction, that jail should mean jail, that truth should be restored to sentencing and that the community is looking for tougher and more effective sentencing as part of a range of measures to tackle soaring levels of violent crime in the community.

It was only after our side of politics, then in opposition, announced that we would legislate, if elected to government, to abolish suspended sentences for all crimes that the then government was dragged, kicking and screaming to announce measures last May. Those measures did not make it to the Parliament until the final sitting week of the previous Parliament and then went through only because the government of the day was embarrassed into it and otherwise the bill would have lapsed as the Parliament was dissolved prior to the election. If the government of the day had got its act together and acted on the advice of the Sentencing Advisory Council, which was given many years ago, we could have seen the abolition of suspended sentences for all crimes achieved in legislation under the previous government, but it did not get its act together. Indeed the Attorney-General of the day, even with the support of our side of Parliament, would not get his act together in order to speed up the abolition of the relatively limited number of suspended sentences for which his final legislation was intended.

The member for Altona is the opposition's lead speaker on the bill, as she is the lower house representative for the shadow Attorney-General in the other place. I always have some sympathy for members who are in that position. In the circumstances she did not do too bad a job, but she has to learn not to take the advice, as I presume she has, of the honourable member for Niddrie, because if she does, she will be led badly astray. In particular she told the house that the bill before the house was not to commence until January next year, whereas if she had been properly advised or had had the opportunity to read it herself, she would have seen that the key parts of the bill come into effect on royal assent. That means that on royal assent those provisions are inserted into the legislation passed under the previous Parliament.

Our side of the house is committed to abolishing suspended sentences for all crimes and to legislate to do so in our first term, and that is what we are proceeding to do. We are also keen to have that achieved as soon as possible.

I thank members on all sides of the house for their support for this bill and hope it will receive similar support in the other place and can be quickly brought into law.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PARLIAMENTARY COMMITTEES

References

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That under section 33 of the Parliamentary Committees Act 2003 the following matters be referred to the joint investigatory committees specified:

- (1) To the Environment and Natural Resources Committee — for inquiry, consideration and report no later than 30 November 2011 matters relating to flood mitigation infrastructure in Victoria, with particular reference to:
 - (a) identifying best practice and emerging technology for flood mitigation and monitoring infrastructure including river gauges;
 - (b) the management of levees across Victoria, including ownership, responsibility and maintenance on both public and private land;
 - (c) waterways management, including the nature and extent of vegetation clearing activities within waterways and their general maintenance;
 - (d) identifying those entities and individuals having ownership of waterways and the responsibility for their clearing and their maintenance; and
 - (e) the extent to which, if any, local knowledge of residents is employed in effecting waterways clearing and maintenance.
- (2) To the Education and Training Committee — for inquiry, consideration and report no later than 31 January 2012 on the education of gifted and talented students and the committee is asked to consider:

- (a) the effectiveness of current policies and programs for gifted and talented students, with particular consideration of, but not limited to:
 - (i) identification of gifted and talented students;
 - (ii) equity of access to quality educational choices for gifted and talented students and their families; and
 - (iii) impact on the learning, development and wellbeing of gifted and talented students;
 - (b) the scope, coverage and effectiveness of current policies and programs for students from both metropolitan and regional school communities, school leaders, teachers and parents and carers to support gifted and talented students;
 - (c) opportunities and strategies for enhancing support for gifted and talented students, their parents and carers, teachers and school leaders; and
 - (d) opportunities for improved educational offerings for gifted and talented students through collaboration across all school sectors and with community, business and industry.
- (3) To the Outer Suburban/Interface Services and Development Committee — for inquiry, consideration and report no later than 10 February 2012 on the livability options in outer suburban Melbourne and the committee is asked to:
- (a) outline recent state planning policies as they relate to private housing;
 - (b) examine population growth trends and impacts;
 - (c) collate and analyse median house prices in outer suburban areas and measure this against income and cost of living data;
 - (d) identify the provision of medical/health and support services in outer suburban areas;
 - (e) classify national and international ‘best practice’ in urban renewal as it relates to established outer suburbs; and
 - (f) recommend options for enhanced livability of residents.
- (4) To the Outer Suburban/Interface Services and Development Committee — for inquiry, consideration and report no later than 10 February 2012 on growing the suburbs: infrastructure and business development in outer suburban Melbourne and the committee is asked to:
- (a) identify existing public and private infrastructure provision, including schools, hospitals, commercial and shopping precincts, transport and roads, telecommunications, water and power;
 - (b) assess the capacity of existing infrastructure to accommodate increased population growth;
 - (c) investigate options, based on intrastate, interstate and international evidence, which reduce pressures on infrastructure and essential services;
 - (d) catalogue the skills mix of outer suburban residents to identify those areas with a skills shortage and provide options for skills training and retention, especially as it relates to both younger and semi retired people;
 - (e) examine the role of small businesses, local councils and community groups (such as Rotary and Lions clubs) in developing local expertise;
 - (f) investigate the value of sister city relationships with key trade and innovation markets; and
 - (g) identify local manufacturing capacity and highlight export development opportunities available for businesses operating in the outer suburbs.
- (5) To the Environment and Natural Resources Committee — for inquiry, consideration and report no later than 30 September 2011 on the establishment and effectiveness of registered aboriginal parties and the committee is asked to consider:
- (a) Victorian Aboriginal Heritage Council policies in relation to the appointment of registered aboriginal parties including the factors that should be taken into account by the council in making a decision such as:
 - (i) the degree to which traditional ownership is contested in the area the subject of an application;
 - (ii) the impact that decisions may have on the community;
 - (iii) the capacity of the applicant to fulfil legislative responsibilities if appointed;
 - (iv) the process used to determine and identify the successful registered Aboriginal party;
 - (b) the support available to the council in making decisions about the appointment of registered Aboriginal parties including:
 - (i) membership and structure of the council;
 - (ii) council’s capacity to inquire into matters relevant to applications, including supporting applicants to provide information needed to fully assess applications; and
 - (c) the effectiveness of the established registered Aboriginal parties.
- (6) To the Electoral Matters Committee — for inquiry, consideration and report no later than 30 June 2011 on the conduct of the 2010 Victorian state election and matters related thereto.
- (7) To the Economic Development and Infrastructure Committee — for inquiry, consideration and report no later than 8 February 2012 on the benefits and drivers of

greenfields mineral exploration and project development in Victoria and the committee is asked to consider possible barriers to greenfields exploration and development, as well as project attraction in Victoria in the context of a globally competitive industry, and to identify appropriate responses that government and industry may take — and the committee is asked to do this through an examination of:

- (a) Victoria's mineral endowment (often referred to as 'prospectivity') across a portfolio of commodities (including energy earth resources and extractives products);
 - (b) the regulatory environment;
 - (c) fees, charges and royalties;
 - (d) national and international perceptions of Victoria's prospectivity and regulatory environment;
 - (e) the success and failure of projects in Victoria's mining development pipeline;
 - (f) different approaches and programs applied in other Australian and international jurisdictions to foster increased investment in greenfields exploration for, and development of, minerals and energy earth resources;
 - (g) the different roles of government (this may include, but is not limited to, targeted industry engagement, facilitation and generation of geological survey information);
 - (h) opportunities to increase the net benefits from Victoria's minerals and energy earth resources, and to potentially provide for self-sufficiency in low cost energy and extractive materials, consistent with the principle of economic efficiency; and
 - (i) consideration of the costs and benefits of greenfields minerals exploration (economic, social and environmental), and whether there are opportunities to improve the management of potential conflicts between exploration and other land uses.
- (8) To the Rural and Regional Committee — for inquiry, consideration and report no later than 8 February 2012 on the capacity of the farming sector to attract and retain young farmers and respond to an ageing workforce and the committee is asked to:
- (a) examine the benefits to the agriculture sector of attracting more young farmers (including youth and early career workers);
 - (b) examine the factors that affect the ability of the agriculture sector to attract and retain young farmers including, but not limited to:
 - (i) the profitability and business competitiveness of agricultural and other industries;
 - (ii) farming business acumen and recruitment strategies (including diversity);

- (iii) remuneration packages and opportunities;
- (iv) career pathways for youth and early career workers;
- (v) existing models of farm business (ownership and management); and
- (vi) the factors that influence rural quality of life including, but not limited to:
 - (A) resource and service access;
 - (B) farm family health;
 - (C) access to skills development and off-farm employment;
 - (D) leadership and other capabilities within the community;
 - (E) partnerships and networks (formal and informal); and
 - (F) the Victorian economy and government policy; and

- (c) provide strategies and recommendations that will promote the realisation of the benefits identified above.

- (9) To the Road Safety Committee — for inquiry, consideration and report no later than 30 June 2012 on motorcycle safety and the committee is asked to consider:

- (a) trends over time in crash types including on-road and off-road crashes, rural/urban breakdown, experience levels of riders (where known) and types of motorcycles being ridden;
- (b) the changing face of motorcycling and, in particular, patterns of motorcycle usage over time including the uptake of motorcycles as an alternative form of transport and its impact on road safety;
- (c) the attitudes of riders to safety and risk-taking including drugs, alcohol, travelling at inappropriate speeds, use of protective clothing and fatigue;
- (d) riders' and drivers' attitudes to each other;
- (e) responsibilities for improving the safety of off-road riders;
- (f) the efficiency and effectiveness of the accredited provider scheme in the delivery and administration of motorcycle licensing;
- (g) countermeasures used in Victoria, Australia and other comparable overseas jurisdictions to reduce the number and severity of motorcycle accidents with reference to road environment treatments, behavioural change programs and the design and technology of motorcycles and protective gear;

- (h) new initiatives to reduce motorcycle crashes and injuries;
 - (i) the appropriateness of the TAC premium for motorcyclists in relation to covering all riders eligible to claim on the TAC scheme;
 - (j) the effectiveness of the motorcycle safety levy in improving rider safety in Victoria; and
 - (k) the ways government can work with non-government stakeholders to achieve motorcycle safety outcomes.
- (10) To the Law Reform Committee — for inquiry, consideration and report no later than 30 June 2012 on donor-conceived persons and, further to the interim report of the Law Reform Committee of the 56th Parliament, the committee is asked to consider:
- (a) the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;
 - (b) the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's ethical guidelines on the use of assisted reproductive technology in clinical practice and research;
 - (c) any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;
 - (d) the options for implementing any changes to the current arrangements, including non-legislative options;
 - (e) the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;
 - (f) the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the registrar of births, deaths and marriages; and
 - (g) the possible implications under the Charter of Human Rights and Responsibilities Act 2006.
- (11) To the Family and Community Development Committee — for inquiry, consideration and report no later than 10 February 2012 on opportunities for participation of Victorian seniors, and the committee is asked to:
- (a) review national and international literature on preparing for an ageing society;
 - (b) consult with older Victorians and representative bodies and with Victorians planning for ageing well;
 - (c) examine the contribution of, and challenges facing, older members of the Victorian community from diverse cultural and linguistic backgrounds;
 - (d) identify the role of government in supporting older Victorians and the intersection of federal, state and local government service provision and their responsibility to seniors;
 - (e) consider the economic significance of older Victorians in the paid workforce and the voluntary sector and barriers to participation for those Victorian seniors who desire to work in or contribute to the community, and how willing economic and social contributions can be fostered;
 - (f) consider ageing well in terms of quality of life and community participation, including the specific and different issues faced by men and women, older Victorians from different age cohorts, and those living in rural and regional areas;
 - (g) examine the role and interrelationship of active, successful, positive and productive ageing approaches in promoting better health; and
 - (h) develop recommendations or strategies for whole of government and community responses to the needs of older Victorians now, and into the future, and incorporate in the recommendations the best international practice in support of ageing well.
- (12) To the Law Reform Committee — for inquiry, consideration and report no later than 30 March 2012 on access to and interaction with the justice system by people with an intellectual disability and their families and carers, including:
- (a) key issues and themes, including but not limited to:
 - (i) participants' knowledge of their rights;
 - (ii) availability of appropriate services and supports;
 - (iii) dealings with the police; and
 - (iv) the operation of the courts;
 - (b) measures within Australia and internationally to improve access to, and interaction with, the justice system, including but not limited to measures that seek to:
 - (i) break down barriers to the justice system and enhance participation;
 - (ii) deliver just and equitable outcomes;
 - (iii) facilitate collaborative and co-ordinated approaches across government departments and agencies; and
 - (iv) provide responses that address the circumstances of the offender and offence concerned.

