

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 2 May 2012**

**(Extract from book 6)**

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**Economic Development and Infrastructure Committee** — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

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

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**Environment and Natural Resources Committee** — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

**Family and Community Development Committee** — (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

**Law Reform Committee** — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

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**Public Accounts and Estimates Committee** — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

**Road Safety Committee** — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

**Rural and Regional Committee** — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Ms Campbell, 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. J. A. MERLINO

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Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
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Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Carroll, Mr Benjamin Alan <sup>2</sup>	Niddrie	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Smith, Mr Kenneth Maurice	Bass	LP
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Hulls, Mr Rob Justin <sup>3</sup>	Niddrie	ALP	Weller, Mr Paul	Rodney	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kairouz, Ms Marlene	Kororoit	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Elected 24 March 2012

<sup>3</sup> Resigned 27 January 2012

<sup>4</sup> Elected 19 February 2011



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**Wednesday, 2 May 2012**

**The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.**

**The SPEAKER** — Order! I report to the house that we are having some problems with the microphones — half are working and half are not.

**Mr Andrews** interjected.

**The SPEAKER** — Order! I am very grateful that mine is working. One of the difficulties we have is that we do not necessarily know which microphones are affected.

**An honourable member** interjected.

**The SPEAKER** — Order! No, it is a reasonably serious matter because some members are going to have to be patient until we can get a microphone that works near them. We understand every second microphone is not working. I ask members to be patient. We are trying to rectify the issue as quickly as we possibly can. I can tell the Treasurer that it is not a budget cut that has caused this!

**NOTICES OF MOTION**

**Notice of motion given.**

**Mr MADDEN having given notice of motion:**

**Mr Ryan** — On a point of order, Speaker, I draw your attention to rulings from the Chair in relation to the length of notices. I would ask you to consider the terms of that notice and to deal with it accordingly.

**Ms Hennessy** — On the point of order, Speaker, this is a matter I have raised in respect of notices of motion that members of the government have come in with and pranced around about. The Clerk's office has advised me that the 250-word limit is considered and subsequently applied, and a notice is amended if that is required. If that is to change, then I believe there should be a new ruling from the Chair.

**The SPEAKER** — Order! I take note of the points of order that have been raised. We will have a look at them, but I think that notice of motion, even though it seemed lengthy, fitted within the guidelines.

**Further notices of motion given.**

**BUSINESS OF THE HOUSE****Notices of motion: removal**

**The SPEAKER** — Order! Notices of motion 13 to 21 will be removed from the notice paper unless members wishing their notice to remain notify the Clerk in writing by 6.00 p.m. today.

**DOCUMENTS****Tabled by Clerk:**

Auditor-General — Personal Expense Reimbursement, Travel Expenses and Corporate Credit Cards — Ordered to be printed

Statutory Rules under the *Magistrates' Court Act 1989* — SRs 27, 28

Victorian Electoral Commission — Report on the Niddrie District by-election held on 24 March 2012.

**MEMBERS STATEMENTS****Budget: Kilsyth electorate**

**Mr HODGETT (Kilsyth)** — I rise today to commend the Baillieu government for its responsible state budget for 2012–13. For more than 10 years we saw reckless, irresponsible fiscal management from the Labor government. We saw waste of mass proportions and we saw bungled projects — and we are still seeing the same incompetent management from the federal Labor government. Over Labor's decade in government expenditure growth averaged 7.3 per cent, while revenue growth averaged 6.9 per cent. My six-year-old son could tell you that that does not add up. It was unsustainable, and now Victorians are paying the price.

Given these significant challenges, I commend the Baillieu government for focusing on securing the future. The 2012–13 state budget makes a record \$5.8 billion investment in infrastructure. It will create jobs. It will ease the burden on small business with its WorkCover premium reduction, which is great news for the industrial sector in my electorate. The Minister for Manufacturing, Exports and Trade recently spoke of the Baillieu government's support for manufacturing while visiting local companies Assemco, Denso, Hychill, PACCAR-Kenworth and RFS, and this premium reduction reaffirms that commitment to local business and industry.

I was thrilled that Eastwood Primary School will get \$350 000 to fund the schematic and detailed design stages of the school rebuild. This is fantastic news for

the school community. Eastwood is a leader in education, and this funding brings it a step closer to the goal of operating out of brand-new, state-of-the-art facilities.

This is a responsible budget — the type of budget that Victoria needs. It shows that the Baillieu government will not emulate the Labor tradition of recklessly throwing money at headlines. This budget will drive economic activity, productivity and jobs, and this responsible approach shows that Victoria is in safe hands.

### **Grace Woltanski**

**Mr DONNELLAN** (Narre Warren North) — I want to commend some of my constituents. The first is Grace Woltanski, the president of the local Polish 40+ Club, who has been running that organisation since 1998 and working with the elderly Polish community. Some years ago she was given a special award by former Governor de Kretser. She has helped members of the Polish community with translation and assistance with their problems, Centrelink and the like. She has done that for many years as a volunteer.

### **John Laughton**

**Mr DONNELLAN** — Sadly I heard at an Anzac Day ceremony that John Laughton, the president of the Dandenong/Cranbourne RSL, is going to retire. He has been working in the Dandenong RSL for many years. He is a resident of Narre Warren. He has made enormous contributions to the RSL. Above all else, he has also made an enormous contribution to fundraising for sick children. He is a marvellous person, a sailor and a gentleman.

### **Carlos Loyola**

**Mr DONNELLAN** — Another person I want to commend is Carlos Loyola, who runs Doveton Special Soccer School. He founded the school in 1993. He is the Australian coach for the Special Olympics. Over many years Carlos has sacrificed profit from his small business to contribute to ensuring that children with special needs are given dignity and can play soccer at a serious level. In 2011 he received a Medal of the Order of Australia, but his most important achievement is the great joy he brings to these children, which you see on their faces when they play soccer.

I commend all three people for their enormous contributions to my electorate.

### **Budget: South Barwon electorate**

**Mr KATOS** (South Barwon) — Yesterday the Baillieu government handed down its 2012–13 state budget. The budget is a clear plan to meet the challenges Victoria faces while positioning the state to take advantage of current and future opportunities. It recognises that, just like households and businesses, the government must live within its means. It is a responsible budget that invests in state infrastructure.

The South Barwon electorate and Geelong will receive a major infrastructure boost. There is a \$93.27 million investment in a major upgrade of Geelong Hospital, including 56 additional beds and an integrated cancer centre. There is an \$8.04 million allocation for the purchase of land for the new Grovedale railway station, which will service Geelong's southern suburbs and Armstrong Creek. There is also a \$13.6 million allocation for the construction of the Waurm Ponds police station and State Emergency Service facility. This will see a dedicated police presence south of the Barwon River, and it honours the coalition's election commitment to addressing law and order in the region.

There is also \$6.16 million for the purchase of land for a future school site in Armstrong Creek East or Connewarre. This is forward thinking, and it positions the state well ahead of the game in terms of education. We certainly do not want to see a repeat of the education mess that the Baillieu government inherited in Torquay due to the inaction of the Labor government.

### **Budget: western suburbs**

**Mr LANGUILLER** (Derrimut) — The Premier's second budget is a horror budget for families living in the western suburbs. The budget outlines a further cut to school capital funding, returning to Kennett-era levels of austerity, and schools west of Melbourne are, predictably, the first to miss out. Mr Baillieu also used his second budget to take the School Start bonus away from 100 000 families while also cutting the education maintenance allowance, which helped cover the cost of school expenses for low-income families. This government has delivered no new Metro Trains Melbourne trains or services in this budget, so there is no relief for people waiting on bustling platforms, watching trains pass by on the Werribee and Sydenham lines.

Furthermore, the government's ongoing debacle that is their protective services officers policy continues to bleed money, with a paltry \$17 million over the next two years provided for the upgrade of over 66 train

stations. With no time line set for the rollout, I am sure the west will bear the brunt of this policy as it continues to run over budget and over time. Moreover, there are no planned police station upgrades in this budget in the western suburbs.

However, the western suburbs will be home to a brand-new 500-bed prison. The prison, it seems, is the government's only plan to create jobs west of the Maribyrnong, because the major infrastructure plan again largely ignores the needs of the western suburbs. The plan for the east-west link has next to no funding — \$13 million out of the \$30 million that is needed for the planning stage alone. That is it — an underfunded plan for a highway that is in itself years away. All the while the population in the west booms, and more cars cram onto the main roads. Last but not least, there is no funding for the St Albans crossing traffic congestion issue.

### **Budget: Bentleigh electorate**

**Ms MILLER** (Bentleigh) — Yesterday the coalition government delivered the 2012–13 budget, which has been shaped by the economic challenges we are experiencing at present. The budget's focus is on securing the future for Victorians. Victoria's challenges are real, and they are substantial.

Labor's legacy was to leave Victoria in a financial mess, and if its spending levels over the past decade had continued, we would today be looking at an operating deficit for the 2012–13 year of \$4 billion. Net debt would have risen to almost \$60 billion in just four years. The government could not ignore those realities, nor could it passively accept them. The coalition government has taken a responsible and necessary approach to rebuilding the finances of Victoria. This budget sets out a clear plan to meet the challenges and the position Victoria is in to take full advantage of current and future opportunities.

With this in mind, I am delighted to announce that I have listened to the community and secured \$260 000 for planning at Coatesville Primary School. Coatesville Primary School is experiencing a significant increase in the number of student enrolments it receives annually. The school community is delighted with this announcement and appreciates the significant contribution this funding will make to the education of students and the development of their future.

Our children are our future. Having listened to the community, I am pleased to announce funding of \$7.3 million for the planning and preparation of the Monash Children's hospital at Southern Health. The

number of young families in the electorate continues to grow. Land has been secured, and we are making clear progress for the future.

As a state and as a community, we will be defined not by the challenges we face but by the collective actions we take to address them. As the local member for Bentleigh, I have listened, and after 11 long years of neglect I am delivering to address community needs. We are delivering on our election commitments.

### **Anzac Day: Yan Yean electorate**

**Ms GREEN** (Yan Yean) — I rise to commend the thousands of constituents of the Yan Yean electorate for the respectful and diverse way they commemorated Anzac Day at numerous ceremonies run by churches, schools, community groups and, importantly, the four wonderful RSL sub-branches of Epping, Hurstbridge, Whittlesea and Diamond Creek-Doreen. The two highlights were the first-ever march and ceremony in my home suburb of Doreen, hosted by Laurimar Primary School. I thank this forward-looking RSL sub-branch, led by president John Langford, for reaching out to our new community and for its plans to build an Anzac memorial at Laurimar Primary School.

It was very emotional to hear president Herb Mason at the Epping RSL recite the oath with his 14-year-old daughter. In the 11 years that I have been attending, Maddy has been at Herb's side. To see her stand with him and recite the oath was truly emotional, and we know the Anzac tradition will live on through Maddy Mason.

I want to particularly thank the Watsonia RSL Pipes and Drums for the deep honour of inviting me to sing the *Amazing Grace* solo with them at the Epping RSL. It is an honour I will never forget.

The Anzac Day ceremonies could not have been as successful without the cadets from Ivanhoe Grammar School, various scout troops, all the Country Fire Authority brigades from the area, the police and the many schools and members of the community who braved the rain to make Anzac Day 2012 a truly memorable one in the Yan Yean electorate.

### **Anzac Day: Forest Hill electorate**

**Mr ANGUS** (Forest Hill) — Last week I was pleased to attend and participate in a range of remembrance services as part of Anzac Day activities. These included the annual RSL commemoration church service held at St Patrick's Cathedral, the Blackburn RSL sub-branch march and services, the Rotary Club of Monash schools Anzac Day service and the dawn

service held by the Blackburn RSL sub-branch. I note that due to the very wet conditions, the Rotary Club of Whitehorse schools Anzac Day service unfortunately had to be cancelled.

The dawn service at Blackburn was held at the clubrooms due to the inclement weather but was nevertheless an excellent service that was very well attended. This was followed by a hearty breakfast kindly put on by the members of the club. I wish to congratulate and thank the hardworking members of the Blackburn RSL sub-branch and the Rotary Club of Monash for organising these local events. The very strong support for all these events is encouraging and shows without doubt the importance of Anzac Day to the residents of the eastern suburbs.

### **Budget: responsible management**

**Mr ANGUS** — The Treasurer and his team are to be congratulated on yesterday delivering another responsible budget for the people of Victoria. This is a budget that has been developed in the midst of the very challenging financial circumstances the state finds itself in. It is a forward-looking document that is focused on securing the future of Victoria by rebuilding the state's finances. The budget sets out a clear plan to address the current challenges and also take advantage of both current and future opportunities.

This is in dramatic contrast to the former government that ran the state, with expenses growing at 7.3 per cent and revenue growing at 6.9 per cent per annum — a fundamentally flawed approach to economic management which in stark terms reflects the financial incompetence of the previous Labor government.

### **Health: western suburbs**

**Mr NOONAN** (Williamstown) — A recent program of health screening in Melbourne's west has highlighted the ever-present policy dilemma faced by governments in formulating their health prevention policies. Late last year, the western Melbourne committee of Regional Development Australia coordinated more than 1500 confidential health screens at the five Centrelink sites in Footscray, Sunshine, Melton, Newport and Werribee, targeting both unemployed and underemployed people.

The results were remarkable for all the wrong reasons. More than one-third of respondents admitted to being smokers, 60 per cent were overweight or obese, 10 per cent probably had type 2 diabetes and 21 per cent reported a daily alcohol intake at levels considered risky. Many of these results are double and triple the

national averages and suggest that a great number in our community will suffer from the onset of a chronic disease, potentially leading to a premature death. Areas such as Melbourne's west require serious and structured funding to target those in the community who are at the highest risk of being diagnosed with a chronic disease. Health screening, education and simple lifestyle changes can be tailored to assist people to better understand their individual risk factors before it is too late.

The Baillieu government has already announced a plan to target childhood obesity, and last year it launched its unfunded health and wellbeing plan for the next four years. Whilst both plans are commendable, neither contains measurements to help determine their success or failure. Without a targeted approach by government, I fear that these policies will do little to slow or reverse the rate of preventable disease in Melbourne's west.

### **Anzac Day: Rabaul commemoration**

**Dr SYKES** (Benalla) — Last week I joined several hundred people in Rabaul to commemorate Anzac Day and the 70th anniversary of World War II coming to Rabaul, then an Australian territory. Those present included World War II coastwatchers Jim Burrows and Matt Foley; members of the Rabaul and Montevideo Maru Society, the New Guinea Volunteer Rifles and the Papua New Guinea Volunteer Rifles; representatives of the governments of the United States, Britain and Norway; and many locals.

The invasion of Rabaul in 1942 was a dark chapter in Australia's history. The Lark Force of about 1000 men was called upon to defend the city against many thousands of Japanese. There was no plan for a strategic withdrawal, and when defeat was inevitable the order was 'every man for himself', which was a condemnation of the military and political leadership of the day. Whilst a couple of hundred men successfully escaped to Australia, many died of disease or were killed, including 100 who were massacred at the Tol Plantation. Most tragically, 835 military personnel and 218 civilians lost their lives on the unmarked Japanese ship, the *Montevideo Maru*, which was sunk by a US submarine.

Congratulations go to those involved in organising the commemorative services, in particular Susie McQuade and her family, Steve Sanders and the Rabaul Historical Society, and Phil Ainsworth, Andrea Williams and John Holland. I hope that the many people present who lost husbands, fathers and other loved ones took comfort in the fact that Rabaul will not forget their sacrifice. Lest we forget.

### **Regional and rural Victoria: government performance**

**Mr HOWARD** (Ballarat East) — In the late 1990s, under the previous Kennett government, regional and rural Victoria was languishing under a Melbourne-centric government. This saw Labor elected in 1999, and under Steve Bracks and John Brumby major efforts were made to lift rural and regional communities through direct government intervention. Infrastructure construction projects were supported by the Regional Infrastructure Development Fund and by increases in the health, education, transport and other capital budgets. Some government departments, such as the State Revenue Office, and components of other government departments were moved from Melbourne into the regions to build further job opportunities.

In the Ballarat East electorate new employment opportunities were supported, including substantial support for the University of Ballarat Technology Park and tourism projects at Sovereign Hill and the Hepburn Springs bathhouse. The manufacturing industry was also supported with a range of programs providing for export expansion, the upgrading of production systems and transitioning into new production opportunities. This saw my region regain a sense of optimism as jobs grew and facilities improved. This was all done with the underpinning of a AAA budget bottom line, contrary to what the government tries to mythologise.

Since the election of the Baillieu government residents of the Ballarat East electorate have seen a stagnation in further development. Over the last year we have seen things going backwards, with too many jobs being lost, the job losses at CMI Industrial being the most recent.

### **Budget: Ashwood College**

**Mr WATT** (Burwood) — Yesterday the 2012–13 budget was released. It is a budget that will be good for Victoria, good for Burwood and especially good for Ashwood College. It is pleasing that funding of \$10.5 million has been allocated for Ashwood College. It brings to an end the long wait the Ashwood community has had to endure over many years. This significant investment in the infrastructure of Ashwood College will put it at the forefront of secondary schooling in the region. The coalition committed \$10.5 million for new facilities at the college at the last state election. The current buildings are more than 40 years old.

This is a great outcome for the local community, and I commend the good work of the principal, Kerrie Croft; the school council president, Mariette Tuohey; and all

the current and past staff members and students. They should all be proud of their persistence and their commitment to Ashwood College and its future. I have already spoken to Kerrie Croft, to the school council president, Mariette Tuohey, and to council member Russell Creek since the announcement was made. They are all grateful that these funds have been allocated. I look forward to visiting the school at the earliest convenient opportunity to meet with Kerrie and the students to discuss the next step in this important project.

After 11 years of Labor neglect it has taken a coalition government to finally act to get this funding. This is on top of an already steady stream of education capital investment in the Burwood electorate, including in Wattle Park Primary School, Hartwell Primary School and Ashburton Primary School. The coalition has increased funding for capital projects across education in Victoria by \$200 million.

### **Burwood Village Autumn Festival**

**Mr WATT** — I would like to encourage all Burwood residents and members of this house to attend the Burwood Village Autumn Festival this Sunday, 6 May. Burwood Village is located on Toorak Road between Warrigal Road and Charles Street.

### **Charles La Trobe College: Heidelberg West campus fire damage**

**Mr CARBINES** (Ivanhoe) — The West Heidelberg community condemns the Minister for Education for refusing to provide temporary toilets or classrooms for 100 students at the Olympic Village prep to grade 4 campus of Charles La Trobe P–12 College in Heidelberg West, which two months ago suffered a massive fire that destroyed the art, music and cooking classrooms. Despite receiving three options to repair the fire damage, this minister continues his dithering. He has now sought a fourth option from his bureaucrats because he just will not make a decision; he just will not take action to help this vulnerable school. Eight hundred thousand dollars is required to fix the burnt out buildings at this school. That is the advice the minister has received, and that is the advice he should act on. He should stop dithering and making excuses for not providing support to the Olympic Village primary school campus.

### **Police: Heidelberg West station**

**Mr CARBINES** — Can I also say in relation to respect in this place that the Minister for Police and

Emergency Services seems to believe that respect is something you demand as of right. The Heidelberg West community has my respect for its determined campaign to have its police station reopened. It is time the Baillieu government showed some respect for the people of Heidelberg West, because they have earned that respect; they have earned an open police station. We have had nothing but excuses, delays and obfuscation from this government in relation to the serious matter of community safety in Heidelberg West. It is time the police minister came out to Heidelberg West and explained why he will not provide and open a new police station there.

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

### **Budget: responsible management**

**Mr SHAW** (Frankston) — Congratulations to the coalition government and the Treasurer on delivering a responsible, conservative budget, one that is for the times — unlike the uncontrollable borrow-and-spend mentality of Labor, with its crazy, ludicrous projects and ideologies.

### **Mahogany Rise Primary School: student leaders**

**Mr SHAW** — Recently I was pleased to attend Mahogany Rise Primary School in Frankston North to present school captain badges to a number of students. Mahogany Rise is outside my electorate, but I was pleased to attend and be part of the proceedings. It is a real disappointment that the member for Cranbourne, whose electorate the school is in, neglects the Pines so much that someone from outside the electorate is invited to fill the void he has left through his obvious neglect.

### **Anzac Day: Fletcher Davis**

**Mr SHAW** — On Anzac Day every year citizens of Frankston and surrounding areas gather at the cenotaph in front of the Frankston City Council chambers. The Frankston RSL Pipes and Drums, of which I am a pipe member, led the march of servicemen and women. It was a memorable time for all. It was particularly memorable for veteran Mr Fletcher Davis, who served in the defence forces in Vietnam. Fletcher had never marched in an Anzac Day parade before, but with a little coaxing I managed to have him agree for me to pick him up and take him to the parade and to see him wearing his medals and walking with fellow veterans. I am pleased to say that he will march again. Fletcher, I

am proud of you. I am proud of all veterans who have served this country.

### **Frankston: book launch**

**Mr SHAW** — Last Saturday the Treasurer attended the launch of a book entitled *Naming Frankston Streets — The People and Their Stories*, in which he gave a personal history of his family involvement in the settlement of Frankston. Both Wells Road and Wells Street are named after ancestors of the Treasurer. I thank the organisers from the Mornington Peninsula Family History Society and the authors of the book, Marjory Knight, Lynne Emblin and Leonie Marshall, for their wonderful presentation and their dedication to the history of Frankston.

### **Northern College of the Arts and Technology and William Ruthven Secondary College: funding**

**Mr SCOTT** (Preston) — I rise to lament the failure of the government's 2012–13 budget to fund important and necessary upgrades to the Northern College of the Arts and Technology, formerly known as Northland Secondary College, and the William Ruthven Secondary College. Both of those school communities deserve and expect the upgrades that are needed. They both received significant funding during the term of the last government, but they require finalisation of important school projects which will develop the educational facilities on those two sites.

It is important to note that the communities of those two schools have taken very responsible attitudes to their needs. The William Ruthven Secondary College has been involved in a merger between three schools. The site of the former Lakeside Secondary College is for sale, and the William Ruthven Secondary College community is expecting that the funds from the sale of that site will be used to fund the upgrade of its college. This community is dedicated to improving educational outcomes for its children. I was lucky enough to visit the school with the member for Mulgrave, the Leader of the Opposition; Jenny Mikakos, a member for Northern Metropolitan Region in the other place; and the member for Thomastown. We met the wonderful kids and teachers at the school who are so dedicated to improving educational performance in that area. It was truly inspirational to meet such bright and intelligent children who are so looking forward to a bright future.

### **Rail: Mitcham level crossings**

**Ms RYALL** (Mitcham) — The people of the Mitcham electorate have seen typical Labor

opportunism and have seen that Labor and the shadow Minister for Roads are out of touch. Labor tried to pre-empt the government by announcing in this week's *Whitehorse Leader* that the Mitcham and Rooks roads level crossings would not be funded in this year's budget. After Labor and the former member for Mitcham ignored these level crossings for 11 years, I am proud of the fact that the Baillieu government is dealing with the dangerous and severely congested areas created by these level crossings.

### **Anzac Day: Mitcham electorate**

**Ms RYALL** — I commend the Mitcham and Blackburn RSL sub-branches on their splendid Anzac Day services. Both of the services I attended, the service on the Sunday before Anzac Day and the dawn service, were moving and conducted in a manner that greatly honoured the lives of those lost. We will remember them. Lest we forget.

#### **Alan Birkett**

**Ms RYALL** — I would like to recognise an unsung hero of the Mitcham electorate, Mr Alan Birkett — or Lolo Alan, which means 'Grandpa Alan' in Filipino. Alan set up a charity in 2007 called Project Joshua after having visited the Philippines's poorest provinces and meeting baby Joshua, who had a cleft lip and palate and was malnourished. Since then Alan's tireless charity work has seen improvement in the lives of 11 Filipino children, who have received life-saving surgery. Congratulations, Alan, and keep up the great work.

#### **Nicholas Groenewald**

**Ms RYALL** — Congratulations to Mitcham teen Nicholas Groenewald, who won six gold medals and one bronze medal in individual events and one team bronze medal in team events at the Australian Age Swimming Championships in Brisbane two weeks ago. Nick also broke Ian Thorpe's Australian age record in the 200-metre individual medley and broke his own national record in the 100 metres backstroke. Congratulations, Nick.

### **Eltham cenotaph: relocation**

**Mr HERBERT** (Eltham) — I rise to congratulate and thank the members of the Montmorency-Eltham RSL sub-branch and the broader Eltham community for their success in relocating the Eltham cenotaph to the war memorial hall site on Main Road, Eltham. The relocation became necessary following the amalgamation of the Montmorency and Eltham sub-branches and the offering for sale of the Eltham

RSL sub-branch site. These developments complicated arrangements for the relocation, and it has taken a lot of work by RSL members and others in the community to see this project completed. I would particularly like to thank Bill McKenna, the president of the Montmorency-Eltham RSL sub-branch; Alan Field, OAM; the vice-president, Alex Smith; the assistant secretary; all members of the Eltham War Memorial committee; and local businesspeople Mal Hutchings, Rob Boyle and Robin Bliem, who donated a lot of labour free of charge.

The new cenotaph was truly christened with Eltham's first dawn service at the new site. Despite the miserable weather — the constant rain and gloom — local residents flocked in large numbers to the service, demonstrating the warm feelings local people have towards the RSL sub-branch in Eltham. It was a moving service and a fitting tribute to those who have fallen for our country, and it was a tremendously important launch of the new resting place of the Eltham cenotaph.

### **Anzac Day: Sandringham electorate**

**Mr THOMPSON** (Sandringham) — I pay tribute to Mr Tony Wilson and the executive members of the Mentone RSL, along with members of the wider Mentone, Parkdale and Mordialloc communities. Anzac Day 2012 was marked by dawn services as well as the later 9.00 a.m. services attended by several hundred members of the community. A wide cross-section of schools were represented, including Kilbreda College, St Bede's College, Mentone Girls Grammar and Mentone Grammar, along with community organisations, including the local Hellenic community. I especially pay tribute to Elsie Lander, who at the age of 100 attended the march and service. Lest we forget.

### **Sandringham East Primary School: war crimes campaign**

**Mr THOMPSON** — Forty-seven students from Sandringham East Primary School wrote to my office in March joining international community demands that Ugandan war criminal Joseph Kony be brought to justice. The mass kidnapping of over 30 000 children has caused massive suffering. I commend the good work of local students in raising awareness about this issue and taking action to make a difference.

### **Victorian Amateur Football Association**

**Mr THOMPSON** — The Victorian Amateur Football Association is the largest football organisation

in the nation, representing 74 clubs and over 12 000 players. Community football clubs play an important role in local community engagement. I congratulate the executive, life members, club office-bearers and other volunteers for their great work.

### **Black Rock Yacht Club: lift installation**

**Mr THOMPSON** — I pay tribute to the Black Rock Yacht Club upon the occasion of the official opening of its club lift. The project was conceived in 2005 and took several years of fundraising, along with the generosity of a club benefactor and the support of club members, to be realised.

### **Clean up Australia Day: Sandringham electorate**

**Mr THOMPSON** — I also pay tribute to the members of the Sandringham and wider community for their contribution to Clean Up Australia Day this year.

### **Disability services: statewide equipment program**

**Mr PERERA** (Cranbourne) — It was with great pleasure that together with my federal colleague the member for Holt, Anthony Byrne, I met with residents in the Cranbourne area seeking support in relation to disability issues that many local parents are facing on a daily basis. It was a very interactive conversation. Many issues were put to us strongly.

One major concern that stood out related to issues with the statewide equipment program. This program provides people who have a permanent or long-term disability with subsidised aids and equipment, including continence aids and oxygen, vehicle and home modifications et cetera. It was brought up that recently many of the aids and pieces of equipment being funded by the Department of Human Services were broken and simply did not work. This should surely be investigated by the Minister for Community Services, and subsequently funding should be provided by the government to support aids and equipment that actually work.

### **Gateway Worship and Performing Arts Centre: opening**

**Mr PERERA** (Cranbourne) — I also had the pleasure of attending the grand opening of the Gateway Worship and Performing Arts Centre in the electorate of Cranbourne last Sunday morning. The many attendees were entertained by a musical performance that was carried out over two sessions during the

morning. The gathering was addressed by the Minister for Planning, Matthew Guy, who assured the community that in the future these sorts of facilities will be allowed to be built — —

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

### **Budget: Swan Hill electorate hospitals**

**Mr WALSH** (Minister for Agriculture and Food Security) — I thank the Minister for Health for his announcement in the state budget of funding for the rebuilding of the Charlton hospital following the floods. As everyone in the house knows, the township of Charlton was severely flooded last year, particularly the hospital, which had nearly a metre of water go through it in some places. As we know, there was a decision made that it could not be rebuilt or refurbished at its current site because of the risk of infection in the future. The announcement of that money was a great boost to the community of Charlton.

I had the pleasure of being there a couple of weeks ago for the reopening of the Rex Theatre, which is another great project in Charlton. One of the key messages from the community of Charlton has been, 'We don't just want to rebuild after the floods; we actually want to make sure Charlton is better in the future'. So the announcement from the Minister for Health in the budget was a great announcement and a very positive step for the community of Charlton in its rebuilding program.

I also thank the Minister for Health for his announcement of \$18 million for the rebuilding of the aged-care facility at the Swan Hill hospital. As two former ministers from the other side of the house acknowledged when they visited Swan Hill, it is one of the aged-care facilities most in need of refurbishment right across Victoria. That \$18 million is a great outcome, and I urge the commonwealth in its budget next week to put in the money for the actual hospital as well.

### **David Scott**

**Mr FOLEY** (Albert Park) — I rise to celebrate the life of David Scott and his extraordinary contribution to civic life in Australia and well beyond our shores. David passed away on 22 April after an extraordinary life. He spent his life dedicated to community service. David was the executive director of the Brotherhood of St Laurence, chairman of Community Aid Abroad, president of the Australian Council for Overseas Aid, vice-president of the commonwealth Social Security

Advisory Council, a council member for the Royal Melbourne Institute of Technology, executive chairman of the Victorian Land Conservation Council and a commissioner of the former State Electricity Commission of Victoria. In 1975 he was appointed an Officer of the Order of Australia, only to resign the following year because of the Australian government's betrayal of the people of East Timor. He was later readmitted, in 1992. David was also adjunct professor at Swinburne Institute of Social Research. He was the author of many books, including *Don't Mourn for Me — Organise — The Social and Political Uses of Voluntary Organisations*.

In the Second World War, David served on the destroyer HMAS *Arunta*, joining it a short time after the *Arunta* had evacuated the 2/2nd Independent Company from East Timor, starting a lifetime of commitment to the people of that nation. David dedicated his book *Last Flight Out of Dili — Memoirs of an Accidental Activist in the Triumph of East Timor* to the courageous people of East Timor and their supporters — to ordinary people throughout the world, including in his own community of St Kilda, who persisted when all seemed lost. Vale David Scott, a great Australian and global citizen whose legacy lives on.

### **Budget: responsible management**

**Mr CRISP** (Mildura) — I congratulate the Baillieu government on a tough and responsible budget.

**The DEPUTY SPEAKER** — Order! The member's time has expired. The time for making statements has ended.

## **MATTERS OF PUBLIC IMPORTANCE**

### **Employment: government performance**

**The DEPUTY SPEAKER** — Order! I have accepted a statement from the member for Narre Warren South proposing the following matter of public importance for discussion:

That this house:

- (1) notes that only Tasmania has a higher unemployment rate than Victoria; and
- (2) notes that the Baillieu government has done nothing to secure and create jobs for Victorian families in the 2012–13 budget.

**Ms GRALEY** (Narre Warren South) — I woke up from a restless night's sleep last night, picked up the

*Age* and had a look, and I thought, 'He's back'. He might be taller; he might be richer; and he is probably even funnier, but Spooner got it in one. With the axe being wielded, the Kennett-like cuts to families and jobs in Victoria are back.

**An honourable member** interjected.

**Ms GRALEY** — And they are praising it on the other side of the house!

Industry groups; the business sector, including big and small business; housing and construction companies; community organisations; and newspaper editorials — not to mention the workers of Victoria — have all called on the Baillieu government to show some firm leadership in guiding and supporting the Victorian economy and creating new jobs. And what do we see? We see a Premier that has failed this test of leadership. As Tim Colebatch said today in the *Age*:

And there was nothing to answer the question Victorians are asking: why does Ted Baillieu want to be Premier? Where does he want to take us?

At some point, his government is going to have to tell us what it stands for. The budget was a missed chance to do that.

What do we see in this budget? The Baillieu government's second budget is a horror budget for Victorian families who were hoping for a government plan to save jobs. Instead we have a budget full of excuses and without solutions. We certainly do not have a jobs plan from the Treasurer. In fact in his speech yesterday he mentioned the word 'jobs' twice.

*Honourable members interjecting.*

**Ms GRALEY** — Look at the budget. Look at those noisy — —

**The DEPUTY SPEAKER** — Order! Government members!

**Ms GRALEY** — Look at those rude and noisy people opposite who do not really give a damn about Victorians' jobs! This is a job-killing budget. Last year's budget was a disaster for Victoria. The problems we have with this budget are the inheritance of the fact that those opposite mucked up last time as well. If last year's budget was a disaster, this year's is a catastrophe for Victorians. Instead of setting Victoria up for the future, it is setting Victoria up for going backwards. The saddest thing of all is that this budget has ensured that Victoria's unemployment queues are going to grow.

When the global financial crisis hit a few years ago, the Labor government took action by investing in job-creating infrastructure projects around the state. In the final two years of the Labor government — —

*Honourable members interjecting.*

**Ms GRALEY** — Take notice! You weren't here. We created nearly 200 000 new jobs. Since the Baillieu government's first budget, over 41 000 jobs have been lost; 41 000 Victorians have had to go home and tell their families they have lost their jobs. And still — as of yesterday's budget — there is no jobs plan for Victoria. The former Labor government always made jobs for Victorians a priority. During these tough economic times — and there is no doubt there are some pressures on the Victorian economy — what is the Baillieu government doing? It is sitting on its hands. Its members can hardly say the word 'jobs'. Their approach has been to do nothing.

Let us look at what the situation is.

*Honourable members interjecting.*

**Ms GRALEY** — Have a listen to this, because you are hiding, putting your head in — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Gembrook!

**Ms GRALEY** — Since this government has come to power the unemployment rate has increased from 4.9 per cent to 5.8 per cent. There are 16 500 fewer full-time jobs in Victoria, and over 30 000 more Victorians have joined the unemployment queues. Thanks to the lack of support from the Premier, it also seems now that Qantas workers are about to join that number. This rate of unemployment is second only to that in Tasmania. Underemployment is also very high in Victoria, with 96.4 per cent of all new jobs created in March in Victoria being part-time jobs. That is an appalling record for this government.

Let us look at the situation out my way in the south-east of Melbourne, where 4800 jobs have been lost — that is, 4800 people in the south-east have lost their jobs. When the Baillieu government came to office the unemployment rate in the south-east, which is Victoria's manufacturing heartland, was 6 per cent. Now it is 8.3 per cent. The member for Frankston has been very loud in this house and finds it very easy to tell people not to bug him, but I will bug him with this figure: the unemployment figure for young people in Frankston is the second highest in the state.

The Minister for Youth Affairs stood up in this house and could not even tell us what the youth unemployment rate is. Last month it got to 23.1 per cent, the highest since March 1988. What did the government do? I will tell members what it has done. In the last budget it cut 3600 more jobs, and in this year's budget it has cut 600 more jobs. An *Age* article headline states 'Public sector jobs to go in biggest cuts since Kennett'.

*Honourable members interjecting.*

**Ms GRALEY** — And there is more. Do you know what the Treasurer says to these people — —

**The DEPUTY SPEAKER** — Order! The member should address her comments through the Chair.

**Ms GRALEY** — Do members know what the Treasurer says to these people who are losing their jobs? He says, 'They're only back office jobs'. Back office jobs they may be, but they are the jobs of mums and dads who have to put a meal on the table every night, have to pay their mortgage, have to pay for their children's education and have to clothe their children. When they go home and tell their children that they do not have a job, it will have a devastating impact on not only the person in that family who has lost their job but also the people around them, especially their children.

I am absolutely bemused. If the government is going to cut people's jobs, as it said it would, increase the unemployment rate and make sure that young people cannot get a job, you would think that it would do something about making sure that young people could stay at school or go to TAFE to get some extra training. But what the government has done with this budget is make it much, much harder for them to do that. It will be much more expensive and much more difficult for young people to get training with better services and better teachers at TAFE.

In the last budget the government made cuts to the funding of VCAL (Victorian certificate of applied learning). In this budget it has not reinstated any of that funding. Those cuts are having an impact — —

**The DEPUTY SPEAKER** — Order! The member for Yan Yean knows that it is not permitted to cross between a member who is speaking and the Chair. That is the second time she has done so. Ducking is not an excuse for doing so, and I ask her to cease it.

**Ms GRALEY** — We know that young people are very disadvantaged through not being able to have VCAL coordinators to help them in their training. The

people who yell out that there is more money for VCAL — —

*Honourable members interjecting.*

**Ms GRALEY** — It is just a lot of spin. They should come out to Narre Warren South P-12 College, which has had \$126 000 cut from its VCAL funding.

*Honourable members interjecting.*

**Ms Campbell** — On a point order, Deputy Speaker, interjections are disorderly. It is impossible to hear the member over the volume of noise that is coming from the government benches, and I draw your attention to these interjections.

**The DEPUTY SPEAKER** — Order! I support the point of order. The volume of interjection is very high, and I ask members to lower it.