(13) To the Family and Community Development Committee — for inquiry, consideration and report no later than 26 November 2011 on workforce participation by people with a mental illness, and the committee is asked to consider:

- (a) evidence of the low rate of workforce participation of people with mental illness, and the social and economic costs involved;
- (b) identification of the barriers that people with mental illness experience in gaining and retaining employment;
- (c) the respective roles of, and collaboration between, local, state and commonwealth governments, business and community organisations in supporting the workforce participation of people with mental illness;
- (d) the effectiveness of programs that aim to improve the workforce participation of people with mental illness, including best practice models;
- (e) opportunities for tailoring education and vocational training for the needs of people with mental illness;
- (f) effective measures to support employers to recruit, employ and retain people with mental illness;
- (g) the role of mental health services, and general health and community services in improving the workforce participation of people with mental illness.

(14) To the Education and Training Committee — for inquiry, consideration and report no later than 31 January 2012 on agricultural education in Victoria, and the committee is asked to consider:

- (a) an evaluation of the current extent of agricultural-related courses delivered in Victoria;
- (b) an evaluation of the effectiveness of current agricultural programs;
- (c) whether the workforce training needs of agriculture are being met; and
- (d) an overview of well regarded agricultural education in other Australian states and territories, or other countries.

(15) To the Drugs and Crime Prevention Committee — for inquiry, consideration and report no later than 12 March 2012 on locally based approaches to community safety and crime prevention, and the committee is asked to consider:

- (a) the breadth of locally based groups and organisations addressing community safety and crime prevention issues within Victoria, particularly with regard to local government and Neighbourhood Watch;
- (b) the approaches adopted by these groups to promulgating community safety and crime prevention practices, programs or initiatives;

(c) the extent to which these organisations are effective in engaging with local and state agencies in the development of policy;

(d) whether institutional or other arrangements support or impede such local groups in engaging in the development of community safety initiatives;

(e) whether there is a cost benefit to the community for current crime prevention strategies;

(f) whether alternate models for such organisations may improve outcomes; and

(g) local community safety and crime prevention arrangements in other jurisdictions, particularly within Australia, New Zealand and the United Kingdom.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That —

- (1) Mr Battin and Mr McCurdy be members of the Drugs and Crime Prevention Committee.
- (2) Mr Crisp, Ms Miller and Mr Southwick be members of the Education and Training Committee.
- (3) Ms Ryall and Mrs Victoria be members of the Electoral Matters Committee.
- (4) Ms Graley, Ms Hutchins and Ms McLeish be members of the Outer Suburban/Interface Services and Development Committee.

Motion agreed to.

ACTING SPEAKERS

The SPEAKER tabled amended warrant nominating Christine Campbell, John Eren and John Pandazopoulos to preside as Acting Speakers whenever requested to do so by the Speaker or the Deputy Speaker.

BUILDING AMENDMENT BILL 2011

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility for the Building Amendment Bill 2011.

In my opinion, the Building Amendment Bill 2011 (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 Building Act 1993 to:

1. enable volumes 1 and 2 of the National Construction Code series (Building Code of Australia) to be adopted by and form part of the Building Regulations 2006 and volume 3 of the National Construction Code series (Plumbing Code of Australia) to be adopted by and form part of the Plumbing Regulations 2008; and
2. enable the existing Building Appeals Board to determine applications made for unjustifiable hardship using criteria under the national Disability (Access to Premises — Buildings) Standards 2010 (premises standards).

Disability Discrimination Act

The Disability Discrimination Act 1992 (cth) is enforced primarily through a complaints mechanism, which allows individuals who believe that they have experienced unlawful discrimination to seek a conciliated outcome through the Australian Human Rights Commission and if that is not successful, to bring an action in the Federal Court or the Federal Magistrates' Court of Australia.

The Building Code of Australia has historically had technical requirements for access for people with a disability to most building classes in volume 1 of the code; however this provided no certainty that compliance with the Building Code of Australia was sufficient to meet the requirements of the Disability Discrimination Act 1992 (cth).

Premises standards

The premises standards are an instrument under the Disability Discrimination Act 1992 (cth) that have been introduced by the Commonwealth government to develop a set of uniform access provisions, which take effect on 1 May 2011.

In Victoria, the premises standards will be implemented through incorporation of the access code of the premises standards into volume 1 of the National Construction Code series (improved accessibility requirements).

The improved accessibility requirements will apply where a building permit application is made for all building classes in volume 1 of the National Construction Code, except for parts of buildings or building classes which are primarily for private residential use.

The premises standards creates the right to seek relief from discrimination on the grounds of unjustifiable hardship. This exception will operate in a similar manner to a defence, if a complaint is made. This exception cannot be accommodated in the National Construction Code series, as it is an administrative consideration not a technical requirement.

The premises standards provide that decisions by state and territory panels, established to make recommendations on building access matters, are to be taken into account by either the Federal Court or the Federal Magistrates' Court of Australia when determining if a person has not acted unlawfully because compliance would impose unjustifiable hardship.

Human rights issues

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

The bill will amend the definitions of the Building Code of Australia and the Plumbing Code of Australia in the Building Act 1993 to refer to the new title of the National Construction Code series and to insert a definition of the National Construction Code series. These amendments will bring effect to the new edition of the Building Code of Australia and the Plumbing Code of Australia in Victoria on 1 May 2011. These amendments are mechanical in nature and will not engage any rights under the charter.

The amendments to the Building Act 1993, to enable the existing Building Appeals Board to determine applications made for unjustifiable hardship using criteria under the national premises standards in the bill, engage rights protected under the charter.

The bill engages the right to a fair and public hearing (section 24 of the charter) and the right to equality (section 8 of the charter).

The bill engages but does not limit the right to a fair and public hearing (section 24).

Nature of the right to a fair hearing

Section 24 of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. All judgements or decisions made by a court or tribunal in a civil proceeding must be made public.

The rights of a person to a competent, independent and impartial court after a fair and public hearing are not limited for the reasons, as follows. Under the existing provisions of the Building Act 1993:

the Building Appeals Board is competent, independent and impartial because the Building Appeals Board would constitute panels with members (appointed on the minister's recommendation) who are expert in access to determine applications made for an unjustifiable hardship exemption;

the Building Appeals Board may conduct a proceeding in private if it considers it in the public interest or the interest of justice to do so, but must otherwise hold its hearing in public;

the Building Appeals Board may also inform itself in any manner it thinks fit and may seek the independent advice of a person to assist it in dealing with the proceeding;

a party to a proceeding may appear at a hearing before the Building Appeals Board or do anything else in

relation to a proceeding before the board either personally or through an agent; and

a determination of the Building Appeals Board must be in writing and a party to a proceeding may request the board to give to the party written reasons for its determination.

Importantly the bill is fair to applicants by including the criteria for determinations on the unjustifiable hardship exception from the premises standards; this supports transparency in the board's reasons for its determinations on unjustifiable hardship.

Right to equality

The second right that is engaged by the bill is the right to equality (section 8 of the charter). Indeed, the premises standards and the Disability Discrimination Act 1992 (cth) represents the recognition in law of the inherent rights of people with a disability to participate in public life in an equitable and dignified way.

However, in alignment with the premises standards unjustifiable hardship exception, the bill, which proposes a disapplication from, or modification or variation to, the building regulations relating to access for people with a disability (an exemption), limits the right to equality where compliance with the improved accessibility requirements would impose unjustifiable hardship on the building permit applicant.

2. Consideration of reasonable limitations — section 7(2)

I will now address the limitation to the right to recognition and equality before the law (section 8) in relation to the exemption. I consider this limitation to be reasonable in a free and democratic society.

Nature of the right to equality

Section 8 of the charter states every person has the right to enjoy his or her human rights without discrimination. Every person is equal before the law and is entitled to the equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination. The bill contains measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination.

Importance of the purpose of limitation

The purpose of the limitation in new section 160B inserted by clause 5 of the bill is to enable an administrative and approval mechanism to allow building owners, building designers, building surveyors and builders to lawfully comply with the premises standards and the Disability Discrimination Act 1992 (cth).

Specifically, the bill provides an exemption to be available to the applicant (the owner undertaking the building work), where compliance with the improved accessibility requirements would impose unjustifiable hardship.

This will provide certainty to all stakeholders who have an interest in the design, construction and use of buildings of a public nature, that building work will comply with the premises standards and will reduce the likelihood of a

complaint of discrimination under the Disability Discrimination Act 1992 (cth).

Nature and extent of limitation

New section 160B(4) inserted by clause 5 of the bill will require that the Building Appeals Board, in determining whether compliance with the improved accessibility requirements would impose unjustifiable hardship on an applicant, the Building Appeals Board must take into account all relevant circumstances of the particular case including criteria governing decisions on unjustifiable hardship under the premises standards, including the following:

- (a) the financial circumstances, and the estimated amount of expenditure required to be made, by the applicant;
- (b) the availability of financial assistance from government funding;
- (c) the extent to which the building is used for public purposes and has a community function;
- (d) any exceptional technical factors;
- (e) the nature of the benefit or detriment, including loss of heritage significance, likely to accrue to, or to be suffered by, any person concerned, including people with a disability;
- (f) any relevant action plan given to the Australian Human Rights Commission under the powers of the Disability Discrimination Act 1992 (cth) and provided to the Building Appeals Board; and
- (g) any evidence regarding efforts made in good faith by a person to comply with the requirements and the nature and results of any process of consultation.

New section 160B(5) inserted by clause 5 of the bill provides that if a substantial issue of unjustifiable hardship is raised having regard to the above factors, the bill would require the following additional factors are to be considered by the Building Appeals Board to achieve equitable access:

- (a) the extent to which substantially equal access to the premises may be provided otherwise than by compliance; and
- (b) any measures undertaken, or to be undertaken to enable substantially equal access.

New section 160B(6) inserted by clause 5 of the bill provides that the decision of the Building Appeals Board must provide that the applicant complies with the improved accessibility requirements to the maximum extent not involving unjustifiable hardship.

The relationship between the limitation and its purpose

Due to limited resources all building owners and developers must have the ability to seek a determination on whether compliance with the improved accessibility requirements would impose unjustifiable hardship on the building permit applicant. Otherwise the applicant would have no certainty as to whether they were lawful under the premises standards and the Disability Discrimination Act 1992 (cth) prior to commencing construction.

Any less restrictive means reasonably available to achieve its purpose

The limitation is reasonable because it balances the right of people with a disability to dignified and equitable access to buildings between the practical considerations of cost-effectiveness, achievability and certainty.

I consider new section 160B inserted by clause 5 of the bill is necessary for consistency with the national premises standards and the Disability Discrimination Act 1992 (cth).

On the balance, the limitation to the right to recognition and equality before the law (section 8) of the charter is reasonable.

Amendments to the Building Regulations 2006 will also be progressed to provide concessions from the accessibility requirements relating to lifts, toilets and access ways consistent with those provided in the premises standards.

Conclusion

I consider that the Building Amendment Bill 2011 is compatible with the Charter of Human Rights and Responsibilities because, to the extent that new section 160B inserted by clause 5 of the bill may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Overview of bill

The bill will amend the Building Act 1993 to:

1. enable volumes 1 and 2 of the National Construction Code series (Building Code of Australia) to be adopted by and form part of the Building Regulations 2006 and volume 3 of the National Construction Code series (Plumbing Code of Australia) to be adopted by and form part of the Plumbing Regulations 2008; and
2. enable the existing Building Appeals Board to determine applications made for unjustifiable hardship using criteria under the national Disability (Access to Premises — Buildings) Standards 2010 (premises standards).

National Construction Code

The government wants to ensure the Victorian building control system is referencing the most recent national minimum building and plumbing requirements. To achieve this, amendments to the Building Act 1993 are required.

The current national building requirements incorporated in the Victorian building control scheme are the Building Code of Australia and the Plumbing Code of Australia. These codes provide national, minimum requirements that address issues relating to health, safety, amenity and sustainability in the design, construction and performance of buildings.

As of 1 May 2011, these two codes will be consolidated into a single code and republished as the National Construction Code series. The Australian Building Codes Board will publish the National Construction Code series, comprising volumes 1 and 2, which will contain the Building Code of Australia and volume 3, which will contain the Plumbing Code of Australia. It will come into effect on 1 May 2011.

The National Construction Code series has been developed under the Council of Australian Governments (COAG) national partnership agreement to deliver a seamless national economy. Under this agreement the commonwealth, states and territories agreed to implement 36 streams of business deregulation and competition reform, including as a priority, a commitment to develop a National Construction Code series.

The intention of the National Construction Code series is to reduce the regulatory burden by bringing all on-site construction requirements into one code. It will eventually result in the consolidation of all on-site construction regulation, which will include building, plumbing, electrical and telecommunications requirements. The first phase in this process has been to consolidate the Building Code of Australia and Plumbing Code of Australia.

The National Construction Code series will provide a range of benefits including:

efficiency gains from removing overlap and inconsistency between codes;

an improved regulatory framework for plumbing standards with greater national consistency, as not all states and territories adopt the Plumbing Code of Australia in their regulations;

greater opportunities for innovation; and

broader benefits through complementing other reform initiatives, such as national licensing and reforms in the training sector.

To give effect to the National Construction Code series, all states and territories are required to implement the National Construction Code series through their

respective legislation. The government introduces this bill to give effect to the National Construction Code series.

The bill will amend the Building Act 1993 prior to 1 May 2011 to refer to the National Construction Code series, thus enabling volumes 1 and 2 of the National Construction Code series to be adopted by, and form part of the Building Regulations 2006 and enabling volume 3 of the National Construction Code series to be adopted by, and form part of the Plumbing Regulations 2008.

Building accessibility

The commonwealth government's Disability Discrimination Act 1992 (cth) is aimed at reducing discrimination against people with a disability in premises which the public is entitled to enter or use. The premises standards are an instrument under the Disability Discrimination Act 1992 (cth) that have been introduced by the commonwealth government to develop a set of uniform access provisions, which take effect on 1 May 2011.

In response to this national initiative the government will introduce new requirements in the Building Act 1993 to provide for consistent decision making between the commonwealth government's Disability Discrimination Act 1992 (cth) complaints system in a Federal Court and building permit advice in the Victorian building control system.

Work led by the commonwealth government has harmonised the Discrimination Act 1992 (cth) complaints system and the state and territory building control schemes through the Building Code of Australia. From 1 May 2011 improved accessibility requirements in volume 1 of the National Construction Code series will support the intent and objectives of the Disability Discrimination Act 1992 (cth), providing certainty for building developers and the community that buildings built and upgraded according to building regulations comply with the Disability Discrimination Act 1992 (cth).

Volume 1 of the National Construction Code series will provide for improved accessibility requirements to apply where a building permit application is made for building classes in volume 1 of National Construction Code, except for parts of buildings or building classes which are primarily for private residential use.

States and territories have been asked to consider amending their building control schemes to give effect to parts 1 to 4 of the premises standards, which outline the administrative arrangements that are required to

meet the intent and objectives of the Disability Discrimination Act 1992 (cth). These administrative arrangements cannot be accommodated by the National Construction Code series, which are the technical requirements for buildings. Therefore, the bill will amend the Building Act 1993 to enable the Building Appeals Board to determine applications for unjustifiable hardship consistently with the premises standards.

In addition, amendments to the Building Regulations 2006 will provide for other concessions provided in the premises standards, relating to lifts, toilets and access ways.

The bill will provide for a discretionary exemption to permit building work that does not comply with the provisions of the access code for buildings in the premises standards, as incorporated into volume 1 of the National Construction Code series. It will be necessary for a person to apply to the Building Appeals Board for a determination, on the grounds of unjustifiable hardship, to carry out building work that is not in accordance with the provisions of the access code for buildings, as incorporated into volume 1 of the National Construction Code series.

The bill will enable the Building Appeals Board to make a determination of unjustifiable hardship. To ensure consistency the amendment will ensure that the Building Appeals Board will take into account the matters provided in section 4.1 of the premises standards by incorporating similar provisions in the Building Act 1993.

Implementing the national premises standards unjustifiable hardship exception and other concessions in the Victorian building control scheme, will allow building owners and developers to apply to the Building Appeals Board to determine applications for unjustifiable hardship consistent with the premises standards and to be granted other concessions provided in the premises standards; this will provide certainty to all stakeholders who have an interest in the design and construction and use of buildings of a public nature, that building work will comply with the premises standards and the Disability Discrimination Act 1992 (cth).

These amendments will commence on 1 May 2011 in tandem with the improved accessibility requirements in the National Construction Code series.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2011

Statement of compatibility

Mr RYAN (Minister for Bushfire Response) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Bushfires Royal Commission Implementation Monitor Bill 2011.

In my opinion, the Bushfires Royal Commission Implementation Monitor Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the act. I base my opinion on the reasons outlined in this statement.

Overview of bill

Human rights issues

1. Human rights protected by the act that are relevant to the bill

Privacy

Section 13(a) of the act protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary.

This right may be engaged by clauses 16, 17 and 18 of the bill. These clauses provide that the implementation monitor may require agencies to provide any information that he or she considers necessary to perform his or her functions, and that secrecy or confidentiality obligations imposed by other laws do not apply to the disclosure of information to the implementation monitor. The implementation monitor is also given a power of entry and inspection in relation to agencies responsible for implementing recommendations of the bushfires royal commission. Clause 18 further allows the implementation monitor to publish any information that has come to his or her knowledge in the course of performing functions under this or another act, if the information is relevant to the report and its inclusion is in the public interest. This may include confidential information.

I note that most information disclosed to the implementation monitor under these clauses will not be of a private nature. Further, the power of entry and inspection relates to workplaces, and the occupants of those workplaces would have a limited expectation of privacy.

However, to the limited extent that these provisions may interfere with personal privacy, that interference will be neither unlawful nor arbitrary. The powers are clearly defined in the bill, and are necessary to enable the implementation monitor to effectively perform his or her functions. I therefore consider that these provisions do not limit the right to privacy in section 13 of the act.

Fair hearing

Section 24(1) of the act provides that both a person charged with a criminal offence or a party to a civil proceeding have

the right to a fair hearing. This right is likely to include a right to access to the courts.

Clause 21 of the bill engages the right of access to the courts by ensuring that parliamentary privilege attaches to the publication of the reports of the implementation monitor. The effect is that the publication of those reports cannot be the basis of a civil or criminal claim. However, the right of access to the courts is not absolute. To the extent that access to the courts is affected by this provision, I consider that the limitation on access is reasonable and necessary, as it enables the implementation monitor to provide the legislature and community with a frank assessment of the government's performance in implementing recommendations and without unnecessary delay (when the Parliament is in recess). Therefore, I do not consider that clause 21 imposes a limit on the right to a fair hearing.

2. Consideration of reasonable limitations — section 7(2)

Right to take part in public life

The right to take part in public life in section 18 of the act, includes a right to be elected at state elections, and to have access, on general terms of equality, to the Victorian public service and public office. Clause 9(d) of the bill engages these rights by providing that the implementation monitor ceases to hold office if he or she nominates for election to Parliament in Victoria or elsewhere in Australia. This is the same rule as that which applies to other independent officers in Victoria, including the Ombudsman, the chairperson of the Essential Services Commission, and the privacy commissioner.

I consider that any limit imposed on the rights in section 18 of the act by clause 9(d) is demonstrably justifiable according to the criteria set out in section 7(2). Although the right to take part in public life is highly important, and fundamental to our democratic system of government, the right is not absolute, and it may be subject to reasonable limitations such as these.

In this case, the purpose of the limitation is to strengthen the independence of the implementation monitor, and to ensure that his or her actions and decisions are not guided by political expediency. The people of Victoria must be able to trust the implementation monitor to provide genuinely independent oversight of the implementation of the bushfires royal commission's recommendations without being subject to actual or perceived political bias.

I further note that clause 9 does not prohibit a person who holds the office of implementation monitor from nominating for election. Rather, the provision simply provides that a person cannot both hold that position and nominate for election concurrently. This is the least restrictive means available to ensure the implementation monitor remains independent of the political process. I therefore consider that any limitation imposed by clause 9(d) on the right to take part in public life is demonstrably justifiable in a free and democratic society.

Conclusion

I consider that the bill is compatible with the act, because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon. Peter Ryan, MLA
Minister for Bushfire Response

Second reading

Mr RYAN (Minister for Bushfire Response) — I move:

That this bill be now read a second time.

Recommendation 66 in the final report of the 2009 Victorian Bushfires Royal Commission was that the ‘State appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the commission’s recommendations and report to the Parliament and the people of Victoria by 31 July 2012.’

The commissioners were quite explicit about their rationale for this recommendation. They said:

Now that the work of the commission has ended, there is no state-sponsored process for reviewing implementation of the recommendations adopted. There is therefore a risk that the impetus to implement the recommendations made in this final report will not be as sharp. This risk is highlighted by government responses to the implementation of some recommendations from previous reports. For example, inquiries into bushfires in Victoria in recent years made recommendations that recognised the significance of prescribed burning in managing bushfire risk and reducing the risk to life and properties. Progressive recommendations have, however, had limited success in achieving suitable prescribed burning outcomes for Victoria. The commission considers that a process is needed whereby the government and community have access to transparent, independently verified information on the response to the commission’s recommendations. Further, a process of review is required to maintain focus and ultimately inform the continuing cycle of policy development.