**Ms GRALEY** — If members come to Narre Warren South P-12 College and talk to the students, the staff and the parents, they will find that \$126 000 has been cut from the school's VCAL program and that other programs in the school are being cut to cover the program cuts to VCAL. It is just not fair. It is not fair on kids who need to get the skills training and that extra support and engagement that is going to get them a good job in the future and prevent them from joining the lengthening unemployment queues in Victoria.

I was quite bemused a couple of weeks ago to sit in this house and hear the member for Bentleigh stand up and say:

The Baillieu government has been able to deliver election promises within its first 12 months in office, including a reduction in the cost of living ...

That is a big call by the member for Bentleigh. I recently surveyed constituents in my electorate and asked them what they thought of that statement. My question was: 'The cost of living has improved over the last 12 months — yes or no?'. The responses to the member for Bentleigh's announcement of a reduction in the cost of living were almost unanimous. They included 'Outrageous!', 'What planet are you on?' 'You're joking, I hope'. I know the member for Bentleigh spends a lot of time giggling up in the back row with those other knuckleheads — —

**The DEPUTY SPEAKER** — Order! I ask the member for Narre Warren South to stay on the matter now before the house.

**Ms GRALEY** — What I am saying is that when people go home and tell their children that they have

lost their job, they also face the agonising problem of having to balance the household budget. When members of this house get up and say the cost of living has been reduced under this government, they are living in la-la land. Let us look at it. This is what they are going to face: health costs have increased by 22.5 per cent, housing costs have increased by 7.5 per cent, transport costs have increased by 6.8 per cent, car registration fees have gone up and education costs have increased by a massive 37.5 per cent. To make it harder for those people who are trying to make ends meet, in yesterday's budget we see that fines have gone up, taxes have gone up and fees have gone up. Even if you wanted to send your children — —

*Honourable members interjecting.*

**Ms GRALEY** — Even if you wanted to help your children get a job in this terribly difficult economy, we have fees going up at TAFEs. What should we expect of this government? What we would have expected was to see an investment in the Victorian economy and an investment in Victoria's infrastructure. Budget paper 4 is an interesting document in that it is now about a third full of completed projects — say thank you to the Labor government — along with existing projects, most of which were started by the previous Labor government, and a few projects that have been instigated by this government.

The people of the south-east are waiting to see when this government is going to get its act together and put in some real money, as it promised, to create jobs and to provide health services to the families of the south-east by constructing the Monash Children's hospital in its first term. Instead what we get is some planning. Do not lose your job in Victoria — —

**Mr Watt** interjected.

**The DEPUTY SPEAKER** — Order! The member for Burwood!

**Ms GRALEY** — Do not send your kids to TAFE, because you will not be able to afford the fees since they have gone up, and I suggest you do not get sick either because you are going to have a long wait in the hospital queue. We now see that what we have in Victoria is the highest taxing Treasurer that Victoria has had in its history.

I am very concerned about how people in my electorate are going to cope. I draw the attention of members to the fact that so many of those people really appreciated the School Start bonus. Last year the schools were means tested. I heard the Premier say on the radio this morning that he did not need the cheque; frankly,

nobody is going to get the cheque now. That is what is happening to Victoria's families — they are doing it tough. Job queues continue to grow at a rate that is only second to Tasmania's job queue growth.

I note that Margaret Whitlam said she joined the Labor Party because it was a party that cared about people. Labor members on this side of the house care about people and about investing in Victorian infrastructure and jobs so that Victorians have a future. Members opposite obviously do not care about Victorian people or the future of Victoria. It is very sad day when people are shouting, screaming, smiling and clapping for a budget that increases the unemployment queues in Victoria. It is a sad day for Victoria.

**Ms Green** — On a point of order, Deputy Speaker, you rightly ruled against me when I moved in front of you. I did that to obtain a copy of *Rulings from the Chair* to get some direction from the Chair, because the level of interjection from the other side of the house while the member for Narre Warren South was on her feet was truly disgraceful. I urge you, Deputy Speaker, while this matter of public importance is being debated to pull the opposition backbench peanut gallery into line.

**The DEPUTY SPEAKER** — Order! If the member for Yan Yean has a problem with the way I am chairing this debate, I suggest she speak to the Speaker in his chambers and lay a complaint. Coming across the line of the Speaker in the chamber to reach for a copy of the *Rulings from the Chair* is not an excuse. The member could have walked behind my chair to reach the area where the clerks sit.

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I am delighted to participate in debate on this matter of public importance (MPI). It is one of the most audacious matters of public importance I have experienced being brought before this chamber.

I have two comments for the member for Narre Warren South. The first is that I am going to have a conversation with the member for Mornington, because I would like him to evaluate his constituent's contribution to this debate. The second is that it is always a good idea to write your MPI after you have read the budget papers and not before and not to anticipate what you think might be in the budget.

Firstly, I will put this MPI in context. Labor's legacy in a budgetary sense has given the coalition a triple whammy. Whammy no. 1 is this: according to the Auditor-General and the Ombudsman, \$4 billion of public expenditure was wasted on previous Labor

projects. For example, the poker machine contract should have been let out for \$3 billion more than it was for Victorian taxpayers. The Ombudsman has pointed out wastage in relation to ICT projects, where in some areas there has been double the expected expenditure that should have been incurred under the previous government. Everyone is familiar with the myki black hole. We saw a range of major projects undertaken by the Labor Party when it was in government that were late, over budget or both late and over budget. Whammy no. 1 is about the previous Labor government wasting a whole lot of money that could have been used for capital and services. We have inherited this situation.

Whammy no. 2, in case Labor opposition members are not aware of it, is that we have inherited a significant budget problem. There were inherent problems with the way the Labor Party structured budgets when it was in government. One inherent problem was that over 10 years, expenditure growth under Labor was rated at 7.3 per cent, whereas revenue growth was 6.9 per cent. That is unsustainable; you cannot have a budget based on those parameters. The second feature of whammy no. 2 that Labor has left us with is that public sector growth between 2006 and 2010 was 5.3 per cent whereas population growth was 2 per cent. You cannot have those underlying features of a budget and expect that that will be able to continue.

Whammy no. 3 which we have received from the Labor Party and which we are trying to manage comes courtesy of the federal Labor government. You, Deputy Speaker, like everyone else in this chamber, are aware that Victoria will suffer a \$6.1 billion cut to GST revenues over four years from 2012–13. As an aside — and you will remember this well — the previous Labor Premier, who was also formerly the Treasurer, John Brumby, noted in this chamber week after week during MPI debates how much he wanted the distribution of GST to Victoria to change. I remember constantly debating his arguments during MPI debates. He had an opportunity to help Victoria in relation to the review of the distribution of GST funds, and he did not assist. I put that on the public record. The member for Benalla would have participated in those debates, whereas John Brumby, in his capacity as the Treasurer at the time, constantly came into this chamber during MPI debates — the very sort of debate we are having now — bemoaning the carve-up of GST revenues. He was recently in a position to help Victoria, and he did nothing.

The fundamental proposition in relation to running a AAA budget — and it still distresses me that members of the Labor Party do not seem to comprehend what a

AAA rating means — is that if you lose that rating, the state has to pay more for money. All the capital projects that the member for Narre Warren South talked about would have to be funded at higher cost if we lost our AAA rating. The fact is that this budget surplus, on which everyone has commented, is so important to the state because it is vital that we maintain our AAA rating, because that in turn impacts on the cost of borrowing the money that is necessary for the state to provide the maximum possible number of capital projects. We intend to build our budget capacity and deliver infrastructure.

Despite all the problems left by the Labor Party and the triple whammy at a state level and a federal level that impacts negatively on Victoria, this is a significantly business-friendly budget. The budget will in fact help business to create jobs. I note that the Labor Party always talks about the government creating jobs. This budget helps business to create jobs. I would advise the member for Narre Warren South to read the budget. Let me assist her in that endeavour and point out a couple of the areas where the budget is particularly helpful to business creating jobs.

The first area is the fact that WorkCover premiums will be reduced by 3 per cent from 1 July this year. When we debated in this chamber the dividend to be taken from WorkCover, members of the Labor opposition said there would never be a cut in WorkCover premiums. We have already seen a cut in WorkCover premiums. In practical terms this will benefit 60 per cent of Victorian businesses, which means 59 000 Victorian businesses will have their premiums cut by more than 10 per cent. That is a very job-friendly initiative in the budget which has been commented upon favourably by the business community.

A second example of where the budget will assist in increasing jobs is the Victorian international engagement strategy, where \$50 million has been allocated over four years. This money will go to trade missions both outbound and inbound. One of the very important four pillars of the government's strategy is to help businesses to secure new markets. It is very important. Significant economic benefits have flowed from trade missions to India, the Middle East, North Africa and China. This strategy assists large companies to provide markets —

**Ms Miller** interjected.

**The DEPUTY SPEAKER** — Order! The member for Bentleigh will cease interjecting across the chamber.

**Ms ASHER** — It will also assist small businesses to find new export markets as well, because small businesses are partly subsidised to participate in these missions. If a small business cannot participate, there will be inbound missions and a whole range of contacts will be set up. This is a very important initiative in the budget.

What does the Labor Party think of this initiative? As usual, it has two views. In an article in the *Herald Sun* of 26 December 2011 Mr Pakula, a member for Western Metropolitan Region in the other place, said in relation to trade missions:

The Premier has called this a 'super trade mission' but all we know at the moment is that it's going to be super expensive.

You could take from that comment that Mr Pakula is opposed to this particular strategy.

However, in the *Herald Sun* of 22 March 2012, when it was announced that a Chinese delegation would occur later this year rather than earlier, the Leader of the Opposition is reported as saying:

... axing the trip showed Mr Baillieu had no real plan to deliver jobs.

Ipsa facto, because there is this funding in the budget, you could logically conclude that the opposition leader favours this type of activity to support businesses to gain export markets. So on the one hand we have Mr Pakula opposed to it, yet on the other hand we have the Leader of the Opposition supporting the strategy. The opposition needs to work out where it stands on these matters.

I would also refer members of the Labor Party to the budget item which allocates \$58 million for a manufacturing strategy. If the budget papers are too difficult for members to comprehend, they can turn to a very easy summation called *Victorian Budget — 2012–13 Budget Overview*. This manufacturing strategy is set out at page 8. I would advise the member for Narre Warren South to read that particular strategy. Those opposition members bemoaning the so-called lack of a capital program need only turn to Victorian budget paper 4, *2012–13 State Capital Program*, and if it is too difficult to read the whole document, they need only turn to page 1, where they will see:

The total value of Victorian public sector capital projects under way in 2012–13, including projects across both the general government and public non-financial corporations ... sectors and public-private partnership projects, is expected to exceed \$41 billion.

Budget paper 4 goes on to state:

... Victorian general government sector infrastructure expenditure is expected to reach record levels in 2012–13.

The member for Narre Warren South need only open the book and read page 1. She should have read page 1 before she drafted her matter of public importance.

However, I wish to now move on to a document that came across my desk the other day. It is called *Victorian Labor — Jobs and Investment Plan*. I thought, ‘What an interesting document!’, and I read it. First of all there is a foreword signed by the Leader of the Opposition and the member for Lyndhurst — Two Million Dollar Tim. Two million dollars a day for 30 years. He signed the foreword, which is really interesting. It states:

Our economy faces great challenges — uncertain global conditions and a high dollar are making it even harder for Victoria to secure new jobs and to protect existing jobs.

Then the Leader of the Opposition and the member for Lyndhurst go on to say:

No state government can control the world in which we live.

It is interesting that the Leader of the Opposition and the member for Lyndhurst seem to twig that there are some significant challenges facing the Victorian economy and believe that no state government can control the world in which we live; however, the member for Narre Warren South appears to have a different perspective on global economics.

**Mr Eren** interjected.

**Ms ASHER** — I am advised to keep reading, and I shall. On page 4, the Labor Party goes on to say:

The precarious global financial situation, the high Australian dollar, and the strength of the resources sector in Queensland and Western Australia are all factors that present obstacles for Victoria’s economic growth.

There seems to be an understanding on the part of the Leader of the Opposition and the member for Lyndhurst that Victoria is not some isolated little state and that we actually operate in a global economy. On page 5 the document goes on to make the valid point that:

Whilst many of the challenges faced by the Victorian economy are not the fault of the state government, governments must always be working to protect and create jobs and generate new investment.

That is precisely what I have outlined the budget has done. It is precisely what I have outlined the budget is attempting to do. Even on a matter like the investment

support program, again I would refer the member to the budget documents themselves: that is what the budget is striving to do.

I then read this document further. I thought, ‘What would Labor’s policy be? It was in government for 11 years. It has been in opposition for 18 months’. I see on page 7 that Labor has called on everybody else, saying:

We would like to hear your feedback ...

Here we have a seven-page document. This is the Labor Party’s jobs and investment plan. It basically says, ‘Victoria has a range of challenges that it is facing. Victoria is a small state, and it cannot influence the global economy. And by the way, could you tell us what we should do about it?’. That is the Labor Party’s jobs plan. What a ripper of a plan! As I said, it has had 11 years in government and 18 months in opposition, and this is what it comes up with: seven pages of ‘We do not know what do. It is far too difficult. Please help us develop our policy’. That is the quality of opposition we have at the moment. That is the quality of the matter of public importance from the member for Narre Warren South, and it is unbelievably audacious.

**Ms KNIGHT** (Ballarat West) — I am pleased to have the opportunity to speak on this matter of public importance on behalf of my constituents of Ballarat West and on behalf of all regional Victorians, because I do not believe there is much joy for us in this budget. I will talk about the unemployment rate and about jobs because I believe that one of the most important things governments can do is to ensure that we have the right conditions for jobs and that people do have jobs. I have felt an increasing frustration over the past 12 months because I have spent a lot of my time talking about election commitments that should have been fulfilled. I feel like I have wasted about 12 months, and while I have been talking about that I have seen jobs leaving the regions in large numbers.

Talking about last year’s news when we have been haemorrhaging jobs and realising that there is certainly no tourniquet in this budget is really disappointing and frightening, especially considering that Victoria has the highest unemployment rate of any mainland state. In fact only Tasmania has a higher unemployment rate. Rather than supporting jobs growth in Ballarat, the Baillieu government is winding back jobs growth. We can see that in some of the budget announcements. One example is the scrapping of the first home bonus. That not only hurts young families starting out who are wanting to buy their first home — they will not get that incentive to do that — but it also affects construction

jobs. What it will mean for a typical couple or a single person in Ballarat wanting to build their first home in August, for example, is that they will be thousands of dollars — up to about \$18 000 — worse off. This could mean the difference between building and not building. This could be the difference between construction jobs and unemployment. This could be the difference between starting a family or waiting. But the biggest difference I see is the clear difference between Labor values and Baillieu values.

The budget announces that a further 600 public servants will be sacked across Victoria, bringing the grand total to 4200 people. That is 4200 families that will have one fewer member working to help pay the bills, pay the school fees and buy the groceries. That will really hit Ballarat hard; in fact it will have a disproportionate impact on Ballarat. We have a number of departmental regional offices in my town, and that is why it will hit us harder than perhaps some metropolitan centres. These public service job losses are not occurring in isolation; they are happening on top of the jobs that have already been lost. I will quote some figures that show that as at February 2012, 7728 fewer people are working in the Central Highlands region than in December 2010. That includes losses over the last 12 months of 80 jobs at Telstra's Wendouree call centre, 21 redundancies at SEM Fire and Rescue and 38 redundancies at Mars. Just this morning I received an email regarding a further 44 redundancies at CMI's Footscray and Ballarat sites, and that is in addition to the redundancies that occurred last week across Ballarat and Horsham.

When the Treasurer stood up and made his address last year he did not mention jobs once. I think I know why. I think it was because this government does not even factor jobs into its thinking. It has not even factored them into its planning. Unlike the government, we believe it is a government's role to ensure that people have secure jobs and that jobs are created, but there was certainly no planning for that in Ballarat in the budget.

We all know about the economic value of AFL games. I believe the Deputy Premier spoke about that in question time in the last sitting week. He talked about the economic value of bringing AFL games to regional centres, yet there is no money in the budget for the redevelopment of Eureka Stadium as a sports and entertainment precinct. Over 20 community groups, the *Courier*, the Committee for Ballarat and the wider general community of Ballarat all understand the value of this project, not only in terms of sport and entertainment in Ballarat but also in terms of the jobs that would be attracted to that project. But not this government — this government does not see that at all.

Another way to alleviate the housing crisis and generate jobs in the construction industry would be to build more public housing in Ballarat. There is no new money for that at all. Hundreds of jobs will potentially be lost in the tourism industry, with the budget forecasting a massive drop in numbers of domestic and international travellers to Victoria. That will really hit Ballarat hard, particularly the small businesses that rely on those tourists in order to earn a living and employ staff. Some 55 000 jobs were promised every year. How many will actually be delivered? The government's own estimates show that in the current financial year employment growth is zero. By this government's own estimates, in the next financial year employment growth will be 0.25 per cent, a very clear betrayal of trust to regional Victorians. Jobs are just not on the agenda for this government, and the Premier does not seem to care. There seems to be no passion about this whatsoever. Not only does the Premier seem to be in a coma about this, he seems quite content to put the Victorian economy in a coma as well.

I also want to talk about families in the context of this budget and how important it is that families have access to employment. There are some very vulnerable members of our community who for various reasons are unable to access employment at some point in their lives. It is incumbent on the government to assist those people wherever it can. Let us look at what this government has done for the most vulnerable families. The School Start bonus is gone, scrapped from 2013. This bonus, which was means tested, was made available to the most vulnerable members of our community. It is gone. They get nothing — not a cent of the money that was used to pay for school shoes, uniforms and books. The education maintenance allowance, an allowance given to the most vulnerable families, has been slashed. The loss of the conveyance allowance will really hit regional Victorians who have to send their kids to school over greater distances. Fewer of those families will be receiving the allowance.

Regarding concessions, pensioners will get a 2 per cent increase, which does not even keep up with the forecast rate of inflation of 2.75 per cent. All this is on top of an increase in the cost of living, despite pre-election promises that this would not occur. The cost of water has gone up by 3.1 per cent in the 2011–12 financial year and will go up by 3.1 per cent in the 2012–13 financial year, electricity will go up, public transport will go up and car registration fees will go up.

What does the government do when more and more people are turning to not-for-profit agencies for support? It announces zero indexation on non-wage costs for these organisations, which will hit those

community agencies that support the most vulnerable in our community. School support programs such as speech therapists and social workers will be slashed — gone. So much for supporting vulnerable families.

Budgets are not just a collection of numbers, figures and formulas; they tell stories about values, commitments, the experience of governments and how they relate to the people they purport to represent. I was one of those vulnerable people, and I accessed those supports. Not so long ago I accessed bond assistance and received hampers from the St Vincent de Paul Society and assistance from other not-for-profit agencies. But I took responsibility for myself, I accepted the challenges in front of me, I did not blame anybody for my budgetary position and I worked very hard. I would like to see the government talking to some of those vulnerable families, because there are some valuable lessons it could learn about accepting challenges, taking responsibility for its own budgets and not casting around for anybody it can blame while attacking vulnerable families and showing a lack of commitment to developing, sustaining and creating jobs in this state.

**Dr SYKES (Benalla)** — I rise to participate in this debate. I commence by commending the member for Brighton for her informed and comprehensive presentation of the argument. Like the member for Brighton, I am amazed at the audacity of members of the Labor opposition who have criticised the coalition government about job creation when the position that Victoria finds itself in is to a large extent a consequence of Labor's inability to manage money in its 11 years of government. In contrast, the coalition government is creating a favourable environment for jobs whilst exercising fiscal responsibility. That is exemplified by the budget that was tabled yesterday by the Treasurer — a budget for tough times that lays a sound foundation upon which to rebuild Victoria's economy as we go forward.

Building on what the member for Brighton said, let us take a quick look at the commentary on Labor's fiscal management skills. An editorial in the *Age* of 27 February says:

The Baillieu government is wrestling with some hugely costly issues inherited from its predecessors.

I should say the *Age* is not noted for singing the praises of the coalition, but it called it straight there.

I turn to another quote from the *Age*, from a different commentator this time, the Leader of the Opposition, who talked about the last Cain Labor government and said:

There are mixed views on the economic performance of John Cain's administration, but his credentials as a reformer are unchallenged.

That highlights Labor's continuing state of denial.

I turn to an article from the *Age* of 28 April in which Bank of America Merrill Lynch economist Saul Eslake is reported as arguing:

... that the government is correct to stick to its pre-election promise by attempting to balance the books. Past efforts by states to spend their way out of trouble have failed, with disastrous consequences.

'The Cain government ... even though the Hawke government, its federal colleagues, were committed to eliminating their budget deficits and returning to surplus ... sought to run its own fiscal stimulus', Eslake says. '[That] ended up nearly bankrupting the state and the stimulus didn't work all that well because the stimulus leaked into other states'.

These quotes from the *Age* highlight the fact that Labor cannot manage money and that it remains in a state of denial.

Let us move on to the current situation. The *Age* article of 28 April also says:

Ted Baillieu and Treasurer Kim Wells ... have sailed straight into a perfect storm. The rivers of cash from the commonwealth and the property market that kept the Brumby and Bracks governments in business have dwindled to a trickle. The world is being buffeted by uncertainty linked to the European debt crisis. Victoria's manufacturing sector is caught in a cyclical and structural squeeze precipitated by the high dollar.

It is fairly obvious. The member for Brighton has outlined the facts from various reports that she has accessed. The *Age* has highlighted the same situation. Even the Labor Party, in its own assessment, has been brought kicking and screaming to the realisation that there are some difficulties, many of them of its own making.

That said, we are about creating a favourable environment for job creation by the private sector. In regional Victoria we have the Regional Growth Fund, which is very much about facilitating job creation. That is already working: \$957 million worth of projects are up and running, which has resulted in the creation of 1312 new jobs, including 105 new jobs at Hazeldene's chicken processing plant at Lockwood, 90 new jobs at Olam Australia in Mildura, 140 new jobs at Gippsland Aero, 40 jobs at RPC Technologies in Geelong — and the list goes on.

The message is: we are delivering.

**Mr Shaw** — That sounds like jobs.

**Dr SYKES** — Yes, it is jobs. I could continue, but I want to move on and note more media commentary today from the *Weekly Times*. Again this is a newspaper that in recent times has not been noted for its favourable commentary about the coalition government. Its coverage of the budget is headlined ‘Spared the “tough love”’, and journalist Kate Dowler starts her commentary by saying:

Regional Victoria is among the major beneficiaries of what insiders have described as a ‘tough love’ state budget.

If we look at the agriculture budget released by the Treasurer yesterday, we see that the amount of money going to agriculture this year is \$213.6 million. When you compare like with like and look at the former Labor government’s Future Farming strategy, you see its contribution towards agriculture was only \$138.6 million. There is a substantial increase in the money going to agriculture, but more importantly this is an ongoing commitment, not a short-term approach of saying, ‘Put some money in and hope for the best’. This is an ongoing commitment that provides certainty for people involved in agriculture, and that is particularly critical given the cyclical, long-term nature of agricultural production and of agricultural and related research.

The minister is also proud of the effectiveness of the fox and wild dog bounty, which is injecting \$4 million into regional Victoria. Already over 40 000 fox scalps have been presented and over 200 dog scalps. If we look at the broader context — —

**An honourable member** interjected.

**Dr SYKES** — There are a few mongrels that might get their scalp done soon too if they are not careful, but I am not going anywhere, because I did not say anything wrong there.

The Regional Growth Fund is an ongoing project. Just a week or two ago Damian Drum, the Parliamentary Secretary for Regional Development, visited north-eastern Victoria, sat down with representatives of local government and worked through their projects to ensure that we have a coordinated approach to providing an environment that is favourable for job creation in northern country Victoria. We also had the rural expo just last week, which was an outstanding success. I understand that over 20 000 people visited the expo and that many of those people were genuinely interested in coming to look for jobs in regional Victoria and also in spending time holidaying there.

Locally we have an Advancing Country Towns project up and running in Benalla. Our key theme there is to

provide greater educational opportunities for our young people, starting with the bubs but also focusing on year 8 and year 9 students, who are often at risk of disconnecting. That project will also involve helping people be job ready. Recently the Minister responsible for the Aviation Industry visited the area, highlighting that there is \$20 million available for regional aviation for the upgrading of airports, which again creates opportunities by putting in place infrastructure that ensures a favourable environment for job creation. We also have a very strong commitment to game hunting, because we recognise that the hunting of game, particularly deer and ducks, brings a great amount of income to regional Victoria. We also believe that people who hunt game play a key role in the management of our habitat.

If we reflect on the former government’s contribution to job creation, we need to look no further than the desalination plant. It has been raised many times before, and it will be raised many times again, but just look at it — Victorians have a commitment to pay nearly \$2 million a day for the next 30 years. A bit of simple arithmetic shows that that adds up to about \$12 million a week. According to my arithmetic, that would be the equivalent of about 10 000 jobs. If the incompetent Labor government had not blown that money on that white elephant, there would be money available for 10 000 to 12 000 jobs. What a disgraceful performance by the former government.

It is clear that the people of Victoria have elected the coalition government to come in to fix up the mess left by the outgoing Labor Party, and we are on the job. We have a Treasurer who has delivered a tough but fair budget which will set a firm foundation for Victoria to regrow its economy, which will deliver opportunities for jobs and which will look after families, young people and the vulnerable. The coalition government is fixing the mess.

**Ms EDWARDS** (Bendigo West) — It is always a pleasure to follow the member for Benalla. It is fitting that the weather today is overcast, rainy and miserable, because that is exactly how Victorian families woke up feeling this morning after yesterday’s state budget and after hearing the Treasurer’s speech. It was underwhelming, poorly delivered and uninspiring. On top of last year’s budget, which did not mention jobs at all, we should be grateful that in this year’s budget the Treasurer mentioned jobs at least once. However, the government’s budget has delivered no comfort for regional Victorians, with no promise of future growth and no promise of future investment — in fact the government itself predicts a fall in infrastructure investment over the coming years — and no jobs plan.

Last year the government was warned that Victoria was heading for low growth that would inevitably cost Victorians their jobs and would impact negatively on our state's finances. What did the Premier and his band of merry men and a couple of women do? They did absolutely nothing. They sat back and enjoyed the trimmings of office and boasted and basked in the glory of their election win. Now they face the reality check — doing nothing is sending Victoria backwards under Mr Baillieu. There is no investment in regional Victorian infrastructure, still no jobs plan, no plan to grow the state and no real plan to help business. A 3 per cent WorkCover premium reduction as a sweetener for business looks insignificant in comparison to Labor's WorkCover premium reductions while it was in office: 10 per cent in 2004–05, 10 per cent in 2005–06, 10 per cent in 2006–07, 10 per cent in 2007–08, 5 per cent in 2008–09 and 3.5 per cent in 2010–11.

Even at the height of the global financial crisis Labor delivered budget surpluses and kept the unemployment rate low. After just 18 months in government the Premier and his offsidiers have sent the Victorian economy into a tailspin. Business confidence is at an all-time low, manufacturing is in the doldrums and the public service is being targeted for the biggest attack on it since the dark days of the Kennett government. Regional Victorians have long memories, and they have not forgotten those dark years of the 1990s when regional Victoria was ignored and treated disdainfully and when morale was at its lowest point ever.

The unemployment rate in Victoria is at an all-time high, second only to Tasmania's. The Treasurer promised when he came to office to deliver 55 000 jobs every year over the first four years. Instead, because of the government's inaction, we have seen the loss of 41 000 jobs since the Treasurer's first budget last year.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I am sorry to interrupt the member, but if the member for Lara and the minister at the table, the Minister for Environment and Climate Change, wish to have a conversation, I ask them to leave the house. They are making it difficult for me to hear the member who is on her feet.

**Ms EDWARDS** — And we have an unemployment rate of 5.8 per cent — much higher than the national average. Despite calls from the business sector, from the manufacturing sector and from not-for-profit organisations, Victoria still has no jobs plan and no jobs growth, with a prediction of zero employment growth this financial year and just 0.25 per cent in 2012–13.

The Premier has said he will attract overseas investment, but we are yet to see any sign of interest in Victoria from anywhere. Instead jobs are being lost, taxes and charges are going higher, services to families are being slashed and Victoria will have to wait a long time before it sees any vital infrastructure projects. The Liberal-Nationals coalition has done what it always does best when in government: it has attacked families and workers to the benefit of the high end of town — a philosophy that is anathema to Labor, which will always put families and workers first.

The cuts announced in yesterday's budget to the School Start bonus, the slashing of the education maintenance allowance, the slashing of specialist school support officers in public schools — such as speech therapists, counsellors and social workers — as well as the cutting of the first home bonus, will directly impact on the low-income families who need this support most. This government has its priorities badly skewed when it attacks the most vulnerable in our community just to reach a budget surplus — a budget surplus that looks very shaky indeed and will only get to a billion dollars because of the massive 15 per cent hike in fines and charges that Victorians will have to pay.

It also clear that regional and rural Victoria is heading backwards under a government that continues to spruik its \$1 billion Regional Growth Fund, which is actually only half of that amount, with no evidence of how it is being spent on regional infrastructure. Yesterday's announcement that the government will cut a \$205 million program that delivers farmers vital support shows that members of this government, particularly the Nationals, are not genuine about caring for farmers and cannot stand up for farmers when it comes to what is in and what is out of the budget, because the budget is based on their Liberal masters' preferences. The Future Farming strategy, introduced by Labor to boost farming services and drive growth and innovation in agriculture, has helped farmers respond to new challenges for many years. Cutting this program is a huge let-down of farmers by this government

While rural and regional Victoria bears the brunt of the jobs crisis, this government cuts vital business, welfare and health support for rural and regional families. Lack of investment in a skilled workforce has long been recognised as something all governments must address for the future of our economy. In clear contradiction to this well-recognised analysis of the need for skilled workers, the government has instead slashed \$100 million from the very sector that provides skills training — the biggest ever cut to TAFEs in Victoria's history. The massive cuts to the TAFE sector

announced in yesterday's budget will put Victoria well behind the eight ball in the future when it comes to having a skilled workforce. This is bad news for TAFE students and for teachers. It is also bad news for the many Victorians who have found themselves without a job and who may have been able to retrain or reskill. There is no evidence that this government is investing in jobs or productivity, and now there is clear evidence that it is not interested in investing in skills for our young people who need to get a job.

After \$50 million in cuts to the Victorian certificate of applied learning and \$40 million in cuts to TAFEs last year, this cut of \$100 million in the TAFE sector this year is a shock to the skills and training sector. Bendigo TAFE announced in the paper today that there will be cuts to courses and job losses as a result of this massive budget cut. Many young people will have no future because of the government's short-sighted attack on this sector. Then there is the budget cut announced yesterday to the very successful Skills for Growth program that provided 45 000 small and medium businesses with help for education and training. Where is the common sense in these cuts? Where is the plan for the future? Surely the most rational way forward when there is a jobs crisis is for a government to invest in people's skills, to support business and to prepare for when the economy improves.

Cutting the first home bonus will have a detrimental impact on young families and young people who have been hoping to build or buy a new home. The regional growth in real estate has been helped enormously by this grant, but now we will see more young people saving for longer and more families despairing that they will ever realise the dream of owning their own home. We will also see a construction industry that had been boosted by this investment go into decline, with job losses in the industry to follow. House prices will rise, and fewer people will be building new homes in the regions. How members of this government can hold their heads up this morning and look people in the eye defies belief.

Another 600 public service workers are facing the axe, taking the tally to 4200. It is getting to the point where Victorians cannot believe a word this Premier or this government says. The spin they have put on this budget is astounding. The government is constantly playing the blame game and still, after 18 months, doing nothing proactive to help with a jobs crisis in Victoria that is predicted to get much worse. Just last week I was saddened to hear of the loss of another 32 jobs in regional Victoria at Victoria Carpets in Castlemaine.

These are signs of the economic times, the government members said, while at the same time doing nothing. Even after this wake-up call there is still nothing to help the manufacturing sector in Victoria. There have been 352 jobs lost across the Bendigo region in less than one year. How many more jobs will have to be lost before this government starts to do something to put in place a jobs plan that will give business and manufacturing some confidence that it is serious about governing this state? Poor leadership and a slash-and-burn budget show that this government is more interested in filling the coffers in anticipation of the 2014 election than in supporting families who are in need of help and in need of it now.

**Mr WAKELING** (Ferntree Gully) — It is interesting to follow the previous member and the sustained attack we have just had to put up with. The drivel that has been coming from those opposite is unbelievable. I just love the fact that those opposite have the gall to lecture a coalition government on how to run an economy. Incompetence when it comes to running an economy is in Labor Party DNA. Let us look not only at the former state government — I will come to it in a moment — but at Labor governments around Australia.

**An honourable member** — They are not doing a great job.

**Mr WAKELING** — That is exactly right; they are not doing a great job at all. Let us look at what happened in the New South Wales debacle. Let us look at Queensland. The way the Queensland Labor Party operated was so appalling that all members of the present caucus of the Queensland Labor Party can drive together in a Ford Territory to the Queensland state Parliament. And do not get me started on Canberra. If you want to see incompetence and ineptitude, you only need to look at Kevin Rudd, Julia Gillard and their merry band of men and women; you only need to look at the projects they have mismanaged: pink batts, the carbon tax — a litany of projects that just highlight the ineptitude of Labor. It is in its DNA.

Do not take it from me; do not take it from this side of politics. Let us look at the Victorian Ombudsman, who has produced many a report and conducted many an investigation into the way in which those opposite manage their affairs. The problem is that although some of those on the other side mean well, they just do not know how to run a business. They do not have the experience. They have never actually had the responsibility of employing people, they have never had the responsibility of managing a budget and they

have never had the responsibility of spending within their means.

The Victorian Ombudsman made that very clear when he conducted one of his investigations, an own-motion investigation into ICT-enabled projects that was handed down in November of last year. In just that one investigation into ICT projects the Ombudsman demonstrated that those opposite, when charged with the responsibility of running this state, wasted in excess of \$4 billion of Victorian taxpayers money. Imagine what we could have done with \$4 billion. We are talking about just ICT; we are not talking about other projects — we are not talking about the blow-outs at the desalination plant that mean \$2 million a day will be wasted every day for 27 years, thanks to the incompetence of those opposite.

Let us just look at the ICT projects. There has been \$4 billion wasted in blow-outs as a consequence of the mismanagement of those opposite. I will just go through some of those projects in the time allocated to me. I only have 6 minutes left, and we are certainly going to need a lot more than 6 minutes to get through even part of the crisis and the stench that was highlighted in this report. The initially approved budget for the client relationship information system for service providers, commonly known as CRISSP, was \$22 million. I am sure when that budget was prepared it was scrutinised to the last dollar, and when they looked at the programs the department, the minister responsible and the cabinet sat around the table and wanted to make sure that Victorian taxpayers were going to get value for their dollar! One can only hope. Twenty-two million dollars — —

**Ms Pike** — It was the same head of Treasury you have got.

**Mr WAKELING** — I am more than happy to take up the interjection from the member for Melbourne. She sat at the table at the time.

*Honourable members interjecting.*

**Mr WAKELING** — I will not take up interjections; they are disorderly. I know the member for Melbourne and others like her who were sitting around that cabinet table scrutinised these projects to the last dollar! I know she can stand in this place, hand on heart, and say, 'I did my bit for this state in making sure we had efficient decisions!'

*Honourable members interjecting.*

**Mr WAKELING** — This is a revelation: the cost blew out. Did it blow out by 50 per cent? No. Did it

blow out by 100 per cent? Did it blow out by 150 per cent? No, no, no. That would not be good enough for the Labor Party. It was a 218 per cent cost blow-out. Who was doing the scrutinising around the cabinet table? Who was doing the heavy lifting? Who was doing the thinking? Who was doing the hard work? We just know it was not the member for Melbourne or her band of merry men and women doing the hard work. There was a 218 per cent blow-out, and that is just one example of an inefficient government in charge of the state of Victoria.

One of the members opposite earlier raised an issue with regard to the health IT system, HealthSMART. The original HealthSMART budget was \$323 million. I am sure the then minister — now the Leader of the Opposition, who stands up in this house talking about scrutiny — scrutinised that project to the last cent. I am sure he wanted to make sure that the \$323 million was expended as it was expected to be, given the fact that he was looking after \$323 million of Victorian taxpayers dollars. But no. Guess what? There was a blow-out. This is the gentleman who wants to be Premier of this state. He wants to run the state. But let us look at his record. What happened? Did the final project cost go from \$323 million to blow out by \$10 million? Did it blow out by a lazy \$100 million? No, not under the Leader of the Opposition, the man who wants to run this state; the final cost was \$566 million.

This is from a gentleman who stands in this house and says, 'I want to scrutinise government. I am the leader of the alternative government. I stand in this house on behalf of all Victorians saying I know how to run this state more efficiently'. I only look at the example that has been made clear not as a consequence of the work of this government, not as a consequence of the work of the minister and not as a consequence of the work of our cabinet but as a consequence of an investigation by the Victorian Ombudsman. The Victorian Ombudsman has said there was a blow-out from \$323 million to \$566 million.

Where else can we go? Let us look at the poker machine licence auction. We all remember the former member for Mitcham, the former Minister for Gaming, Mr Robinson, who used to sit down in the corner there. When he was questioned by the then coalition opposition about the way in which he was managing the poker machine licence system he stood up in this house and said, 'Trust me. All is well. All is under control. Everything is in train'. What did we lose on that auction? What is a lazy \$3.12 billion between friends?

It does not really matter, because it was not the money of the former government. It was the money of Victorians. The former government could fritter away \$3.12 billion of Victorian taxpayers dollars, because as I said from the start, it is in the DNA of Labor members to do such things. They just do not get it. They do not know what it is like to run a business. They do not know what it is like to have to employ people. They do not know what it is like to have to operate an organisation and live within your means. You can only spend what you earn. That is what you have to do at home when you have a budget, and that is what you have to do when you are running a business, but unfortunately those opposite do not understand that that is also what you have to do when you are running a country or a state.

**Mr BROOKS** (Bundoora) — It is quite telling that the previous speaker, the member for Ferntree Gully, on a motion that deals with jobs in Victoria right now and the budget that the government has put before the house, spent his whole contribution talking about everything but the current government, its performance in producing jobs or the current budget. The member wanted to speak about Queensland, other states, the federal government and other people he could blame, but he did not want to talk about or defend the Baillieu government.

It is pretty clear that members on the back bench on the other side of the house do not feel too inclined to stick up for the Treasurer, the Premier or others on the front bench. I would say that some of those people sitting in the middle row over there are looking at the people on the front bench and thinking, 'Those guys are not going to last too much longer. If I set myself up, I might be able to knife one of those people and take their job'.

**Mr R. Smith** interjected.

**Mr BROOKS** — The Minister for Environment and Climate Change just looked over then. He might be laughing on the outside, but I think on the inside he is a little bit worried.

The Victorian people are asking how it is that we could go from having a AAA-rated economy under the former government and go from being the jobs engine room of the country — despite the fact that we are not a resource-rich state and that we saw through the global financial crisis much better than people expected — to this jobs crisis we have now in Victoria. How could it be? I can understand why Victorians are asking that question.

In moving around the state and my own electorate I talk to a range of people, not just the people you would expect to be Labor voters but even businesspeople, who are saying, 'What is this government doing?'. They all know that the government has been doing nothing, and that has jolted this government, which is slowly trying to give the impression that it is doing something, but I think the people of Victoria are already awake to it. I very much support the proposal that has been put before the house that we note the concerns of the Victorian people. The matter of public importance sets out that the unemployment rate here in Victoria is the worst of all the Australian states except for Tasmania. We should be ashamed of that, and the Baillieu government should be very ashamed of that.

This government has done nothing to secure jobs in Victoria. I put to the house that, based on a mixture of politics and incompetence, this government made a deliberate decision in its early stages to put the brakes on the economy. What that has meant is that the government has shut the infrastructure pipeline and put the shutters up to business. I wish I had a dollar for every time a businessperson or a stakeholder group has said to me, 'We can't get in to talk to this government to get our message across'. The government has sacked public sector workers. When there is a jobs crisis, what does this government do? It sacks people. It is unbelievable.

I also want to talk about the cuts from the education and skills sectors. Such cuts are counterproductive if you want to secure jobs in Victoria in the long term. A few months ago, when it realised it had a problem with jobs, the Liberal-Nationals coalition fell back on that old gem of, 'We have got to increase productivity'. We know that is Liberal-Nationals code for pushing down the conditions and pay of ordinary Victorian workers. We have seen that. The coalition has tried to run things up the flagpole around building and construction unions and run the whole union bogeyman argument that it often does, but what the coalition has not done when it has talked about productivity — and we saw the minister in the other house fail to explain what productivity was — is it has not invested in education and skills. The coalition does not have a vision in that area. It has done the opposite. It has actually cut funding from the education and skills sectors.

I turn to the Victorian certificate of applied learning (VCAL) program. This is a revolutionary program — I think it is about 10 years old — which has given an alternative pathway to kids who are not going to go through the Victorian certificate of education program. In my role as parliamentary secretary to the Shadow Minister for Education I get to visit a lot of specialist

schools — schools that educate disabled kids. These are fantastic places.

**Mr Weller** interjected.

**Mr BROOKS** — I am the shadow parliamentary secretary — at the moment. These schools do a fantastic job. The coordinators of VCAL programs in schools in rural and regional areas have a very important job to do in placing kids with disabilities in the right courses and making sure they get good work experience and the right placements, and then hopefully at the end of that they will get good jobs. Those coordinators line all of those things up. They do all of that sort of work. It is particularly difficult in rural and regional areas where those sorts of employment or work placement opportunities are more limited than in the city, but they are still as important as they are in the city; I make that point. For the government to cut that coordination funding has been a cruel blow to disabled students, particularly in the bush but certainly here in Melbourne as well.

It is also counterproductive to talk about productivity. If members of the government want to talk about productivity, they should remember that lifting the standards of these kids, giving them something to aim for and getting them out in the workforce is better, as the Principals Association of Specialist Schools has said, than them ending up in day programs which cost taxpayers money. It is far better for these kids to have a great sense of purpose, get a job and contribute to society and the economy in that particular way.

The Minister for Education and the Premier have told the Parliament that there will be no cuts to VCAL programs. These weasel words mean nothing. Government members should go out and talk to the people who run these programs in their schools, and they will get a very different message. In fact the budget papers that were released yesterday show that this government expects a 3 per cent drop in students who complete the VCAL program. That is a 3 per cent drop that has been indicated in the government's own budget papers.

On top of that we have \$100 million of cuts to TAFE institutes. We should be investing in our TAFE institutes and targeting our TAFE programs to skill up our young people so they get a foot in the door to get a good job. Instead this government has decided to rip \$100 million out of our TAFE institutes. Up in my part of the world in northern Melbourne, the Northern Melbourne Institute of TAFE could lose around \$20 million. Will kids be able to afford the increased

costs of programs? Will the schools be able to run as many programs? Will they have to sack people?

This is not just happening in Melbourne. On ABC radio this morning we heard the head of GippsTAFE say that the school was expecting to lose \$4 million. I wonder how the backbenchers on the other side of the house are going to explain those sorts of cuts and reductions to the people in their communities, such as, for example, the people in the Gippsland community.

The pathway through the education and skills system begins in the early childhood stages. There is a widely accepted agreement at the commonwealth and state levels that the best results for preschool children are achieved if four-year-old children receive 15 hours per week of preschool education. No-one disputes that point. The research and evidence points to that, and both sides of politics have signed up to that. What that means is that Victorian kindergartens need capital works and investment so they can expand their schools and so they do not have to cut other programs, like their kinder programs for three-year-old children, to be able to continue to run their programs for four-year-old children.

In the last budget this government slashed capital works funding for early childhood education providers down to \$15 million, which funds very little indeed, and in this year's budget there is no mention of capital funding at all for providers of early childhood education. The Minister for Children and Early Childhood Development snuck out to my electorate to visit MacLeod Preschool last week, I think it was, to announce \$50 million of funding for that school. Of course she did not invite any of the media along or let anyone know about that visit, because the kindergarten she visited has completed an upgrade recently using funds provided by the previous Labor government and the \$50 million she was talking about was all federal money coming through the state government. It is no wonder she was running and hiding from that. We have seen no vision, no direction and no funding from the government in that area either.

In relation to the school system, in this budget funding is being cut from the education maintenance allowance, which provides struggling families with some assistance with the basics of getting kids to school. The education maintenance allowance is paid to the most vulnerable families right across the state. The money is paid in two portions, with 50 per cent paid to the school and 50 per cent to the parents — and the 50 per cent that goes to the school is going to be cut. This is funding to make sure that kids from poorer families are able to access all the programs, including important

programs, that the other kids at that school access. This is a shameful cut from this government. Of all the programs it could look at if it wanted to prune back funding, this is one it should never have gone anywhere near. It scrapped the School Start bonus, and we know about the cuts to Reading Recovery program experts.

I think a message was sent in debate yesterday when someone raised a point about skills training and people's futures and a government member said people could milk cows. I think that is symbolic of the approach of this government to education, skills and training. It does not have a vision. Its view is that if we prune back the budget and let things run, the market will take care of jobs growth.

Members on this side of the house believe education is not only vital to people's sense of self-worth, growth and development, and that providing it is the right thing to do for those reasons, but also that investing in education at all levels lifts the whole society, that it lifts Victoria as a whole. That is why when this government makes cuts to education and skills training which have a negative impact on productivity we will be here to highlight those cuts and to make the point that the cuts are counterproductive to jobs growth in the long run. We want our children, all of them, to have bright futures as highly skilled individuals. We do not want their futures to be determined by where they live or any particular difficulties they might have.

**Mrs BAUER** (Carrum) — When I read the opposition MPI (matter of public importance) today criticising the government for a lack of job creation I must admit I had to read it a second time, thinking there was a mistake. How could the member for Narre Warren South criticise the Baillieu government for making no investment in jobs? It is quite ironic, and I believe she had not actually read the budget before this MPI was written. At the outset I would like to commend the Premier, the Treasurer and the cabinet for delivering a responsible budget that ensures that we will continue to fix the problems left behind by Labor and continue to build the future for Victorians.

Labor's criticism today of the budget should have been preceded by an apology from Labor for 11 years of incompetence, waste and mismanagement. Before we came to government over \$4 billion was wasted. This has been confirmed by the independent watchdogs, the Auditor-General and the Ombudsman. Major projects were late and overbudget. Let us take a moment to imagine Victoria without the waste, the incompetence and the overruns. Money could have been spent on hospitals, on schools, on police, on education and on child protection workers. It seems hard to imagine

Victoria without the burden the former government left behind. When you imagine it, it is almost like a fairytale.

**Mr Eren** interjected.

**Mrs BAUER** — I imagine Victorians would think it would be like a fairytale, but instead they have been left with a nightmare by the former government. When we pick up on that point — that I would love the former government to apologise to the people of Victoria — just one example is the \$2 million a day we are having to pay for the desalination plant. Imagine how many extra front-line teachers, police and child protection workers we could have. I think the figure is over 10 000. We could afford to employ so many more front-line service people. I think an apology from the opposition would be a very good place to start.

In our first Liberal budget — before I get onto this wonderful one — even with the billion-dollar black hole left by the former government we delivered \$100 million for ageing railway lines, \$242 million for repairing roads, \$602 million for 1700 front-line police and 940 protective services officers, money for 100 new maths and science teachers, and \$240 million for Catholic and independent schools. And guess what this is doing? This is creating jobs for Victoria. It was a responsible first budget. We made the tough decisions that had to be made. It was a sustainable budget in the long term, and despite the enormous challenges we are also maintaining our AAA rating.

Being in government is a privilege, not a right, and it is a role that we as members take very seriously. This government inherited many bad projects and serious problems that needed to be fixed, and the more we looked and the deeper we dug, the more problems we found. But we have got a plan to ensure that our state remains a leading state, and it is clear that we have already made significant improvements across all areas of government.

Victorians will benefit from this budget. We have a focus on health care, transport improvements and school upgrades. We are securing Victoria's future, ensuring economic activity and creating jobs. We have a clear plan that focuses on rebuilding the state's finances, investing in infrastructure through a record state spend and also growing the manufacturing industry. We are preparing people for jobs by investing in skills and education. I have spoken to many businesses in my electorate about the challenging economic environment, with the strong Australian dollar, the volatile global economy and increasing competition.

Recently I was fortunate to represent the government at the Family Business Australia Hall of Fame awards, which recognise the contribution that family businesses make to the Victorian economy. Of the 140 attendees, 3 Victorian businesses were recognised and inducted into the Victorian Hall of Fame. These three businesses — Haymes Paint, Dysons Bus Services and Wittner Shoes — are third and fourth-generation family businesses employing well over 1000 employees between them.

Despite the tough times, businesses have been telling me they are optimistic about the future of business in Victoria under the Premier's leadership. They see our government as pro-business and as creating the right environment to encourage investment, cut unnecessary regulation and promote exports. An example of this is that just yesterday there was a 3 per cent reduction in WorkCover premiums. We are supporting businesses, which will then employ more people — and there you go, you have more jobs. While we are speaking of jobs, I note that over 10 000 jobs were generated in Victoria in the last month. This is at a time when businesses and industries are under extreme pressures. Do not get me started on the carbon tax!

I would like to speak from a local perspective about the budget delivered yesterday. In this budget were some announcements of local measures that will be fantastic and have already been well received by the Carrum electorate, the City of Kingston and the City of Frankston. Investments announced for my electorate included major transport infrastructure projects that will have a direct effect on the Kingston and Frankston communities. These will directly and indirectly deliver thousands of jobs to the south-east. I would like to highlight a few of them.

Kingston community and surrounds will receive a significant boost, with \$155.7 million provided to build the Dingley bypass, which will connect South Road in Moorabbin to the South Gippsland Highway in Dandenong South. For over a decade the former government promised to build this bypass; it deceived my local community because it never delivered it. It is estimated that this example alone will result directly in 184 jobs and indirectly in 1104 jobs. That is just one project.

We have heard about grade separations, and I refer especially to Springvale Road. I acknowledge that this is out of my electorate, but it is a continuation of Edithvale Road, which a lot of people use on a daily basis. This will result directly in 1508 jobs, and it is estimated it will indirectly result in over 9048 jobs. The building of schools in my electorate will also create

jobs. The commitments of \$875 000 each for the refurbishment of Seaford Primary School and Seaford North Primary School and \$15.8 million for planning and development for the Monash Children's hospital will all create jobs. It is not rocket science; we are investing, and we are creating jobs — local jobs. It has taken our government just two years to fund these projects, which had been left abandoned, neglected and forgotten by the Bracks and Brumby governments for more than a decade.

The \$35.9 million redevelopment of the Frankston Hospital, funded in our last budget, delivered over 100 full-time jobs for local people. I was delighted to see that in this budget the minister has included another investment in the hospital in the emergency department that will create 108 local jobs. If you add up all the jobs I have just referred to, you see that we have thousands of jobs, including those coming from several projects in this budget affecting my electorate alone.

The Baillieu government is committed to ensuring that we continue to fix the problems left behind by Labor and to build for the future of Victoria. If the former Labor government had wasted less in government, Kingston residents, Frankston residents and all Victorians would have more infrastructure and services today. The state budget brought down yesterday delivers for the people of Victoria. It will be welcomed by Kingston and Frankston residents, and every Labor criticism we are hearing today about the budget should be preceded with an apology to Victorians from Labor for 11 years of waste and mismanagement.

**Mr EREN (Lara)** — I wish to congratulate the member for Narre Warren South on the matter of public importance she has brought before the house today, which is:

That this house:

- (1) notes that only Tasmania has a higher unemployment rate than Victoria; and
- (2) notes that the Baillieu government has done nothing to secure and create jobs for Victorian families in the 2012–13 budget.

Just to put this into context, I would like to read out some of the statistics of the job losses since the election of the Baillieu government: in Gippsland, there have been 14 300 job losses; in the Central Highlands-Wimmera region, 10 500; inner eastern Melbourne, 12 900; outer eastern Melbourne, 10 100; south-eastern Melbourne, 4800; inner Melbourne, 2100; outer western Melbourne, 4000; Mornington Peninsula, 3700; north-eastern Melbourne, 600 — the list goes on and on.

The lack of planning on the part of this government in not having a jobs plan is costing Victorians a lot. It is sad to see that Victoria is suffering through one of the worst periods in terms of unemployment rates. Going back to 2010 and just prior to it, we were the engine room for jobs. Even though we are not a mining state, without question we were leading on the jobs front: 60 to 65 per cent of the jobs created nationally were being created in Victoria. That is because our government had a plan. Unfortunately this government does not have a plan, and at the moment we find ourselves in a predicament where after 18 months of this government we have the highest unemployment rate on the Australian mainland. We come second nationally to Tasmania. It is a crying shame.

I have previously referred to this next matter, and I will now do so again — it relates not to our words but to the words of the Organisation for Economic Cooperation and Development about the time of our government. I am sure those opposite would understand how important, well recognised and well respected the OECD is. I am referring to its words back in 2007–08 — and let us remind ourselves once again about the global financial crisis, how devastating it was and how it still cripples many nations across the world, including those of Europe. In 2007–08 the OECD said Victoria had one of the strongest and most resilient economies in the world. That is not us saying something about ourselves; it represents other, reputable organisations across the world acknowledging the good work the Victorian government did back then.

We acknowledge that we lost the election; there is no question about that. However, the government needs to understand that it now needs to do the work required of it and to have a jobs plan. This is what those opposite do not have at the moment.

We are very proud of our record of making sure that we kept the budget in the black during the time that we were in government. We made sure that we had a AAA credit rating at all times during the time that we were in government. We handed over to this government a budget that was AAA credit rated and that was in surplus.

*Honourable members interjecting.*

**Mr EREN** — That was what the Premier said in a radio interview. He acknowledged that the economy was in good shape when he took over. Now the government has doubled the debt. The forecast is that in the next few years the debt will double. There is nothing for infrastructure or for the work that is

generated through spending on infrastructure. We did that quite well, in conjunction with the federal government. I want to mention the Building the Education Revolution program, which was a partnership between the federal and state governments to build facilities across this state not only to ensure that students have the best environment to learn in but also to create those vitally important construction jobs. That is what this government is not doing. It has stopped expenditure on infrastructure at a time when jobs depend very much on it.

I want to talk about some aspects of yesterday's budget. It shows clearly that government members have turned their backs on the Victorian community, particularly in relation to the creation of jobs. Not only have they done that but, adding insult to injury, this government has decided to sack 4200 people from the public sector. That is a kick in the guts for Victorians that comes on top of the inadequacy of this incapable government. It cannot even develop a jobs plan not only to protect the jobs we have currently but to create more jobs.

The Premier claimed that he would create jobs once he got into government. He promised that he would create some 55 000 extra jobs each year. Leading up to the election he promised Victorians that he would create 55 000 jobs annually. That was the spin that members of this government put before all Victorians prior to the election. The Premier said that the employment growth rate would be 1.75 per cent, and he promised he would create 55 000 jobs each year over the next four years.

How embarrassing it must be for all of you on that side! You must be embarrassed by those comments. Leading up to the election the Premier said he would create 55 000 jobs annually, and what have we got today? We have job losses coming out of your ears — and that is a problem that all of you have. You need to obviously do what you — —

**The DEPUTY SPEAKER** — Order! The member should address his comments through the Chair.

**Mr EREN** — Through you, Deputy Speaker, that is a problem that you all have.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Lara knows the terminology.

**Mr EREN** — The point I am trying to make is that people cannot say one thing leading into an election and then do the totally opposite thing. At the end of the day we are talking about people's livelihoods. Government members must acknowledge that. They need to do the

best they can in the current circumstances. The government must find a way to stop the job losses occurring.

For most of her speech earlier the Minister for Innovation, Services and Small Business spoke about the discussion paper put out by Labor. She was actually knocking the fact that we are consulting members of the wider community by asking them to tell us what they are going through. That is what developing policy is: it is about listening to members of the community and then formulating policy on not only the information that members are privy to but also the information that we are given by the community. The minister for small business had the gall to stand there and try to ridicule the opposition's document, which is about coming up with ideas for defending and creating jobs. I hope the minister read that document well and learnt from it, and I hope she looks forward to hearing about the information we get back when that consultation process on our discussion paper is over. That is what it is about. Even in opposition we try to defend jobs and make sure we harness our ability to protect Victorians from external pressures — as we did when we were in government.

That is what this government is not doing, and that is what we are trying to highlight through this matter of public importance. We are trying to wake government members up. Unfortunately they do not want to be woken. They are still gloating about the budget that they announced yesterday. What they fail to understand is that in the real world out there people are actually suffering. I do not have time to talk about Geelong, I do not have time to talk about Alcoa, I do not have time to talk about Shell, I do not have time to talk about Ford and I do not have time to talk about the port and the impact on the port of Geelong if Alcoa and Shell were to go. What are members opposite doing about it? Nothing.

In relation to the aviation industry, at least the Queensland government is sticking up for its state. At least Queensland has the ear of Qantas. This government does not have the ear of Qantas. It should do what the Queensland government is doing. It is not doing that. It is an outrage. The government should call Qantas today, right now, and save those jobs instead of them going to Brisbane. Why can Queensland do that but we cannot do it? The answer is that we have a government that does not care!

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

**Mr SOUTHWICK** (Caulfield) — I want to start by saying at the outset that this is a disgraceful matter of public importance (MPI). It is an absolute dud. I think members would all agree that the member for Narre Warren South has been left hanging out to dry and deliver a dud MPI. None of the members of the opposition frontbench has even bothered to turn up; they have left it to the members of the backbench to make contributions in this debate. This MPI is such a dud because the opposition did not take the time to look at what the budget contained before it put forward the MPI, without any thought for its consequences. If anything demonstrates just how lazy members of this opposition are, it is this MPI.

I want to point out something. Standing order 39(3) provides that an MPI must be lodged by 4.00 p.m. on the day before it is to be discussed. All members were handed the budget papers at the same time, at 3.10 p.m. The Treasurer then began to read the budget speech and concluded it at 3.50 p.m. There was not enough time for any opposition members to get together and talk about the budget and to consider putting forward an MPI that notes that in the budget 'the Baillieu government has done nothing to secure and create jobs for Victorian families'. There was not enough time to collude and do that. There was only enough time for opposition members to say to the member for Narre Warren South, 'You draft some weak, lousy MPI. You go in and take the heat, and you deliver it. You deliver it because we don't believe what will be in it'. The truth is that members opposite do not believe what is in it because they have done nothing. They have done nothing in 18 months, and they did nothing in 11 years. Each and every one of them should hang their head in shame. It is an absolutely disgraceful MPI.

If members opposite did their homework, they would understand that this budget delivers a surplus of \$155 million. It delivers \$58 million to manufacturing to ensure individual firm productivity and investment in innovation and technology. The government is looking at international engagement to ensure that Victoria's export markets are supported. It will increase the capacity of the port of Melbourne, which will increase container movement. The budget provides for new projects worth \$2.7 billion.

Manufacturing is highlighted right through the budget as being integral to the Victorian economy. As members all know, manufacturing is the single largest full-time employer. We as a government are proud that we will ensure that that continues. In the budget the government has also announced \$13.7 million over four years for specialist manufacturing services to work with medium size firms to achieve world-class services,

including certification, efficiency and supply reliability. There is \$24.8 million over four years to provide incentives for firms to invest in leap-ahead technologies to make their businesses more competitive. There is \$7.5 million over four years to support business-to-business networks to assist transfer of knowledge, information and technology. There is a further \$9 million for building innovative small manufacturers including more specialist workshops and improved access to government information and programs, and there is \$3 million over four years to deliver support and information to employees in transition. There is a cut to WorkCover premiums of 3 per cent, which will ease pressure on business and encourage growth.

There is so much good news in this budget. I will go on. There is also a further investment of \$1 billion in the skills sector. This is a great budget. There are infrastructure projects which are being commenced under this government, yet the opposition has the gall to say there is nothing about jobs in this budget. It says there is no talk of jobs, no talk of anything that will stimulate the economy and no talk about getting things moving — nothing at all. This debate is just a weak attempt to have a cheap political shot and say, ‘Yeah, no problems; there is nothing in it’.

The opposition has a strong similarity with its federal counterpart. The member for Narre Warren South in particular shows a strong similarity to federal minister Bill Shorten, because when Bill Shorten was asked for his opinion he said that whatever Julia said will be right. The member for Narre Warren South has pretty much said, ‘Well, whatever the budget says, we don’t agree with it. There are no jobs. We are not going to look at it. We are not going to read it or take any time to do the hard yards. We are just going to continue to be lousy Labor opposition members and just criticise’. These are the Labor opposition members we have come to know. They talk down the economy, business and jobs, and they talk down Victoria. They have no plan; they had no plan for 11 years, and they have no plan now. All they have got is a plan for a further review, the kind of review that they were very good at doing in government.

**Mr Tilley** interjected.

**Mr SOUTHWICK** — You are right. I hear some very wise words from the member for Benambra, who says they do have a couple of plans — plans for another public holiday, plans for sunglasses for all schoolchildren and plans for a further review of the tomato sauce used in Parliament House. These are very important policies, but the opposition has no real plan.

It is ironic that we are talking about jobs, because the hard and fast truth of it is that Labor has a great reputation for waste and mismanagement; in fact \$4 billion was wasted by the previous government. We do not need to rely on our own figures; we can rely on the figures of the Auditor-General, because he has looked at the figures. He has looked at the projects of the previous government and has said that taxpayers could have been saved a whole heap of money — billions of dollars — the expenditure of which was directly attributable to the waste and mismanagement of the former government.

We have heard about things like the desalination plant and myki. There is such a list — there is \$350 million on myki and \$3 billion lost on the poker machine licence auction. That money could have been spent on good, solid jobs; instead it has just been wasted — ‘See you later. We don’t care because it’s not our money and not our responsibility’. If you took that \$4 billion, how many jobs could it buy? Instead of carping and whingeing, the opposition should learn some basic economics: how to manage money, how to be responsible and how to deliver good and sensible policy.

The fact of the matter is that every project the opposition committed to when in government blew out. Every policy it touched failed. There were all these fantastic ideas, but none of them reached fruition. There was no proper management. It was like the old jousting sticks in the film *The Castle*. ‘Haven’t I got a deal for you, a great deal for you? What are they worth?’. A dud, an absolute dud, that is what it is. Victorians were all sold a dud, and we are left to fix the problems. That is what this budget delivers — good, sensible management and good, sensible, fiscal responsibility, something the opposition should learn about. It is an absolute disgrace that no-one on the opposition front bench has the guts to stand up here and deliver this matter of public importance. They do not believe in it themselves; they do not believe in any of this. They are just riding the wind.

They do not even believe in their own jobs, because if they did, they would remove all the deadwood on the front bench — they are not here now, but they should be removed — to give some of the new performers a chance, because they could do a damn sight better job than the frontbench members of the opposition are doing. They are an absolute dud. They should be held accountable for their 11 years of waste and mismanagement.

The member for Melbourne just walked in, and I am reminded of the dud she delivered for education. The

money the schools had been asking for was not delivered under Labor even though it had 11 years in which to do it. Now she is walking out. Members of the Labor Party ought to be disgraced; they all ought to hang their heads in shame and apologise to Victorian taxpayers. They have a lot to account for, and we will be standing here each and every time to make people aware of the mismanagement and failures of the previous government.

**Mr DONNELLAN** (Narre Warren North) — It is an honour today to talk on the opposition's matter of public importance. It is pretty disappointing to see that the member for Caulfield thinks that people losing their jobs is something to be proud of. There would be very few governments in this country that could sit there and be proud of watching 900 jobs disappear out of their state every week.

It is an absolute disgrace that we have seen no forecasts for employment growth in the last budget; we are seeing unemployment rise to 5.75 per cent. We have a Premier who will be known in the future as Captain Zero. There is no employment growth. He will have his mate Treasurer All is Well. I can picture them sitting in their wetsuits wearing their budgie-smugglers on the outside. Captain Zero is delivering nothing for the Victorian economy.

We have a group of people who are abandoning the education field. These people are pointing their fingers and — kapow, bang, gone — every week 900 jobs are going from this economy. These people will not spend and will not deliver in relation to demand in this economy. We have a group of people who are mugging the economy and taking it backwards. Then they sit there and suggest that somehow or another they have something to be proud of.

This group of people in the government is made up of conservatives who believe there is no role for the government to do anything in the marketplace. We do not have to worry about this government crowding out the marketplace, because the government is not even in the marketplace. The government is abandoning the field and sitting down hoping that somehow or another the economy and the private sector will do the job for it. The private sector often does the job for it, but in this instance the private sector is looking to the government to assist with these endeavours during difficult times.

We have a Premier and Treasurer who continue to hide; they never appear in the media. They say it is never their fault; it is the fault of a carbon tax or something like that. They have said the fault can be found on the south-west coast. I was on the south-west coast the

other week looking at roads. They blamed the carbon tax to explain why they could not build roads on the south-west coast; then they blamed wind farms. Then there was a bizarre explanation from a minister who blamed volcanic rock when explaining why roads were not being built. This government is delivering very little.

Captain Zero has made a bang, and the School Start bonus and the EMA (education maintenance allowance) are gone. This will dramatically affect the budgets of parents in my area. Many people at many schools receive the EMA. Last year there was a means test, and that was fair enough. I am quite happy to see means testing being used to deal with middle-class welfare. But most of my constituents who had received the EMA are not middle-class or well off. This will dramatically affect their budget.

Why are government members so manic about mugging the economy? Why are they dragging back growth? Why has there been zero growth in relation to the delivery of employment in the last 12 months? There are very few governments in this country which would sit down and be proud of delivering absolutely nothing.

The tradesmen in my area will have less work. I think there is \$4.5 million for roads in the budget which, to be blunt, is bugger all and diddly-squat. In the city of Casey we received \$40 million every year for roads under Labor. The amount of \$4.5 million will deliver nothing in terms of a stimulus to my local area.

But what concerns me above all else is that this government has struggled to deliver a budget surplus. The Premier and Treasurer are the one-trick pony specialists. Captain Zero and his mate All is Well have struggled to deliver a \$155 million surplus, but revenue is up to \$55 billion and GST revenue is up by 6.3 per cent. We can all remember the crocodile tears and the carrying on of government members before the budget was released. They were carrying on like a pack of pork chops, to be blunt, when they said, 'The world is going to fall apart, and it's going to be very difficult'. But somehow or another debt is skyrocketing to \$73 billion. Unfortunately the one-trick pony has simply said, 'We will cut debt'. If that is looked at as a KPI (key performance indicator), you can see the government has certainly not cut debt; it will increase to \$73 billion in 2013. That is not meeting the KPI put up by Captain Zero and his mate All is Well.

It is pretty hard to explain to the Victorian public what is in this budget for them. The fine for swearing has gone up, which will obviously affect someone like

myself who swears a little bit. Speeding fines are going up by 15 per cent. There are a fair few people in my electorate who are a little bit naughty sometimes. A 15 per cent increase in speeding fines will affect their budgets. That is a bit disappointing. They might swear and they might speed, so there will be a 15 per cent increase for them.

The EMA and the School Smart bonus have gone. There is literally bugger all and diddly-squat funding for roads in the local area. You would be very hard pressed to explain what this government is doing to assist families in my local community. In many ways the polls tell the story. The public is not impressed.

Captain Zero and Treasurer All is Well disappear all the time. They say, 'It's never our fault; it's the federal government's fault'. The GST revenue shows that it is not the federal government's fault, because there has been a 6.3 per cent increase in GST revenue. You cannot complain about that. I do not know how much they expected it to increase by. It cannot be the federal government's fault. The Premier and the Treasurer hide the whole time. Parts of the budget were dropped before the budget was released by the Treasurer, then no-one could find him. All is Well disappeared. I guess he is wearing a wetsuit like the Premier; he might be wearing his budgie-smugglers on the outside. But you cannot find him. They have disappeared, which is quite disturbing.

At the end of the day these people will not stand by the KPIs they have proposed. They will not even stand by the things they have dropped, which is absolutely bizarre. The Victorian public has been saying, 'We didn't vote you in for your good looks'. We know that. The public voted the government in to do something. Unfortunately not much is happening.

**An honourable member** interjected.

**Mr DONNELLAN** — They voted me in for my good looks, but maybe they did not vote members on the other side of the chamber in for their looks!

**Mr Delahunty** — We are fixing your mess.

**Mr DONNELLAN** — The Minister for Sport and Recreation, who is at the table said they are fixing the messes. However, the key performance indicators I have in front of me include reducing the debt, but that is going up and employment growth is zero. It is quite bizarre that the KPIs are not being met, the ministers are disappearing — and it is never their fault. It is quite disturbing that they say it is never their fault, that it is always someone else's fault. That might work for a little while, but it is not sustainable in the long run.

Sooner or later you have to take responsibility if you are in government.

I turn to the subject of roads. I note that the Minister for Roads has put out marvellous press releases about how much money he is spending. He has said, 'At Bayswater, we are spending \$12 million'. That is incorrect — the government has allocated only \$1.4 million. He has said, 'We have allocated \$49 million for Narre Warren-Cranbourne Road', when only \$4.5 million has been allocated. Then there is the Dingley bypass, which seems to be blowing out in terms of costs under this government. That did not happen under our government. There is a great myth that somehow or other all this money is being spent, yet only \$107 million was allocated for metropolitan roads in this budget. That is pretty ordinary.

**Mr WELLER (Rodney)** — It is with pleasure that I rise today to speak on the matter of public importance proposed by the member for Narre Warren South. Might I say that when members of the opposition talk about the budget, they appear to have short memories. I will just run through some examples of the mess that this government inherited. We inherited a desalination plant that costs this state \$1.82 million every day. It is also disappointing that I did not get a new school in my electorate. Consider this: for the cost of running the desalination plant for just 11 days, I could have had a new school in my electorate combining the Echuca Specialist School and the Echuca South and Echuca West primary schools. For the cost of running the desalination plant for just 11 days, I could have had that school in my electorate. That is the disappointing thing — —

**The ACTING SPEAKER (Mr Languiller)** — Order! I apologise to the member for Rodney, but the time for debating the matter of public importance has expired.

## STATEMENTS ON REPORTS

### Public Accounts and Estimates Committee: 2009–10 and 2010–11 financial and performance outcomes

**Mr ANGUS (Forest Hill)** — I am pleased to rise this morning to speak in relation to the Public Accounts and Estimates Committee's (PAEC) report on the 2009–10 and 2010–11 financial and performance outcomes. I note from the outset that this is a very weighty tome of some 351 pages. An enormous amount of work has gone into this very comprehensive committee report, and I commend it to members of this

place. I also thank the committee staff for the extensive amount of work they have done to pull this report together.

This PAEC inquiry examined the achievements of the public sector in 2009–10 and 2010–11, along with how those achievements were reported. The committee was particularly interested in how the actual achievements compared to what had been planned at the start of each year. Essentially this report completes the circle that begins with the preceding year's budget papers and ends with the annual reports. It looks at the analysis of that full circle in the transaction process. That is a good thing for a number of reasons, not the least of which is accountability and transparency for the government. The report is also very informative for members and for anybody who cares to take a look at it. This is the second report produced by the committee in relation to this subject. The first report was tabled in February 2012. That report examined the annual reports of departments and selected agencies. This report goes further and focuses on what was delivered and achieved by those departments in this period.

The report examines the government's performance in six areas: first, overall financial performance; second, how the income and expenditure of departments compared to budget estimates; third, what outputs were delivered; fourth, how departments' performance compared to the targets in their performance measures; fifth, how asset investment projects have progressed compared to timeliness and cost targets; and sixth, what outcomes were achieved. The report also includes a chapter looking at the performance of the Victorian Auditor-General's Office in 2010–11; that is obviously a very important aspect of this report.

As a result of this inquiry the committee has been provided with an overview of government performance in 2009–10 and 2010–11. As a result of that overview, the committee has been able to make 65 recommendations that are extremely wide ranging and comprehensive. The recommendations can be found both in summary at the start of the report and also in detail within the various chapters. The chairman of PAEC made an interesting comment in the foreword to this report:

Assessing the achievements and performance of government departments and agencies in a meaningful way which can be readily understood by members of Parliament and the community is the implicit key performance task of the committee.

I think that is a very good summary of one of the key roles of the committee.

As the chairman goes on to state, PAEC looks at:

... outcomes and where they relate to measures of actual impact on the community which can be regarded as the achievement judged against the objectives and commitment of resources ...

In other words, PAEC is looking at bang for the buck, so to speak; analysis has been undertaken in relation to money that was previously expended.

In terms of the structure of the report, there are a whole range of chapters. Chapter 3 deals with components relating to both the preceding 56th Parliament as well as the current 57th Parliament. Chapter 4 deals with departmental income expenses. Chapter 5 deals with the general government sector output delivery, and on it goes. Chapter 8 deals with the Victorian Auditor-General's Office.

One matter I would like to briefly note relates to one of the findings on page 22 of the report, which states:

One-off grants from the commonwealth for asset investment are included in revenue but the use of these funds is not included in expenditure.

It goes on to state:

If these ... were not included in revenue, however, the result of trading would have been a deficit of \$950.7 million.

I commend the bill — —

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

### **Law Reform Committee: access by donor-conceived people to information about donors**

**Mr NOONAN** (Williamstown) — I rise to make a number of comments in relation to the Law Reform Committee's inquiry into access by donor-conceived people to information about donors and the inquiry's report, which was tabled in March 2012. I do not often speak about committee reports, but I felt compelled to place on record my support for the recommendations and findings on this particular report.

This is a wonderfully researched and balanced report that deals with some very sensitive and longstanding issues. It is also a near-perfect example of just how valuable our system of parliamentary committees can be in helping to shape social policy. It is apparent from the chair's foreword that the committee's views shifted significantly during the course of this inquiry, and that shift was based on the evidence received from donor-conceived people, donors, parents, medical and

counselling professionals, departmental representatives and academics. I commend the committee members for being prepared to conduct their inquiry with compassion, goodwill and fair-mindedness.

What we quickly learn from the report is that donor-conceived people born in Victoria have different rights in relation to accessing information about their donors and that these rights are tied to an arbitrary date based on their year of conception. At present persons conceived from gametes donated before 1 July 1988 have no right to access information about their donors. Those conceived from gametes donated between 1 July 1988 to 1 January 1998 are entitled under law to receive non-identifying information about their donors and identifying information with their donors consent, while those lucky enough to be born after 1 January 1998 are entitled to obtain non-identifying and identifying information about their donors. This system of differing rights has created a climate of secrecy and trauma for many donor-conceived people.

On the one hand I can understand that donors who made their donations prior to 1 January 1998 might reasonably expect to remain anonymous and have their privacy protected, but on the other hand I accept the principle articulated in the Assisted Reproductive Treatment Act 2008, which states that the welfare and interests of persons born or to be born as a result of treatment procedures are paramount. This is clearly an issue of justice for donor-conceived people, and I am pleased that the committee's first recommendation is:

That the Victorian government introduce legislation to allow all donor-conceived people to obtain identifying information about their donors.

I want to join with other members of Parliament on both sides of this chamber and offer my emphatic support for this recommendation.