The state should nominate an independent monitor or the Victorian Auditor-General to provide the people of Victoria a report on the implementation of the commission’s recommendations. The report should detail progress towards implementing each of the recommendations in this final report and those in the interim reports.

This bill is designed to achieve that objective. It establishes the appointment, functions and reporting obligations of the Bushfires Royal Commission Implementation Monitor in statute. These arrangements can be contrasted with those put in place by the former government under which the implementation monitor was established as an administrative office under the Public Administration Act 2004 and employed under a contract with the Premier.

To ensure the monitoring and reporting is done on a genuinely independent basis, the monitor will be appointed by the Governor-in-Council and required to report directly to Parliament. The bill further buttresses the monitor’s independence by making clear that the monitor is not subject to the direction and control of the minister and can only be removed from office on the resolution of both houses of Parliament. These

arrangements will ensure the transparency and independence of assessment the commissioners envisaged and the people of this state deserve.

The bill also requires the minister to prepare and table in both houses of Parliament an implementation plan specifying the actions the government has taken, is taking and will take in response to the royal commission’s final report and those recommendations from its interim reports that have not been fully implemented.

The monitor’s primary function will be to monitor, review and report on the progress of departments and agencies in carrying out the implementation actions in the implementation plan. The bill requires the monitor to assess the progress and effectiveness in carrying out those actions together with their efficacy. It also directs the monitor to pay specific attention to the efforts to improve the interaction of state agencies and municipal councils in improving the planning and preparation for bushfires.

The monitor will be required to table his or her final report in both houses of Parliament by 31 July 2012 — that is, by the second anniversary of the tabling of the royal commission’s final report — as the commissioners recommended. In addition, the bill requires the monitor to table a progress report by 31 July this year. This interim reporting requirement is aimed at keeping both the Parliament and community informed of progress and maintaining momentum in departments and agencies with the implementation program.

Importantly, given the protection of life lies at the core of the commission’s recommendations and the government’s implementation activities, the bill requires the monitor to alert the relevant agency heads at the earliest reasonable opportunity to any concerns the monitor has and advise on any remedies the monitor considers will overcome such concerns.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011

Statement of compatibility

Ms ASHER (Minister for Innovation, Services and Small Business) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Shop Trading Reform Amendment (Easter Sunday) Bill 2011.

In my opinion, the Shop Trading Reform Amendment (Easter Sunday) Bill 2011, 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 Shop Trading Reform Amendment (Easter Sunday) Bill 2011 amends the Shop Trading Reform Act 1996 (the act) to remove retail trading restrictions that prevent particular types of retail shops from opening on Easter Sunday in Victoria.

Section 5 of the act currently provides that all shops, except exempt shops, must be closed during ordinary shop closing times. Exempt shops include certain prescribed types of shops, as well as shops with not more than 20 employees, and shops with not more than 100 employees, in the week prior to Easter Sunday.

Ordinary shop closing times, as defined under section 3 of the act, includes all times on Good Friday, Easter Sunday and Christmas Day. Ordinary shop closing times also includes the hours between 12.01 a.m. and 1.00 p.m. on ANZAC Day.

The shop trading restrictions will be removed by amending the definition of 'ordinary shop closing times' so as to omit reference to Easter Sunday.

Section 5A, which provides for special exemptions from the prohibition on Easter Sunday trading, will also be repealed. Guidelines formerly issued under section 5A will become redundant as a result of the repeal of that section.

The amendments mean that all shops in Victoria will be free to open on and from Easter Sunday from 24 April 2011.

Human rights issues

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

The bill may be said to engage section 14 of the charter which provides for freedom of thought, conscience, religion and belief.

Section 14 provides that everyone has the right to freedom of religion, including the freedom to have or adopt a religion or belief of that person's choice. Section 14 also provides that a person must not be coerced or restrained in a way that limits her or his freedom to have or adopt a religion in worship, observance, practice or teaching.

It might be said that by removing the restrictions on particular shops so as to allow them to engage in retail trade on Easter Sunday, some shop employees may be expected to work, interfering with their right to religious observance of Easter Sunday. The practice of observing the Christian holiday on Easter Sunday may also be said to be more broadly marginalised by the growth of secular society and its engagement in retail trade and consumption on a traditional day of religious worship.

2. Consideration of reasonable limitations — section 7(2)

To the extent that the bill results in a limitation of the right to freedom of religion, I consider that the limitation is reasonable, in accordance with section 7(2) of the Charter. I provide the following reasons for this view.

(a) the nature of the right being limited

The right to freedom of religion protects the right to hold certain religious beliefs and to demonstrate those beliefs through acts such as worship and observance of religious holidays. Easter Sunday is a religious holiday for observers of the Christian faith.

(b) the importance of the purpose of the limitation

The Shop Trading Reform Amendment (Easter Sunday) Bill 2011 (the bill) amends the Shop Trading Reform Act 1996 (the act) to remove retail trading restrictions on Easter Sunday and to remove the requirement for special exemptions from Easter Sunday trading in Victoria.

The purpose of this bill is to improve the clarity and consistency of Easter Sunday trading laws, so that businesses will be able to decide for themselves when they want their shops to be open.

(c) the nature and extent of the limitation

The extent to which the provisions of this bill limit any charter rights is minor. By removing the restrictions on shop trading on Easter Sunday, the provisions of the bill do not restrain persons from having or adopting religious beliefs, nor do they prevent religious practice, worship or observance of holidays.

Easter Sunday is not a legislated public holiday. Employees can choose to take leave on Easter Sunday, or to celebrate the holiday as they choose. The bill does not limit employers' obligations, under the Equal Opportunity Act 2010, to make reasonable allowance for employees' religious beliefs, including in relation to requests for leave to enable employees to observe their religious holidays.

The trading restrictions currently apply solely to shops with more than 20 employees, or more than 100 employees across the state, in the week prior to Easter Sunday. Businesses below this size, such as a milk bar, for example, remain free to trade on Easter Sunday. It should also be noted that there are a wide range of existing exemptions provided under the act for larger chain hardware stores and plant nurseries, for example, allowing them to trade on Easter Sunday regardless of their employee size.

By removing any restrictions that formerly applied to shops, the bill provides greater clarity and certainty for businesses, their employees and the broader community.

(d) the relationship between the limitation and its purpose

The relationship between the limitation and its purpose is rational and proportionate. Some businesses may prefer not to open on Easter Sunday and they remain free to make their own decision about whether to open or not. Similarly, some employees may prefer not to work on Easter Sunday and they remain free to make their own choices about their leave arrangements.

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

There are no less restrictive means reasonably available to achieve the purpose of the limitation. The bill can only reduce the inconsistent treatment of small and large retail businesses by removing the current restrictions. The fact that businesses may be legally authorised to engage in retail trade on Easter Sunday does not necessarily mean that they are required to do so.

Conclusion

I consider that the bill is compatible with the charter because, although it might be said to limit the freedom of religion, the limitations are reasonable under section 7(2) of the charter.

The Hon. Louise Asher, MP
Minister for Innovation, Services and Small Business

Second reading

Ms ASHER (Minister for Innovation, Services and Small Business) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Shop Trading Reform Act 1996 so as to remove restrictions that prohibit some shops from trading on Easter Sunday.

Specifically, this bill will remove the restriction that requires shops with more than 20 employees or retail businesses with more than 100 employees across the state to close on Easter Sunday. It will also remove a requirement for special exemptions to be sought if municipalities wish to trade on Easter Sunday.

This Easter Sunday trading ban was imposed by the former government in 2003. It was an implementation of the ALP's 2002 election commitment as part of its industrial relations policy. Its implementation has been riddled with anomalies. Prior to the introduction of the ban, any retail business, regardless of employee numbers, was able to trade on Easter Sunday.

The Easter Sunday trading ban for the retail sector covers a day involving very significant levels of tourism activity. As a consequence, it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

This bill rectifies the situation and ensures that any retail business that wishes to trade on Easter Sunday will be legally able to do so. The business itself will make that choice, not the government.

This bill is about the freedom of the business to decide whether to trade and the freedom of choice of consumers to decide whether to shop or not.

Most importantly, the bill provides greater clarity and certainty for businesses, their employees and the broader community.

The Victorian business community was not treated consistently by the former government.

Previously, Easter Sunday trading restrictions meant that some businesses in Victoria, but not others, were required to close before midnight on Saturday and remain closed through Easter Sunday.

This brought about a situation whereby a business with fewer than 20 employees, such as a milk bar, could trade on Easter Sunday, while a larger business such as a department store had to close.

As well as such inconsistencies, implementation of the Easter Sunday trading restrictions became complex, unwieldy and confusing. For example, following the 2003 ban, the former government went on to provide a range of exemptions for larger chain hardware stores and plant nurseries, allowing them to trade on Easter Sunday regardless of their employee numbers.

The 2003 restrictions became especially disruptive in regional Victoria. A number of special exemptions from Easter Sunday closing were granted by the former government for different geographical areas of the state, creating an environment that became extremely confusing for the community.

These special exemptions meant that all shops in one municipality, or part of it, could open on Easter Sunday but not in other municipalities. For example, all shops could open in Bendigo, but not in Ballarat or Geelong.

Easter Sunday, particularly in regional Victoria, is a peak tourist time generating tens of millions of dollars in revenue. All retail businesses throughout all of Victoria will now be able to take advantage of the high tourist numbers that stimulate valuable sales and other opportunities.

This is critical because it comes at a time when Victoria is striving to become an international destination of choice for tourists. A dynamic and flexible trading

environment that is responsive to customer demand is central to this goal.

Consumers as well as business will benefit directly from the removal of the Easter Sunday shop trading ban because they will have the opportunity to shop at the times most suitable to them, rather than when the government allows.

Specifically, the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 amends the Shop Trading Reform Act 1996 (the act) to remove shop trading restrictions that currently apply to Easter Sunday in Victoria.

Section 5 of the act currently provides that all shops, except exempt shops, must be closed during ordinary shop closing times. Exempt shops include certain prescribed types of shops, shops with not more than 20 employees and shops with not more than 100 employees in the week prior to Easter Sunday.

The current trading restrictions will be removed by amending the definition of ordinary shop closing times so as to remove any reference to Easter Sunday.

Ordinary shop closing times will now be defined under Section 3 of the act, as all times on Good Friday, Christmas Day, and between the hours of 12.01 a.m. and 1.00 p.m. on Anzac Day.

Section 5A of the act, which provides for special exemptions on Easter Sunday, will no longer be required and will also be repealed. Guidelines formerly issued under section 5A will become redundant as a result of the repeal of that section.

These amendments are intended to take effect before this coming Easter Sunday, 24 April 2011.

In conclusion, this bill reaffirms the government's commitment to the rights of Victorians to make their own choices and also reaffirms the government's desire to ensure Victoria is a tourist destination that meets international expectations.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

SHRINE OF REMEMBRANCE AMENDMENT BILL 2011

Statement of compatibility

Mr DELAHUNTY (Minister for Veterans' Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Shrine of Remembrance Amendment Bill 2011.