To its credit, the committee organised a presentation during the last sitting week to discuss its report. In attendance were Lauren Burns, Narelle Grech, Kimberley Turner, Myf Cumberford, Ian Smith and Peter Lewis. Each offered their own personal story as either a donor-conceived person or a donor. I found the session to be enormously informative, and I want to congratulate those men and women who came forward to share their experiences. I particularly want to pay tribute to Narelle Grech, who spoke at the meeting and later wrote a letter to MPs. Like so many others, Narelle's desire to see change is based on both sadness and hope. Narelle has stage 4 bowel cancer, and her prognosis is not good. With no history of bowel cancer on her mother's side, it is fair to assume that there may

be a greater genetic risk on the paternal side of her family. As Narelle explained in her letter:

Had I access to my true birth origins when I was a teenager I may not be fighting for my life right now. Whilst I have a strong will to live and refuse to accept the doctor's prognosis, I also feel an enormous sense of responsibility to warn my paternal family and eight half-siblings (born via the same anonymous sperm donor between 1982 and 1985) of this life-threatening disease.

Unfortunately for Narelle she has no way of contacting them, which she describes as 'a horrible position to be in'. As a Parliament we owe it to people like Narelle to change the laws. In fact I think we would be neglectful of our duties if we did not. Let us not miss the opportunity to correct a wrong. I urge the Baillieu government to accept the committee's recommendations and introduce amending legislation at the earliest opportunity.

#### **Public Accounts and Estimates Committee: 2009–10 and 2010–11 financial and performance outcomes**

**Mr MORRIS** (Mornington) — I rise this afternoon to speak about the Public Accounts and Estimates Committee's *Report on the 2009–10 and 2010–11 Financial and Performance Outcomes*, PAEC's report no. 109. It covers the last 18 months of the Brumby government and the first 6 months of the present government. It covers a lot of ground — two years, two governments and certainly two very different approaches. While as committee members we agreed on much of what we discussed and the information we assessed, we did not agree on all issues. Perhaps our views were not as divergent as the views recently reported by another committee on the other side of the world, but certainly there were some differences in terms of matters of substance.

The minority report deals with some matters that those members felt should be included and presented with a differing view on some outcomes that were achieved. In terms of the outcomes that were thought to have been achieved — I guess you could say, 'They would say that, wouldn't they?' — there were clearly divergent views. As was very much evident in the debate on the matter of public importance that the house has just concluded, there is clearly a divergence of views across the house, and that was reflected in the committee's report. As to the minority view of the world — some might say Labor has learnt nothing, but I will not go that far — it is very clear that there are two entirely different views.

What I want to concentrate on in the time remaining to me today is the other matters that are reflected in the extract of the minutes, which is appended to the report. One of the challenges I want to address is just how far you go in terms of reporting. How far do you want to go in diverting resources within departments and statutory authorities to navel gazing and over-analysis of information in reporting to Parliament when you are taking the agencies away from doing the very things they exist to do? You are taking them away from providing services, building infrastructure and doing appropriate planning, and you are looking backward rather than forward. We need to be looking forward; we need to be looking at where we are going. Obviously it is important that there be an appropriate retrospective assessment of actions, but we need to be looking forward as well.

To refer to the minutes that are appended, there are some differences of opinion in terms of chapter 2 and the level of detail that should be incorporated in the report. I want to make the point that budgets are annual events; appropriations are annual events. They are brought down once a year. They are not brought down twice a year or quarterly. In many cases it is not appropriate to say that simply because you are halfway through the year you should be halfway through the task. In many cases things need to be done in one half of the year or the other or with differing weights on the way through. If that is the case and reporting and analysis are to be required on a very regular basis, then you are clearly diverting resources away from what you should be doing. Reporting to the Parliament is an important thing but is perhaps not a core responsibility of departments. It is accountability after the event. The third motion relates to the outcomes of the 56th Parliament. Once again we need to be looking at what is happening and looking forward rather than having this rear-view mirror view of events that was proposed by the minority.

Chapter 3 relates particularly to the issue of debt. I think that is probably one of the fundamental differences, and once again that was on display this morning during the debate on the matter of public importance. I would suggest that the majority understand that in government you have choices: you can borrow the money and burden future generations with debt or you can live within your means and provide infrastructure on that basis. The former government sought to justify its decision to mire the state in debt by trying to portray it as some sort of thing you have to do to provide infrastructure. Clearly that is not correct. Governments have choices, and there is a clear difference of view on those matters. The same

thing goes for the next motion on page 347 as well. I commend the report to members.

### **Law Reform Committee: access by donor-conceived people to information about donors**

**Ms CAMPBELL** (Pascoe Vale) — I rise to speak on the Law Reform Committee's report on its inquiry into access by donor-conceived people to information about donors. I spoke about this matter in the last sitting week, and along with many other members of Parliament I had the opportunity to listen to a number of people who had provided evidence to that inquiry. I thank the committee and its staff for the work they have done and the briefing that was provided. It is a useful example of how parliamentary committees can go the next step. For example, the Scrutiny of Acts and Regulations Committee, on which I serve, could well have briefed members of Parliament to highlight many of the issues that were raised during its review of the Victorian Charter of Human Rights and Responsibilities.

Turning back to this report, I place on the record my utmost admiration for the people from TangledWebs. It is an organisation that I first came across when I attended a Victorian Law Reform Commission hearing into assisted reproduction. I must admit I went along to the hearing with a particular view about the importance of us all understanding our families, and after meeting with people from TangledWebs my view was further reinforced. Our genetic families are essential to who we are as people in terms of our emotional make-up. As Narelle Grech has pointed out, it is also critical when it comes to medical issues.

Members of Parliament have received, through their electorate offices, copies of a submission from TangledWebs, and I want to highlight in Parliament what the organisation has put to us in our electorates. The submission summarises the main recommendations of the Law Reform Committee's report — recommendations 1, 4, 13, 14, 18 and 23 — and responds to each of them. I highlight the critical first argument — that is, that the Assisted Reproductive Treatment Act 2008 has as its first guiding principle that the rights and interests of persons born and to be born from assisted reproductive treatment are paramount. It is therefore essential to remove discrimination against older donor-conceived Victorians and introduce equality with adoptees and donor-conceived people born after 1998. This was the argument that was put to the committee, in the briefing to members of Parliament and in correspondence. This was the response to recommendation 1.

In response to recommendation 4, TangledWebs says it does not believe that contact details are required:

... as all parties are able to negotiate as adults what level of contact is mutually desired. Contact vetoes introduced in adoption legislation in NSW and Qld are currently being phased out due to lack of use.

We need to learn from the experience of other parliaments so that we do not put donor-conceived Victorians through further unnecessary trauma. The organisation also states:

However if contact vetoes are introduced TangledWebs recommends the legislation includes mechanisms so that the requirement for contact vetoes be reviewed after five years and if a contact veto is withdrawn, the person who is no longer barred from contact should be informed of this change by the agency managing the donor registers.

I have to say the organisation is extremely generous in making that concession. I would be saying that what has happened in New South Wales and Queensland provides enough evidence that contact vetoes are not required.

TangledWebs strongly supports recommendation 13. I referred to recommendation 14 last sitting week. The organisation says in relation to recommendation 14:

The current situation where three separate agencies manage the donor registers (BDM) — —

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

### **Public Accounts and Estimates Committee: 2009–10 and 2010–11 financial and performance outcomes**

**Mr BULL** (Gippsland East) — I am pleased to rise to comment on the Public Accounts and Estimates Committee's report on the 2009–10 and 2010–11 financial and performance outcomes. I draw the attention of members to the section titled 'Protecting the environment for future generations' on page 244 of the report — the committee's 109th report to the Parliament — and I will make a few comments on it.

As the report implies, protecting the environment is a critical task for any government. I will mention some current initiatives in my electorate of Gippsland East that relate to protecting and gaining a better understanding of the environment for the benefit of future generations. The first of those is the \$10 million commitment to set up a Gippsland Lakes advisory group, which will result in a number of positive outcomes for these iconic waterways, which play a vital

role for a number of industries in the area — in particular the fishing and tourism industries.

Tourism is one of the backbones of a number of little coastal townships around the Gippsland Lakes — Metung, Lakes Entrance, Paynesville and Eagle Point, just to name a few. This has many spin-off benefits for other townships. You only had to be in the area over the Christmas or Easter periods to see a large number of watercraft and people on the water and know how important those industries are to the region. Largely because of the Gippsland Lakes, East Gippsland is a year-round holiday destination.

The advisory group will provide greater monitoring of the lakes system and take into consideration the impacts on the environment. This might include things like salinity levels, the impact on vegetation around the lakes system, and pest species and new species that are coming into the Gippsland Lakes as a result of environmental changes of some description.

This government has also made many other significant investments in relation to protecting the environment, including a significant investment in Landcare and Landcare facilitators, including for the Snowy River Landcare group based in Orbost, which undertakes a lot of great work in that area.

There have also been significant investments in relation to controlling pest species, including weeds and wild dogs, which are an ongoing concern throughout many parts of my electorate. The introduction of the wild dog bounty has been effective; it has resulted in a number of dogs being handed in. We also planned to introduce aerial baiting, but this did not have the support of the federal government that we would have liked. Aerial baiting is drastically needed. Unfortunately we have been delayed at a federal level, but we hope to get some breakthroughs pretty soon.

This government has also announced \$1.86 million for research into Victoria's threatened species. This project will collect a whole raft of new information on the state's rarest inhabitants and help strike the best possible balance between looking after the environment and looking after the timber industry, which is very important to our region. The research will be the largest program of threatened species surveys undertaken by the Department of Sustainability and Environment in more than a decade. This project will involve gathering up-to-date information on threatened furry little creatures that inhabit our public native forests in eastern Victoria. The smoky mouse, long-footed potoroo, Leadbeater's possum, powerful owl, sooty owl and masked owl will all be part of this project, which will

hopefully allow for the right balance between the conservation of the biodiversity of the region and the environment and the supply of timber and other commercial forest products.

It goes without saying that the timber industry is very important to a number of our rural and regional communities. Swifts Creek, Orbost and Cann River rely very heavily on this industry. It is an industry that is a major employer in these towns, and it is an industry that we came to the election saying that we would support. This is one of many steps we are taking to support this industry, which is very valuable to the economy of East Gippsland. It is also worth noting that more than 120 groups across the state will receive funding in the first round of the coalition's \$20 million Communities for Nature program. This government has made a significant investment in environmental projects right across the board because it recognises the importance of protecting the environment for future generations. I commend this report to the house.

**Public Accounts and Estimates Committee:  
budget estimates 2011–12 (part 1)**

**Mr PALLAS** (Tarnait) — I wish to refer to page 116 of the Public Accounts and Estimates Committee (PAEC) report on the 2011–12 budget estimates, part 1, which deals with the hearings relating to the Ports portfolio. Key matters raised at the budget estimates hearings involved both the feasibility of relocating car imports and exports to Geelong, at pages 8 to 9 of the transcript, and the development of the port of Hastings, including transport links, at pages 11 to 12 of the transcript. The people of Geelong have had every right to believe that the government had a clear plan to facilitate the development of the vehicle trade and its relocation to Geelong. The people of Geelong were told that the vehicle trade could generate up to 1000 jobs in the Geelong region and add \$200 million to the output of the economy. Indeed that was the evidence of the current minister before PAEC, found at page 4.

However, today the government has confirmed that this was a cruel hoax. As the opposition has been saying for many months now, simply producing a press release and indicating that you are undertaking a feasibility study does not create one job. Indeed, poorly handled it can create an enormous amount of concern and hurt in the community. The Geelong region has received a kick in the guts from the Baillieu government, which has broken its promise to deliver 1000 new jobs to the port of Geelong by transferring Victoria's car trade to the port and providing something like \$200 million to the local economy.

This is devastating news for this community, and it has been sneakily delivered under the noise of the state budget in the hope that Victorians will not notice that the Baillieu government has broken another promise. This is deceptive behaviour that is a consequence of a rush of policy blood to the head by the minister and has not been properly thought through. Today we know what everybody in this industry knew and what the opposition has been saying for many months: that the relocation will not be able to happen. The minister has finally confirmed in a media release that this is the case.

We knew that it was not going to happen. Nissan, Toyota, Holden and the Federal Chamber of Automotive Industries have all described it as ill founded and said that it could not proceed. It was effectively just a crackpot idea from a government that had not thought the issue through. In effect this has done nothing to assist Geelong with its genuine problems associated with port development or indeed long-term job creation.

On 3 February 2011 the Minister for Ports released a media release with the headline 'Coalition's massive job boost for the port of Geelong'. The media release went on to say that this was just a feasibility study. The opposition has been warning that this feasibility study would ultimately prove that it was not feasible. The work had already been done some time ago by the opposition while it was in government. It was quite clear that the plan could not proceed. But not only that, the government also put a 'Policy implemented' stamp on what was nothing more than a feasibility study, which has broken the hearts of the people of Geelong.

The government needs a jobs plan, not half-baked promises that effectively come to nothing. The government needs to start scrutinising its ideas before it creates public expectations. I will discuss this further in the context of the government's plans for the port of Hastings. The minister has said he believes Hastings should be developed as a container port within a much shorter time frame than the 20 years the previous government proposed. We need to start looking sensibly at our ports policy, and we need to look critically at Hastings as against other alternative options, because if the port of Hastings in fact proved to be the best investment, given the time lines that are now being proposed, it would constitute up to \$15 billion worth of investment. This is a substantial amount of money; in fact it would be the largest single infrastructure development in this state.

The government needs to get behind the idea of scrutinising this proposal against a Bay West proposal. Why? Because effectively the Victorian Freight and

Logistics Council, the Property Council of Australia and the general manager of the Toll Group all believe that decisions like this need to be thoroughly researched, and they are happy to support governments getting the right outcome. Even the federal minister has said you have to scrutinise the proposal for the port of Hastings against alternative capital investments. If that is not done, the same tawdry result that has occurred with the port of Geelong will occur.

## COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

### *Second reading*

#### **Debate resumed from 18 April; motion of Mr CLARK (Attorney-General).**

**Ms HENNESSY** (Altona) — I rise to put forward the Labor opposition's view on the Courts and Sentencing Legislation Amendment Bill 2012. I should say at the outset that it is not the intention of members of the opposition to oppose the bill before us. It is a reasonable bill insofar as there are a range of technical amendments to which we take no policy or specific objection. I make the observation, however, that there are a number of amendments contained in this bill that could and should have been addressed when the government moved its initial bills in respect of community correction order (CCO) reforms, and it strikes me as reasonably sloppy legislating that three months after those bills went through the house we should be back here fixing those problems.

I would also like to put forward the opposition's view that this is a government that seems to be obsessed with creating the perception that it is tough on crime when it does little to invest in addressing the reduction of crime and its causes. That perception is borne out by the fact that for eight years we had declining recidivism in this state, but yet again the government's budget papers indicate and confirm that it expects recidivism and reoffending to rise. That is relevant because for a government that said it was going to reduce crime, it has consistently refused to commit itself to any kind of target or accountability in terms of how it will reduce crime, and we note that reoffending will increase. In my view there can be no greater fraud on victims than for the government to pretend it will make Victoria safer when its own data fails to bear that out.

As I said, this bill makes a number of amendments to the Sentencing Amendment (Community Correction Reform) Act 2011 which we believe should have been made at the time that legislation went through. The bill

seeks to streamline the process for dealing with the contravention of orders, so that after a charge for the contravention of a community correction order is filed in the Magistrates Court and an arrest is executed, the case can be transferred to the original sentencing court unless the offender is before the Supreme Court or the County Court for another offence committed during the term of the community correction order. In these cases the contravention would be dealt with by that court at the same time. Again that seems like a fairly sensible reform; however, the question arises as to why these processes were not put in the original legislation.

The bill clarifies how bond money will be held and repaid under the community correction order bond condition. It amends the current process and will see money held in trust on behalf of the state rather than the courts. It clarifies that the state may hold the bond money for up to three months after the community correction order has expired to enable prosecuting agencies to determine if the offender has contravened the CCO. As I understand it, this is a measure that the courts have requested the government to undertake. The courts asked the government to take that action over three months ago, before the initial reforms were introduced, so it is a little frustrating that the Parliament's important time is being taken up with what is effectively a fix-up bill. This demonstrates that the government perhaps rushed through the initial CCO reforms. This is another example of a sloppy approach to legislating and an inability to get things right the first time.

The bill also makes a number of amendments to the Koori Court's jurisdiction. It clarifies that the Koori Court divisions of the Magistrates, County and Supreme courts are able to deal with a breach of a sentencing order made in any part of the criminal jurisdiction of a relevant court. It seeks to enable the widening of matters relating to an accused that may be heard together. Again members of the opposition are satisfied that the provision does not necessarily compromise fairness in the administration of justice and will perhaps lead to greater efficiency in the conduct of hearings.

The bill seeks to amend the Children's Court legislation to clarify how specified time periods are calculated in relation to bail, and similarly amends provisions in relation to processes for hearing cases for breach of a probation order, a youth supervision order or a youth attendance order. The bill also amends the Sentencing Act 1991 to clarify matters relating to hours of unpaid community work and whether they can be performed cumulatively or concurrently when there are several orders. It enshrines the principle that the Court of

Appeal is not treated as a sentencing court and that orders made in that court can be considered as orders made by a lower court, in order to enable lower courts to deal with breaches and variations. Most of those matters have been dealt with through regulation to date, and obviously those regulations will be revoked upon the commencement of the act this bill seeks to create.

The bill also seeks to insert, in relation to fine conversion orders, that an offender must not reoffend during the period of the order. It extends by two years the power to issue infringement notices under the Justice Legislation Amendment (Infringement Offences) Act 2011 for offences of shop theft of goods valued at up to \$600 and for wilful damage of property valued at less than \$500. The bill also amends the Children, Youth and Families Act 2005 to clarify how to calculate the period for which a child may be remanded in custody: there is to be a clear 21 days. It makes administrative changes so that it is no longer a requirement that the same member of the police force who executes a safe custody warrant must deliver the child to the location as per the warrant.

The bill also provides that only the principal registrar or registrars can exercise functions under the children and young persons infringement notice system. The effect of that amendment is that it no longer allows deputy registrars to exercise functions under that system. That may well be a sensible reform; however, no issues were addressed in the course of the Attorney-General's second-reading speech to explain why that is the case. It might sound like a reasonably perfunctory reform to some, and it is not a matter of such import that we will oppose the bill, but we ask that during the course of their contributions government members address the reason for the driving need for that reform.

I also note that the bill seeks to amend the Juries Act 2000 in line with requests from the juries commissioner. This includes enabling the court to empanel by name or number. It will also amend the process for excusing potential jurors so that they can be returned to the pool as a group rather than individually.

The bill seeks to amend the Judicial College of Victoria Act 2001 to enable the college to provide education to registrars and to enable registrars to participate in professional development. Let us remember that the Judicial College of Victoria was a Labor government reform. It was introduced by Labor to improve access to justice and to enhance the independence, professionalism and performance of the judiciary.

While I note that this bill provides for an ever-so-slight amendment to the way the judicial college performs its

task, the debate provides us with an opportunity to consider the government's delays in implementing some of the election promises that before the election it claimed would strengthen judicial independence.

On 23 November 2010 the now Attorney-General pledged to establish a new courts executive service that would be independent of departmental or political control. The Attorney-General claimed in a press release that that would provide for executive support for all Victorian courts and for VCAT (Victorian Civil and Administrative Tribunal). The government also promised that it would introduce a judicial appointments advisory panel based on the federal model to advise the Attorney-General on potential judicial appointments. It also promised it would establish a judicial complaints commission to investigate complaints about poor or inappropriate performances by judges, magistrates or VCAT officers.

It is very interesting that there has been no delivery. Those election promises have not been acquitted. The courts executive service is going nowhere fast, as the government and the courts seem to have very different ideas about what the model should look like. If the Independent Broad-based Anti-corruption Commission example is anything to go by, we are unlikely to see the judicial complaints commission in this term of government. I certainly looked at yesterday's budget to see what grand funding commitments and output measures were committed around the courts executive service and how the government would acquit itself regarding its election commitments in this regard. There was nothing, absolutely nothing, about the implementation of the courts executive service.

**Mr Delahunty** — Are you sure?

**Ms HENNESSY** — We looked very hard, I must assure the Minister for Sport and Recreation. This reeks of government members who, before they were elected, liked to beat their chests, particularly about the independence of the judiciary. A whole range of insinuations were made about particular judicial appointments, which led to the government's commitments around the establishment of a so-called independent body to advise the Attorney-General on such appointments. I have been a critic of the government in this chamber on its failure to make diverse judicial appointments — that is not to diminish the capability and capacity of those it has appointed — but finally, about two months ago, we saw the first woman appointed to the County or Supreme court in the time in office of this government. I certainly hope that the government does embrace diverse judicial

appointments. I hope it has the capacity and the capability to deliver on its election commitments.

The courts are straining under incredible demand. There was little by way of capital for the judicial system announced in yesterday's budget, apart from that announced for the Broadmeadows Children's Court. The delays in the court system have an incredibly devastating effect on things like the processes involving intervention orders in the family violence scheme — and the government has delivered absolutely nothing. Let us remember that family violence represents the greatest cohort of assaults against the person.

I am certainly aware of circumstances where intervention orders have lapsed because they have been transferred to another court miles away and the person who is the subject of that protection is unable to then go and argue for the extension of the order. Is it any wonder that our police feel frustrated about having to return to the same homes to try to intervene and keep families safe? There is an emerging crisis in our court system, and this government says it is going to take more than 600 people from the Department of Justice staff. It defies comprehension to suggest that that will not impact either upon the fairness and effectiveness of the administration of justice or upon those who are vulnerable and actually need assistance to access our judicial services.

On that point, I commend the bill to the house. However, I hope the government takes its commitment to the administration of justice seriously and finally starts investing in the protection of victims of family violence.

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

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Employment: government performance

**Mr HOLDING** (Lyndhurst) — My question is to the Treasurer. Last year the Treasurer told this house:

If you looked at employment and looked at the figure of 1.75 per cent, the growth in employment, you would realise that that equates to between 50 000 and 55 000 jobs being created every year over the forward estimates period under this budget. Don't be embarrassed!

I ask: can the Treasurer now report to the house on how the first year of this four-year plan has gone?

**Mr WELLS** (Treasurer) — We brought down a budget yesterday that was a tough budget but we believe a responsible budget. A lot of difficult decisions needed to be made in order to get us to that situation. We have to think back about what we have inherited. Over the past 10 years average expenditure growth was 7.3 per cent and revenue was only 6.9 per cent, so every single year the budget was going further and further into debt and deficit. The only reason that the budget papers did not show a deficit was that the budget relied on the commonwealth stimulus package. There was a structural deficit — there is no question about that — and the only reason — —

**Mr Holding** — On a point of order, Speaker, you are aware that answers to questions are required to be factual. The Treasurer has just informed the house that the budget was in deficit. They were the words that he used. The word he used was 'deficit'. The point of order that I would like to pursue is: is the Treasurer expecting us to believe that the budget he delivered yesterday was in fact in deficit, if his logic is to be accepted?

**The SPEAKER** — Order! I do not uphold the point of order. The member is debating the issue; it was not a point of order.

**Mr WELLS** — The fact remains that had it not been for the commonwealth stimulus package, the previous Labor government would have been running the state with a structural deficit. Not only did we have the 7.3 per cent average expenditure growth but we also had the cost blow-outs, and that is significant in the issues that we have had to deal with. So what have we done in regard to addressing the situation?

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition — enough!

**Mr WELLS** — We have been able to curtail expenditure over the forward estimates by 2.9 per cent, and we are looking at those large infrastructure projects that generate the jobs over the forward estimates.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition and the Deputy Leader of the Opposition are now warned.

**Mr WELLS** — It is about building that infrastructure. It is about the Webb Dock infrastructure. It is about eliminating those rail crossings. It is about building those road bypasses. It is about getting on with

the east–west link — a very important project. It will be interesting to find out where the opposition stands on the east–west link. It is about those sorts of projects, as well as the \$50 million in international engagement. It is about investment in manufacturing — the \$58 million in manufacturing.

Then there is the 3 per cent cut to WorkCover premiums. That will save Victorian businesses about \$60 million a year. There is a contrast: this government, with the budget it has brought down, is ensuring that we live within our means, something the Victorian people have not seen for more than 12 years. This was a responsible budget, and we believe that it is the right thing to set up Victoria for the future.

**Budget: commentary**

**Ms McLEISH** (Seymour) — My question is to the Premier. Can the Premier inform the house of the response of the ratings agencies and key stakeholders to the government’s budget?

**Mr BAILLIEU** (Premier) — The government was very proud to deliver the budget it delivered yesterday, because that budget has been delivered during very difficult times. In the face of shocks to the budget from the reduction in GST revenues and reduction in state-based revenues, we have delivered a surplus budget, we have delivered a budget that gets debt under control and we have retained the AAA rating, even in the most difficult circumstances, even in the face of those who would have us spend everything and raise nothing.

We have delivered a AAA rating. Yesterday Standard and Poor’s said that the AAA rating on the state of Victoria was ‘not immediately affected by the Victorian government’s announcement of its 2012–2013 budget’. The budget also includes a new fiscal strategy that targets operating surpluses and lower debt while providing for future infrastructure investment, providing the state remains committed to its medium-term fiscal strategy.

Moody’s also reaffirmed the AAA rating. It said:

The outlook on the state of Victoria’s AAA rating is stable and is unlikely to change with the release of its 2012–13 budget ...

...

Despite the impact of weaker revenue growth that has occurred more recently as state conveyancing duties and GST-backed commonwealth grants have slowed, the performance is expected to improve due to the state’s intention to restrain spending including implementing the recommendations of the ... independent review....

...

The state’s new long-term goal of lowering its debt burden over the next 10 years is a positive indication that efforts will be made to reverse this trend ...

It is a fact that the AAA rating is valuable to Victoria. Having a AAA rating means that we can — —

*Honourable members interjecting.*

**Mr BAILLIEU** — It’s important, isn’t it?

**The SPEAKER** — Order! The chatter and interjections in the chamber are getting out of control.

**Mr Helper** interjected.

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Ripon**

**The SPEAKER** — Order! I do not intend to tolerate it anymore today. The member for Ripon can leave the chamber for half an hour.

**Honourable member for Ripon withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Budget: commentary**

**Questions resumed.**

**Mr BAILLIEU** (Premier) — Without a AAA rating our annual interest bill would rise by a staggering \$220 million-plus by the end of the current forward estimates period. That is a simply unsustainable position. We have endured the shocks, we have been through a very tough budget and we believe this has delivered. Those who would do it otherwise would put this state’s financial basis at risk. We have seen that sort of commentary from the opposition. We have seen it from the opposition leader: ‘Spend everything and raise nothing’.

The Victorian Employers Chamber of Commerce and Industry gave a glowing endorsement of the budget:

Today’s ... budget has recognised the challenges confronting business with a number of initiatives designed to lower costs and improve competitiveness ...

...

At a time when business is under strain, the 3 per cent reduction in WorkCover premiums will benefit many Victorian employers.

Further, the Australian Retailers Association said it was positive to see that the government had retained its AAA rating without putting further pressure on consumers. I appreciate that there are some people in this place who are disappointed that Victoria retained its AAA rating. They are disappointed that we retained the AAA rating. Those people were given an opportunity today to say how they would do it and to indicate what they would do differently, and they came up with a big fat zero. They had nothing to say on the subject. This is an important step for Victoria, and the budget achieves that AAA rating.

### **Employment: government performance**

**Mr HOLDING** (Lyndhurst) — My question is to the Treasurer. Given that there are only two months to go before the close of this financial year, can the Treasurer guarantee that he will at least achieve his 0.00 per cent employment growth target for this year?

**Mr WELLS** (Treasurer) — As I said in answer to the previous question, this was a very difficult budget to bring down. These are the most difficult financial circumstances this state has seen for some time, and as I also said — —

*Honourable members interjecting.*

**Questions interrupted.**

## **SUSPENSION OF MEMBER**

### **Member for Pascoe Vale**

**The SPEAKER** — Order! The member for Pascoe Vale can leave the chamber for half an hour.

**Honourable member for Pascoe Vale withdrew from chamber.**

## **QUESTIONS WITHOUT NOTICE**

### **Employment: government performance**

**Questions resumed.**

**Mr WELLS** (Treasurer) — As I have said, during the global financial crisis the federal government put \$13.2 billion into the Victorian economy, whereas at this stage we are not seeing any stimulus or assistance from the federal government — apart from the cuts in

GST of course. The figures we put out show they come to \$6.1 billion, which makes it even more difficult to be able to frame the budget. As I have also said, if we had left the budget without policy change, we would have ended up with a \$4 billion deficit, and that deficit would have increased to \$10 billion by 2015–16.

**Mr Holding** — On a point of order, Speaker, the Treasurer has been asked two questions on the issue of employment. The point of order goes to the question of relevance. He is now repeating the first answer that he gave about the budget fundamentals. The question related to a target, a forecast in the budget around employment growth and whether or not the Treasurer was willing to guarantee that he would meet that very specific jobs forecast. I ask him to be relevant to the question and to give Victorians that guarantee.

**The SPEAKER** — Order! I believe the answer was relevant to the question that was asked.

**Mr WELLS** — Despite those difficult circumstances, we announced a record state-funded capital works program of \$5.8 billion, and that is significant because of the projects we are getting on with. As we mentioned, those will include Webb Dock, the road projects and the purchase of more rolling stock for our rail system. It is those sorts of jobs that are productivity enhancing. That is infrastructure which will contribute to ensuring that Victoria remains competitive and to the generating of more jobs.

**Mr Andrews** — On a point of order, Speaker — —

**The SPEAKER** — Order! The minister has completed his answer.

**Mr Andrews** — On a point of order, Speaker, the Treasurer is not guaranteeing to create no jobs this year. He will not even guarantee that.

**The SPEAKER** — Order! This is not the time for supplementary questions. The Leader of the Opposition is aware of that.

### **WorkSafe Victoria: premiums**

**Mr SHAW** (Frankston) — My question is to the Treasurer. Can the Treasurer inform the house of how the government's decision to reduce WorkCover premiums will benefit businesses, boost jobs and help the Victorian economy?

**Mr WELLS** (Treasurer) — I thank the member for Frankston for the hard work he does in his electorate. As I have said, we are facing difficult economic challenges — some of the biggest challenges that we

have faced over the last decade. Revenue, including stamp duty, is down. We are losing about \$7.6 billion over the forward estimates period, and this is a situation where we need to live within our means, something Victoria has not seen for some time.

In addition to everything that was happening with respect to the slowing growth in revenue, we were able to deliver a surplus of \$155 million. We have also committed — this was an election promise — to cutting red tape for business by 25 per cent. That will save businesses \$715 million a year. On top of that, we have made it very clear that when it comes to occupational health and safety we will not accept the system that has been put to Victorian businesses by the Gillard government and which will end up costing businesses in this state, especially small businesses, \$3.4 billion over five years. It was therefore with great pleasure that we were able to announce a 3 per cent cut, on average, in WorkCover premiums. That means the rate has been cut from 1.338 to 1.298, and that is the lowest average premium in the country. It assists with competition and creates jobs.

It was good to see what some members of the business community said about this. For example, in a media release from the Victorian Employers Chamber of Commerce and Industry, chief executive Mark Stone said:

The forecast \$155 million surplus next year is welcome and will help retain the state's AAA credit rating. That the government has reduced its own size and cost without damaging front-line services is also positive ...

At a time when business is under strain, the 3 per cent reduction in WorkCover premiums will benefit many Victorian employers.

In its media release the Master Builders Association of Victoria said:

The budget also provides a cut to business costs by reducing WorkCover premiums ...

Further in the media release the executive director of the Master Builders Association of Victoria is quoted as saying:

Victoria already has the nation's most affordable WorkCover premiums and a further 3 per cent cut will help drive business costs down ...

But there is more. It is not only the business community and the construction industry that are making such comments, it is also the Victorian Farmers Federation and the farmers, who drive many of the agricultural sectors in regional Victoria. The VFF president, Peter Tuohey, is cited in a VFF media release as having said:

... the budget is as frugal as expected in order to meet the government's commitment to ongoing surpluses.

The VFF also said:

Farmers will also benefit from a 3 per cent cut in WorkCover premiums announced in today's budget.

Many others have also commented on how they will benefit from a 3 per cent cut in WorkCover premiums. This government is about driving costs down for business in order to generate jobs right across the state.

### Budget: Geelong

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I ask: will the Premier apologise to the people of Geelong for perpetrating nothing more than a cruel hoax in promising 1000 extra jobs and the relocation of the car trade to the port of Geelong? Will the Premier apologise to each and every family in the Geelong community?

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his question.

**Mr Eren** — Apologise!

**Questions interrupted.**

### SUSPENSION OF MEMBER

#### Member for Lara

**The SPEAKER** — Order! The member for Lara can apologise outside for an hour.

**Honourable member for Lara withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE

#### Budget: Geelong

**Questions resumed.**

**Mr BAILLIEU** (Premier) — The Leader of the Opposition asked about the car trade.

**Mr Andrews** interjected.

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

**Mr BAILLIEU** — We are very proud to have advanced the development of the port in Victoria. When we made that announcement the Leader of the

Opposition said, 'Oh no, don't do that!'. He wants to put a cork in the port of Melbourne.

**Mr Andrews** — Any port in a storm, Speaker. On a point of order, the question related to the port of Geelong and this government's cruel hoax on the people of Geelong, not to my commentary on the on-ramp to the Monash Freeway that this government announced last week. It is the port of Geelong we are interested in — and an apology to the people of Geelong.

**The SPEAKER** — Order! I do not uphold the point of order. That was not a point of order.

**Mr Andrews** interjected.

**The SPEAKER** — Order! If the Leader of the Opposition wants to stay in here, he should be quiet.

**Mr BAILLIEU** — We made a commitment to undertake a study to examine the possibility of moving the car trade to Geelong. That is what we committed to, that is what occurred and that is what the Minister for Ports has done. It is exactly what we have done. A thorough examination was undertaken into the prospect of moving the car trade. Indeed the automotive industry had a keen interest in that and some expressed views in support and others expressed otherwise. The bottom line is that it has been decided not to proceed with that shift on the basis of the parameters that were set by the car industry, in particular in regard to — —

*Honourable members interjecting.*

**Mr BAILLIEU** — It is on the basis of available land and what the car industry was seeking. We are working with the car industry to advance the automotive industry in this state, unlike some. There are some who — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier not to debate the issue.

**Mr BAILLIEU** — I am simply observing that in Geelong we have made significant — —

**Mr Andrews** — On a point of order, Speaker, the Premier is happy to observe all sorts of things but this is question time, and he ought to answer the question: will he apologise to the people of Geelong? It is not an opportunity to reflect on me or anyone else. He ought to apologise to the people of Geelong.

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

**Mr BAILLIEU** — We said we would undertake a study. That is what took place. We had a go at it and we had — —

*Honourable members interjecting.*

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Essendon

**The SPEAKER** — Order! The member for Essendon can leave the chamber for half an hour. If other members of the opposition want to join him, they should just keep going the way they are going.

**Honourable member for Essendon withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

### Budget: Geelong

**Questions resumed.**

**Mr BAILLIEU** (Premier) — The port of Geelong is an important port, obviously, in Victoria, as of course is the port of Melbourne. The port of Geelong has been growing, and we are very keen for that to continue. It has grown more than 30 per cent in the last 12 months in terms of trade. When it comes to Geelong we are very proud to have committed more than \$90 million to the hospital upgrade there and additional funds for the Geelong Performing Arts Centre and additional funds for the Grovedale station and the Waurn Ponds police station.

**Mr Andrews** — On a point of order, Speaker, logically, if I wanted to hear about the Geelong Hospital, I would have asked a question about the Geelong Hospital. The question was about the port of Geelong and whether this Premier will apologise to the people of Geelong — —

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

*Honourable members interjecting.*

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

**Mr Andrews** — The answer is not relevant to the question that was asked. That is my point of order: relevance.

**The SPEAKER** — Order! The answer was relevant to the question that was asked.

*Honourable members interjecting.*

**Mr BAILLIEU** — The Leader of the Opposition thinks the Geelong Hospital is not relevant. That will come as a novelty to the people of Geelong! Can I say that the port of Geelong is — —

**Ms Hennessy** — On a point of order, Speaker, the Premier was asked a very simple question. Could he provide a very simple answer, without attempting to verbal people on this side of the house, and take accountability for his decisions?

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

**Mr BAILLIEU** — We will continue to look at every opportunity to advance Geelong. Geelong is obviously a very important city in this state. The port of Geelong is advancing, with more than 30 per cent growth in the last 12 months, and only the merchants of gloom would talk it down. Only the merchants of gloom would talk Geelong down.

### **Budget: regional and rural Victoria**

**Mr CRISP** (Mildura) — My question is to the Minister for Regional and Rural Development, the Deputy Premier. Can the Deputy Premier outline to the house how the coalition government's 2012–13 budget is investing in key areas of infrastructure, innovation and front-line services to drive future growth in job creation in regional and rural Victoria?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for Mildura for his question. As is self-evident from the content of the budget yesterday, the coalition's budgetary document sets out a clear plan that will put regional and rural Victoria in the box seat to take advantage of the future growth, job creation and new prosperity that await us in regional Victoria. It includes major investments in infrastructure, in innovation and in front-line service delivery that are intended to support growth, to create jobs and to help build both domestic and export markets.

Of course the budget is framed against some principal issues which have been fundamental in the way in which we have been able to develop it. Firstly, there was the absolute waste visited upon the people of Victoria by the former government. It squandered billions. We had to contend with that. Secondly, there is the impact of the high Australian dollar. Thirdly, there

are multibillion reductions in GST and stamp duty, as have been referred to today by the Treasurer.

The coalition has ensured that regional and rural Victoria remains a priority for the government. I am very proud to say there is a raft of projects and initiatives that have received funding — and they will all be the creators of jobs. Just to run through some of them: \$93 million for a major upgrade to Geelong Hospital — a lot of jobs in that one; \$23 million to reconstruct the Charlton hospital, which was damaged in the 2011 floods — a lot more jobs created there; \$18 million to rebuild Swan Hill's aged-care facilities — a lot of jobs will be there; \$10 million to the Castlemaine hospital — a lot — —

**Questions interrupted.**

### **SUSPENSION OF MEMBER**

#### **Member for Mulgrave**

**The SPEAKER** — Order! The Leader of the Opposition will hand that up here and he can leave the chamber for half an hour.

*Honourable members interjecting.*

**The SPEAKER** — Order! He has been told about — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition can leave the chamber.

**Mr Andrews** — You want me to leave the chamber?

**The SPEAKER** — Order! Yes. You can leave the chamber for an hour and a half.

*Honourable members interjecting.*

**The SPEAKER** — Order! You were warned last sitting week about it, when you held up a poster. I do not — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked you to leave the chamber.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked you to leave the chamber.

*Honourable members interjecting.*

**The SPEAKER** — Order! No, I have finished talking to you; you can leave the chamber for an hour and a half — now.

**Honourable member for Mulgrave withdrew from chamber.**

**Ms Hennessy** — On a point of order, Speaker, you made a reference to the Leader of the Opposition in which you alleged that he held up documentation during the last sitting week. I put it to you that that is not in fact correct, so I would ask you to review your determination on that basis. Further, Speaker, there appears to be the perception in respect of your capacity to observe unparliamentary or so-called unparliamentary behaviour that it seems to be focused on this side of the house.

*Honourable members interjecting.*

**Ms Hennessy** — I appreciate that it is difficult to ensure that we remain orderly during the excitement of a post-budget question time. However, the purpose of question time is to enable us to ask questions about government business and to scrutinise the government, and in order to do so it is important that you maintain a degree of equality in the way in which you observe and respond to behaviour in the chamber. I would ask that you consider that.

## QUESTIONS WITHOUT NOTICE

### Budget: regional and rural Victoria

Questions resumed.

**Mr RYAN** (Minister for Regional and Rural Development) — As I was saying, there is \$10 million for the Castlemaine hospital — more jobs; and more than \$46 million to redesign and upgrade the Ballarat hospital — more jobs.

In addition to all this, there is major investment in vital road and transport initiatives right across the state: \$18 million for the Koo Wee Rup bypass — a great job creator, I am sure; \$42.2 million over four years to duplicate the Western Highway from Beaufort across to Buangor — that will create a lot of jobs for certain; \$172 million for rail maintenance for the regional freight and passenger network — one can only guess at how many jobs that will create; and additional funding for additional carriages for V/Line — again many, many jobs to be created.

Of course on top of all this, schools in regional and rural areas remain in focus, with work to be done on schools in Bairnsdale, Ballarat, Wodonga, Northern Bay, Castlemaine, Ouyen and Mirboo North — all are to be upgraded as part of a \$225 million package. Of course all those projects will create jobs.

More than \$60 million is going towards the food industry plan — a relatively small component of the overall funding going to agriculture — with more jobs to be created. That initiative is going to build on our already vast exports of food and fibre. On top of that is the \$1 billion Regional Growth Fund, and more jobs will be created through the initiatives that are being pursued under that scheme.

The Victorian Farmers Federation has welcomed the government's food industry plan, the cut to WorkCover premiums and the water management strategy. The *Bendigo Advertiser* leads on its front page with a headline that begins 'Budget joy'. The *Warrnambool Standard* headline reads in part: 'principal, pupils rejoice'. The *ninemsn* website has an article with a headline that begins 'Regional hospitals win big'. The *Weekly Times* has been very positive in its support for the budget. All in all, regional and rural Victoria is a great beneficiary of this budget, because it will drive further innovation and advancement and will create jobs, jobs and more jobs.

### Students: School Start bonus

**Mr MERLINO** (Monbulk) — My question is to the Premier. I refer to the Premier's comments today that he did not need the now scrapped School Start bonus when his children started school, and I ask: does the Premier accept that whilst his family may not need the School Start bonus, 40 000 low-income Victorian families do?

**Mr BAILLIEU** (Premier) — I thank the member for Monbulk for his question. The School Start bonus was made available in the first instance by former Premier Bracks. I am not sure that in his question the member accurately quoted me, but that is beside the point. I made the point that I had received a cheque, which surprised me at the time. We have made a move to merge the EMA (education maintenance allowance) with the School Start bonus, and as a result there will be an increase in the education maintenance allowance for many students. There will be some 100 000 primary school students who will have their EMA increased, and some 52 000 — —

**Mr Merlino** — On a point of order, Speaker, under standing orders the Premier is required to be factual.

The School Start bonus has been scrapped and the EMA, the component for schools, has also been scrapped. We are talking about 40 000 needy families. I know it may not apply to the Premier, but it does apply to those kids.

**The SPEAKER** — Order! A point of order is not an opportunity for to debate the issue.

**Mr BAILLIEU** — The education maintenance allowance has been retained for children. More than 110 000 students will receive increases in the primary years, and more than 50 000 will receive increases in the secondary years. As a result of merging the School Start bonus with the education maintenance allowance, additional support will go to low-socioeconomic status schools in terms of adding to the student resource package. It is a sensible move to merge two programs that were separately administered and now service the EMA-based children and families. It makes sense to merge them and to ensure — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier to continue, without interruption.

**Mr BAILLIEU** — As a result of the changes we have made, those merged programs are both servicing the same cohort. We have merged the program, made appropriate adjustments and compensated the schools where that was necessary.

**Mr Merlino** — On a point of order, Speaker, under standing orders the Premier is required to be factual. This cohort is receiving less money. There is less money for needy — —

**The SPEAKER** — Order! That is not a point of order. A point of order is not an opportunity to debate an issue, whether it is factual or not. The Premier has finished his answer.

### **Child protection: funding**

**Ms RYALL** (Mitcham) — My question is to the Minister for Community Services. Can the minister inform the house of how the state budget will fund improvements in the protection of vulnerable children in Victoria?

**Ms Duncan** interjected.

**Questions interrupted.**

### **SUSPENSION OF MEMBER**

#### **Member for Macedon**

**The SPEAKER** — Order! The member for Macedon can leave the chamber for half an hour.

**Honourable member for Macedon withdrew from chamber.**

### **QUESTIONS WITHOUT NOTICE**

#### **Child protection: funding**

**Questions resumed.**

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the member for Mitcham for her question and for her interest in this very important issue. Yesterday's budget invests significantly in keeping Victoria's vulnerable children safe. When times are tough and resources are scarce, you learn a lot about a government's priorities in terms of where it chooses to invest. These are difficult economic times, but a very clear priority of the Baillieu government is the protection of vulnerable children.

This budget includes a \$336 million package to keep vulnerable children safe. We recently received the report of the Protecting Victoria's Vulnerable Children Inquiry, and this \$336 million package is an important part of our response to that inquiry. It is the most significant investment in Victoria's vulnerable children from a whole-of-government perspective in this state's history. It adds to the \$98 million that we invested in last year's budget to start the reforms.

There are a couple of key areas I would like to highlight. We are reforming our child protection workforce, investing in it and in new front-line workers. We are significantly expanding out-of-home care and therapeutic out-of-home care and focusing on the stability of young people in terms of their getting their lives back on track and having prospects for the future. We are focusing on connecting our services. We know that some families have a range of complex needs, and we need to have a much more connected, coordinated response across the breadth of issues like mental illness, alcohol and drug abuse, educational attainment, the justice system and early childhood. All the ministers are working together collaboratively to focus on our priorities in relation to vulnerable children. We are establishing a new commission for children and young people to increase our accountability and oversight in relation to these issues.

A very important part of our investment is the creation of a child-friendly legal system. I am pleased that an important part of that investment in a child-friendly legal system is the new Children's Court in Broadmeadows. This is a significant commitment by the government, and it was the leadership of the Attorney-General that made it happen. It will be accessible and available and will put into practice that child-friendly approach.

One of the best things about this court is that it is incredibly accessible for clients in the northern region. I am pleased to let the member for Broadmeadows know that in relation to the court's accessibility, if he wishes to visit the court, he just needs to get on a train at Middle Brighton station, swap trains at Flinders Street station, and he will find the court right next to the Broadmeadows station. It is an important and accessible facility for that community.

This is a package that recognises the transformational change that is needed so that we can invest in Victoria's vulnerable children, prevent abuse and respond to it effectively when it occurs. I have to say it has been very well received. An article headed 'Finally, kids are better off' in the *Herald Sun* says:

The long-overdue measures are a good step towards tackling one of our society's most endemic problems.

An article in the *Bendigo Advertiser* about Bendigo's new multidisciplinary centre says that centre is:

... a great positive for this community.

The Victorian Council of Social Service has talked about these measures as 'smart decisions' by the Baillieu government in relation to investing in vulnerable children.

There are two damning Ombudsman's reports. There has been a litany of failures. This government is totally committed to working proactively with families at risk and vulnerable children. We take our responsibility very seriously. We have shown through the investments detailed in this budget that we will work to protect Victoria's vulnerable children.

### Member for Benambra: comments

**Mr MERLINO** (Monbulk) — My question is to the Premier. I refer the Premier to the savage cuts to the TAFE sector and comments made by the member for Benambra in the *Border Mail* today indicating that:

Neither I, nor the TAFE, expected the cuts to be so severe, so I'm now seeking some answers from the minister.

I ask: will the Premier undertake to mediate between the member for Benambra and the Minister for Higher Education and Skills, a Nationals member?

**Mr BAILLIEU** (Premier) — I thank the member for his question. When it comes to vocational education and training, the important thing to understand is that under the previous government funding for vocational education and training was budgeted this year — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have just about had enough of the member for Albert Park today. He will be out of the chamber shortly if he keeps on going that way.

**Mr BAILLIEU** — It was budgeted to be around \$850 million. Instead of that, under the system introduced by the previous government, where volume was deregulated but fees were not, the demand-driven system has grown to the extent that the expenditure will be more like \$1.3 billion. That is clearly unsustainable in anybody's language. Under the system that was introduced, when we get growth in particular courses — for example, there has been over 2000 per cent growth in the certificate II course in customer contact and a 2800 per cent growth in the certificate IV course in sports coaching, and there have been similar sorts of issues — clearly there is a structural and systemic issue that needs to be dealt with. That is what the government is seeking to do. To redress the problems that have developed — —

**Mr Merlino** — On a point of order, Speaker, the Premier has been allowed to talk for a minute and a half. The question was very specific. It was in relation to comments made by the member for Benambra in a news report headed 'Jobs risk as Wodonga TAFE cops \$7 million cut'. The cuts were more excessive than the member — —

**The SPEAKER** — Order! Points of order are not an opportunity to re-ask the same question. What is the member's point of order?

**Mr Merlino** — My point of order is that the Premier is not being relevant to the question. The question was about a comment made by the member for Benambra and whether the Premier would mediate between the member for Benambra and the Minister for Higher Education and Skills about the impact of the cuts on the Wodonga TAFE, which the member for Benambra did not expect to be so severe. That is the question.

**The SPEAKER** — Order! The question related to a TAFE. The Premier's answer was related to TAFEs

and TAFE funding. The member was being critical of this and what the member for Benambra reportedly said.

**Mr BAILLIEU** — The system we inherited was unsustainable, and it has to be put on a sustainable platform. Late last year David Williams from the Victorian TAFE Association slammed the former government's approach, and an *Age* article quoted him as saying, 'Blind Freddy could see that this was going to happen when they opened the gates uncontrollably under the prior government'.

**Ms Barker** interjected.

**The SPEAKER** — Order! The member for Oakleigh!

**Mr BAILLIEU** — I am very aware that the minister is passionate about vocational education and training, and he has committed in very strong terms to seeing these changes through and working with TAFE colleges, the training sector and the adult community education sector to see that the TAFE sector and vocational education training are put on a sustainable platform. That is not a simple move. We had a trajectory that was proposed and budgeted for by the previous government at around \$850 million; this year it is \$1.3 billion. In the 2012–13 budget we have committed to that being \$1.2 billion, but it has to be on a sustainable basis. Indeed the minister said so in the other chamber this morning, and I quote: 'We have arrested the largesse of the previous government and put training in this state under a sustainable funding model'.

**Ms Hennessy** interjected.

**The SPEAKER** — Order! The member for Altona!

**Mr BAILLIEU** — I know the minister has engaged with the TAFE sector and the training sector. He is committed to seeing these changes through. I know he has been encouraged by the response he has received. The measures will see \$1.2 billion spent on training next year. That is compared to the \$880 million budgeted by the previous government. This has to be on a sustainable basis. There are changes to be made. Indeed the Essential Services Commission, as we requested — we warned about this in opposition — undertook a study, and it recommended the changes being made.

We have taken this in two steps. It is important that we get the training system operating on a sustainable basis. I know the minister is passionate about doing that, and he will work with the TAFE sector, the adult

community education sector and the private providers to oversee these changes.

### **Budget: infrastructure projects**

**Mr TILLEY** (Benambra) — My question is to the Treasurer. How does the 2012–13 state budget support infrastructure and generate jobs in Victoria?

**Mr WELLS** (Treasurer) — I thank the member for Benambra for the hard work he does in his electorate.

**Mr Merlino** interjected.

**The SPEAKER** — Order! The member for Monbulk — enough!

**Mr WELLS** — The Baillieu government is committed to funding new infrastructure to generate jobs and productivity and deliver better services for families. Living within our means means that we are able to build up those surpluses over the forward estimates in order to be able to use that surplus money to fund infrastructure. In yesterday's budget we set out a medium-term strategy which will mean that 1.3 per cent of gross state product will be invested in infrastructure.

As I mentioned earlier, we will be putting aside \$5.8 billion in the 2012–13 budget. That is a record state-funded spend on infrastructure. We have already planned to start \$2.7 billion worth of new projects in the 2012–13 budget. It is worth noting for the member for Benambra that I was pleased to see the Wodonga Senior Secondary College upgrade, the Wodonga special development school, the rolling stock — —

**Ms Hennessy** — On a point of order, Speaker, under standing order 58 the Treasurer's reply is required to be factual. The Treasurer and the member for Benambra would be aware of the answer, given the question was about jobs, so is the Treasurer going to tell the house how jobs are at risk as a result of Wodonga TAFE's costly \$7 million cut?

**The SPEAKER** — Order! That is not a point of order. I do not uphold the point of order.

**Mr WELLS** — There is a strong emphasis on productivity-enhancing infrastructure which generates more jobs, and that is important. We have already mentioned the importance of being able to move the supply chain around Melbourne, getting rid of those bottlenecks and being able to eliminate those rail crossings. We have been able to connect the south-east, Moorabbin and Dandenong, through the Dingley bypass. These are crucial projects. It is about improving

and upgrading our rail maintenance system and building and purchasing more regional rail stock. We will push for that rolling stock to be manufactured here in Victoria.

We have already spent \$172 million on regional rail maintenance. We have already announced funding commitments for connecting and extending the Western Highway past Ballarat Western Link Road. Speaker, you would be happy with regard to the Koo Wee Rup bypass and the government's investment in hospitals and schools.

It was pleasing to note what some of the business associations have mentioned with regard to our budget and infrastructure spend. The one that most caught my attention was the media release of the Master Builders Association of Victoria, with the headline 'Building jobs and investment at the forefront of state budget'. The media release states:

Master Builders has welcomed the 2012–13 state budget as an important move to support jobs, build infrastructure and cut business costs.

It goes on to state:

Master Builders also welcomes money allocated to plan for future major projects such as the east–west road tunnel, Melbourne Metro rail link, port of Hastings upgrade, Melbourne Park redevelopment and E-gate.

The Victorian Employers Chamber of Commerce and Industry was also very pleased with the budget that we brought down yesterday. In its media release headlined 'Budget tackles business challenges' it states:

Funding for the preparation of the port of Hastings expansion and the further development of Webb Dock represents important investment in meeting our future trade needs.

This government is about investing in infrastructure so that we are able to generate jobs over the forward estimates period.

## COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

*Second reading*

**Debate resumed.**

**Mr THOMPSON** (Sandringham) — I would like to make a number of comments in relation to a bill that contains a number of detailed amendments to courts and sentencing legislation in Victoria. Included among the amendments are changes to sentencing options and community corrections orders, changes to the process of jury selection and the identification of juries and

changes to a number of other features of the law in this state. In particular there are a number of provisions that deal with judicial education for newly appointed registrars so that they gain the benefit of instruction courses with the Judicial College of Victoria.

I would like to turn to some of the more specific issues in relation to the bill. A key feature of the justice system in recent times has been the opportunity for the imposition of a community corrections order. The orders have operated successfully in this state over a period of time and there is good scope for their continued operation. On my evaluation they have contributed over \$20 million worth of work annually, and in the last financial period something approaching some 800 000 hours had been completed over a relevant period of time. The orders provide a good opportunity for variation of sentence as opposed to a person being delivered to court for a custodial sentence to be given.

In relation to community correction reforms, 145 of the community correction orders have included one or more of the new restrictive conditions, such as curfews; alcohol exclusions, which prevent an offender from attending or remaining at licensed premises between specified hours; non-association; or place or area exclusions, which can include banning a person from entering or remaining in a specified place or area.

Popular conditions have included community work. There are a range of programs that can be completed in the realm of the community work being undertaken. I note that in the Sandringham electorate over a period of time Office of Corrections work crews have done invaluable work along the foreshore, and on one occasion they cleaned up a former courthouse site that required significant work to be carried out, as it had been treated as a local rubbish refuge. Great work has been undertaken and it has provided an opportunity for engagement in constructive programs by members of the community who have had sentences to fulfil.

I would like to make a number of other comments in relation to the role of judicial education. A number of years ago — in 2000 — an Irish solicitor, Michael O'Mahony, gave an address at the 18th annual conference of the Australasian Institute of Judicial Administration. The title of his address was 'An Irish litigation solicitor's perspective on the judiciary'. He described a number of judges. The background of the descriptions had been drawn from the observations of an Irish practitioner who used the *nom de plume* of Rhadamanthus. The judges described included the gentle judge, the quiet judge, the pragmatic judge, the witty judge, the lawyer judge, the intrusive judge, the

impatient judge, the authoritarian judge and the intellectually challenged judge, and a number of other quite erudite observations were made. I can commend the paper he gave to members of the house and also to the educators of judges in that it might give an insight as to the perceptions from the bar of the person presiding over the case. As far as I am aware such a paper has not been undertaken on the role of honourable speakers in the parliaments of the Western world, but some adroit observations could be made there.

In relation to the community correction orders, which I would like to go back to, Community Correctional Services develops partnerships with organisations such as councils and welfare agencies to respond to community needs and carry out work that would otherwise not be done. Unpaid work undertaken by offenders on community orders includes graffiti removal and environmental projects such as recycling and clean-up work along parks and rivers. The community work can enhance offenders' skills and improve their employability. It was noted that following floods the role of work crews had been developed to assist with flood relief in the regional areas of Loddon-Mallee, Barwon South, Grampians and Hume. I would say, too, there is greater scope for the particular role of a correction order to be expanded to provide wider horizons for work to be undertaken within communities.

Some other reforms are being made by the bill before the house, and I would just like to comment briefly on some of them. One of the reforms relates to the role of jury selection, where for sensitive reasons there can be concerns regarding the identification of jurors before a court. It gives the trial judge the opportunity to delineate what level of identification will be undertaken. The legislation is being reformed so that where a case is heard in another court there is scope for the Koori courts to have a role in the sentencing — it would require a guilty plea to be made in that circumstance.

There are other changes as well, but the important point to emphasise is that the role of the Koori courts comes into play following a plea of guilty or a sentence being appropriately determined following a conviction in a case where the wider family and the elders would come along and work through some of the sentencing options and issues to try to deliver an outcome which reduces the likelihood of recidivism. That represents a constructive part of the criminal justice system in Victoria at the present time, where the reports are favourable in terms of the outcomes and likelihood of reoffending taking place.

Other reforms are also outlined in the bill. There can be a variation of a fine conversion order or a fine default unpaid community work order. It is noted that on an application under section 63, the court which made the fine conversion order or the fine default unpaid community work order may decide to deal with the order under subsection (2) if the court is satisfied that the circumstances of the offender have materially altered since the order was made and as a result the offender will not be able to comply with the order. An example of this might be an offender who may gain employment when they had an order that was to be completed within a particular time; there can be variation of that order.

There could be a circumstance where an offender serving a community correction order is injured in an accident and hospitalised for a period of time towards the end of the time within which the order was to have been completed, so that the person may not have the requisite number of hours. There is power for the time frame of the order to be varied and the terms adjusted so that it does not result in a breach being recorded.

They are a few of the provisions in the bill before the house. I would like to run through a couple of other measures. As I conclude I would like to note, firstly, that the bill clarifies the jurisdiction of Koori courts. Secondly, a guilty plea becomes a precondition. Judicial immunity is given to the assessors, who play an important role with the Supreme Court. There is a role for the Children's Court. Technical amendments have been made that enable the transfer of responsibility to transport a child to another location to an individual other than the person who undertook the original arrest, and the bill also enables jurors to be identified by number. It also deals with judicial education, so that judicial registrars can be provided with education by the Judicial College of Victoria.

The bill covers a number of different areas and makes a range of constructive reforms. I emphasise the value of a number of legal initiatives that have taken place in the last few years in relation to correction orders, judicial education and the role of the Koori courts that form part of the fabric of our criminal justice system in Victoria today.

**Ms KAIROUZ** (Kororoit) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. It is always a pleasure to follow the contributions of the member for Sandringham; he is always well informed and rational. But quite frankly I am underwhelmed by this bill. I am underwhelmed by the government's legislative agenda and underwhelmed by this government. This is largely another perfunctory

tidy-up bill without any policy behind it, without any leadership and without anything other than a demonstration that this government is continuing on its lazy journey. It is asleep at the wheel. It watches idly as our streets become less safe, industrial unrest continues at levels not seen for a decade and investment and jobs leave Victoria at a rapid rate.

In his second-reading speech the minister suggested that the bill will strengthen Victoria's justice system. Members of the coalition campaigned heavily on justice reform before their elevation to the government benches. The reality is that when they talk about justice reform their ideas are not at all reformist or creative. It is ironic that the only jobs this government has created are the positions for railway platform protective services officers, which are still going begging. Potential recruits want to be real police, with proper training and support — including proper toilet facilities at work. Members of the general public have also seen through this sham; they want real police on the beat and they want them to be highly visible.

This government's recent announcement that it will build a new prison at Ravenhall is consistent with its election promise to build 500 more prison beds in its first term. But just because the coalition promised to do this does not mean that it is the right thing to do or that it should be high on the priority list, particularly when the half a billion dollars budgeted for the prison could go a very long way. For example, in my electorate of Kororoit half a billion dollars could pay for a new train station in Caroline Springs, a grade separation in St Albans, an intensive care unit at Sunshine Hospital or a new school.

**Mr Wynne** — It could build a lot of public housing.

**Ms KAIROUZ** — It could build a lot of public housing; that is right. That is just to mention a few possibilities. Good government is not just about doing something; it is about doing the right thing at the right time.

We know that mandatory sentencing will significantly impact on the number of prisoners in Victoria in the coming years, but rather than doing anything that might reduce crime and the potential for subsequent incarceration, this government is all about prosecuting, sentencing and throwing away the key. It is not just a moral and social issue; it is also an economic one. According to the *Age* of 27 April, Victoria spends more on prisoners per day — \$257 — than any other jurisdiction in Australia. Setting aside the cost of providing the many hundreds of prisoner beds proposed by this government, if just a fraction of that sum was

put into enhancing educational or support programs for marginalised Victorians, it would likely lead to a reduction in crime and subsequently a reduction in the number of people in Victorian jails.

It might surprise members to learn that if an offender receives a custodial sentence, they are more likely to reoffend than if they had received a community-based sentence or other form of punishment. The research is overwhelmingly damning in relation to this government's lock 'em up attitude to justice. One study reports that approximately 60 per cent of those in custody in Australia have previously served a period of imprisonment. Jails do not deter or reform criminals, but they do further entrench the offending behaviour.

There are a number of benefits to having offenders serve at least part of their sentence in the community. Such community sentencing options assist ex-prisoners with reintegration, thus enabling many of them to become productive members of the community for the first time. On the other hand, the prison environment is problematic for rehabilitation and does not assist with the acquisition of social skills. I am sure you, Speaker, would agree with me that prison segregates and isolates offenders from the general community through the notion of 'us and them'.

It should be noted that many prisoners have poor education and employment histories. They experience greater rates of mental illness and bad physical health, and they have issues associated with drug and alcohol misuse. If we ignore these facts, we risk repeating the same mistakes that numerous jurisdictions have made over the years.

This bill basically dots the i's and crosses the t's but does little for justice or for the Victorian community. I understand that the bill will facilitate a process whereby unpaid court fines may be converted to community work, and I welcome this aspect of the bill, but the devil is in the detail. I am concerned about the power for courts to impose a condition on a community corrections order that an offender pay an amount of money as a bond that can be forfeited upon breach.

I further understand that the bill will extend the infringements trial commenced under Labor in 2008, which trialled the use of infringement notices for a small number of offences. I welcome that extension but suggest that the government should be rigorous in its evaluation of the trial and should base its future policy in this regard on objective evidence rather than the hang 'em high approach that it is apt to be applied.

The opposition will not oppose the bill. I look forward to the contributions that my colleagues on this side of the house will make.

**Mr NORTHE** (Morwell) — It gives me great pleasure to rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. The bill amends a number of acts, including the Children, Youth and Families Act 2005, the County Court Act 1958, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Magistrates' Court Act 1989 and the Supreme Court Act 1986.

To take up some of the comments made by the member for Kororoit, I do not accept the premise of her argument, which understates the importance of the reforms made by this legislation in terms of streamlining and improving the operations and functions of the various courts. The bill seeks to do a number of things: to improve the functions and operations of community-based sentencing and the court system itself and to provide a two-year extension for the issuing of certain infringement notices. The two infringement notices that this relates to in particular are shop theft of goods valued at up to \$600 and wilful damage to property valued at less than \$500.

Firstly, I would like to deal with community-based sentencing and provisions within that. The second-reading speech refers to particular aspects of community-based sentencing and how we can streamline that process. There are three key points to which I wish to refer. These are streamlining the processes for charging offenders with contravention of a sentencing order, modernising orders to convert unpaid fines to community work and clarifying how money will be held and repaid under a community correction order (CCO) — that is, the bond condition. The bill also makes other technical and minor amendments to those procedures.

There have been previous changes to community-based sentencing. Indeed one would say that the previous regime was complex, tangled and cumbersome. Many of those provisions were rehearsed through previous debates in this house on the Sentencing Amendment (Community Correction Reform) Act 2011 and were subsequently enacted in January this year. Indeed just prior to the election, on 23 November 2010, the Attorney-General made it clear that a Liberal-Nationals coalition government would reform community-based sentencing. As I say, at that time there were a number of community correction orders in place that were cumbersome to the system and also very unclear. The Attorney-General made it clear that the government would provide community correction orders that would

provide flexibility for the courts and that there would be a much more streamlined system — and that is what we now have in place.

This particular regime, which we have debated previously, gives flexibility in terms of those CCOs. They can have some imprimatur on them, such as restricting people's movements when they go to particular places, providing curfews, providing community work and so on. Just in respect of that, and digressing slightly, the Attorney-General visited the Gippsland region last week and, together with my good friend and colleague the member for Narracan, addressed a number of justices of the peace. During that visit, the Attorney-General relayed to the community the provisions of community correction orders and the benefit they will provide to the community.

In terms of the community correction orders and how we seek under this bill to improve community-based sentencing, firstly, there is the matter of streamlining the procedural steps for charging offenders with contravening a sentencing order. Currently a person who contravenes an order is required to have that filed in the Magistrates Court. Once a warrant is executed or a summons served, the case will be transferred to the original sentencing court. Under these provisions, cases will now be heard summarily as a collection. The courts will be able to have before them the totality of the offender's offences, if you like, which from my perspective is a very common-sense provision. I understand that the relevant stakeholders, including Victoria Police, the Director of Public Prosecutions and Corrections Victoria, have endorsed that particular provision.

Secondly, there is also the modernisation of orders for converting unpaid fines to community work, to which the previous speaker referred briefly. The former government had replaced the previous orders with fine conversion orders and fine default unpaid community work orders. What we seek to do is to amend the Sentencing Act 1991 to remove some of the unclear and complicated provisions within that, thereby improving other aspects of the act. This will also create standard terms of orders whilst providing some flexibility in the application of the orders themselves.

The third main change is the clarification of the administration processes of community correction order bonds, which I referred to earlier. As part of the earlier community correction orders the courts could require an offender to pay a bond that could be forfeited upon any breach of that order. This makes clear that the money is not held by the courts but that it is actually a trust fund on behalf of the Crown. It also clarifies that

the Crown can hold that bond for up to three months after the CCO has expired. Again this is a sensible provision which provides time for the consideration of any possible breaches.

There is also an improvement of the operations of the court system. One of these improvements involves an amendment to an anomaly within the Koori Court. Many Koori courts operate around the state of Victoria. Indeed there is one in my electorate of Morwell, which operates through the Latrobe Valley Magistrates Court. I understand the good work that the Koori courts do, but this bill amends an anomaly in that currently the Koori Court division is only able to deal with a breach of sentencing order if the order was made within the relevant Koori Court division. This bill allows Magistrates Court, the County Court and the Children's Court, which have Koori Court divisions, to deal with breaches of a sentencing order. Again that is a common-sense approach and a streamlining of the system, reducing delays within the court system and making sure that offences can be heard together. It also clarifies some of those prerequisites. The member for Sandringham mentioned in his contribution that for the Koori Court to deal with some of these offences a guilty plea must be made by the offender and the offender's consent sought as a consequence.

The bill also does a number of other things such as improving the processes in and efficiency of the Children's Court for cases where a youth supervision order, a youth attendance order or a breach of probation order can be imposed. It enables a magistrate other than the magistrate who originally imposed the sentence to constitute the court. This is another factor in streamlining court processes. The bill also clarifies how specified time periods are to be calculated with respect to bail provisions, and that extends to the calculation of the time a child may spend in custody.

This legislation also makes amendments to the Children, Youth and Families Act 2005. Importantly it addresses an anomaly that requires the same member of the police force who executes a safe custody warrant to deliver the child to the location specified in the warrant. The bill contains a common-sense provision that allows another police officer to undertake that task. It also provides some clarity on the children and young persons infringement notice system, makes other amendments to the Juries Act 2000, clarifies the definition of a judicial officer in the Judicial College of Victoria Act 2001 and ensures that judicial registrars are able to participate in educational and professional development. This bill has had another good endorsement from the Attorney-General, and I wish it a speedy passage.

**Ms HUTCHINS** (Keilor) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. This bill makes technical and minor amendments to several acts predominantly in relation to court practices and sentencing issues. The opposition will not be opposing the bill.

One of the main reasons I chose to speak on this bill is that I had the pleasure of spending two days last year observing cases across a range of issues being dealt with at the Sunshine Magistrates Court. I must say that it was an experience I will never forget because of the number of cases before the magistrates on the day. It could almost be likened to a processing factory in terms of the number of people dealt with, yet many of the issues were extremely intense, particularly those around family violence.

It is therefore with pleasure that I take the opportunity to speak on the amendments made by this bill. However, I am slightly perplexed about why we are here again talking about further amendments to this legislation when we were here only three months ago debating the community correction reform legislation, which should have incorporated a lot of these amendments. One could be cynical and say that the legislative amendments we are discussing today are possibly a part of the government's agenda of looking tough on crime rather than actually being tough on crime, which would mean taking action on crime by resourcing our court system further and resourcing the services that support it.

One of the amendments in this bill is to the Judicial College of Victoria Act 2001. It allows the college to train judicial registrars. The Judicial College of Victoria was introduced by Labor to improve access to justice and enhance the independence, professionalism and performance of the judiciary. The bill also amends the Juries Act 2000 to allow a jury to be empanelled by name or number, a very important move that possibly could have been incorporated in the discussions we had in this chamber on the community corrections legislation only three months ago.

I would like to deal with these amendments in the context of what the government has committed to in the area of justice. I refer back to November last year when the Attorney-General put on record in this house the government's forward plan for justice and the priorities of the government. Some of those priorities were the establishment of a new courts executive service independent of departmental or political control — a very good step forward; the introduction of a judicial appointments advisory panel based on the federal model; and the establishment of a judicial complaints

commission to investigate complaints about poor or inappropriate performance by judges, magistrates and Victorian Civil and Administrative Tribunal officers. It was a pretty ambitious and forward-thinking plan for the justice system; however, there has since been delay and silence, and these measures have not been implemented, resourced or allowed for in the amendments made by the bill we are talking about today. They have certainly not been supported by yesterday's budget in a way that moves our state forward.

Another amendment this bill makes is to ensure that the Court of Appeal is not treated as a sentencing court and that orders made can be considered as orders made by a lower court. This is to enable the courts to deal with breaches and variations. One of the other changes the amendments in this bill make is to alter the treatment of bond money held under a community correction order. During my time observing the many cases in the Sunshine Magistrates Court I became aware that this is in itself quite a large issue. This bill effectively transfers the control of funds from the court to the Department of Justice. This measure was requested by the courts before this provision was drafted into legislation. It is good to see that we are falling into line with the needs of our court system.

The bill also amends the Children, Youth and Families Act 2005 to clarify how to calculate the period for which children may be remanded in custody. It is to be a clear 21 days. This is to address some confusion that exists in various children's courts. I acknowledge and welcome the announcement in yesterday's budget of the establishment of the Broadmeadows Children's Court. However, there are many other courts across the state, in particular magistrates courts, that are serving the growing outer suburbs that urgently require an upgrade of facilities, increased staffing levels and more judges located at their facilities to meet the demands of cases being brought forward. When people are unable to access the court system and have their matters dealt with in a timely manner, they suffer, families suffer and at times lives are put at risk.

The bill further amends the Children, Youth and Families Act 2005 to make an administrative change so it is no longer a requirement that the same member of the police force who executed a safe custody warrant deliver the child to the location specified in the warrant. Again, that frees up many of our police — particularly those in the family violence units who may be dealing with cases in the Children's Court — to have a little bit of flexibility around their day-to-day administrative duties in the station and to balance those with making

court appearances or accompanying young people to cases.

The bill makes changes to the children and young persons infringement notices system and provides a method of enforcing in the Children's Court infringement notices that have not been paid. This can involve a hearing in front of a registrar. Again, this is a small step forward in trying to alleviate the pressure on our Children's Court system and on all of our courts, particularly those in the suburbs. The bill provides that only principal registrars can exercise functions under the children and young persons infringement notices system, and the effect of that provision is that deputy registrars will no longer be allowed to exercise those functions. However, there are still some grey areas around whether the government has clarified its response to the existing problems with deputy registrars performing the role.

The bill amends the Justice Legislation Amendment (Infringement Offences) Act 2011 to extend the sunset clause on offences by a further two years. It also makes some slight amendments to the Koori Court legislation through the Magistrates' Court Act 1989 to clarify justification issues and to ensure that courts can deal with breaches of orders.

There is a great and growing need for our court system to be better resourced. I hope that in the future the Attorney-General will take up the cause of resourcing magistrates courts located in the suburbs, particularly those in my area. The magistrates courts of Sunshine and Werribee are under extreme pressure due to the number of cases that come before them, particularly in the family violence division, where we have seen an increase of 32 per cent in intervention orders in the last 12 months. The flow-on effect just in that particular area of the law puts an enormous strain on not only the staff and the facilities where these matters are heard but also on the families that are involved in these matters.

Quite often a person pursuing a case can come up against the perpetrator due to the lack of court facilities and because they have not been able to be referred on to obtain further services. Earlier this year the Chief Magistrate called for investment in the family violence jurisdiction, saying that our courts need more resources and intervention via the state government's budget, which should prioritise our court system.

**Mr BATTIN** (Gembrook) — I rise to support the Courts and Sentencing Legislation Amendment Bill 2012. Prior to going to the many reforms that will take place as a result of this bill, I would like to respond on record to a few of the issues raised by the member for

Kororoit. The member for Kororoit tried to insinuate that this government does not support community-based orders. This bill, along with previous bills we have introduced to the house, actually proves that we do support community-based orders and that we allow them in sentencing. The idea is to streamline the processes around community-based orders and to make it easier for courts to use them so that they are not handed out to just anybody but actually target the offending behaviour that has led to a person coming before the courts. I think it is very important that we get that on record because it is something that we stand by and that we will support the whole way through.

The other issue members opposite have brought up relates to mandatory sentencing. I do not recall any time we have talked about mandatory sentencing. I know it has been brought up by those opposite, who are trying to use it as a scare tactic, but this government is committed to a review and will bring legislation in later on. I welcome legislation in relation to statutory minimums and baseline sentences coming before the Parliament. The baseline sentences and statutory minimums will be in line with the commitments we made to the community leading up to the 2010 election, but more importantly they will be in line with community expectations. Courts are supposed to sentence in line with community expectations. That is how sentencing is currently performed, and it is something that we support.

This government went to the last election with a tough-on-crime stance, and we stand by that. We are delivering on a lot of those commitments. We are putting 1700 new police on the streets — 1700 new police who will be out there not just working on enforcing the law but also working on crime prevention. Having a policeman on the corner as often as you can throughout the city is crime prevention in itself. If we can prevent crimes from happening, that is actually a much better solution.