In my opinion, the Shrine of Remembrance Amendment Bill 2011, 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 clarifies the Shrine of Remembrance's core role as a memorial and specifies that the shrine trustees are responsible for the stewardship of the facility, the preservation of the shrine as a site of cultural significance, ceremonial activities and public programs to inform and educate the community about the service and sacrifice of Victorians and Australians in war, conflict, peacekeeping and peacemaking.

The breadth and depth of the skills of shrine trustees will be enhanced through increasing the number of trustees and the range of skill categories from which trustees can be drawn, while maintaining representation from the Melbourne City Council (MCC), the Returned and Services League (RSL) and the Legacy Club of Melbourne Inc. (Legacy).

The relationship between the MCC and the shrine will be updated to reflect the current operating environment. The scope of agreements for the provision of services by the MCC to the shrine will be specified.

The application of divisions 2 and 3 of part 5 of the Public Administration Act 2004 to the Shrine of Remembrance will be specified and will be applied from 1 July 2011.

The trustees will be enabled to enter into arrangements with the relevant gas distribution network (rather than specifically with GASCOR, the redundant entity which is currently specified) to supply gas free to the Shrine of Remembrance for the operation of the Eternal Flame.

Human rights issues

Clause 5 of the bill limits the right to take part in public life as only certain classes of persons are eligible to become trustees. Clause 5(2) provides that the minister can only appoint to the trust a person who has experience and skills in, and knowledge of, one or more of 11 specified fields.

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

Section 18: taking part in public life

Section 18 of the charter states that every person in Victoria has the right, and is to have the opportunity, without

discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

2. Consideration of reasonable limitations — section 7(2)

Section 7(2) of the charter permits rights to be subject to 'such reasonable limits as can be demonstrably justified in a free and democratic society'. The limits to section 18 of the charter by virtue of section 5 of the bill are considered reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

(a) the nature of the right being limited

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

(b) the importance of the purpose of the limitation

The purpose of the limitation is to ensure that Shrine of Remembrance Trust draws as widely as is possible from community members with the appropriate skills to assist the trustees to strengthen their stewardship of the Shrine of Remembrance, a place of state and national cultural significance in the community. The restriction addresses the need recognised by the State Services Authority for the trust to be able to draw on a broader and deeper skills base.

(c) the nature and extent of the limitation

While the limitation narrows the appointment of trustees from an unlimited pool of adult citizens, it extends the range of skills sought for trust members set out in the current act and expands the number of appointed trustees from eight to ten. Further, individuals who do not have the defined requisite skills can engage with the trust and participate in its management through other avenues such as becoming a member of the Returned and Services League and Legacy Club of Melbourne.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and its purpose because the limitation will enable the trust to extend the range of skills and experience available to it to provide strengthened stewardship of the Shrine of Remembrance.

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

There are no less restrictive means to achieve this purpose because to provide for the best possible stewardship of the Shrine by the trustees, a defined range of trustees' skills and experience needs to be specified.

(f) any other relevant factors

Clause 5(2) of the bill extends the skill categories from which trustees may be drawn from the existing five specified in section 3(1)(e) of the principal act to eleven.

Conclusion

I consider that the Shrine of Remembrance Amendment Bill 2011 is compatible with the Charter of Human Rights and Responsibilities because the limits placed upon the right to take part in public life are reasonable and proportionate.

Hugh Delahunty, MP
Minister for Veterans' Affairs

Second reading

Mr DELAHUNTY (Minister for Veterans' Affairs) — I move:

That this bill be now read a second time.

In 2009 the Shrine of Remembrance, Victoria's largest war memorial, celebrated its 75th anniversary. Originally built as a memorial to commemorate the service of men and women who served in the Great War of 1914–1918, the shrine is Victoria's main focus of commemoration.

At the time, Victorians felt a debt to the volunteers who had served during World War I. They felt that they owed these volunteers a permanent monument of remembrance. This was a time when the remains of those who had died were not repatriated home, and the shrine was a place for family members to grieve.

The shrine is seen by Victorian veterans and the community as a monument built as a memorial to honour the memory of all those who served, and a lasting tribute to our World War I veterans.

Over time the shrine has evolved to reflect the changing history and nature of Australia's involvement in conflict. Memorials now exist at the shrine to mark the service of other conflicts such as World War II, Korea, Malaya, Vietnam and various peacekeeping missions. Today, the shrine commemorates service and sacrifice associated with large scale multilateral wars, smaller regional conflicts, civil unrest and other security threats.

The shrine has also expanded its mission to include education as well as commemoration, and to ensure its relevance for future generations. In the late 1990's the shrine trustees recognised that the veterans community was diminishing in numbers and that many Victorians had little knowledge of the events that had shaped the history of the shrine or any other personal experience of war.

As a result a major redevelopment occurred at the shrine, firstly with the opening of the visitor centre in 2003, and later the education centre in 2005. The shrine has become a place where members of the community, particularly schoolchildren, can come to learn about,

reflect and commemorate the service and sacrifice of servicemen and women.

These developments have been a resounding success. In 2010, the number of visitors to the shrine was around 600 000, with over 40 000 schoolchildren participating in education programs or tours. We have seen a resurgence of public interest in the history and underlying values of service and sacrifice, and the shrine has responded well to the need for greater community education.

In 2009, the State Services Authority (SSA) conducted a review of the Shrine of Remembrance to examine the adequacy of existing governance and institutional arrangements for the shrine. The SSA recommended a number of changes to the existing legislation governing the shrine.

After considerable consultation with the shrine trustees and the veteran community, a decision has been taken to amend the Shrine of Remembrance Act 1978, to provide the shrine trustees with a more contemporary and relevant legislative framework.

The SSA found that while the current act provided the trustees with a range of powers and duties, it did not clearly set out the shrine's core value and functions, nor did it recognise the shrine as a site of cultural significance for the community.

The bill proposes that the primary role of the shrine should be a memorial to honour the service and sacrifice of Victorians and Australians in war, conflict, peacekeeping and peacemaking.

In order to fulfil this core role, it is further proposed that the shrine trustees be responsible for three key functions: stewardship of the facility as a memorial and site of state, national and cultural significance; delivery of ceremonial and commemorative activities; and delivery of public programs to inform, educate and promote understanding about the history, experience and service of Victorians and Australians in war, conflict and peacekeeping.

The trustees would also be empowered to carry out these functions in places in Victoria other than the shrine or its reserved land, recognising the valuable outreach role the shrine plays in delivering public education programs and exhibitions across the state.

Given the expanded functions of the shrine it is proposed to strengthen the capacity of the shrine trustees by increasing the number of trustees from 8 to 10 and broadening their skill base. All trustees would be required to have knowledge and experience in at

least one of the skill areas relevant to key functions of the shrine.

The shrine would also be subject to divisions 2 and 3 of part 5 of the Public Administration Act 2004, clarifying trustees' duties and the role for subcommittees, and formalising current best practice governance arrangements.

The bill also proposes to clarify the relationship between the Shrine of Remembrance and the Melbourne City Council. A number of provisions in the shrine act regarding specific funding amounts and processes are no longer relevant in today's context. It is proposed to repeal all outdated sections of both the Shrine of Remembrance Act 1978 and the Melbourne Market and Park Lands Act 1933, while maintaining the council's role in the maintenance of parks and gardens and providing administrative support as required.

These amendments have been developed following extensive consultation with ex-service organisations. An exposure draft of the bill was released for public comment during October and November 2010 and received 37 submissions on the proposed changes. In particular, the bill is supported by the shrine trustees, the RSL, Melbourne Legacy, the Victorian Veterans Council and Melbourne City Council.

With the centenary of ANZAC fast approaching, there will be increased expectations on the shrine to be a place for the Victorian community to commemorate and learn about the sacrifice and service of our veterans.

The proposed bill will ensure that the shrine has relevant and effective legislation oversight and clear direction in relation to this role.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Civil Procedure and Legal Profession Amendment Bill 2011.

In my opinion, the Civil Procedure and Legal Profession Amendment Bill 2011, 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

The Civil Procedure and Legal Profession Amendment Bill 2011 ('the bill') repeals chapter 3 of the Civil Procedure Act 2010 ('the act') and makes other technical and consequential amendments to remove prelitigation requirements from the act. It also removes the need for applications for the renewal of practising certificates under the Legal Profession Act 2004 to be accompanied by a statutory declaration.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

The bill does not limit any human rights protected by the charter.

Right to a fair hearing

Section 24(1) of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right has been held to include an implied right to access the courts (see *Kay v. Attorney-General* no. 3726 of 2009, 19 May 2009, VSCA at [11]).

The introduction of prelitigation requirements under the act limited this implied right to access the courts due to the imposition of preconditions on the commencement of civil proceedings. This limit was found to be a reasonable limitation under section 7(2) of the charter.

By removing the prelitigation requirements from the act, the bill will remove any impediment imposed by the prelitigation requirements in accessing the courts and therefore the right is no longer limited.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not limit any of the human rights protected by the charter, it is not necessary to consider section 7(2).

Conclusion

I consider that the bill is compatible with the charter because it does not limit any of the human rights in the charter.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The Civil Procedure Act 2010 commenced on 1 January 2011. The act applies to civil proceedings in the Supreme, County and Magistrates courts but not VCAT. Amongst other things, it proposes to introduce prelitigation requirements (PLRs) intended to encourage resolution of disputes without the commencement of proceedings. Under the act as it stands, the prelitigation requirements are to apply to cases in the Victorian courts that commence on and after 1 July 2011.

The PLRs require parties to a dispute, save in the case of specified and limited exceptions, to take what the act describes as 'reasonable steps' to resolve their dispute without resorting to litigation. The act is open-ended and unclear as to what parties are required to do to fulfil this requirement. The act simply provides that 'reasonable steps' include exchanging prelitigation correspondence, information and documents crucial to the dispute, and considering whether the dispute can be resolved through negotiation or appropriate dispute resolution (ADR). If parties fail to comply with the PLRs, they are liable to be subject to costs penalties.

It is common sense and good practice for parties to attempt to resolve their dispute without resorting to litigation if there is a reasonable prospect of success in such an attempt.

However, the government's view, and the view of many practitioners, is that to seek to compel parties to do so through these heavy-handed provisions will simply add to the complexity, expense and delay of bringing legal proceedings, because of the need to comply with these mandatory requirements, whether or not they are likely to be useful in any particular case. In many instances, the PLRs will allow dishonest parties to postpone and frustrate proceedings.

These problems arise because the PLRs apply to all proceedings unless a specified exception is applicable, whereas in practice the extent, if any, to which it makes sense for prelitigation processes to be undertaken will depend on the facts of the particular case.

Of particular concern is the potential for the bill to create unreasonable and costly barriers to recovering debts through the courts, especially for small to medium-sized businesses. Where a debtor simply will not pay up or even reply to repeated requests for payment, creditors should be entitled to go to court to recover debts without the need for compliance with prelitigation requirements that will almost certainly be fruitless.

During debate on the legislation last year, the coalition proposed amendments to exempt a range of additional categories of litigation from the PLRs, and to make clear that in remaining cases there may be some cases in which it was not reasonable to undertake any prelitigation steps.

Since the election, most parties with whom the government has consulted are of the view that, rather than adding to the complexity of the prelitigation requirements by including yet more exceptions, it is better to remove the mandatory prelitigation requirements altogether.

Section 9(2) of the act will still enable the court, in making orders and giving directions under the act, to have regard to the extent to which the parties have used reasonable endeavours to resolve the dispute by agreement or to limit the issues in dispute. This provision will give the court discretionary power to take action against parties who act unreasonably in not seeking to resolve their dispute, without burdening all parties with unnecessary procedural requirements.

The bill also makes a minor amendment to the Legal Profession Act 2004 to facilitate the full benefit of the Legal Services Board's move to an online system of grant and renewal of practising certificates for legal practitioners in Victoria. Victoria is the second jurisdiction in Australia to move from a paper-based system of issuing practising certificates to an online system. This change will reduce the regulatory burden on legal practitioners and the Legal Services Board by allowing for a more efficient and effective licensing process.

In order to make possible this move to online grant and renewal of practising certificates, the bill removes the requirement that an application must be accompanied by a statutory declaration, which is a requirement that is unique to Victoria.

Instead, practitioners will be required to complete a simple declaration in a form approved by the Legal Services Board, which would allow the declaration to be completed online. Without this amendment, practitioners would need to scan and electronically attach their executed statutory declaration or post the completed declaration to the Legal Services Board, which would undermine the efficiency sought to be achieved through the move to an online service.

The removal of the requirement for an application of grant or renewal of a practising certificate to be accompanied by a statutory declaration will not increase any regulatory risks as there are significant

disciplinary consequences that flow from the provision of inaccurate or misleading information or through any breach of the Legal Profession Act 2004.

I congratulate the board on its initiative to streamline and modernise the processes for granting and renewing practising certificates. The government is pleased to support and facilitate this reform through this amendment to the act.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

VICTORIA LAW FOUNDATION AMENDMENT BILL 2011

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Victoria Law Foundation Amendment Bill 2011.

In my opinion, the Victoria Law Foundation Amendment Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Victoria Law Foundation ('the foundation') is an organisation that provides community education, prepares resources and publications and issues grants that encourage access to justice and greater knowledge and understanding of the law.

The Victoria Law Foundation Amendment Bill 2011 ('the bill') seeks to strengthen and enhance the independence of the foundation. The bill achieves this by reducing the number of ministerial nominees to the foundation from a maximum of four, to two. It also provides that the chairperson of the foundation is the Chief Justice of the Supreme Court (or nominee) and provides that the chairperson is not subject to ministerial appointment or removal.

To reflect the reduced number of foundation members, the number of members required to form a quorum is reduced from four to three.

In order to ensure the continued seamless operation of the foundation, transitional provisions preserve the existing governance arrangements and clarify that the terms of appointment of existing foundation members continue unaffected. Special transitional provisions apply to the current chairperson and ministerial nominees preserving the existing

size and quorum requirements of the foundation until expiry of their terms, unless such a nominee resigns or is removed before that time.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill is the first of a number of bills to be introduced by the government to restore and enhance the independence of public institutions in Victoria.

The Victoria Law Foundation ('the foundation') is a statutory body established in 1967 to contribute to the Victorian community and legal sector by improving access to justice through the provision of information, education and grants.

From the time of its establishment, the foundation operated as an independent public institution, chaired by the chief justice and with only a minority of members appointed by government.

Former amendments to the governance arrangements of the foundation by the previous government in the form of the Victoria Law Foundation Act 2009, shifted the foundation to an organisation with half of its members consisting of government appointees, making it highly vulnerable to the control of the government of the day.

This government is committed to restoring the independence of the foundation so that it can continue to deliver on its mission to increase the community's understanding of, and access to, the legal system without the risk of being politically compromised.

The bill achieves this by reducing the number of foundation members appointed by the Attorney-General from a maximum of four, to two. The bill also restores the Chief Justice of the Supreme Court (or nominee) as chairperson of the foundation. Historically, the foundation was headed by the chief justice, endowing the foundation with a high level of independent oversight and leadership. It is appropriate that the chief justice or a representative of the chief justice continue to perform this role.

From these key amendments, other minor amendments flow. For example, the number of members required to form a quorum is reduced from four to three, to reflect the reduction in the total number of foundation members.

In order to ensure the ongoing seamless operation of the foundation, transitional provisions preserve the terms of appointment of all existing foundation members.

It is imperative that the governance arrangements of the foundation be structured in a way that ensures that it is able to exercise its key functions robustly and independently and guided only by the public interest in the performance of its important and valuable work.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 24 February.

Remaining business postponed on motion of Mr McINTOSH (Minister for Corrections).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Country Fire Authority: Eltham station

Mr HERBERT (Eltham) — I raise an issue for the attention of the Deputy Premier and Minister for Police and Emergency Services. The action I seek is that the Deputy Premier immediately act to relocate and rebuild the Eltham fire station. This upgrade will provide our dedicated volunteer firefighters with the resources they require to protect local residents from the very real danger of bushfires.

Members will be aware that towards the end of last year the then Labor government committed \$147 million for the redevelopment of 250 existing Country Fire Authority (CFA) stations and the construction of 2 new stations. This was a massive rebuild and was in addition to the \$5 billion in funding that had been provided to fire agencies and emergency services by the previous government. As part of the previous Labor government's \$147 million election commitment, the Eltham fire station was to be relocated and rebuilt; \$9.6 million was allocated to provide a larger and more suitable facility for our local firefighters and to allow for the planned additional allocation of a much-needed

additional heavy vehicle which simply cannot be housed at the current central Eltham township site.

The current site for the Eltham CFA has proven to be very restrictive for firefighting activities due to site restrictions and its location in the middle of a busy shopping centre in Main Road, Eltham. Importantly the preferred location for the new fire station is the site of the previous Eltham RSL, and I understand from many discussions that negotiations to purchase this property were well under way at the time of the 2010 Victorian election. The preferred site is important because it is perfectly located and is available now, and there should not be any planning issues associated with the move — important factors in any relocation.

I ask the Deputy Premier to confirm that the coalition government intends to relocate and rebuild the Eltham fire station. I ask that he fast-track the purchase of the previous Eltham RSL site to allow for the construction of facilities to accommodate the new vehicle expected this year and for the Eltham community to feel safe. The Eltham community is located in a very green and heavily treed area and it is important that residents feel safe in the knowledge that the new fire station will be built quickly on the appropriate site of the Eltham RSL to attend to the needs of future bushfire seasons.

Warragul: outdoor swimming pool

Mr BLACKWOOD (Narracan) — I wish to raise a matter with the Minister for Sport and Recreation. The action I seek is for the minister to visit my electorate of Narracan as soon as possible to meet with the Baw Baw shire and me to discuss options for the construction of a new 50-metre pool in Warragul. The Warragul outdoor pool was closed some years ago due to its declining condition. The pool was first built in the 1950s, mainly by volunteer labour and with in-kind equipment provided by local contractors. Through the 1960s and 1970s it had good patronage and was home to a successful and well-supported swimming club. The swimming club hosted many interclub and regional title meetings at the Warragul pool.

In the early 1990s the Baw Baw shire built a leisure centre in a different location to the outdoor pool south of the Warragul CBD. This complex has two basketball stadiums, an indoor heated 25-metre pool and a hydrotherapy pool. The benefits of locating all aquatic activities and some indoor sports in one location at the leisure centre was a strong factor in the council's decision based on the cost benefits that would evolve. There was strong community concern at the council's decision to close the old outdoor pool and council has been lobbied very heavily by the Save the Pool group.

However, the council remains steadfast in its decision, and the outdoor pool has now been filled in and the buildings removed. I believe the council will return the area to parkland as an extension to the very popular and magnificent Civic Park.

At the moment the town of Warragul, with a population of more than 14 000, has no outdoor pool. It has gone from having an Olympic standard 50-metre outdoor pool regularly used for competition and recreation to having a heated 25-metre pool that is just not adequate to cope with demand and is totally unsuitable for competition. This issue was ignored by the previous Labor government and, as with so many other failings of the Brumby government, it has been left to the Baillieu government to clean up the mess.

I ask the Minister for Sport and Recreation to come to my electorate and meet with the Baw Baw shire to discuss options for a new pool facility. Finally, while the minister is in town I will arrange for him to meet with the Save the Pool group, our local RSL and the Warragul scout group.

Mount Dandenong Tourist Road–Montrose Road–Swansea Road, Montrose: safety

Mr MERLINO (Monbulk) — My adjournment matter is for the Minister for Roads, and the action I seek is for the minister to reconsider the funding allocated for the construction of a signalised intersection to replace the Montrose roundabout. This is a vital issue of safety and amenity for the residents of Montrose. The interesting thing about this project is that there is bipartisan agreement that something needs to be done. The member for Kilsyth and I both represent Montrose residents, and it is an issue we are both well aware of. Last year the Montrose Township Group circulated a survey regarding the problems at the intersection, and the response to that survey was overwhelming. It is absolutely clear that Montrose residents are strongly in favour of replacing the roundabout with traffic lights.

Montrose roundabout is seriously flawed. Firstly, there are significant delays during peak hour; detector loops were installed to try to alleviate congestion but it is fair to say that they have not led to any significant improvements. Secondly, every day there are very near misses and instances of dangerous driving. To that end both Labor and the coalition made commitments to replace the roundabout with a fully signalised intersection. This is where the similarities end.

The Liberal Party committed a paltry \$800 000 for this project. Apparently \$800 000 will be sufficient to

provide traffic lights at the Mount Dandenong Tourist Road, Montrose Road and Swansea Road intersection. On the other hand Labor committed what it would truly cost to deliver this project — \$3.5 million — which involves traffic lights and pedestrian safety improvements. VicRoads knows that \$800 000 is not enough. The Yarra Ranges council knows \$800 000 is not enough. Most importantly, the Montrose Township Group and the community know \$800 000 is not enough.

The action I seek from the minister is that the government provide the funding to deliver this project in full. This is what it promised. To quote from the coalition's media release of 10 November 2010, it committed to 'build traffic lights' not 'contribute to traffic lights', and that is my request to the Minister for Roads.

Floods: Mildura electorate

Mr CRISP (Mildura) — The matter I raise is for the attention of the Minister for Police and Emergency Services, the Deputy Premier, and the action I seek is for the minister to visit flood-ravaged Mildura, particularly its surrounding rural areas, where extensive inundation continues. The flood crisis is continuing in and around Mildura. The rains of 4 and 5 February have resulted in continuing rural inundation. Crops are flooded, roads are closed and schools are closed. By doing so, the Deputy Premier, as a member of the flood task force, could gain a firsthand perspective of this complex disaster.

The phases of most disasters unfold sequentially from response to relief and recovery, and each stage has distinct roles and issues. In the response stage it is a combat exercise where the immediate problems are dealt with. In this case it was flooding, and people were evacuated and houses were sandbagged or lost. The relief stage, during which people are moved to safe places, is temporary. Then, over time, the disaster moves on to recovery, which is a much longer process.

In Mildura it has been very blurred, because it is all happening at once. Because Mildura is in a series of large basins there may be flooding in one place, and when it passes on from that place flooding occurs elsewhere. It cannot get out of those basins without extensive pumping. The response from the Country Fire Authority, the State Emergency Service, the Department of Health, Mildura Rural City Council, Lower Murray Water and others has continued. With the continuing flooding there are also rising health issues.