Another commitment relates to the new PSOs (protective services officers). We have committed to placing PSOs at all metropolitan and major regional railway stations. I note that the Minister for Public Transport is here. I was proud to have the minister out in my electorate at the Cardinia Road station, a station that will get PSOs in this term of government. That is something my community very much accepts. It is sad that the member for Kororoit during a statement she made today said that PSOs were 'not real police'.

Compare that to what the member for Monbulk said when he called them 'plastic police'. That is a disgraceful way to refer to the working men and

women who protect this Parliament and protect major infrastructure and public places in Victoria. They are real police. They are Victoria Police protective services officers, and they do a fantastic job of protecting us in here and of working in our courts. I have worked in the courts for Victoria Police side by side with the protective services officers, because Victoria Police provides court security. The work the PSOs do to ensure the safe operation of the courts each and every day is essential. To turn around and say that PSOs are not real police or that they are plastic police is disrespectful to them and an absolute disgrace.

I note that the shadow minister at the table must agree with the assertion that they are not real police, judging by the way he is acting at the moment, but I support them 100 per cent in what they do in protecting us here at the Parliament and in protecting people in other areas throughout Victoria. I especially support what they do in protecting us on our railway network.

The Courts and Sentencing Legislation Amendment Bill 2012 comes out of another of our 2010 commitments. It aims to make the justice system more efficient and effective. It clarifies various legislation to strengthen the court system. It will strengthen the court system by clarifying the jurisdiction of the Koori Court, improving various Children's Court processes and making other technical amendments, correcting anomalies in relation to the empanelment and excusing of jurors, making judicial registrars a class of judicial officer that can be provided with judicial education by the Judicial College of Victoria and providing immunity to assessors in the Supreme Court and the County Court.

This bill modifies aspects of community-based orders. I spoke about community-based orders earlier. We support them and the reasons we have them. In the old system community-based orders were sentences that were handed out, and they did not have a lot of strength or power because of the variety of them. By streamlining them you have the opportunity, and you give the court the opportunity, to direct something to address the offending behaviour. People go to court for offending behaviour. If they are found guilty or plead guilty, there is no use in saying to them, 'Go out and pick up rubbish'. You could always have something in there to address the reasons they are there, whether that be alcohol, drugs, theft or whatever else they have been involved in. You can address the offending behaviour through community-based orders, and that does not always have to be a jail sentence.

The bill modifies the community-based sentencing laws, including streamlining processes for charging

offenders with contravention of a sentencing order, modernising orders to convert unpaid fines into unpaid work orders, clarifying the circumstances where money will be held and repaid under a community correction order bond condition and by making other technical and minor amendments.

It is important that we really do get on the record that this government supports any measure that attempts to reduce recidivism in our community. Repeat offending is something that has been around for a long time. It is very difficult to address repeat offending if you are not addressing the problem — why people end up in court in the first place. Part of the reforms this government is putting in place is about prevention and making sure we have good crime prevention in place and that we build on the community and on people getting involved to ensure that we work with people who possibly could offend or who have offended in the past. There are many great programs out there that the government supports. I can list one that is run in my electorate — Operation Newstart. We have programs like ECHO up in Emerald, which works with young people in regard to crime prevention to make sure they do not end up in a court, where they could end up with a community-based order. We can try to prevent them getting there in the first place, and that would be our main target.

The Baillieu government went to the 2010 election on a platform that related to the justice system. Our platform was about being tough on crime, but more importantly it was about listening to community views, which are very important. Prior to the election, one thing the then shadow ministers did very well was listen to the community, and they have continued to do that whilst in government. They have continued to listen to people who are experts in their fields, especially when it comes to young people and youth, to ensure that we put the best programs in place when working with the non-government organisations and other organisations out there in the best way we can with the aim of preventing crime and working with offenders to make sure we reduce repeat offending throughout the state.

The bill extends to offences of shop theft of goods of up to \$600 in value, and wilful damage valued at less than \$500 is to remain infringeable for a further two years. This extension of two years is very important to keep these as infringeable offences. Victoria Police supports the fact we are ensuring that this is extended for another two years. This will assist to clear up lists in the court system and help to keep out of that court system people with infringements in relation to thefts and what have you. It is an area that police spend a lot of time on. To arrest someone in relation to a theft and to go through

the whole process is difficult, especially with young people but also with anybody who is brought in. There is a process for assessing someone in relation to any crime involving theft, especially the theft of shop goods, and there are time and other constraints on police, who have to go through a whole process before taking a person to court. Those processes apply despite the fact that as a rule of thumb offenders at the lower end would generally walk out of the court with a fine, especially a first-time offender, or in the best circumstances with a caution.

What we are trying to do here is free up that time. It is not about just putting the 1700 police onto the street but also about getting the police who are currently in the force back onto the street. People pay their taxes to get a safer community — that is one of the reasons we pay taxes in this state — and getting a safer community is achieved by getting more police on the street. The government is committed to recruiting 1700 new police officers, but at the same time it is really important that through legislation we work as best we can to get the best productivity out of our police and have them on the streets as much as we can. We do not hire them to be always sitting behind desks writing. We hire them to get out there and work as best they can to reduce crime levels, and we employ them to prevent crime and obviously work through any crimes that have been committed to ensure a positive result. With that contribution today and the many other reforms that are coming through with this legislation, I commend the bill to the house.

**Mr DONNELLAN** (Narre Warren North) — It is an honour to speak today on the Courts and Sentencing Legislation Amendment Bill 2012. I want to look at what we are doing. The government has indicated that it has a tough-on-crime policy. That is fair enough, but my concern more than anything else is that the government's approach is not really tough on the causes of crime; it is very much the simpleton's approach, which assumes somehow or other locking up more people will reduce crime. During the terms of the Brumby and Bracks governments the statistics proved that when you reduced incarceration — incarceration was actually reduced during our term in regard to the total number of people locked up — crime was reduced at the same time. There was obviously something a little more sophisticated in our approach and a little more sophisticated in the outcome. At the end of the day, as the statistics prove, just locking up people does not reduce crime.

Worst of all, the idea that somehow or other spending \$100 000 a year on locking up people and not having a reduction in crime is suddenly a virtuous cycle is quite

ridiculous. It costs \$100 000 a year to incarcerate a person. That is an enormous sum of money, apart from the \$500 million the government is currently spending on a new jail. It is the \$100 000 a year that has to be costed into the exercise to incarcerate people. It is pretty much like putting people into an expensive hotel. In many ways if you do not deal with the causes of crime, you are never going to end up with a reduction in crime. All you are going to end up doing is spending more and more on jails, spending \$100 000 per year per individual who is incarcerated, and the effect on your operating budget will be substantial over time.

We have looked at this year's budget — which relates to the Courts and Sentencing Legislation Amendment Bill 2012 — and what we have seen are substantial cuts to education. In many ways that is one of the ways of dealing with disadvantage, dealing with the reasons why some people may commit crimes. It may be that they do not have the skills or the ability to function properly in society. In many ways this budget works to increase crime by reducing funding for education, which will result in a not so virtuous cycle of having to look at further rates of incarceration, more jails and the like. I would have thought that in many ways that is definitely not a virtuous cycle, and it is actually a very dangerous precedent to set that you just continue to lock people up, as happens in many parts of the USA, and you actually do not end up reducing crime over time.

It is very concerning to me on a philosophical level that somehow or other the current government is going to try to convince people that spending more money on locking up people is more worthwhile than actually looking at reducing the causes of crime. That includes making cuts to vocational training and cuts to primary schools and the like. Reducing the causes of crime is the way you address this serious issue over time. You do not address it with the black-and-white simpleton's approach of, 'Just lock 'em up and that'll fix it', because statistically that was proved to be incorrect during the Brumby and Bracks governments. We showed that it is possible to have lower rates of incarceration and to actually reduce crime. It is very concerning that the previous speaker and members speaking before him should make a virtue of the fact that we are going to be spending more money on incarceration and are not going to be reducing the causes of crime.

As previous opposition speakers have indicated, we will not be opposing this bill. In many ways it reflects an underlying philosophy of this government that it will continue to find opportunities to incarcerate people and do this at a higher rate — really ending up nowhere.

That contrasts with Labor's approach to reducing crime — for example, our work on family violence, which was not treated as a serious crime by some people in institutions in the past. I am not talking about the Liberal Party; I am talking about various people involved in the police force and the like. We actually said that this was a serious crime and needed to be treated accordingly, and as such we applied new laws and new systems.

At the Narre Warren police station in my electorate, for argument's sake, we have a specific family violence unit to deal with these crimes. I think we have four officers — there might be more now — just to deal with this serious issue alone. For many years it was not treated appropriately. At the end of the day there probably have been more offences registered in relation to family violence as a result of Labor's changes, and I think that is appropriate. It did not just involve locking people up; it involved behavioural change — trying to effect behavioural change in some of the perpetrators, whose behaviour had been disgraceful — and actually dealing with that in a serious and systematic way for the benefit of the community in the long run.

As I have said, the opposition will not be opposing this bill, but I would certainly encourage the government to vary its philosophical approach to this exercise and to deal with the causes of crime in a more systematic and serious manner than just thinking that locking people up will result in a reduction in crime, because I do not believe it will. I guess the statistics over the next couple of years will highlight the fact that it does not work. With that small contribution, I reiterate that we will not be opposing the bill.

**Ms WREFORD** (Mordialloc) — I rise in support of the Courts and Sentencing Legislation Amendment Bill 2012. I have just listened to 7 minutes of the member for Narre Warren North speaking on everything except the bill. He spoke at length about the causes of crime — which this legislation does not address; that is not what we are talking about today — and about incarceration. If we have a look at the history of the 11 years of the previous government, what we see is rates of crime having gone up and people feeling more and more unsafe in the community and thinking that the idea that you cannot sentence people for crimes does not work.

We were elected basically on a tough-on-crime and a very strong law and order agenda, and this bill is about improving the justice system through courts and sentencing legislation. It will clarify the jurisdiction of Koori courts, improve a range of Children's Court procedures, remove anomalies with respect to the excusing and empanelment of jurors, give judicial

registrars a clearer status and allow them education from the Judicial College of Victoria, and provide assessors with immunity in the County and Supreme courts. These moves are a step forward and will provide a fairer and more robust system.

It is no secret that in the 11 years of the previous government Labor's soft-on-crime, slap-on-the-wrist sentencing approach was an abject failure. People could run around doing what they liked without fear of consequence. The community generally became fearful and unhappy. It was a failure of gigantic proportions. It was up there with myki, the desalination plant, smart meters, public transport et cetera. All of these things have seen Labor now on the opposition benches.

This bill addresses the weaknesses in community-based sentencing. It streamlines procedures for charging offenders who ignore sentencing orders, it brings orders to convert unpaid fines to community work into 2012, and it clarifies how money will be held and repaid under the community correction order bond conditions and much more.

The bill also provides for a two-year extension of the trial of the power to issue infringement notices for two offences under the Justice Legislation Amendment (Infringement Offences) Act 2011: shop theft of goods valued at up to \$600 and wilful damage of property valued at less than \$500. The trial of these offences commenced in mid-2008 and was extended for a year in 2011. However, there have been insufficient cases to be sure of its effectiveness — which may mean it is working. A further two years of this trial will clarify that.

This bill reinforces the role of the Koori Court. Currently the Koori Court within each of the Magistrates Court, the County Court and the Children's Court can only deal with contraventions of sentencing orders that the originating Koori Court makes. This bill allows each Koori Court division to deal with contraventions of sentencing orders from within its court level, so a Koori Court within the Magistrates Court can sentence for contraventions of sentencing orders made by the Magistrates Court.

The bill removes anomalies in Children's Court legislation. It enables a magistrate other than the magistrate who originally imposed a sentence to constitute the court, which will improve efficiency in scheduling cases. With respect to bail provisions, the bill clarifies how specified time periods are calculated, which will help the Department of Human Services and the court. It also improves procedures for hearing breaches of youth attendance orders, youth supervision

orders and probation orders, as well as clarifying how to calculate the time a child may be remanded in custody. With respect to children taken into safe custody, at the moment the police officer who executes a safe custody order must take the child to the safe location; this bill allows another officer to do that.

Jury processes will be improved. Originally juries could be selected using names, and then they were allowed to be selected using anonymous numbers, which is common practice. However, to date the name lists have still had to be produced, wasting the time of the Office of the Juries Commissioner and increasing the risk of names being disclosed.

The bill also expands the definition of 'judicial officer' to include judicial registrars so that registrars can take part in judicial education and professional development. Assessors assist the Supreme Court by providing independent expert assessments and are currently utilised in the technology, engineering and construction list, and the bill will give assessors in the Supreme and County courts the same immunity as a Supreme Court judge.

Last year we made the most significant reforms in 20 years to community-based sentences, and from 16 January new flexible community correction orders (CCOs) came into effect. This bill streamlines the procedural steps for charging offenders with the contravention of sentencing orders. The change is based on the steps in the Criminal Procedure Act 2009 and simplifies things and makes them much more efficient and practical. This process was developed in consultation with Victoria Police, Corrections Victoria, the Director of Public Prosecutions and the courts.

The bill also provides standard terms for community work orders. Last year we refined the community work orders down to two types: fine conversion orders and fine default unpaid community work orders. This bill builds on that reform by amending the Sentencing Act 1991 to remove complicated and unclear provisions, making the law simpler. Another element of the reforms to CCOs was the implementation of a bond system. This element will commence later this year. The bill prepares and clarifies the rules around that bond system.

Our government is working with a clear law and order agenda. This bill is about improving the justice system through courts and sentencing legislation. In summary it will clarify the jurisdiction of Koori courts, improve Children's Court procedures, remove anomalies with respect to the excusing and empanelment of jurors, give judicial registrars a clearer status and allow them to

receive education from the Judicial College of Victoria, and provide assessors with immunity in the County and Supreme courts. Labor's soft-on-crime and slap-on-the-wrist sentencing approach was an abject failure; we saw that after 11 years. As members can see, this bill is all about fixing the anomalies and streamlining the processes to make the court system far more efficient. After Labor let things slip, we need to tighten up all the rules so offenders know that if they misbehave, there are consequences. This bill will mean penalties are applied much more quickly. I commend the bill to the house.

**Mr PERERA** (Cranbourne) — I wish to speak briefly on the Courts and Sentencing Legislation Amendment Bill 2012. This bill makes minor amendments to several acts, predominantly in relation to court practices and sentencing issues. The bill is about improving the justice system and involves tidying up some loose ends, just minor amendments — but it is not a step in the wrong direction. The opposition does not oppose the bill. Improving the justice system is a huge and complex task. It is not restricted to issues around locking up people; that could be part of it, but that is not the main issue. Improving the justice system also cannot be restricted to a single piece of legislation. It has to be looked at in the context of the government's other commitments and the delivery of those. Many speakers, including the member for Gembrook, have spoken about law enforcement, which is also part of the justice system. The bill should be spoken about broadly.

The bill makes amendments to the Judicial College of Victoria Act 2001 to allow the college to train judicial registrars. This judicial college was introduced by Labor to improve access to justice and enhance the independence, professionalism and performance of the judiciary. I cannot, however, see any specific money allocation in this budget to carry out the extra task of training judicial registrars. Does that mean this measure is going to be implemented sometime beyond this financial year? Why would anybody believe this government will implement these measures if funding for them is not allocated in the budget?

In his press release of 23 November 2010, the first pledge of the then shadow Attorney-General, now the Attorney-General, was the establishment of a new courts executive service. He said that he wanted it to be independent of departmental or political control. It would provide executive support to all Victorian courts as well as for the Victorian Civil and Administrative Tribunal (VCAT). What a nice and attractive pledge to the electorate a few days before the election! I ask the

Attorney-General: where is that courts executive service?

Pledge no. 2 was the introduction of a judicial appointments advisory panel based on the federal model. It would advise the Attorney-General on potential judicial appointments. That was a few days before the election. What a fantastic initiative, an independent panel for the Attorney-General to seek expert advice from to make the best judicial appointments. I ask the Attorney-General: where is that panel, after one and a half years?

In that same press release another pledge was made by the current Attorney-General. It was to establish a judicial complaints commission to investigate complaints about poor or inappropriate performance by judges, magistrates or VCAT officers. Again, a few days before the election the constituency would have been misled to believe that before long, if the shadow Attorney-General became the Attorney-General, the commission would be put in place so that action could be taken against judges, magistrates or VCAT officers for inappropriate action or wrong decisions made. I ask: where is that commission?

The delay in implementing and the silence about these pledged initiatives show the inherent problems in launching a policy via a line in a press release. The courts executive service is going nowhere fast, as the government and those in the courts have different ideas on what the model should be. This shows that this was a policy made on the run. It explains why the government did not allocate funding for those measures in either the last budget or this budget.

The bill makes amendments to the Juries Act 2000. It enables those empanelled as a jury to be listed by name or number. Currently either can be used, but there is always the requirement to produce the list by name, even if it is not used. This change will reduce the administrative burden on the court. However, both lists would still contain information about occupation for the purpose of identifying people's suitability for cases. The legislation also enables excused jury members to return to the jury pool as a group at the completion of their swearing in.

The jury system plays an important role in community life. It reflects the belief that there is no stronger sanction than community sanction. The Juries Amendment (Reform) Bill 2010 was aimed at increasing community representation in two ways. Firstly, it reduced the occupational groups whose members are ineligible for jury service. Secondly, it reduced the period of ineligibility for jury service. The

bill provided for the payment of jurors remuneration and allowance to be more secure. The main agenda for introducing the bill was to broaden the jury selection pool. That was supported overwhelmingly by the juries commissioner, but unfortunately it was opposed by the then coalition opposition.

The Labor government introduced specialist courts for disadvantaged indigenous Victorians — that is, the Koori courts. It is pleasing that the government has not only kept those courts but also through this bill is introducing measures to improve the functions of those courts. When the government was in opposition, the work of the Koori courts was described as apartheid justice.

The current Attorney-General has stated that in fact the government is looking to identify successful elements of the Neighbourhood Justice Centre and other specialist court lists which can be taken up and implemented more widely. That was very pleasing news. The decision to keep the Drug Court and the Koori Court was welcomed by the legal community as well.

The member for Kororoit talked about the government's obsession with locking up people and throwing away the keys. She spoke about the new prison to be built in Ravenhall in her electorate. Health care for those in the existing 670-bed remand centre has been provided and will be provided until June by St Vincent's public hospital. With this government's privatisation obsession, the contract had been handed over to the private sector. This will result in up to about 100 jobs being lost at St Vincent's public hospital. In the longer term the cost could be higher — —

**The DEPUTY SPEAKER** — Order! The member should come back to the bill, which has nothing to do with hospitals.

**Mr PERERA** — With a 600-bed prison, it is important to not only lock up people but to also look after their health and welfare.

This bill represents the government's inability to get the legislation right the first time. It displays the government's sloppy and rushed legislation practices. Many speakers before me had a lot of latitude, and many of them spoke about policing, which is not in the bill.

**Mr BULL** (Gippsland East) — I rise to speak in support of the Courts and Sentencing Legislation Amendment Bill 2012. As members have heard from other contributions, the bill strengthens Victoria's justice system through improvements to courts and

sentencing legislation, and it proposes a much more streamlined system. Furthermore, the amendments made by the bill are a demonstration of the government's commitment to improve court procedures, provide more flexibility and ensure stronger and more effective sentencing.

I want to draw attention to the improvements to sentencing legislation that are contained in this bill — and there are many. Last year the government introduced legislation which made the most significant reforms to community-based sentences in the past 20 years. I believe they were very well accepted in the community. That legislation replaced the previous range of what were deemed to be inflexible and rather cumbersome community-based sentences with a new single, flexible community correction order (CCO), the key to that being the flexibility it provides.

The bill streamlines the procedural steps for charging offenders with contravention of a sentencing order. Drawing on the Criminal Procedure Act 2009, the bill requires charges for contravention of an order to be filed in the Magistrates Court. Where the offender is already before the Supreme Court or the County Court for another offence committed during the term of the CCO, the bill provides that court with the discretion to receive a charge for breach of a CCO without an adjournment. That is clearly streamlining a cumbersome process. The amendments will ensure that the courts can properly consider the totality of offending by sentencing for both the new offence and the breach of the order concurrently — that is, at the same time, in the same sitting and in the same hearing.

The bill further improves laws to allow unpaid court fines to be converted to community work. This is another great initiative that provides a lot of flexibility for our legal system. In January this year the previous fine default community-based order was replaced by two new orders: the fine conversion order and fine default unpaid community work orders. The bill allows for the modernisation of these orders by amending the Sentencing Act 1991 to remove what were complicated and unclear provisions.

Another key component of the government's community correction reforms was the creation of the power for courts to impose an additional condition on a CCO whereby an offender pays an amount of money as a bond that can be forfeited upon breach. This is another great initiative in making people responsible for their actions. The bill clarifies the administrative processes for such bonds. The money can now be held in a trust fund on behalf of the Crown rather than being held by the courts. The bill also makes clear that the

Crown may hold the bond money for up to three months after the CCO has expired, and this will allow prosecuting agencies the time to determine if the offender has contravened his CCO and hold him accountable for those actions.

This bill also provides for a two-year extension of the power to issue infringement notices for two offences: the shop theft of goods valued at up to \$600 and the wilful damage of property valued at less than \$500. These two offences were part of an infringements trial which commenced in mid-2008 and which trialled the use of infringement notices for a small number of offences to assess their suitability for enforcement by infringement rather than through the court system. The trial was extended because there was some concern that the initial evaluation of the trial did not take into account all aspects and that the time frames provided were not adequate to come to a firm conclusion.

Further consideration was given and an additional year was allocated for the trial, but once again this proved to be an insufficient time frame in which to assess whether this was an effective measure to be introduced as a permanent follow-on to the trial. The additional two years of the trial will allow stakeholders to consider those issues in more detail with a longer time frame, which will improve the operation of that system to ensure that when it comes into play it is right and accurate.

The bill will improve the operation of the court system through various amendments. It will clarify the jurisdiction of Koori courts, improve various Children's Court processes, correct anomalies in relation to the empanelment and excusing of jurors, make judicial registrars a class of judicial officer that can be provided with judicial education by the Judicial College of Victoria and provide immunity to assessors in the Supreme Court and the County Court. I will talk about that in more detail shortly.

The bill will also improve through a number of measures the operation of community-based sentencing by streamlining processes for charging offenders in contravention of a sentencing order, modernising orders to convert unpaid fines to community work to provide flexibility around this issue and clarifying how money will be held and repaid under the community correction order bond condition.

Currently a Koori Court division can only deal with a contravention of a sentencing order if that order was made within the relevant Koori Court division. This is restrictive and cumbersome, and the bill corrects this anomaly to allow Koori Court divisions in the

Magistrates Court, County Court and the Children's Court to deal with a breach of a sentencing order made in any part of the criminal jurisdiction. This will provide the flexibility that the court system needs. The bill also makes clear that a guilty plea and the offender's consent are a prerequisite for the Koori Court division to deal with the various offences. These amendments reinforce the role of the Koori Court division as a sentencing division and will assist in reducing delays by enabling a wider range of matters relating to an accused to be heard together, which will certainly streamline the process.

The bill also removes anomalies in the Children's Court legislation. It clarifies how specified time periods are to be calculated in relation to bail provisions, and this will improve operational arrangements for the Department of Human Services as well as the court system. The bill also improves processes for hearing cases for breach of a probation order, a youth supervision order or a youth attendance order. It will also enable a magistrate, other than the magistrate who originally imposed the sentence, to constitute the court. This will allow the court to schedule cases more efficiently across the board and again bring greater flexibility to the system.

The bill amends the Children, Youth and Families Act 2005 and will clarify how to calculate a period for a child to be remanded in custody. The bill will also address operational and administrative issues regarding children taken into safe custody — an extremely important area. At present the legislation is restrictive and requires that the same police officer who executed a safe custody warrant must deliver that child to the location specified in the warrant. The bill will allow another police officer to bring that child to the location specified.

In addition the bill corrects anomalies in the laws governing juries. Under the Juries Act 2000 the court can empanel a jury by name or by an assigned number, and currently the Juries Act 2000 requires a list of names to be produced even where the empanelment takes place by number. This seems ludicrous and creates an unnecessary administrative step for the Office of the Juries Commissioner, and it may mean that a name is inadvertently disclosed. The bill will also allow a document bearing the number and occupation of the juror to be produced instead of that name. The bill also amends the Judicial College of Victoria Act 2001. The Judicial College of Victoria provides education and professional development for judicial officers. I commend the bill to the house.

**Ms THOMSON** (Footscray) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill

2012. It has been already stated that the opposition is not opposing this bill. I do not know what this government would do without the Department of Justice. The department has enabled filler bills to come into this chamber and fill the big gap that exists because there have been no bills of substance. Although this bill has some substance, it begs a question. This government would have no legislation if the Department of Justice did not continue to work completely independently of government and develop the legislation required to fill the debate time of this chamber.

There are some important measures, and other members have gone into detail about these when speaking on this bill.

**Mr Walsh** — You have just contradicted yourself.

**Ms THOMSON** — No, I said — and I will respond to that interjection — —

**The DEPUTY SPEAKER** — Order! The minister will cease interjecting, and the member will not respond to interjections.

**Ms THOMSON** — There are people of substance at the Department of Justice. The government has failed to bring legislation of substance into this Parliament. Let us get this right — —

**Mr Walsh** interjected.

**Ms THOMSON** — You would not be able to introduce it if the Department of Justice did not continue the work it does. The truth is that the government introduces legislation, but the Department of Justice probably works on legislation for a very long time and suggests that the government introduce it. That is the way it works.

**Mr Walsh** interjected.

**Ms THOMSON** — I certainly ensured that our — —

**The DEPUTY SPEAKER** — Order! The minister and the member on her feet will cease their conversation. I ask the member to resist the temptation to discuss the government business program and instead talk on the bill.

**Ms THOMSON** — I must admit I was provoked, and normally I do not get provoked. I like to see proactive governments bringing in legislation that they have initiated rather than legislation initiated by the bureaucracy. From time to time that may be necessary,

but under this government there has been an overdose of it.

This bill introduces and establishes the courts executive service, independent of departmental or political control, which will provide executive support to all Victorian courts and the Victorian Civil and Administrative Tribunal — a good initiative. The bill introduces a judicial appointment advisory panel based on the federal model to advise the Attorney-General on potential judicial appointments. It will be interesting to see if the government actually uses this body when it is established and whether it will follow the panel's recommendations.

I heard the member for Altona in her contribution in the chamber earlier today mention the question of the diversity of those appointments made to the judiciary and the importance of diversity. The judiciary needs to reflect the community if it is going to do its job to the best of its ability. Those appointed need to be adequately qualified and suitable for the job — there is no doubt about that whatsoever. However, we need to diversify the courts and the way they operate. We need to see diversity in the courts and diversity among the judges who sit on their benches.

I have to say that the previous Attorney-General did an excellent job of ensuring diversity on our benches. I hope this government will follow his lead in ensuring that we appoint people of integrity and diversity to our judicial benches. The previous Attorney-General definitely set the agenda for law reform and change. He was not an Attorney-General who relied on the department to provide the government with its agenda. I commend the work of the previous Attorney-General; I have not had the opportunity to do so in this house before. I commend him on the law reform packages that he brought into this Parliament, which have made this state far more civil in relation to the way it deals with legal issues. This includes the establishment of the Koori Court, and Koori Court issues are covered in legislation we have before us. That was an initiative that demonstrated exemplary conduct by the Attorney-General in relation to how one deals with the issues that confront Koori communities.

The bill before the house is perfunctory. It deals with minor changes that need to be made to legislation that has been enacted. The Independent Broad-based Anti-corruption Commission bills have not been thorough and neither is this legislation. We will see more pieces of legislation introduced in this place that are not thorough because the government is not concentrating on the detail it needs to in relation to the big-picture issues. There is no doubt that when we get

to debating the IBAC bill this week there will be a great deal said about the problems in that bill, the way it has been constructed and the number of amendments in it. It will show with great damning certainty that this government does not know what it is doing when it is dealing with this kind of legislation.

A number of amendments to legislation that has been before this house in recent months are in this bill. Why could we not get it right the first time and avoid bringing this amending bill to this chamber? That is the question that many of us on this side of the house have. I suggest that the government needs to think more carefully about the legislation it brings before this house. The government needs to consult more widely with the people who need to be consulted before it brings legislation into this chamber. It should ensure that it takes a thorough approach and covers all issues so there is not the necessity to propose amendment after amendment to legislation recently introduced to the Parliament.

**Ms RYALL** (Mitcham) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. It represents the Victorian government's commitment to improving, strengthening and streamlining Victoria's justice system. It will improve the operation of the state court system by amending, clarifying and correcting key acts in relation to court legislation.

It was good to see the member for Narre Warren North in the chamber. I trust he has completed sending his letters to the editor about projects he thought might not get funded — but they did, and thus he has made hypocrisy an art form. He talked about the reduction in people going to prison on the watch of the Labor government, yet refused to acknowledge or consider why that might be. He talked about the importance of correlation to crime prevention, yet on the watch of the former government we had home detention and suspended sentences for significant and violent crimes. If the former government had managed to consider the correlation between crime prevention and jail terms and actually made sure that those who committed the crime did the time, then I think we might have seen more confidence in the former government in relation to law and order. The coalition government has listened to the community's thoughts and fears in relation to law and order and is acting on them.

This bill strengthens the sentencing laws for those who offend. It reinforces the government's pre-election commitment to a stance that is tough on crime. This is a step towards ensuring that sentences are tougher. We promised the Victorian public prior to the last state

election that we would do this, and we are now delivering on that promise.

The bill also streamlines our court system to make it more simple, less time-consuming and more efficient. We should always aim to be more efficient, no matter what we do. To that end, with this bill the government has looked at efficiencies in relation to courts and sentencing. The member for Footscray and other members in the chamber who spoke on this bill seem to be somewhat stuck in the past when it comes to what they want to remember as opposed to what they do not want to remember, which includes some financial incompetence. They spoke of the need to consult widely. In the words of Peter Garrett, they must have a 'short memory', because what they failed to do was to consult widely.

The Courts and Sentencing Legislation Amendment Bill 2012 will contribute to making the justice system more efficient and effective. It makes the following offences infringeable for a further two years until 30 June 2014: shop theft of goods valued at up to \$600, which is under section 74A of the Crimes Act 1958; and wilful damage of property valued at less than \$500, which is under section 9(1)(c) of the Summary Offences Act 1966. The Courts and Sentencing Legislation Amendment Bill 2012 in turn clarifies the jurisdiction of Koori courts to allow Koori Court divisions in the Children's, Magistrates and County courts to deal with the contravention of a sentencing order made outside the Koori Court division. Once again this is important for efficiency in and streamlining of the court system. The bill makes sure that a guilty plea is a prerequisite for the Koori Court to deal with the contravention of a sentencing order. Once again this is consistent with the prerequisite to plead guilty to an offence before the matter can be heard in the Koori Court.

Processes in the Children's Court are also improved through amendments clarifying how to calculate the period for which a child may be remanded in custody. The bill also enables any magistrate to hear a breach of probation or other similar order. It will allow a child subject to a safe custody warrant to be delivered to the location by a different member of the police force from the member who executed the warrant. Once again this is getting things moving and making sure that we have efficiencies in our processes. Functions of registrars under the children and young persons infringement notice system are also clarified so that they are vested solely in the principal registrar and registrars, not the deputy registrar.

In terms of looking at sentencing amendments, in January 2012 the government replaced the range of inflexible community-based sentences with a new single and flexible community correction order. That was an excellent way to bring to the fore the opportunity to ensure that the right community correction orders were applied in the right circumstances to the right people. This bill modifies the sentencing laws to make sure that those reforms are running smoothly.

In terms of criminal processes for the contravention of a sentencing order, this bill streamlines the process for charging offenders and brings the law into line with the Criminal Procedure Act 2009. It replaces the process that requires charges to be filed in the sentencing court. There have been good amendments and improvements made to community correction orders from community-based sentences that existed under the former government. I commend the Attorney-General on his work in doing that and on the further improvement and streamlining of the court processes in relation to these orders.

In terms of bond conditions, the Sentencing Amendment (Community Correction Reform) Act 2011 gives courts the power to require that an offender pay an amount of money to the court as a condition of the community correction order. If the offender does not comply with the order, then the bond is liable for forfeiture. This was part of our election commitment to reforming community sentencing. It is anticipated that the bond condition will commence later this year.

With regard to infringement offences, the Justice Legislation (Infringement Offences) Act 2011 provides that powers to issue infringement notices for shop theft and wilful damage sunset on 30 June 2012. This bill extends the operation of that provision until 2014. The powers to issue notices for those offences have been in operation on a trial basis since July 2008. The period was extended for a further 12 months in 2011. The provision is important for police members because without it they cannot issue infringement notices for offences but would need to proceed by way of charge and summons. This bill makes the processes more effective, efficient and streamlined.

Once again I commend the Attorney-General on the work that he does. I have to say that the member for Footscray is a bit misguided if she thinks the Attorney-General is not absolutely on top of this, because he is: he has directed and made some fabulous amendments to legislation. I heard her recollection of the past, her memories of the former Attorney-General and perhaps how it once was. I am so pleased to see

that our Attorney-General and this government are restoring the confidence of the community by making sure that those who commit crime do the time and in fact are penalised accordingly, whether it be through a court sentence or as otherwise appropriate. I commend the bill to the house.

**Mr LANGUILLER** (Derrimut) — I am happy to make a contribution to the debate on the Courts and Sentencing Legislation Amendment Bill 2012. I say from the outset that this is always a very challenging jurisdiction. It is a challenge to deal with the management and delivery of justice, making sure that people do not reoffend and do not return to the courts, managing offenders and delivering fair and reasonable punishment in relation to an offence. In that respect I agree with the member for Footscray that the Department of Justice traditionally has done a very good job for all of us under governments of all persuasions. Sometimes you get it right; sometimes it is trial and error, and you might need to make improvements and/or modify the legislation as you go along, because ultimately that is the way it is. I want to say that in my experience and particularly in my relationship with the Sunshine magistrates and the courts there I see that the judiciary is always endeavouring to do the best it can for the community in terms of the management and delivery of justice.

This is an Attorney-General's bill. It is a technical measure that makes some minor amendments to several acts, predominantly in relation to court practices and sentencing issues. As members of the opposition have indicated earlier, the opposition will not be opposing this bill.

The Courts and Sentencing Legislation Amendment Bill 2012 makes amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Magistrates' Court Act 1989 and the Supreme Court Act 1986. I believe the bill makes some improvements through amendments to the sentencing laws relating to community-based corrections by streamlining the process for charging offenders with contravention of a sentencing order and modernising orders for converting unpaid fines to community work. I see that from time to time.

For the record, I have said a number of times I am not legally trained, but I make the effort to try to understand how these matters work in our courts of law. They are complex, but as a local member who represents an electorate in the western suburbs I must say I am usually impressed with the genuine efforts that are made by the judges, magistrates and indeed the

Department of Justice in this very complex balancing act.

I support community-based orders and corrections, and I believe that there are times when unpaid penalties or fines must translate into community work. I send a very frank and respectful message to the people I represent in the western suburbs — in St Albans, Albion and Sunshine — that we have challenges in that area, as you would be fully aware, Acting Speaker. I believe community-based orders and unpaid work in the community are good things. That view goes hand in hand with the value systems that certainly I have been brought up with within my family and the Labor Party, and I believe members of the government would agree with that. If you do the crime, you have to do the time, so to speak; and if you do not do the time — not everybody has to end up in prison — there are times when middle-of-the-road types of penalties such as community-based orders and unpaid work are good. That sends the right message to offenders and indeed the whole community.

The other provision in this act that I wish to address relates to indigenous persons. It provides for the option of having a breach of a sentencing order that has been made in any division of a court dealt with in the Koori Court division. Acting Speaker, as a senior member of this chamber you would recollect that it was the former government that introduced Koori courts in this state. I recall visiting a long time ago what I understand was — I may well have to be corrected on this — the first indigenous court in South Australia. I thought it was a good court. At the time it was operating for a trial period. It dealt with complex issues in the Koori community. However, that does not detract from the need to provide equal protection of the law for Koori and non-Koori people.

I concur with the notion that all persons should be subject to the same law and legal protections in sentencing options. As I understand it, the fact that a Koori Court division provides for alternative sentencing procedures that have regard to the cultural background of the offender and that seek to achieve more effective sentencing and a lower recidivism rate does not constitute discrimination within the meaning of the Equal Opportunity Act. I understand these matters have been examined by the Scrutiny of Acts and Regulations Committee, and I note from my reading on these matters that that committee concurs with the statement of compatibility as it has been submitted to this chamber by the Attorney-General.

As I indicated, the bill makes some minor amendments to a range of acts. It would be fair to say, however, that

this measure is long overdue. I wish to quote a press release dated 23 November 2010 and issued by the Attorney-General when in opposition. It says:

A coalition government will establish a new courts executive service, independent of departmental or political control, which will provide the executive support for all Victorian courts and for VCAT —

Victorian Civil and Administrative Tribunal —

...

introduce a judicial appointments advisory panel based on the federal model to advise the Attorney-General on potential judicial appointments;

...

establish a judicial complaints commission to investigate complaints about poor or inappropriate performance by judges, magistrates or VCAT officers ...

Whilst I have indicated that there are some amendments and changes that I think are good, it is fair to say that there has been delay in relation to introducing these provisions. They have been talked about for a long time, and in that sense in my judgement that does not reflect well on the government or the Attorney-General. However, this is an important bill that has been introduced into this Parliament. It is one that I imagine is relevant to all electorates. I would not wish to indicate that it is more relevant to me and my electorate than it is to others, but it is my understanding that the system is well used in the part of the state that I represent.

I sincerely hope that streamlining community-based orders and making it easier for courts, registrars and magistrates will help to improve the delivery of justice in Victoria and also send a message to young offenders in particular — that is, that while the government and the opposition wish to do everything we can to address the circumstances that lead to offences, ultimately offending is not acceptable and if they do the crime, they will do the time.

I particularly concur with the notion of converting unpaid fines to unpaid work, and I would rather see that happening in the community. I think it can turn into a positive. I hope that the practice of unpaid work in the community will lead individuals to not offend again and to understand that we are ultimately all part of the same community and that the rest of the community wants them not to offend. We continue to call on the government to address those issues that can cause people to commit offences — issues of employment, opportunity and housing that are sometimes not resolved. The budget did not resolve these issues in relation to housing and opportunities for training in

particular. In conclusion, the bill makes minor amendments that are required but are long overdue, but I will work on them.

**Mrs BAUER (Carrum)** — I am happy to make a contribution to the debate on the Courts and Sentencing Legislation Amendment Bill 2012. I commend the Attorney-General for introducing such sensible legislation. The purpose of the bill is to strengthen Victoria's justice system through amendments that improve sentencing legislation by clarifying it and making the system more efficient. The bill will improve the operation of the court system through amendments to clarify the jurisdiction of Koori courts, to improve various Children's Court processes and make other technical amendments, to correct anomalies in relation to the empanelment and excusing of jurors, to make judicial registrars a class of judicial officer that can be provided with judicial education by the Judicial College of Victoria and to provide immunity to assessors in the Supreme Court and the County Court. The bill also improves the operation of community-based sentencing and provides for a two-year extension of the power to issue infringement notices for two offences under the Justice Legislation Amendment (Infringement Offences) Act 2011.

The government is focused on reducing and preventing crime and on dealing appropriately and efficiently with offenders. We went to the 2010 state election with a tough-on-crime stance, which was welcomed by the community. Every day that I was out on the street talking to people in my electorate of Carrum they told me they were excited about the suite of proposals the coalition was looking at implementing. It has been a great pleasure to be part of the Baillieu government, which is now implementing those commitments. The community welcomed our tough-on-crime stance, the fact that we were committed to tougher sentences, and the commitment to put 1700 new police on the streets and 940 protective services officers (PSOs) on railway station platforms. In my electorate there are seven railway stations — Aspendale, Edithvale, Chelsea, Bonbeach, Carrum, Seaford and Kananook. I can tell members that my constituents, as well as people travelling through my electorate, welcome the PSOs.

As a government we are committed to making the community safer, making the streets safer and restoring confidence in the public transport system. Several years ago our railway stations had become places of fear. We have already seen the rollout of some PSOs, and there has been a real improvement in the perception of public safety. It has certainly restored confidence among members of the community. In the city of Frankston and the city of Kingston, the two local government

areas that my electorate covers, the community has also welcomed new police. There has been an allocation of 75 police to the city of Frankston and also an increase for the city of Kingston. The new police have been out there working very hard. The Victoria Police 2010–11 crime statistics reflect the terrific job that police have been doing. The statistics show that crimes against property have been reduced by 4.9 per cent to 4519 incidents per 100 000 people. It is encouraging to see that there has been a statewide reduction of 4.6 per cent in the rate of vehicle theft, and in the Kingston area the rate has been reduced by 18 per cent — from 316 in 2009–10 to 259 in 2010–11.

When sentencing offenders, we need to be mindful of their age, culture and education in order to provide them with opportunities to improve their situation and reduce the chances of their reoffending. These considerations provide better outcomes for everyone in the community. I therefore applaud the changes the bill makes to the current legislation to give indigenous offenders the opportunity to have any breaches of their sentencing orders heard by the Koori Court division of the relevant court. In our role as law-makers we need to provide legislation that considers an offender's cultural background and offers hearings within their community.

Members of our community who commit an offence and find themselves in trouble with the law are often sentenced to community-based orders. Community correction programs, as part of which community-based orders are served, focus on rehabilitation while ensuring that the offender makes the necessary reparations to their community. This bill streamlines the processes involved in community-based sentencing — for example, it will make it easier for unpaid fines to be converted to unpaid community work.

In my electorate of Carrum we have some terrific examples of how community work benefits our local community. In Seaford and Patterson Lakes people in the community service programs regularly clean up our parks, our natural environment and also some of our local schools on weekends. Depending on the offender and the offence, community correction orders can also include conditions such as treatment programs for drug prevention and education programs, which may even include first aid programs in which offenders learn new life skills. These are terrific examples of how the government is investing in individuals to help change behaviours and give new opportunities for them to integrate very positively within the community.

I applaud the changes that this bill makes. We need to support the men and women who work in the law and

order system by providing them with clear and enforceable legislation that offers them protection and also reduces the red tape that they deal with on a daily basis. The changes I have discussed, along with a number of other administrative changes, will result in much clearer and more effective legislation for Victoria. The bill will assist with implementing minor changes to processes in the Children's Court, clarifying the jurisdiction of the Koori Court, streamlining processes for dealing with offenders who have broken sentencing orders, reducing the red tape involved in the empanelling of juries and providing immunity for assessors in the County Court and the Supreme Court. I commend the bill to the house.

**Mr MADDEN** (Essendon) — I rise to speak on the Courts and Sentencing Legislation Amendment Bill 2012. In this bill we see a government that for a long time has been focused on being seen to be heavy-handed or tough on crime but at the end of the day has not necessarily known how to get that right and has not brought it together. This is largely an administrative or general bill that makes technical and other minor amendments, but some of these amendments are needed to fix other bills that have been brought into the Parliament recently. Again this shows that the government has not fully considered the implications of some of its previous legislation. It has not fully considered the technical changes it is making through its bills, and on top of that it has not consulted broadly enough. When it introduces some of these bills there is a backlash and the government realises that it has to finetune the bill to address the backlash that it is receiving from the community.

Ministers may say, 'We need to get it right'. Sure, they need to get it right, but if they are across the issues and if they are getting the right advice from the department or asking the right questions of the department, then many of these things would be dealt with the first time rather than the second or third time. One of the roles of ministers is to ask the hard questions of their departments. Departments will often give advice to a minister that the minister might want to hear, so unless ministers are a bit forensic in terms of what the department might offer up or even do some forensic analysis of what goes before cabinet, more of this will occur when bills are introduced into the Parliament.

The government still does not quite get it. Many of the critics of the budget acknowledged yesterday that it is one thing to appear tough on crime and to be seen to be trying to bandaid problems, but unless you fix the causes of the problems you are just going to fill prisons with people and create more problems for yourself over time.

One of the things that this government has failed to acknowledge — and it will cause even more problems for it in the future — is that putting more people in prisons is not going to fix the inherent problem of recidivism. In relation to the young people who are put into prison, the members of this government do not recognise that they are not just putting them in there for a short period of time; they will end up putting them in there for a long period of time. Once these young people go into prison, the culture of the prison permeates them and they end up finding their way back into prison time and again. The experts will say, 'Avoid prison at all costs', because once you put a young person in prison, you condemn them to a life of recidivism.

We have heard members of the government talk about issues in relation to the public transport system and issues in the community, but the people the government is trying to deal with are predominantly a cohort of young men. These young men, for one reason or another, find themselves involved in problems, whether they be drugs, substance abuse issues, mental health issues or violence issues. They are the same men who end up in statistics in a whole lot of other areas. They may be involved in workplace injury incidents if they are working, and they may have violence perpetrated against them as well as being perpetrators of violence. As well as that, they are probably the same men who time and again end up in a whole lot of slots in the social welfare system. It is not a large pool, but it is the same pool over and over again that dips back into the well of public support.

One of the great tragedies is that these are the same young men who end up becoming recidivists and not only long-term criminals but long-term prisoners — not long-term prisoners by getting long-term sentences but instead coming back into the justice system time and again. Often they have failed to establish themselves in the community. Obviously they have difficulties with relationships. Some may have had absent fathers or lacked male role models in their lives. We continue to see these young men enter and re-enter the prison system over the long term.

One of the great challenges for this government and for any government in Victoria in the future is not to continue to lock up these young men but to deal with them in an appropriate manner. We need to deal with these young men appropriately before they get into trouble, put them on the right path with support and mentoring from older men in one form or another. Often they end up in trouble through of a lack of discipline because they do not have a male role model in their life or a figure who can put them on the straight

and narrow. Unless we deal with that cohort of young men they will end up in the social welfare system and the judicial system in a cycle of domestic violence — all sorts of things.

If you look at the statistics and at all of the issues we have to deal with in this community that are troublesome, you find that they involve a similar cohort of young men. They are not necessarily the same young men, but time and again we find they are of a similar age. They are usually between about 14 and 28 or 30 years of age, and they continue to present in all sorts of different areas within the welfare system, the justice system and many of the other support mechanisms where the government has to spend enormous amounts of money. I suspect that as they get older they also present health issues in the health system because their health outcomes are probably a lot poorer.

I suggest to the government that it is one thing to legislate around justice but it takes a lot of courage, sophistication and thought to get it right at the beginning of the cycle, rather than trying to fix things at the end of the cycle when it is too late.

**Debate adjourned on motion of Mr WAKELING (Ferntree Gully).**

**Debate adjourned until later this day.**

## POLICE AND EMERGENCY MANAGEMENT LEGISLATION AMENDMENT BILL 2012

### *Statement of compatibility*

**Mr RYAN (Minister for Police and Emergency Services) 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 (charter act), I make this statement of compatibility with respect to the Police and Emergency Management Legislation Amendment Bill 2012.

In my opinion, the Police and Emergency Management Legislation Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will amend:

the Bushfires Commission Implementation Monitor Act 2011 to extend the operation of that act and reporting requirements under it for a further two years;

the Country Fire Authority Act 1958 to expand the category of persons who are able to exercise the powers of the chief officer of the Country Fire Authority in circumstances where the Country Fire Authority is not present;

the Police Regulation Act 1958 to remove the limitations on the number of deputy commissioners and assistant commissioners that may be appointed under the act, and to enable the chief commissioner to determine standards as to grooming and clothing accessories; and

the Sale of Land Act 1962 to require a vendor's statement to contain disclosure of whether land is in a bushfire-prone area.

#### **Human rights issues**

The power to determine standards as to grooming and clothing accessories of members of the police force engages a number of human rights, including the rights to equality, privacy and freedom of expression in sections 8, 13 and 15 of the charter act.

##### ***1. Power to determine standards of grooming and acceptable clothing accessories for police members***

Clause 9 inserts new subsection 5(2)(c) into the Police Regulation Act 1958 which provides the chief commissioner with authority to determine standards of grooming and acceptable clothing accessories for members of the force, police recruits, police reservists and protective services officers. The provision grants the chief commissioner statutory authority to differentiate on the basis of sex, gender identity, physical features or religious belief or activity in determining these standards. The provision also provides that the chief commissioner may provide for exceptions based on genuine medical, cultural or religious grounds.

Grooming and accessories standards are currently set out in the Victoria Police manual which is available to all members of the Victorian police force. The standards include specific guidelines on grooming and accessories, such as hair, facial hair, jewellery, kirpans, sunglasses and make-up. Facial hair is not permitted, with the exception of sideburns and moustaches that are clean, neatly trimmed and do not extend beyond a prescribed point. The wearing of jewellery is not permitted with the exception of wristwatches, minimal rings of conservative style and emergency medical alert bracelets or pendants. Earrings and facial/body piercing jewellery are not permitted. The standards specify separate rules for males and females regarding the grooming of hair, with males not permitted to have long hair, ponytails or buns. Women are permitted long hair provided it is tied or pinned back and worn close to the head. Practising Sikhs are permitted to carry a kirpan provided it is concealed under clothing at all times. Headdress approved by the Uniform and Appearance Advisory Committee to support religious requirements may be worn by practising members, including the turban, hijab and yarmulke.

##### ***Right to equality (section 8)***

Section 8 of the charter act provides that every person has the right to equality before the law and freedom from discrimination. 'Discrimination' under section 3 of the charter act has the same meaning as in the Equal Opportunity Act 2010 (the EO act), which includes direct and indirect discrimination. Under the EO act, direct discrimination occurs

if an employer treats, or proposes to treat, a person with a protected attribute unfavourably and that treatment is because of that attribute. The attribute must be a substantial reason for the unfavourable treatment. Indirect discrimination occurs if an employer imposes, or proposes to impose, a requirement, condition or practice that is not reasonable and has, or is likely to have, the effect of disadvantaging persons with an attribute.

By enabling the chief commissioner to set both compulsory standards of general application and specific standards that are based on the attributes of sex, gender identity, physical features or religious belief or activity, clause 9 may authorise direct or indirect discrimination. For example, standards may discriminate against a male member with long hair on the basis of sex, or a member with facial hair or piercings on the basis of physical features. The standards also permit certain exemptions on the basis of religious belief or activity, which are not otherwise available to other non-practising members.

#### *Consideration of reasonable limitations — section 7(2)*

It is my view that while the operation of clause 9 may result in limitations on the right to equality, these limitations would be reasonable and demonstrably justified in a free and democratic society.

The purposes of enabling the determination of standards for grooming and acceptable clothing accessories for members of the police force are significant and important. As a representative of Victoria Police, Victoria Police members are required to present a consistent and professional appearance and project a favourable image of Victoria Police as a professional and disciplined organisation. It is critical to their role as members that they are identifiable to the public through a consistent standard that is clear and prescriptive. Members are also the first point of contact for community members when attending at a time of loss or where community members are victims of crime or other offences. It is important to this role that members present in a respectful and professional manner at all times, with an appearance that promotes public trust. It is considered, for example, that facial hair and long hair in male members results in diminishing public trust in police.

The standards are also concerned with improving the safety of members through eliminating physical aspects that could be exploited by others in confrontational situations, such as grabbing ponytails or body piercings. Finally, uniform standards facilitate unity and commitment of members to the organisation, as well as enhance morale among members. In order to maintain consistency across Victoria Police's large membership base, it is necessary for the standards to provide clear, stringent and unambiguous rules so that they can be properly enforced in each division. The limitation is closely related to the purpose of maintaining the integrity and public image of Victoria Police, increasing safety of members and promoting public trust in the organisation.

While the limitation may have a permanent effect on members' lives beyond the workplace, I consider that clause 9, which enables the chief commissioner to provide for exceptions to the standards, ensures that the power does not constitute an unreasonable limitation on members' human rights. Under the procedure currently set out in the Victoria Police manual, aggrieved members will be able to apply for a temporary exemption on medical, pregnancy or operational grounds, or a permanent variation on medical, cultural or

religious grounds. All applications will be referred to the Uniform Appearance and Advisory Committee, who must take into consideration a member's needs, the nature of their duties and the broader aims of the uniform and appearance guidelines. As officers and other members of the police force, the committee will be a public authority and therefore will have obligations under section 38 of the charter act to act compatibly with human rights and give proper consideration to relevant human rights when making a decision.

Clause 9 and the standards set out in the Victoria Police manual are focused on achieving legitimate safety, uniformity and image objectives. Accordingly, I consider that there is no less restrictive means of achieving these purposes, given the availability for aggrieved members to seek a variation before a committee that will be required to consider their human rights and personal circumstances against the broader aims of the policy. I also note that the chief commissioner, as a public authority, will have obligations under section 38 of the charter act to act compatibly with human rights and give proper consideration to relevant rights when determining the standards published in the Victoria Police manual as well as any subsequent amendments, including to the procedures available for seeking temporary exemptions or permanent variations.

#### *Right to privacy (section 13)*

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right to privacy includes the right to respect for a person's 'personal identity', including the right of a person to choose how they dress. However, the charter act only prohibits unlawful and arbitrary interferences with privacy. Any directions given as to appropriate dress and standards authorised by this bill will be precisely formulated and published in a form accessible to all members. As discussed above, the standards will be set and maintained by the chief commissioner, who will have obligations under section 38 of the charter to act compatibly with human rights. I consider that the standards are reasonable and proportionate in the circumstances and will not be arbitrary given the ability for members to apply for temporary exemptions on medical, pregnancy or operational grounds, and permanent variations on medical, cultural or religious grounds.

#### *Right to freedom of expression (section 15)*

Section 15 of the charter act provides that every person has the right to freedom of expression. 'Expression' has been interpreted broadly and includes acts of protest as well as expression of feelings. Consequently, the power to impose limitations or prohibitions on dress may potentially engage the right to freedom of expression. For example, persons may choose to express their support for a particular political cause by wearing an accessory, or refraining from cutting their hair or beard. Further, acts which are not covered by the right to religious belief may nevertheless constitute expression of one's convictions. Dress is also a protected form of artistic expression. However, it is considered that certain human rights such as the right to expression apply less strictly to members of the police force than to ordinary citizens, given their important public functions.

Section 15(3)(b) permits limitation of this right as reasonably necessary for the protection of national security and public order. Accordingly, I consider that the provision constitutes a lawful restriction on free expression as it is intended to

preserve the independence and integrity of individual members and the integrity and reputation of the police force generally as discussed above, which falls within the broad definition of 'public order'.

### Conclusion

I consider that the bill is compatible with the charter 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.

Peter Ryan, MLA  
Minister for Police and Emergency Services

### *Second reading*

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The coalition government is committed to improving the emergency management arrangements in Victoria for the benefit of all Victorians and developing a truly modern and efficient policing force of which all Victorians can continue to be proud.

The Police and Emergency Management Legislation Amendment Bill 2012 will further this commitment by amending the Bushfires Royal Commission Implementation Monitor Act 2011 to extend the operation of that act, the Sale of Land Act 1962 to implement the government's response to recommendation 53 of the 2009 Victorian Bushfires Royal Commission (VBRC) final report, the Country Fire Authority Act 1958 to expand the class of persons who are able to exercise the powers of the chief officer of the Country Fire Authority (CFA), and the Police Regulation Act 1958 to remove the limitation on the number of assistant commissioners and deputy commissioners who may be appointed, and provide a power for the Chief Commissioner of Police to issue standards for the dress and appearance of members of the police force.

The government is committed to implementing all 67 recommendations of the royal commission's final report to prevent a tragedy of the scale of the 2009 bushfires from ever happening again. The bushfires royal commission implementation monitor plays a crucial role in this process and holds the state accountable by assessing its progress in implementing the government's response to the royal commission's final report and reporting directly to Parliament on the findings.

In 2011, the coalition government strengthened the independence of the implementation monitor by enacting the Bushfires Royal Commission

Implementation Monitor Act 2011. This act is due to sunset on 30 September 2012, following the tabling of the implementation monitor's final report on 31 July 2012. The implementation monitor has recently brought to the government's attention a number of outstanding actions in the state's implementation plan that are due for completion or further review after the implementation monitor's current final reporting date.

The reports by the implementation monitor provide valuable feedback to the government and are an open and transparent record for the public of the government's progress in delivering on its commitments. The government, therefore, proposes to extend the operation of the Bushfires Royal Commission Implementation Monitor Act 2011 until 30 September 2014 and require the implementation monitor to produce two further annual reports by 31 July 2013 and 31 July 2014.

For these annual reports, the bill requires the implementation monitor to report on the progress of any implementation actions set out in the implementation plan that have not been completed as at the date of the implementation monitor's previous report. The bill also requires the implementation monitor to report on any other matter requested by the Minister for Police and Emergency Services, such as any ongoing actions or programs that originated from a completed implementation action. The annual reports will be subject to the same procedural requirements as for the other implementation monitor reports, including the requirement that they be tabled in Parliament.

The bill will implement the government's response to recommendation 53 of the VBRC final report by amending section 32 of the Sale of Land Act 1962 to require a vendor's statement, if land is in a bushfire-prone area, to include a statement to that effect. Free and easily accessible online tools are available on the Department of Planning and Community Development website to assist vendors to determine whether land is in a bushfire-prone area.

The bill addresses the substance of recommendation 53 by encouraging prospective purchasers of land to undertake their own due diligence and ensure that any prepurchase inspection of properties in bushfire-prone areas assess the bushfire safety of the property, without significantly increasing the regulatory burden on vendors.

Part 5 of the bill, which amends section 32 of the Sale of Land Act 1962, will come into operation on a date to be proclaimed, with a default commencement date of 31 July 2013. This will allow time for the conveyancing

industry and vendors in bushfire-prone areas to be adequately informed of the new disclosure requirements.

The bill will make a minor amendment to the Country Fire Authority Act 1958 to enable the Department of Sustainability and Environment's networked emergency organisation partners, as well as interstate and international land management firefighting personnel, to exercise the powers of the CFA chief officer in the country area of Victoria if the CFA is not present and there is a danger of fire occurring, a fire is burning or has recently been extinguished.

In addition to the bushfire-related amendments, the bill will also make a number of legislative amendments relating to the police force. The community has a legitimate expectation that Victoria Police is an effective and highly responsive force. On 1 March 2012, the government tabled in Parliament Mr Jack Rush QC's report of the special inquiry into the command, management and functions of the senior structure of Victoria Police. The government is committed to implementing all but one of the 25 recommendations made in the Rush inquiry report.

The bill seeks to implement the government's response to recommendation 16 of the Rush inquiry report by removing the limit on the maximum number of deputy commissioners and assistant commissioners. Currently, the Governor in Council appoints deputy commissioners under the Police Regulation Act 1958 and the chief commissioner engages assistant commissioners on executive contracts under the Public Administration Act 2004. However, the provision in the Police Regulation Act 1958 regarding the caps on appointments covers both types of commissioners.

The amendment to remove these caps is being sought ahead of other legislative amendments required to implement the Rush inquiry report to provide the Chief Commissioner of Police with the necessary flexibility to develop a new senior command structure to strategically position Victoria Police for the future. In this respect, the chief commissioner will play a significant role in determining the reasonable number of deputy commissioners and assistant commissioners that will be required.

The Victoria Police 'Uniform and appearance' policy in the Victoria Police manual was recently revised and made a number of changes relating to grooming and accessories. It is extremely important for members of the police force to present a professional and well-groomed appearance to maintain the public's confidence, trust and respect, and contribute positively to Victoria Police's image and reputation as an authoritative and disciplined organisation.

The new policy will also improve the safety of members through eliminating physical aspects that could be exploited by others in confrontational situations, such as ponytails or body piercings that could be grabbed by an attacker.

The bill proposes to amend the Police Regulation Act 1958 to put the amended 'Uniform and appearance' policy into effect by providing an explicit statutory power for the chief commissioner to issue standards of grooming and acceptable clothing accessories, such as jewellery, headgear, sunglasses and make-up, for members of the police force, police recruits, police reservists and protective services officers. The bill provides that such standards may differ based on sex, gender identity, physical features or religious belief or activity, and provides for exceptions to be granted based on genuine medical, cultural or religious grounds.

This amendment to the Police Regulation Act 1958 is critical to enhance the chief commissioner's powers to effect improvements in the public perception of the force and for the benefit of the force itself.

This bill will play a small part in delivering on the comprehensive reform of the emergency management arrangements to ensure the safety of all Victorians and of Victoria Police to ensure it remains responsive to contemporary community needs.

I commend the bill to the house.

**Debate adjourned on motion of Mr MADDEN (Essendon).**

**Debate adjourned until Wednesday, 16 May.**

**Mr Madden** — Acting Speaker, I call your attention to the state of the house; I do not think there is a quorum.

**Quorum formed.**

## PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT (SALARY RESTRAINT) BILL 2012

*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 Act 2006 (charter act), I make this statement of compatibility with respect to the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012.

In my opinion, the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012, as introduced to the Legislative Assembly is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The object of the Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 is to limit the increase in the salary payable to members of the Victorian Parliament for the financial year beginning 1 July 2012 to 2.5 per cent.

#### **Human rights issues**

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

###### *Section 20 — Property rights*

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

I consider that the bill does not limit this right. The bill sets out a limit on the increase to the salary payable to members of the Victorian Parliament which is precise and not arbitrary. Any impact on this right will therefore be in accordance with law, as permitted by section 20.

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

As the bill does not limit any of the rights under the charter act, it is not necessary to consider section 7(2).

#### **Conclusion**

I consider that the bill is compatible with the charter act because it does not limit human rights.

Ted Baillieu, MLA  
Premier

#### *Second reading*

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I move:

That this bill be now read a second time.

The Parliamentary Salaries and Superannuation Amendment (Salary Restraint) Bill 2012 demonstrates the government's commitment to responsible financial management.

The commonwealth Remuneration Tribunal has decided that it is acceptable for federal members of Parliament to receive very significant increases in their basic salaries. The salaries of members of the parliaments of several states, including Victoria, are set by a formula linked to the salary of a federal member of the House of Representatives.

The Victorian government does not believe that the increase given to federal parliamentarians should flow on to Victorian parliamentary salaries in the current economic circumstances.

The government believes that the proper course would be for members of the Victorian Parliament to receive an increase in line with the public sector wages policy, and for a new mechanism to be established for future adjustments.

Accordingly, this bill limits the increase for the financial year 2012–13 to 2.5 per cent.

Furthermore, the government will establish an independent review to assess alternative methods for determining the remuneration of Victorian parliamentarians in the future, and to provide the government with options for transparent and accountable governance arrangements. New legislation will be required in due course.

I commend the bill to the house.

**Debate adjourned on motion of Mr MADDEN (Essendon).**

**Debate adjourned until Wednesday, 16 May.**

## **ROAD SAFETY AMENDMENT BILL 2012**

### *Statement of compatibility*

**Mr MULDER** (Minister for Roads) 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 (charter act), I make this statement of compatibility with respect to the Road Safety Amendment Bill 2012.

In my opinion the Road Safety Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of the bill**

The bill amends the Road Safety Act 1986 to —

implement a government election commitment to require 'hoon' offenders to complete a safe driving course;

make changes to the vehicle impoundment and immobilisation scheme to reduce the costs associated with administering that scheme and to address several operational issues concerning the scheme; and

introduce new, nationally agreed criteria for determining whether a damaged light motor vehicle is a statutory write-off.

### **Human rights issues**

#### **Section 12 — freedom of movement**

Section 12 of the charter act provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

#### **Safe driving programs scheme**

The bill will require persons who have been found guilty of certain ‘hoon’ traffic offences and who have had their vehicle impounded or immobilised to complete an approved safe driving program. This requirement engages the right to freedom of movement to the extent that offenders who fail to complete the program will have their licence suspended (and, if already suspended, will incur a new suspension on the expiration of the existing suspension) or, if they do not hold a driver licence or permit, will be disqualified from driving in Victoria and from obtaining a driver licence or permit.

The right is not restricted, however, as any individual who is subject to these sanctions will continue to be free to use any forms of transportation (aside from driving a motor vehicle), including travelling as a passenger in a motor vehicle driven by another person, in order to move freely within Victoria.

#### **Sale or disposal of vehicles deemed to be abandoned**

The bill provides for a new process for deeming an immobilised or impounded vehicle to be abandoned, allowing it to be sold or disposed of. This process engages the right to freedom of movement, as a vehicle that has been sold or disposed of cannot be used by the former owner.

However, the right to freedom of movement is not limited because the affected person(s) are free to use other forms of transport such as walking, cycling, public transport or to drive or travel in an alternative vehicle. In many cases, the sale or disposal of an impounded or immobilised vehicle will not directly affect an offender’s ability to drive a motor vehicle because the offender will have already been prohibited from driving a motor vehicle as part of their punishment for the commission of a serious traffic offence, for example.

It is also possible for anyone substantially affected by vehicle immobilisation or impoundment to make an application to a court for the release of the vehicle on the grounds of ‘exceptional hardship’. If a successful application is made, then the vehicle will be released from immobilisation or impoundment and it can continue to be used for transport purposes. Furthermore, a vehicle will not be deemed to be abandoned, and will therefore not be sold or disposed of on that basis, if a person substantially affected by the proposed sale or disposal of the vehicle applies to the court for a declaration that the vehicle is in fact not abandoned and that the person has a genuine intention to collect or arrange for the vehicle’s release.

#### **Increased time to require surrender of vehicle**

The bill will give police a longer period of time to require the surrender of a vehicle used to commit a ‘hoon’ offence where that offence is detected by a camera or through blood or oral

fluid analysis. This increases the likelihood of vehicle impoundment or immobilisation for these types of offences and restricts the use of any affected vehicles, engaging the right to freedom of movement.

The right to freedom of movement is not limited, however. The relevant owner is free to use other forms of transport such as walking, cycling, public transport or to travel in or drive an alternative vehicle. In many cases, impoundment or immobilisation will not directly affect an offender’s ability to drive a motor vehicle because the offender will have already been prohibited from driving a motor vehicle as part of their punishment for the commission of a serious traffic offence, for example.

It is also possible for anyone substantially affected by vehicle immobilisation or impoundment to make an application to the court on the grounds of ‘exceptional hardship’ for either the release of the vehicle or to prevent its immobilisation or impoundment.

#### **New criteria for statutory write-offs**

The right to move freely is engaged by the establishment of new, stricter criteria for assessing whether a damaged light motor vehicle is a statutory write-off to the extent that it is anticipated that this change will result in more light vehicles being assessed as statutory write-offs. This will mean that the vehicles in question will not be able to be re-registered for use on the roads which may affect the freedom of movement of the vehicle’s owner. The right is not limited, however, as the owner will be able to purchase another vehicle and will continue to have access to other forms of transport.

#### **Section 13(a) — privacy**

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

#### **Relocation of immobilised vehicles**

The bill confers additional powers on police and authorised persons concerning the relocation of immobilised vehicles. The exercise of these powers, including certain search and seizure powers, engages the right to privacy. The right is not limited, however, as the exercise of the powers will be authorised by law and the powers will not be used arbitrarily but will only be able to be used in certain circumstances in which the relocation of an immobilised vehicle is necessary.

#### **The registration of financing statements**

The bill requires additional notifications to be recorded on the commonwealth personal property securities register (‘register’) with respect to immobilised, impounded or forfeited vehicles. This requirement engages the right to privacy, as it would be possible for a person to infer, as a result of the notification, that the registered operator of the vehicle has been either accused of or has been found guilty of one of the offences set out in section 84C of the Road Safety Act 1986.

However, the requirement for the registration of a financing statement does not limit the right to privacy, as the registration will be authorised by law and will not be done arbitrarily, but will only take place in certain circumstances where enforcement action has been taken or is pending with respect to the relevant vehicle.

**Section 20 — property**

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

*Sale or disposal of vehicles deemed to be abandoned*

The bill provides for a new process for deeming certain impounded or immobilised vehicles to be 'abandoned'. This process and the subsequent sale or disposal of that vehicle engages the right to property.

The right to property is not limited, however, as the process for deeming a vehicle to be abandoned and sold or disposed of will be authorised by law and will only apply in certain circumstances where particularly serious road safety offences are alleged to have been committed and where the alleged offender has failed to collect his or her vehicle within a reasonable period of time. If a vehicle is deemed to be abandoned and is sold or disposed of and the offender is subsequently found to be not guilty of the offence, fair compensation must be paid to any person with a proprietary interest in the vehicle.

*Relocation of immobilised vehicles*

The bill confers additional powers on police and authorised persons to relocate immobilised vehicles. The exercise of these powers, which include search and seizure powers, engages the right to property. The right is not limited, however, as the exercise of the powers will be authorised by law and will not be arbitrary. The powers will only be able to be exercised in certain circumstances in which the movement of the vehicle is necessary to, for example, address a road safety or public amenity issue or to enable the vehicle to be sold or disposed of.

*The registration of financing statements*

The bill requires certain notifications to be recorded on the commonwealth personal property securities register with respect to immobilised, impounded or forfeited vehicles. This requirement engages the right to property, as it may affect the ability of the vehicle's owner to sell the vehicle or use it as security.

However, the right to property is not unlawfully or arbitrarily interfered with, as applications to register financing statements will be authorised by law and will only be made in certain circumstances where enforcement action has been taken or is pending with respect to the relevant vehicle.

*Requirement to obtain approval before moving an immobilised vehicle*

The bill requires a person seeking to move an immobilised vehicle to obtain prior approval of the new location from the Chief Commissioner of Police. Placing a restriction on the movement of a vehicle necessarily engages the right to property.

However, the right to property is not limited, as the additional requirement to obtain approval before moving an immobilised vehicle will be authorised by law and will not be imposed in an arbitrary manner. It will continue to be the case that a vehicle will be able to be moved without the approval of the chief commissioner for a range of reasons including, for instance, that the vehicle is obstructing access to property.

*New criteria for statutory write-offs*

The establishment of new nationally agreed criteria for assessing whether a damaged light motor vehicle is a statutory write-off will engage the right to property as it is expected to result in more vehicles being assessed as statutory write-offs. This will mean that the vehicles concerned cannot be re-registered, restricting their use.

The right is not limited, however, as the assessment of a vehicle as a statutory write-off under the new criteria will be made in accordance with law and will not be made arbitrarily. The criteria must, for instance, be applied by assessors in accordance with the technical guide approved by the association of Australian and New Zealand road transport and traffic authorities (Austroads).

**Section 24(1) — Fair hearing and section 25(1) — right to be presumed innocent**

Section 24(1) of the charter act provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

*Sale or disposal of vehicles deemed to be abandoned*

The bill creates a new process for deeming certain impounded or immobilised vehicles to be 'abandoned' and subsequently sold or disposed of. The changes mean that this process can occur before all legal proceedings relating to the relevant offence have been completed. These changes limit the right to a fair hearing and the right to be presumed innocent, as the sale or disposal of a vehicle is analogous to a form of punishment and is being imposed for alleged criminal behaviour before any formal finding of guilt by an independent and impartial court or tribunal.

Taking into account all relevant factors, however, including the following, the limitation is reasonable.

*(a) the nature of the right being limited*

Where the sale or disposal of a vehicle that is deemed to be abandoned occurs prior to any formal finding of guilt by a court, it limits both the right to a fair hearing and the right to be presumed innocent to the extent that those rights implicitly require that no punishment for alleged criminal behaviour be imposed unless the alleged offender has received a fair hearing and been proved guilty according to law.

*(b) the importance of the purpose of the limitation*

The sale or disposal of 'abandoned' immobilised or impounded vehicles is necessary to ensure that vehicles are released from immobilisation or collected from their place of impoundment in a timely fashion. To date, a high percentage of vehicles that are available for collection have not been collected but have been effectively 'abandoned'. The figure for January 2012, for instance, is 23 per cent.

A factor in the number of impounded vehicles not being collected is the requirement for the owner to pay towing and storage charges before the vehicle's release. These costs, and any additional costs which may apply to, for instance, make

the vehicle roadworthy, may exceed the value of the vehicle. It is anticipated that there will be a similarly high percentage of immobilised vehicles that will not be released from immobilisation in a timely manner once the use of vehicle immobilisation becomes more widespread.

Where a vehicle is abandoned, Victoria Police is left with the burden of the unpaid designated costs and the cost of the vehicle's sale or disposal. In the case of immobilised vehicles which are left unreleased, this can create public amenity issues and difficulties for police in recovering immobilisation devices for re-use.

*(c) the nature and extent of the limitation*

A number of safeguards apply to the new deeming process. The notification process to have a vehicle deemed to be abandoned can only commence seven days after an impounded vehicle becomes available for collection and three months after an immobilised vehicle becomes available for release. This process cannot commence at all if the Chief Commissioner of Police is aware that proceedings for the release of the vehicle on exceptional hardship grounds are already on foot.

The formal notification process will also give vehicle owners 30 days to pay the relevant designated costs and collect the vehicle. A person substantially affected by the possible sale or disposal will also be given 30 days to apply to the Magistrates Court for an order that the vehicle is not abandoned and that he or she has a genuine intention to collect or arrange for the release of the vehicle. If an application is successful, then the vehicle can only be disposed of once all legal proceedings relating to the offence have been completed or the Chief Commissioner of Police has obtained a disposal order under subdivision 3 of division 5 of part 6A of the Road Safety Act 1986.

If an abandoned vehicle is sold or disposed of and a person is not charged within a defined period or is ultimately found not guilty of the relevant offence, persons with a proprietary interest in the vehicle must be fairly compensated. It will continue to be the case that where a person pays the designated costs in respect of an impounded or immobilised vehicle before the relevant court proceedings have been finalised and that person is ultimately found not guilty of the alleged offence, the designated costs will be repaid.

*(d) the relationship between the limitation and its purpose*

The limitation of the right to a fair hearing and the right to be presumed innocent is directly linked with the primary purposes of the limitation, which are to ensure that vehicles are released from immobilisation or collected from their place of impoundment in a timely fashion and to prevent unreasonable costs from being incurred by the police in relation to vehicle impoundment and immobilisation.

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

It would be possible to delay the deeming of a vehicle as abandoned to allow offenders more time to collect or arrange for the release of their vehicles. However, this would reduce the effectiveness of the changes in terms of encouraging the timely collection and release of vehicles and the minimisation of costs associated with the scheme.

## Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006. Provisions of the bill engage, but do not limit, rights conferred by sections 12, 13(a) and 20 of the charter act. The provisions of the bill that limit human rights under sections 24(1) and 25(1) of the charter act are reasonable and proportionate taking into account all relevant factors including those set out in section 7(2) of the charter act.

Terry Mulder, MP  
Minister for Roads

## Second reading

**Mr MULDER** (Minister for Roads) — I move:

That this bill be now read a second time.

The bill:

implements an election commitment to require 'hoon' offenders to undertake a safe driving course;

will make the vehicle impoundment scheme more efficient for Victoria Police and reduce government costs in administering the scheme; and

will establish new, more stringent and nationally agreed criteria for assessing whether a damaged light motor vehicle is a statutory write-off.

## Safe driving course for 'hoon' drivers

The bill will require the courts to order a person who has had his or her vehicle impounded or immobilised after committing an offence such as an excessive speeding, street racing or a 'loss of traction' offence, to complete a safe driving course approved by VicRoads. VicRoads will administer the safe driving course program, approve the course providers and monitor the program.