During the relief stage a number of people have been moved to temporary accommodation, and as the military completes its rapid assessment of dwellings we are hoping that some people will be able to move home again. Once they move home the recovery phase begins, which means getting those homes repaired and people's lives back together.

If the Deputy Premier visited Mildura, he could look at all these phases of the disaster, because they are occurring simultaneously there. It is a remarkable management achievement for all those coordinating the emergency services. It is a unique opportunity for the Deputy Premier to look at all three phases occurring at the same time. There are considerable challenges that emerge when managing all three phases simultaneously.

The inundation will go on for several more weeks, if not months. In places the volume of water is massive, and if it has to be pumped out, which it probably will, it will take a very long time. It is an opportunity for the Deputy Premier to have a firsthand view of the disaster, and as with so many disasters an eyeful is so much better than an earful — an earful is something I have been giving him all week! A visit as soon as possible would assist Mildura in its response and its recovery.

Bellarine electorate: sport and recreation facilities

Ms NEVILLE (Bellarine) — The matter I raise is for the attention of the Minister for Sport and Recreation, and it is good to see that the minister is in the chamber this evening. The action I seek from the minister is to support funding for the Shell Road sporting precinct in Ocean Grove. Ocean Grove is one of the fastest growing communities in Bellarine and the Geelong region. It comprises large numbers of families and young people. This growth is putting pressure on the sporting infrastructure in the town, and the current football and netball facilities are especially inadequate, in terms of both the quality and the quantity of ovals and netball courts available to support this growing community.

As a result, the Bracks and then the Brumby government funded a master plan for the Shell Road Reserve to expand and improve the sporting and recreational infrastructure. This resulted in the funding and building of the Bellarine aquatics centre. The centre is a fantastic facility in the local community and continues to grow in popularity. It also resulted in the building of the soccer fields on the Shell Road Reserve precinct.

The next stage of the master plan was to build and provide a new home for the netball, football, cricket and soccer clubs. It was to include new ovals, pitches, clubrooms and netball courts for the local community. As a result it is a priority for council, which has made a \$2 million commitment along with the federal government's pledge of \$2 million, and that is why in the lead-up to the last state election the Brumby government committed \$5 million if it was elected. This would have ensured that new ovals and clubrooms were fully funded and also allowed for improvements to the Collendina and Memorial reserves to be made, thus ensuring that appropriate junior facilities would be available for the growing community.

The majority of the electorate of Bellarine voted Labor in the last election, and in doing so they voted in support of the commitment we made. Unfortunately the current government does not take the needs of the Bellarine electorate seriously and has not committed funding for this project, and that is why we want to build on and continue our commitment to this reserve.

Unfortunately since the election the sports minister has also dismissed the wishes of Bellarine residents and all but ruled out the funding. In fact, in the *Echo* of 13 January he was quoted as saying, 'I'm 99.9 per cent sure it won't get up'. I urge the minister tonight to focus on the 0.1 per cent chance and make this project a reality. It is well researched, supported and needed. It has been a priority for the clubs and the community. I ask the minister to come to the party, build on our pool, soccer fields and master plan, support this local community and provide funding for Shell Road Reserve.

Metropolitan Traffic Education Centre: driver training

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Roads. I ask that the minister visit the Metropolitan Traffic Education Centre in Bayswater North and discuss some of the educational and safety initiatives that facility is working on to help young drivers. Metec is a not-for-profit organisation which operates out of my electorate of Kilsyth and works closely with VicRoads, the community road safety councils, Victoria Police and other government departments.

It was founded in 1971 and aims to provide training and educational programs designed to improve the road user skills and behaviour of those who participate. Metec focuses particularly on young drivers and does this through on and off-road training and education. The centre in Bayswater North sits on 10 hectares of

land, including 4 kilometres of private roads. This is complete with intersections, traffic lights, roundabouts and other traffic obstacles, providing an ideal facility for educating young drivers.

I have had extensive interaction with Metec over the last four years and have been delighted by the enthusiasm and professionalism with which the facility is run. Metec runs excellent courses which cater for all ages and levels of driver experience. These include pre-learner driving courses, three levels of defensive driving courses, a caravan and trailer towing program, a four-wheel-drive course and a seniors driving course. These programs have been hugely successful and popular in my electorate and the surrounding areas, and the quality of education that Metec provides to local road users is quite exceptional.

The road toll in Victoria is a big area of concern. The minister is actively interested in this area, and it is constantly debated in this house and around the state. Measures certainly need to be taken to best ensure the safety of road users of all ages and experience. Giving road users an education based on real experience is an excellent tool in making them safer and more responsible drivers.

Metec has accumulated over 30 years experience in educating road users, and in this time has developed an effective and popular program which caters for all motorists. I call on the Minister for Roads to visit this facility and see firsthand an industry leader in the types of programs which help make our roads safer for all.

Bendigo hospital: construction

Ms ALLAN (Bendigo East) — The matter I raise this evening in the adjournment debate is for the Minister for Health and is in regard to Bendigo's new hospital. I request that the minister, as a matter of great urgency, detail to the people of Bendigo and central and northern Victoria — because the Bendigo hospital services a great number of people, going up to places like Swan Hill, Echuca and beyond — the date when construction will commence.

The reason I raise this as a matter of urgency for the Minister for Health is that there is grave concern around Bendigo that the government is walking away from delivering on Bendigo's new hospital. Those with memories will recall that it was the previous Labor government that put Bendigo's hospital on the agenda. We committed to the vital planning funds in the 2006 state election — a proposal that was opposed by the then Liberal-Nationals opposition.

As a result of that planning work we funded the first stage in the 2009 budget with \$55 million, and then in May 2010 we had that wonderful announcement of funds from the government that in total makes the Bendigo new hospital project a \$528 million project. This was repeatedly opposed by the Liberal-Nationals opposition, and it was only at the last minute, at the 11th hour, on the eve of the state election, that the then opposition finally came forward with a commitment to build Bendigo's new hospital. The government is going to build it with a few tweaks, but in essence it is going to build the hospital that Labor put on the agenda.

It is vital that these tweaks and changes proposed by the government do not delay this vital project. The Minister for Health has already committed to Labor's deadline for the completion of the hospital, which was 2016. I am very pleased that the Minister for Health has confirmed that the government will meet that deadline. This will give the Bendigo community confidence that its new hospital will be completed by that deadline and put to rest concerns I have been hearing. In the past few weeks many people have raised with me their concerns that the hospital has been pushed off the agenda and that there are going to be delays. I ask the government to detail to the community the exact construction time line so we can see work starting, earth being moved and buildings being constructed and so we can meet that 2016 deadline. We need to get that construction time line from the government.

I mention this because I have heard concerns that there are simply not enough funds for this project. A recent *Herald Sun* article outlined that there is \$1 billion in the health infrastructure fund and that Bendigo, Monash and Box Hill hospitals are all competing for funds from this very small pool of money. I want to make sure that Bendigo does not get forgotten.

Torquay: secondary college

Mr KATOS (South Barwon) — The matter I raise is for the Minister for Education. The action I seek is for the minister to join me and meet with the Torquay community to discuss the progress of the implementation of our policy commitment to a stand-alone secondary college for Torquay, which was one of the major coalition election commitments made in South Barwon. Torquay and Jan Juc have grown enormously over the last eight years, and the coalition has long supported a stand-alone secondary college for Torquay.

The previous Labor government was resistant to having full secondary education in Torquay. It was not until the coalition announced in 2009 that if elected it would

build a stand-alone secondary college that the previous government was dragged kicking and screaming out of its policy vacuum on this issue. Even then the previous government's proposal would have created a sardine tin P-12 college at the current already congested site at Grossmans Road.

The coalition's commitment to full secondary education in Torquay involved consultation with the community, as demonstrated at a public meeting on 21 June last year, which I attended along with the now Minister for Education. Strong support for a stand-alone secondary college was shown at this meeting. Under a coalition government Torquay and Jan Juc residents will be given the education support they deserve from government. I welcome the minister's response.

Schools: crossing supervisors

Mr BROOKS (Bundoora) — To start I would like to congratulate the Deputy Speaker on her election. I have not had the opportunity to do so.

I raise a matter for the Minister for Roads. The action I seek is for him to confirm that he will provide an extra \$1.5 million in funding for the school crossing supervisor scheme across Victoria. Members in this chamber would be aware of the excellent work school crossing supervisors do across Victoria. They are affectionately known as lollipop people. They perform a valuable role in protecting the safety of schoolchildren. They also help to educate kids about safely crossing the road and other traffic measures. It is also important to understand that they provide a level of passive security for kids walking to school. The presence of supervisors encourages parents to let their children walk to school when they otherwise might not. That leads to health and social wellbeing improvements for schoolchildren across the state. Traffic around local schools will be reduced at peak times as more kids walk to school and more parents are encouraged to let them do so.

The school crossing supervisor scheme is run by local councils across the state, and they have always received a subsidy from the state government through VicRoads to assist in the operation of those supervisors. Members may be aware through the media that last year local councils raised a concern about the level of the subsidy that VicRoads and the state government were providing to run this program. A number of Labor MPs, including me, worked with the then Minister for Roads and Ports to improve the subsidy that was paid to councils. I was very pleased that in October last year the then Minister for Roads and Ports announced a significant boost in funding for the school crossing supervisor scheme. In

fact the minister had committed an extra \$1.5 million on top of the existing funding, and that would effectively mean that school crossing supervisors at arterial VicRoads-controlled roads would have about half of their costs met by the state government; also he agreed that that amount would be pegged at the consumer price index so that in real terms the erosion of the subsidy would be eliminated in future years.

I can hardly think of a more important issue for Victorian families than the safety of their kids getting to school. In light of the statement on families the Premier made today, there would be no better way for the government to demonstrate that that statement was not just hollow rhetoric than for the minister to come in here and commit to matching Labor's \$1.5 million of extra funding for these very important school-crossing supervisors.

St Kilda Hebrew Congregation: ministerial visit

Mr SOUTHWICK (Caulfield) — The matter I wish to raise tonight is for the attention of the Minister for Multicultural Affairs and Citizenship, whom I recognise is in the house tonight. The action I seek is for the minister to visit the St Kilda Hebrew Congregation, to meet with the rabbis and the board to talk about future opportunities surrounding the synagogue and to meet with the Rabbinical Council of Victoria to hear about some of its great community initiatives. I ask the minister to visit both the organisations because of the important link of Rabbi Heilbrunn, to whom I will come shortly.

The St Kilda Hebrew Congregation was founded in 1871. At the time it was one of three synagogues in Melbourne. The synagogue embarked on a project of renewal in 2008. Realising that many members of the synagogue are ageing has put an emphasis on projects relating to youth, family and building a community environment. I believe this community has much to offer and is an important part of Victoria's history.

I bring to the attention of the minister the impending retirement of the congregation's senior minister, Rabbi Philip Heilbrunn. He has served in the role for more than 20 years. Throughout this time Philip Heilbrunn has provided spiritual guidance to many members of the congregation and across the Jewish community. The rabbi has been involved in the synagogue's renewal project and has been extremely supportive of the youth, family and community initiatives. He has also conducted tours for many people from the broader community through this important synagogue.

I bring to the attention of the minister the fact that in December 2010 Rabbi Heilbrunn was named the inaugural patron of the Rabbinical Council of Victoria. The rabbinical council is the pre-eminent religious leadership body of Victoria's Jewish community. Rabbi Heilbrunn was awarded this honour for his outstanding contribution to the council as a longstanding vice-president and chair of the community reference group. Under Rabbi Heilbrunn's guidance the community reference group has tackled social issues as diverse and complex as binge drinking, drug abuse amongst youth and combating domestic violence. Rabbi Heilbrunn's giving of his time and wise counsel has been more remarkable of late, as both his parents have passed away within the past couple of months. I know that even as they grew older and found it more difficult to attend Saturday morning services they were very proud of their son and would rarely miss an opportunity to hear him address his congregation.

Rabbi Heilbrunn is well known throughout Melbourne's Jewish community for his amazing voice and oratorical style. These skills, combined with his strong faith, have helped him earn the respect he holds in his leadership role today. I would like to place on the record my and my constituents' sincere thanks to Rabbi Heilbrunn for his many years of service. I hope the minister can find time with his very busy portfolio to meet with the St Kilda Hebrew Congregation and the Rabbinical Council of Victoria.

Responses

Mr DELAHUNTY (Minister for Sport and Recreation) — Firstly, I want to thank the member for Narracan for the invitation to go down to his electorate in a couple of weeks time. In the time the member for Narracan has been in this place he has been a very active member and committed to his electorate. He is so active that he is organising another trip of MPs to walk the Kokoda Track this July. I had the honour of doing that with him in 2008. He is not only a great member but also a great leader.

Since I have been appointed Minister for Sport and Recreation the member for Narracan has raised this matter with me on a number of occasions. Swimming in general is a very important part of country life, and it provides a great opportunity to people of all ages to participate in sport and recreation. As we know, the provision of aquatic facilities and associated infrastructure usually comes under the control of local government. Local governments go through a process of doing feasibility studies and management plans, as well as going through their budgets, before they make an application to the state government. The provision of

aquatic facilities is very much in the realm of local government responsibility.

I am pleased to announce tonight that, after a lot of pushing by the member for Narracan, I will be down there next Thursday week, and I will be pleased to talk with the Baw Baw Shire Council about how we can move forward on this project. As you know, Deputy Speaker, recent trends in relation to aquatic facilities have seen a movement towards co-location, which involves the consolidation of aquatic facilities and other leisure facilities. This has had enormous benefits in relation to management, costs, programming and — an area I am very concerned about — participation. I am also aware that the Baw Baw council has had five outdoor pools. I am informed the old outdoor pool was built in two stages: a 50-metre pool and a toddlers pool were built in 1954, and in 1960 a diving pool was added. Importantly now there is a leisure centre which has a 25-metre heated pool of eight lanes and many other facilities.

I will be pleased to go there with the member for Narracan and discuss this matter not only with the Baw Baw council but with others such as the Save the Pool committee and talk about the options for developing an outdoor pool for the Warragul community. As the member said, that community consists of about 14 000 people. I will also take up the offer to have a discussion with the Warragul RSL in my role as Minister for Veterans' Affairs and also a discussion with the Warragul scouts.

Another important matter was raised with me by the member for Bellarine. I am well aware of the Shell Road Reserve developments at Ocean Grove, and I am also aware that this has been put forward by the Geelong City Council. It must be remembered that the former Labor government had 11 years to attend to this — 11 years of failure! If people want to work with our government they must first put things to us. This was not an election commitment of ours; it might have been one on the other side. If people want to get this matter on our election commitments program they need to talk to us. I am very happy to work with the Ocean Grove community; it is a very good community and I know a lot of the people down there.

Mr Ryan — Very good waves.

Mr DELAHUNTY — As the Deputy Premier says, there are excellent waves down there. But, importantly, members of that community have to work with us, and I will be pleased to work with them. I have also had discussions with Greater Geelong City Council representatives since we have been elected, and I have

said to them this was not one of our election commitments, so it is very unlikely to be up in this year's budget. However, we have 4 years to attend to 11 years of failure on the part of the former Labor government. I will say tonight that we will deliver on all of our election commitments — all of them — including those in sport and recreation. We have to fix up the problems left by the Labor government. I believe the Baillieu-Ryan government will deliver on all those promises.

Mr RYAN (Minister for Police and Emergency Services) — The member for Mildura has again registered his justifiable concern for the communities he represents, having regard to the terrible damage which has been inflicted upon the Sunraysia region as a result of the floods. It seems we are in a never-ending phase of these floods, and it was the turn, to put it in the broadest sense, of the member's region last weekend. As a consequence of the enormous amount of rain received, extensive damage has been caused in a number of circumstances.

The debate we had on Tuesday related to the seriousness of the floods across the state, and in the course of that debate I referred to the fact that almost 100 towns across some 27 municipalities have been afflicted by the floods. Even as I speak, the extent of the floods remains extraordinary. At times a front about 50 kilometres wide and about 90 kilometres long comprising a vast inland sea of water has been making its way almost inexorably north towards the Murray. In addition to the events we have seen over the course of the past five months we have had last weekend's events, when Mildura, Irymple, Red Cliffs, Cardross and other small areas around Mildura took an enormous pounding.

I am very conscious that a lot of people have had water over the boards, and for those who have had that damage to their homes it is a terrible thing to have happen to them. I am equally conscious of the extent of damage inflicted upon the horticultural regions of what is one of the great productive areas of our state and the damage which has been done generally to agriculture. These terrible events move in two phases: one is when the water is there; the other is when the emergency and the immediacy of the presence of the water tends to pass, and you are then left with the recovery phase. In the case of the member's region, given the general topography the real worry is that there has been extensive damage done on a variety of fronts, both within the settled communities, the townships themselves, in Mildura, and in addition to that, in the wider agricultural and horticultural areas.

I am a member of the flood task force. I have immediate responsibility as the Minister for Police and Emergency Services. I think it is important that I go and inspect the areas of flood myself so that, having had that firsthand consideration, I am better able to inform the task force, including the Premier, who is the chair, and the ministers who comprise that entity, in a way that reflects the challenges that are now faced by the region.

That being so, I am pleased to tell the member that on Monday of next week I will be in his electorate. I will have the opportunity, guided by him, to move about and inspect the damage personally so we can look at whatever measures can reasonably be taken by government to assist those who suffered damaged in a manner which the member himself has so very ably talked to this house about, and in relation to which the member continues to make representations to all of us who have a capacity to bring relief to the poor people who are suffering in his electorate.

I turn to the issue of the matter raised with me by the member for Eltham. He brought to my attention a proposal for the construction of a new fire station on land which, as I understand it, is now owned by the RSL. As I further understand it, the overall proposition would entail an expenditure of about \$9.6 million to enable this to occur. The member asked that I give due consideration to this important issue. For a start I am certainly prepared to have the department examine the matters that the member has raised with me.

I must say that the situation regarding promises made by the former government going into the last election has, if anything, complicated this position somewhat. The then government announced a package of \$147 million for new fire stations, and I presume that this announcement was part of that, or indeed this particular location might have had a longer history than being included in that particular package.

The difficult reality is that the then government's proposition included the funding of that \$147 million by 77.25 per cent being raised through the fire services levy. In fact the then government's contribution to that package was only about \$33 million. In contrast our government promised to spend \$36 million on fire stations, and we are presently going through the process of evaluation of where these important institutions should be built.

Be that as it may, I understand the member's concern and I acknowledge the tenor of the way in which he has raised it. I will have it investigated. However, those who have an acute interest in these important issues

need to understand that the government will keep the commitments it made coming into the campaign. We will deliver upon them. I stand to be corrected, but as I understand it this was not a commitment made on behalf of our government. But, for all that, I will have the matter investigated and report to the member accordingly.

Mr DIXON (Minister for Education) — I will start by commending the member for South Barwon for his leadership on the issue of a stand-alone secondary college for Torquay, which is an important part of his electorate and a very fast-growing area, with quite massive population growth. Since 2006 the coalition has had a very clear policy on this, and that is to provide Torquay with a stand-alone years 7 to 12 secondary college on a greenfield site. We pursued that policy during the 2006 election campaign; we have been consistent with that policy over the last couple of years, and we reiterated and updated that policy leading up to the 2010 election.

The member for South Barwon is well aware that a stand-alone college for Torquay has become a huge issue in his electorate. He has been listening to his community and its very clear message is that that is what it needs. It has been interesting to note that over the last couple of years the former government has been dragged along kicking and screaming on this issue. The former member for South Barwon did not really listen to his community and was quite against it. He was on the public record as being against it and as saying there was no need for a stand-alone secondary college at Torquay. However, community angst caught up with the former member, and we saw a piecemeal, bit-by-bit approach from the former government to try to match what we were offering. In the end it fell well short of what the community really wanted. Obviously the people of Torquay have spoken loudly and clearly and said they want a stand-alone secondary college for their community.

We are investigating and working on that. The member for South Barwon asked me to come down and meet with his community to talk about where we are at and what the process is. I am more than happy to go down and do that. I intended when I was down in the region last week to visit that community, but in the end I had to go to Rochester to visit the flood-affected community there and three schools in the area that have been very badly affected by the floods. I apologise that I did not make it last week, but I will be coming down there very soon. I look forward to meeting with the community and the member for South Barwon.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Caulfield raised a matter regarding the St Kilda Hebrew Congregation and requested that I meet with its board to see how we can assist the board to meet the challenges of tomorrow and ensure that it meets the needs of its members. I understand that the member is very close to the board, he and his family having worked with the organisation for many years, and I pay tribute to his commitment to assisting the congregation.

As the member for Caulfield said, the St Kilda Hebrew Congregation has been around for a very long time; it goes back to about 1871. The first meeting was held, I think, at the St Kilda town hall. Today the congregation is led by Rabbi Philip Heilbrunn, who I am told is an amazing singer. He is much loved and respected amongst that community. They will surely miss him, but I am sure he will be active in the community. It is one of the first three shules, or synagogues, that remain open for 365 days a year for everyone to visit. It provides a number of services, including meeting the religious needs of the congregation as well as providing education, youth activities, guidance and support. As everyone knows, the issues around any organisation, especially in relation to the youth, are enormous, so it will be a pleasure for me to meet with members of the board and work out with them what the government can do to assist them to meet future challenges and make sure they meet the needs of their members.

Mr McINTOSH (Minister for Corrections) — The member for Kilsyth raised a matter for the Minister for Roads requesting that he attend the Metropolitan Traffic Education Centre, or Metec, and meet with members of the local community involved in that centre. I will pass that matter on to the Minister for Roads.

The member for Monbulk raised another matter for the Minister for Roads which concerned the intersection of Mount Dandenong and Monbulk roads and the replacement of a roundabout at that location with some signalised traffic signs. I will pass that on to the Minister for Roads.

The member for Bundoora also raised a matter for the Minister for Roads relating to the financing of the crossing supervisor scheme, the well-known lollipop people — and I agree with the member for Bundoora that they do a great job. I will certainly pass the matter on to the Minister for Roads.

Finally, the member for Bendigo East raised a matter for the Minister for Health. I do not see the member for Bendigo East in the chamber, which is regrettable, but I

will pass on to the Minister for Health the matter she raised regarding the construction time lines for the new Bendigo hospital.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.50 p.m. until Tuesday, 1 March.