Offenders who do not complete a course as required by the courts will be subject to licence suspension (or, if their licence is already suspended, a further suspension on the expiration of the existing suspension) or disqualification from driving in Victoria or from obtaining a Victorian driver licence or permit.

The introduction of the safe driving course program, together with recent changes such as the increase in the period of immediate impoundment for first time 'hoon' offenders to 30 days and the increase in the range of offences for which vehicles can be impounded, are part of the government's commitment to dealing more effectively with 'hoon' drivers. The government's approach, which combines tough penalties with programs that encourage behavioural change, provides

a firm response to ‘hoon’ driving, making it clear that the dangerous and antisocial behaviour of ‘hoon’ drivers will not be tolerated in Victoria.

The costs of implementing and administering the safe driving course will be recovered in full through a fee paid by the ‘hoon’ offenders.

### **Vehicle impoundment scheme**

Under the current vehicle impoundment scheme, impounded vehicles are frequently abandoned. The high rates of abandonment have made the scheme expensive for the state.

Where an impounded vehicle is not in a roadworthy condition or has a low value, the expenses of any outstanding towing and storage fees (which must be paid before the vehicle is released) and the vehicle repair costs (which must be paid before the vehicle receives a roadworthy certificate) can exceed the value of the vehicle, leading some vehicle owners to abandon their vehicles rather than pay for their release.

Under the current scheme it can take an average of between 12–14 months for the sale or disposal of uncollected impounded vehicles as the current provisions prevent Victoria Police commencing the sale or disposal process until all the court proceedings relating to the relevant ‘hoon’ offence have been finalised and the appeal period has expired. The delay in commencing the sale or disposal process increases the storage costs that Victoria Police incurs but is unable to recover from offenders.

The bill introduces a new process, allowing for the earlier sale or disposal of uncollected vehicles. If a vehicle has remained uncollected for 7 days after it becomes available for collection, the Chief Commissioner of Police may notify affected persons that the vehicle will be deemed to be abandoned unless, within 30 days of the notice, it is collected or certain appeal rights are exercised. An affected person may then apply to the Magistrates Court for an order declaring that the vehicle is not in fact abandoned. Obtaining such a court order would end the new process, leaving the vehicle to be dealt with according to the procedures currently in the act; that is, the sale or disposal process could not commence until all the court proceedings have run their course and relevant appeal periods have expired.

It is expected that the new process will assist Victoria Police in reducing the cost of managing the vehicle impoundment scheme and will ensure that sufficient vehicle storage capacity is available for impounded vehicles.

The bill provides for a similar mechanism for deeming immobilised vehicles to be abandoned if they have remained unreleased for three months.

The bill makes a number of other refinements to the vehicle impoundment and immobilisation scheme.

The surrender powers are subject to time constraints — not only must police officers wait 48 hours before issuing the notice, but the notice must be served within 28 days of detection of an offence by a road safety camera and within 10 days of detection in any other case. The time constraints can be impractical where more time is needed to ascertain the identity of a driver or await the results of blood or oral fluid sample analysis.

The bill removes the 48-hour restriction and extends the time which Victoria Police have to issue a surrender notice. It provides that if an offence is detected by a road safety camera, the notice must be served within 42 days and if the offence depends on the analysis of a blood or oral fluid sample, the notice must be served within three months after the commission of the offence.

The bill also makes a range of improvements to the operation of vehicle immobilisation, including providing for the central management of vehicle immobilisation by one unit of Victoria Police, allowing police officers and authorised persons to move immobilised vehicles that have been left in dangerous or inappropriate locations and encouraging the recycling of low-value vehicles.

**Mr MADDEN** (Essendon) — Acting Speaker, I draw your attention to the state of the house.

### **Quorum formed.**

**Mr MULDER** — The speech continues:

### **New criteria for assessing whether a damaged light motor vehicle is a statutory write-off**

There are two types of written-off vehicles: repairable write-offs and statutory write-offs. A repairable write-off can be repaired and re-registered if it meets certain statutory requirements (although it may not be economic to do so). A statutory write-off, by contrast, cannot be re-registered and its vehicle identification number is not permitted to be used on another vehicle.

The bill will implement new, stricter criteria for assessing whether damaged light motor vehicles (that is, motor vehicles, other than motorbikes, that have a gross vehicle mass 4.5 tonnes or less) should be entered

as statutory write-offs on the written-off vehicles register maintained by VicRoads. The new criteria are part of a national scheme and address a range of additional structural areas of vehicles (including the pillars, the chassis and supplementary restraint systems) which are relevant in determining whether a vehicle is a repairable or a statutory write-off.

The changes will assist in ensuring that badly damaged vehicles cannot be re-registered for use on the roads and will also reduce the potential for the 'rebirthing' of damaged vehicles.

### Conclusion

To conclude, the measures in this bill will make valuable changes to the impoundment and immobilisation scheme, deliver on the government's commitment to make 'hoon' offenders complete a safe driving course and introduce new, stricter and nationally agreed criteria for assessing whether written-off light motor vehicles are statutory write-offs.

I commend the bill to the house.

**Debate adjourned on motion of Mr MADDEN (Essendon).**

**Debate adjourned until Wednesday, 16 May.**

## DUTIES AMENDMENT (LANDHOLDER) BILL 2012

### *Statement of compatibility*

**Mr WELLS (Treasurer) 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 (charter act), I make this statement of compatibility with respect to the Duties Amendment (Landholder) Bill 2012.

In my opinion, the Duties Amendment (Landholder) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

### Overview of bill

This bill reforms the provisions in the Duties Act 2000, which imposes duty on the acquisition of shares and units in certain companies and unit trusts that hold land. It replaces the current land-rich duty model with a land-holder duty model. Under the land-holder model, duty will be levied on a relevant acquisition in certain companies or unit trusts that have land-holdings in Victoria with an unencumbered value of \$1 million or more.

This bill is intended to simplify the system for levying duty on indirect acquisitions in land and secure a more efficient, equitable and sustainable revenue base for Victoria going forward.

### Human rights issues

In my opinion, the Duties Amendment (Landholder) Bill 2012, as introduced to the Legislative Assembly, does not raise any human rights issues.

### Conclusion

I consider this bill is compatible with the human rights protected by the charter.

Kim Wells, MP  
Treasurer

### *Second reading*

**Mr WELLS (Treasurer) — I move:**

That this bill be now read a second time.

As part of the 2011–12 state budget the government announced that it would reform Victoria's land-rich duty provisions by adopting a land-holder model from 1 July 2012.

This bill enacts those changes, securing a simpler, more equitable and efficient system for taxing the indirect acquisition of land through companies and unit trusts in Victoria.

The current land-rich model was introduced in 1987 to deal with the avoidance of land transfer duty through the acquisition of shares in entities that owned land. At the time, these provisions were largely seen as anti-avoidance in nature. However, they have now evolved into a distinct head of duty, so that all acquisitions in land are subject to duty regardless of how the land is acquired.

Under the current land-rich model a liability for duty arises where a person makes a 'relevant acquisition' in a private company, private unit trust scheme, or wholesale unit trust scheme which holds land in Victoria with an unencumbered value of \$1 million or more and the value of its land-holdings (whether within or outside Australia) comprises at least 60 per cent of the entity's assets. Generally a relevant acquisition is the acquisition of an interest in a private unit trust scheme of 20 per cent or more, or 50 per cent or more in a wholesale unit trust scheme or a private company.

The current land-rich provisions are complex and require taxpayers to engage in complicated valuations and calculations to establish the proportion of their assets represented by land. The land ratio test can also provide an incentive for some taxpayers to structure

their transactions to avoid meeting this requirement. This distorts business and investment decisions and reduces the capacity of the model to provide equitable treatment for all taxpayers.

Having carefully considered these issues, the government now believes Victoria would be better served by adopting a land-holder model. The new model will remove the land ratio test so that duty applies simply where a person makes a relevant acquisition in an entity that holds land in Victoria with an unencumbered value of \$1 million or more. It will also extend the categories of taxable entity to include an acquisition of 90 per cent or more in listed companies and listed unit trusts. However, these acquisitions will be subject to duty at a concessional rate (that is, 10 per cent of the land transfer rate).

With the exception of Tasmania, all other states and territories have already adopted the land-holder duty model. The basic elements of the land-holder duty system are broadly consistent across all jurisdictions, including the removal of the land ratio test and, with the exception of the Australian Capital Territory, levy duty on acquisitions in listed companies and trusts. However, like all states and territories, the government has designed a land-holder model which reflects Victoria's own unique market, economic and geographic conditions. Accordingly, we have maintained the minimum land value and acquisition thresholds that currently exist under the land-rich duty system. This will ensure that the land-holder duty model delivers on its objectives by increasing equity and efficiency in the Victorian tax system and safeguards anticipated revenue of \$125 million to \$150 million per annum.

The government has conducted extensive consultation in developing the land-holder model, releasing a policy discussion paper for comment and consultation in September-November 2011, and an exposure draft of the bill in April. The government takes public consultation seriously and as a result of this process has made a number of changes to the model. This includes phasing in duty for relevant acquisitions in entities which own land valued between \$1 million and \$2 million, broadening the definition of a wholesale unit trust scheme, expanding registration criteria and associated rules and retaining a commissioner's discretion to reduce the duty payable on a transaction where the application of the land-holder provisions results in an anomalous duty outcome. In addition, all current duty exemptions for land transfers due to death, marriage breakdown, insolvency and family farms transfers will continue to apply under the land-holder model. In contrast with the model in New South Wales,

South Australia and Western Australia, duty will not be charged on goods, only land and fixtures.

Finally, this government is committed to making it as easy as possible for taxpayers to comply with their obligations under Victoria's tax laws. This bill supports this commitment by enacting changes which remove the complexities of the current land-rich system and provides greater certainty and transparency by defining key terms such as 'fixtures' and clarifying the application of a range of provisions. This will make it easier for taxpayers to understand their obligations and reduce compliance costs for taxpayers going forward. The land-holder duty reforms will provide Victoria with a more efficient and sustainable revenue base.

I commend the bill to the house.

**Debate adjourned on motion of Ms NEVILLE (Bellarine).**

**Debate adjourned until Wednesday, 16 May.**

## STATE TAXATION ACTS AMENDMENT BILL 2012

### *Statement of compatibility*

**Mr WELLS (Treasurer) 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 (charter act), I table a statement of compatibility for the State Taxation Acts Amendment Bill 2012 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The purpose of this bill is to amend the Duties Act 2000 (duties act) to enact a variety of measures and to amend the National Taxation Reform (Consequential Provisions) Act 2000 (the national taxation reform act) to expressly provide for payment of penalties and interest in certain circumstances.

#### **Human rights issues**

This bill engages the following human right protected under the charter act:

recognition and equality before the law

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the Equal

Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act.

Section 12 of the Equal Opportunity Act 2010 provides that a person may take a special measure for the purpose of promoting or realising substantive equality for members of a group with a particular attribute and that a person does not discriminate against another by taking a special measure.

Incapacitated war veterans who meet certain eligibility criteria are entitled to an exemption from the duty payable on the application for registration or transfer of a motor vehicle. The exemption initially applied for veterans assessed as eligible for compensation under the Veterans Entitlement Act 1986 (commonwealth) for injuries or diseases relating to defence services before 1 July 2004. Clause 7 of this bill extends the motor vehicle duty exemption to veterans eligible for compensation for injuries or diseases relating to defence services on or after 1 July 2004 under the Military Rehabilitation and Compensation Act 2004 (commonwealth).

The amendment ensures that incapacitated war veterans compensated for service on behalf of Australia after 1 July 2004 are compensated in the same way as incapacitated veterans compensated for service before 1 July 2004. It is expected that making private transport more affordable to those who are likely to have mobility issues, including difficulty accessing or using public transport, will contribute to their quality of life and general wellbeing, which therefore justifies the exemption. As such, it is a special measure in accordance with section 12 of the Equal Opportunity Act 2010.

For these reasons, I consider that whilst section 8 of the charter act is engaged, it is not limited.

### Conclusion

I consider that the bill is compatible with the charter act.

Kim Wells, MP  
Treasurer

### *Second reading*

**Mr WELLS** (Treasurer) — I move:

That this bill be now read a second time.

This State Taxation Acts Amendment Bill 2012 amends the Duties Act 2000 (duties act) and National Taxation Reform (Consequential Provisions) Act 2000 (national taxation reform (consequential provisions) act).

The Victorian government is committed to producing better outcomes for Victorian taxpayers. This bill supports that commitment by providing certainty and ensuring equitable and fair outcomes for those Victorians similarly affected by the taxation regime.

The duties act currently provides incapacitated war veterans who have been assessed as eligible for certain categories of pension under the Veterans Entitlement Act 1986 (commonwealth) with an exemption from

duty on the application for registration or transfer of a motor vehicle. Under that act, veterans are compensated for injuries or diseases caused or aggravated by war service or certain defence service rendered on behalf of Australia before 1 July 2004. This bill amends the duties act to ensure that incapacitated war veterans who are compensated for such injuries or diseases caused or aggravated by war service or certain defence service rendered on behalf of Australia on or after 1 July 2004 are similarly eligible for that duty exemption. It reflects the Baillieu government's commitment to clear and equitable legislation.

This commitment also underpins the second amendment to the duties act which will close a loophole that has recently come to light in the building industry. Ordinarily, builders will pay duty on land that they have contracted to purchase for the purpose of building residential premises but then onsell for a commercial profit before the contract is completed. Duty is also payable by the home purchaser when the land is onsold as, effectively, two separate transactions over land have occurred. Some builders, however, are avoiding paying duty by splitting contracts into parallel land and building components.

After signing the agreement with the vendor of the land, the builder then nominates a homebuyer as the purchaser of the land and concurrently enters into a second, separate agreement with the home purchaser to build a home on that land. In doing so, the builder avoids paying duty on the initial agreement to purchase the land themselves from the vendor. Duty is only payable when a 'nomination' is made and the nominee has the land transferred to them. Although the builder is profiting by onselling the land under an uncompleted contract, the usual provisions of the duties act that would capture this type of scenario do not apply because the amount paid under the building contract does not technically constitute an additional payment for the right to have the property transferred into the homebuyer's name. Instead, it is a payment to build a home. This is the case, notwithstanding that the land transfer to the homebuyer is conditional on the homebuyer entering into a building contract with the builder and the sum of both contracts is considerably more than the builder agreed to pay for the vacant land.

Closing this loophole removes a competitive and financial advantage that bigger builders have against smaller builders, as the larger builders have the financial capacity to take on the risk of land speculation. It thereby provides a level playing field within the building industry. Importantly, it will not result in homebuyers paying more duty. In the event that builders continue to split the land and building

components of a contract, the homebuyer will still only pay duty on the transfer of land to them. If the changes result in builders returning to the use of single land and building contracts, the homebuyer will still only pay duty on the value of the land because they will be eligible for the off-the-plan concession on the building component of the single contract.

This bill will also amend the Duties Act to introduce a measure announced by the government as part of the state budget update in December last year, whereby duty on new or near-new passenger cars will increase marginally. Where the dutiable value of the car is under the commonwealth's luxury car tax threshold of \$57 466, duty will increase from \$5 to \$6 per \$200 or part thereof.

While this measure is expected to result in a small financial cost, overall new car affordability has improved considerably over the past decade. Additionally, it does not impact those Victorians who chose to buy a used, rather than new, passenger car and, despite the small increase, Victoria still levies the lowest duty rate on new passenger vehicles valued up to the commonwealth luxury car tax threshold of \$57 466 in Australia.

As announced in the 2012–13 budget, the government will abolish the stamp duty exemption for Crown grants of land. This amendment will not affect genuine Crown grants of land. Removing the exemption will, however, ensure that commercially orientated leasing arrangements involving Crown land will be subject to duty in the same way as other commercial arrangements. It ensures a level playing field, promoting fair and efficient competition within Victoria.

The final amendment to the Duties Act replaces a particular discretion available to the commissioner of state revenue with an exception. The Duties Act provides that where dutiable transactions involving separate items of property occur within a 12-month period and those transactions form what is substantially one arrangement, the transactions are to be aggregated. As a result, the duty payable on the dutiable transactions is calculated on the aggregated dutiable values of the items of dutiable property, thereby ensuring that the higher rate of duty cannot be avoided by contract splitting. To ensure that the aggregation provisions do not apply where transactions operate on a separate and independent basis for legitimate reasons, the Duties Act provided the commissioner of state revenue with a discretion not to apply the aggregation provisions if he is satisfied that it is just and reasonable to do so in the circumstances.

This discretion has resulted in taxpayer uncertainty and has led to some taxpayers requesting the exercise of the discretion in circumstances where aggregation is clearly intended to apply. It appears the discretion is rarely exercised, except in cases such as where a builder buys two or more lots of land with the intention of building a separate new home on each for resale. Accordingly, it is proposed to remove the discretion and replace it with a provision which excepts such 'builders blocks' from the aggregation provisions.

Finally, this bill amends the National Taxation Reform (Consequential Provisions) Act 2000. This amendment gives effect to Victoria's commitment to introduce an interest and penalties regime which will apply uniformly across all Australian states and territories.

Until now, state government entities have been liable to pay penalty and interest charges in relation to legal GST liabilities but not in relation to notional GST liabilities. The application of penalties and interest in relation to notional GST liabilities differed between the states, territories and the commonwealth.

While this amendment will allow the Australian Taxation Office to charge Victorian government entities interest and penalties on outstanding notional GST payments, Victorian government bodies are model taxpayers and therefore it is not expected to have any significant impact.

A uniform interest and penalties regime will promote competitive neutrality and provide clarity and certainty to government, taxpayers and the ATO.

I commend the bill to the house.

**Debate adjourned on motion of Ms NEVILLE (Bellarine).**

**Debate adjourned until Wednesday, 16 May.**

## MONETARY UNITS AMENDMENT BILL 2012

### *Statement of compatibility*

**Mr WELLS (Treasurer) 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 (charter act), I make this statement of compatibility with respect to the Monetary Units Amendment Bill 2012 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act.

I base my opinion on the reasons outlined in this statement.

### Overview of the bill

The bill will amend the Monetary Units Act 2004 (MUA) to provide the value of a fee unit and the value of a penalty unit for the financial year commencing on 1 July 2012 and clarify that the 'annual rate' under the MUA is 2.5 per cent for 2012–13. The bill will also repeal spent transitional provisions related to the implementation of the MUA.

### Human rights issues

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

There are no human rights protected by the charter act that are relevant to the bill.

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

As the bill does not limit any of the human rights protected by the charter act, it is not necessary to consider section 7(2).

### Conclusion

For the reasons set out in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Kim Wells, MP  
Treasurer

### *Second reading*

**Mr WELLS** (Treasurer) — I move:

That this bill be now read a second time.

This bill amends the Monetary Units Act 2004 (the act) by providing the value of a fee unit and a penalty unit for the financial year commencing on 1 July 2012.

### Fee units

Fee units are used in the act to calculate the cost of a certificate, registration or licence that is set out in an act or regulation. For the avoidance of any doubt, the Monetary Units Amendment Bill 2012 (the bill) clarifies that the value of a fee unit is \$12.53 for the 2012–13 financial year.

### Penalty units

Penalty units are used in Victoria's acts and regulations to describe the amount of a fine. The act sets out the way that penalty units are set and calculated. The bill raises the value of a penalty unit to \$140.84 for the financial year commencing on 1 July 2012. This is over and above the annual indexation increase of 2.5 per cent for the 2012–13 financial year.

Maintenance and promotion of 'law and order' is a top priority for the government. Significant achievements include the progressive introduction of 1700 additional front-line police and 940 protective services officers. The government intends to complement these and other initiatives by deterring unlawful behaviour through the imposition of adequate fines.

This government is very clear that persons who offend against the laws of Victoria should be punished and that these punishments should have unwelcome consequences for those who offend. It is the intention of the government to increase fines so that people are further deterred from unlawful behaviour.

The bill proposes to amend the act by increasing the amount of a penalty unit. The amendment will provide for the value of a published penalty unit to be increased to \$140.84 in 2012–13. Following these amendments, the provisions of the act relating to automatic indexation of fee and penalty units will continue to operate as before.

It is in the power of each person to behave in a way that does not cause them to incur a fine. Ideally, no person will incur a fine. Fines should not be a regular part of the budget of any household or business in Victoria.

If a person does offend, one of the punishments they may receive is a fine. The amendments set out in the proposed bill will increase fines. This change is one part of the longstanding commitment by this government to reduce offending in our community.

### Annual rate

For the purpose of clarity, the bill clarifies that the 'annual rate' for the 2012–13 financial year is 2.5 per cent.

### Repeal spent provisions

Section 11 of the act deals with transitional provisions in the 2004–05 financial year which are now spent. The bill repeals this provision.

I commend the bill to the house.

**Debate adjourned on motion of Ms NEVILLE (Bellarine).**

**Debate adjourned until Wednesday, 16 May.**

## COURTS AND SENTENCING LEGISLATION AMENDMENT BILL 2012

### *Second reading*

#### **Debate resumed from earlier this day; motion of Mr CLARK (Attorney-General).**

**Mr WAKELING** (Ferntree Gully) — It certainly gives me great pleasure to rise and contribute to this important debate on the Courts and Sentencing Legislation Amendment Bill 2012. Whilst the bill is clearly of a technical nature, it is part of a suite of legislation some of which this government has already introduced into this house and some of which it will introduce in the future to reform law and order and the courts system that operates in the state of Victoria.

The coalition government was clearly elected, in no small part, on a platform of improving law and order in Victoria. We have already seen a number of actions taken by this government to improve Victoria's law and order and ensure that we have a system in place that reflects the views of Victorians. We went to the election promising to deliver 1700 new police to protect Victorians on the street and 940 protective service officers to protect Victorians on our metropolitan and regional rail stations. This government has acted, and those personnel are actively being recruited and will be engaged across the state. We said we would take action on suspended sentences. I know that the minister at the table is very pleased that this legislation clearly deals with abolishing suspended sentences for serious offenders.

We have all seen reports of crimes that have involved incidents that have occurred prior to the enactment of this legislation and the disdain with which the community has looked upon decisions by courts to grant suspended sentences to people who have perpetrated serious crimes. There was a case before the court earlier this year in which a gentleman who assaulted an elderly woman in a vehicle was given a suspended sentence. That brought home to Victorians the stark difference between this side of the house and those opposite, who had 11 years to take action on suspended sentences but were not willing to act. The Attorney-General at the time, the former member for Niddrie, Mr Hulls, said it was not important and action was not needed. The then shadow minister and current Attorney-General said that a coalition government would act, and then all of a sudden we had the then Attorney-General, Mr Hulls, dragged kicking and screaming to the point where he recognised that maybe there would have to be changes in this important area.

Home detention was another key area that this government said it would act upon. As those opposite would well know, Victorians spoke loudly at the last election. They wanted to see change. They wanted to see tougher action taken with respect to home detention. Those opposite would not act; it took a coalition government to act. It took an Attorney-General, a police minister, a Premier and the cabinet of a coalition government to take the lead and implement the required laws.

Turning to hoon laws, the minister at the table, like all members on this side of the house — I cannot speak for opposition members — knows that hoon driving is an issue that raises the ire of mums and dads across this wonderful state. My office receives numerous complaints from residents about hoon drivers. Under the previous regime put in place by those opposite, a hoon driver could have their vehicle impounded on a Friday night and by Monday morning they would have their vehicle returned to them. That is not a punishment. That is not a system that meets the needs of Victorians.

Those on this side of the house said we would act, and we have acted, implementing a stringent and tough regime in relation to hoon drivers. Many Victorians have lost their vehicles as a consequence of this legislation. Clearly we will not be debating that yet, given that we have not commenced the second-reading debate on that legislation, but I preface that debate by saying again that the government is listening and acting and is going to further strengthen the laws in this state in relation to hoon drivers. I can tell you, Acting Speaker, that once that bill is debated and passed by both houses of Parliament it will be clearly supported by the Victorian community. It demonstrates that the coalition government is listening and acting.

When I talk about the Victorian criminal justice system, about listening to the views of Victorians and about empowering the community to be involved in changing our system to better meet the needs of Victorians, I need look no further than a constituent in my electorate, Noel McNamara, president of the Crime Victims Support Association in this state. Every Saturday morning — rain, hail or shine — he sells sausages in Ferntree Gully village to raise money to help victims of crime. He and his wife, Bev, receive phone calls around the clock from victims who want assistance getting through the Victorian criminal justice system. I have heard their pleas.

The former Attorney-General refused to engage with, listen to or talk to victims of crimes in this state. That was an appalling situation. Not only did they have to suffer the loss of a loved one often in violent

circumstances, which Bev and Noel clearly did with the loss of their daughter Tracey, but they received further punishment when the then Attorney-General, who was empowered to deal with the criminal justice system in this state, refused to engage with or listen to them or to allow them to put their views forward and stand up for victims in this state.

I am pleased to say that we now have an Attorney-General who is willing to listen and talk to victims and who is willing to allow victims to be part of the process. It is imperative that Victorians who have suffered the loss of a loved one at the hands of someone else know that the Victorian criminal justice system will allow victims the opportunity to be heard and have their views taken into consideration and that the system has changed with respect to ensuring that Victorians are treated fairly and that the views of victims are taken on board.

Issues about double jeopardy were raised. I know those members opposite were not keen to engage in the issues in relation to this area. This coalition government was prepared to act on this important issue. Victorians know that if somebody is cleared of committing a criminal offence by a court and evidence — like DNA evidence — is found at a later point in time that could clearly prove that the person is guilty of committing that criminal offence, then it is only right and proper that that matter be revisited by a court. This government was prepared to do that. Those members opposite were clearly not willing to do the hard yards.

We have heard debate in this house. I remember the debate about this government introducing protective services officers, who do such a wonderful job in this state, including protecting us in this building. Those members opposite had the gall to call protective services officers 'plastic police'.

**Mr Eren** — On a point of order, Acting Speaker, we have been fairly lenient with the member in relation to his comments swaying away from the bill, but he is now clearly making allegations about the opposition that are not true. His comments are not relevant to the legislation before the house. The member clearly needs to come back to addressing the bill.

**The ACTING SPEAKER (Mrs Victoria)** — Order! I ask the member to come back to addressing the bill.

**Mr WAKELING** — I would take up the point of order, but in the time allocated to me I can only say I support the bill.

**Mr CARBINES (Ivanhoe)** — I am pleased to make a contribution to the debate on the Courts and Sentencing Legislation Amendment Bill 2012. It is interesting to follow the previous speaker, who talked about matters relating to courts, sentencing and justice. The previous speaker's definition of justice simply related to jailing people. I think it is important to note that when we on this side of the house talk about courts and sentencing in the justice system we also talk about social justice and providing opportunities for people. We do not talk about providing opportunities for people to get locked up.

As a representative of the northern suburbs and the Ivanhoe electorate, I can say in relation to the investment in courts and sentencing in the budget that the response we have heard from this government and its bona fides on these issues have been about spending half a billion dollars on a new prison in the western suburbs and having juvenile justice centres to lock up more young people. That is the sort of investment we have seen in the northern and western suburbs; that seems to be the priority in relation to courts and sentencing. This government needs to understand the issues that affect people in the northern and western suburbs.

It is obvious that in this house at least there are no government members who represent the northern and western suburbs. This is reflected in the fact that the priorities of the people in the northern and western suburbs do not involve investment in prisons or in juvenile justice centres. Their priorities involve investment in opportunities for them to be able to prosper and make contributions that are based on their education and training. People in the northern and western suburbs would like to make those sorts of contributions. People in the northern and western suburbs would like to see the government make those kinds of contributions in relation to investment in services.

The Courts and Sentencing Legislation Amendment Bill 2012 is before the house. You can read through the budget and see where the government has determined to put the resources of taxpayers and the resources contributed to by the hardworking people of the northern and western suburbs. Are these resources being put on the ground? People of the northern and western suburbs expect that they will get back some investment and funding that will provide them with greater opportunities to pursue their dreams of getting a good job after undertaking training or retraining in the education system. When aspiring to work in their suburbs they do not think that the best option is to lay

down the bricks and mortar of a new \$500 million prison in the inner western suburbs.

I think is important when we talk about courts and sentencing, and when we talk about this legislation and the government's bona fides in relation to these issues, that we also reflect on the fact that the priority of the investments being made in the northern and western suburbs is not providing people with social justice opportunities to improve themselves; the priority is simply providing them with more facilities for locking up people and taking away their rights and opportunities to make a contribution in society. That sort of message about not providing opportunities to people we represent in the northern and western suburbs is not supported by members of this side of the house. That is something that members in the house need to reflect carefully on when bold claims are made about the desires and needs of the community to have justice matters addressed in Victoria.

It is important that we live in safe communities. Because I was a resident of Heidelberg for many years and I continue to live in my electorate, I know that community safety matters are very important to the people I represent. The way the government could make a contribution in relation to dealing with local community safety issues and ensuring that the right sorts of people find themselves in courts and getting sentenced is to make sure that on the ground — where community members live, where they seek to make a contribution, where they invest in their homes and where they invest time in their communities — people feel safe.

Unfortunately the members of my community of Heidelberg West do not feel safe, because they do not feel the government has made a commitment to fulfil their desire of being safe. Why is that the case? Currently we have a community under siege in Heidelberg West which is being ignored by the government. The community is unable to have confidence in this government's claims about its bona fides in relation to courts and sentencing; they are not backed up by what is happening on the ground. There has not been an investment in maintaining and keeping open the Heidelberg West police station, which is a key and critical part of courts and sentencing in that local area.

This government has talked about justice in communities and ensuring that people feel safe and that there is community safety. Despite claims made by the Minister for Police and Emergency Services that the Heidelberg West police station is open, available to the community and offering a counter service to local

people, that is not the case in that local area. I encourage the minister to visit my electorate. We can knock on the door of the station. Unfortunately you cannot even call for police assistance because the emergency button at the Heidelberg West police station does not work.

It is very important for previous speakers, who when they have got to their feet to talk about this government's investment in justice matters, about its investment in community safety and about its investment in decisions on amendments to bills that relate to courts and sentencing, not to take these things at face value and that they instead look at the communities that are represented by people in this house and ask themselves, 'How do we make sure that we do not have to keep spending half a billion dollars on a new prison in the western suburbs? How do we develop a community here in Victoria that has less of a reliance on investment in more and more prisons?'.

None of us here, I would have thought, would want to see half a billion dollars spent on new prisons. We would love to have the opportunity to spend half a billion dollars on education. We could only get \$200 million for capital in education in this year's budget, yet we can get half a billion dollars for a new prison. The government has its priorities wrong. We want to see at least some aspiration expressed by this government by it bringing more legislation to this house that provides opportunities for people in the community to make a contribution to Victoria in a positive way and not to feel that the only way they can get a job is by finding themselves working on some construction site building a prison. That is not the sort of project to which people want to contribute; it is not the sort of project to which people want to contribute their taxes.

This government has not outlined to this house how, in its enthusiasm for law legislation around courts and sentencing, it is going to continue to take money away from the vital services of education and training. We have seen \$100 million in cuts. The Northern Melbourne Institute of TAFE in my electorate is going to face a cut of some \$20 million in the next financial year. That will take away opportunities for local people to improve themselves and give themselves an opportunity to get a start in life. How does that relate to the justice bona fides that have been put forward by this government? We have seen in this budget and through the range of court and sentencing legislation initiatives which the government wants to introduce in this house and which it is proudly claiming to have introduced previously in this house, that there are financial

implications. This is where we end up with the wrong priorities.

This is a great point of differentiation between the Liberal government and the Labor Party. The priority of this government is to take money away from education and training opportunities for people in Victoria and to invest that money in prisons, juvenile justice centres and ways to lock up more Victorians rather than provide more opportunities for people in Victoria to unshackle themselves from disadvantage and from the lack of opportunity to contribute to their society. These are the sorts of issues that drive the Labor Party. These are the sorts of issues that drive members of this house who represent the northern and western suburbs, each and every one of whom is a member of the Labor Party in this place. These are the sorts of issues that are important to us. These are the issues that are important to people in our community.

It is important to note when talking about justice, courts, heavy-handedness, more sentencing and locking up more people, that that comes with a consequence. We have heard the Treasurer say, 'There is no magic pudding'. We have heard the Premier talk about the lack of a magic pudding and that there are only so many community resources to go around. Every time we lock up more people, every time we invest in more prisons, we have less money and opportunity to invest in services that make a big difference to the lives of people and actually reduce the number of hopeless cases that we have in this state of people who are not able to make a contribution to their community. The more we invest half a billion dollars towards prisons in this state, the more we should be disappointed in our collective inability to deal with the concerns and challenges that we face. It is so easy to throw money at those sorts of problems rather than tackle the reasons these issues arise and make sure that in the next budget we can offer half a billion dollars to the northern and western suburbs for education and training opportunities instead of for more prisons that do not actually help people in Victoria.

**Mr MORRIS** (Mornington) — I am very pleased to rise to support the Courts and Sentencing Legislation Amendment Bill 2012. It is always interesting when people feel they have a mortgage on compassion, wisdom and social justice. It is often those who have made the least contribution to those issues who seem to think they have the most to give.

This bill is about improving the justice system in this state. It is about improving the efficiency of the justice system, but it is also about improving the effectiveness of the justice system. I very consciously put them in

that order because it is okay to have an efficient system but unless it is effective, particularly in these sorts of areas, you will not achieve what you set out to achieve and what you need to achieve. The bill continues the sentencing reforms that were introduced last year to the Sentencing Amendment (Community Corrections Reform) Act 2011. That was a reform that the former government steadfastly refused to address for many years. It took a change of government and a new coalition government to bring it in.

The area of justice and law enforcement was a very important plank in the election platform that the coalition parties took to the electorate in 2010. We committed to be tough on both crime and the causes of crime. It is always interesting when people say you can only be one or the other. The fact is you have to be both, because there are always people who are not salvageable. There are always people who are going to be criminals. The vast majority of people are salvageable. If you can get to the causes, if you can give them support and if you can get diversion programs in place, then that will certainly help you achieve what you are setting out to achieve. But there are always others who, no matter how good the support structures are, you simply cannot do anything about.

You need to be tough on those who commit offences, but equally you need to be tough on the causes of crime. Of course for most of the 11 years until 2010, precious little had been done in terms of either of those subjects. The CBD of Melbourne had turned into a war zone. It went on for years and years. I can remember that the Drugs and Crime Prevention Committee was asked to look into assaults in the CBD.

**Mr Delahunty** interjected.

**Mr MORRIS** — As the Minister for Sport and Recreation said, he was part of that inquiry. In fact I think both he and the Minister for Crime Prevention were part of that inquiry for some time. When we started that inquiry there were four divisional vans patrolling the CBD on Friday and Saturday nights — eight police officers were supposed to look after thousands and thousands of revellers who were out enjoying themselves, as they should be, but sometimes imbibing too much and clearly causing a nuisance to themselves and a danger to others. I applaud the recent efforts made by the government since coming to power. It has a very good team of ministers. The Attorney-General, the Minister for Police and Emergency Services and the Minister for Crime Prevention are all working together extremely well in terms of implementing this agenda.

I draw a contrast with the comments of a number of members opposite, particularly the member for Narre Warren North, who was speaking earlier this afternoon. From what I heard of his contribution, he seemed to be advocating cost-saving measures by no longer locking people up. He was quoting a figure of \$100 000 a year as the cost of retaining a prisoner in Victoria. I will take advice from more reliable sources than the member for Narre Warren North, but regardless of what it costs, some people need to be locked up and this state needs to bear the price. Certainly it would not be a cost-effective option to simply let those people go.

Similarly, in an earlier contribution to the budget debate today the same member was talking about the terrible impact on his electorate of increased fines for a range of matters. While I think it is unfortunate that he reflected on his own electorate in that way, the fact is that unless you are actually out there committing an offence, you do not have to pay a fine and you do not have to do the time. However, if you commit an offence, then you either pay the fine or you do the time. That is the way the system works.

I want to touch on a couple of aspects of the bill. The bill clarifies the jurisdiction of the Koori Court. It allows the Koori Court divisions in the Children's Court, the Magistrates Court and the County Court to deal with contraventions of sentencing orders, and it clarifies that it extends to sentencing orders made outside the Koori Court division. The bill also makes clear that a guilty plea is a prerequisite to this process. Acting Speaker, you may recall the Legislative Assembly sitting down at Churchill. Two days before, the Drugs and Crime Prevention Committee journeyed to Morwell in conjunction with another inquiry and took evidence from a number of community organisations as well as Victoria Police and representatives of the Children's Court and others. We discussed at length the implementation of the Koori Court initiative, and although it was relatively early days there was some very good work occurring even then. I noted the earlier comments of the member for Morwell in terms of the return.

Those courts have certainly reduced the recidivism rate considerably. That is a very important thing. Obviously if you can nip offences in the bud initially and if people are not offending, then that is very helpful, but the bulk of offences are committed by repeat offenders. If people can be made aware of the gravity of the offences they have committed and are able to see the error of their ways and perhaps deal with some of the underlying issues, then clearly you will get a much better result and you will drop the recidivism rate. That has certainly been the experience with the Koori Court.

There are changes to Children's Court processes, including some technical amendments. There are some changes to allow a child subject to safe custody to be delivered to the place of safety by an officer other than the member who executed the warrant. There are also some changes to the functions of registrars and so on. I certainly welcome these changes to the Children's Court processes. I had cause to meet with the administration of the Children's Court some years ago and to sit in on a few cases. Efforts to streamline what occurs in that court are certainly worthwhile.

Finally, I want to move very quickly to the extension of infringements for shop theft and wilful damage. Members will recall that some amendments to the Justice Legislation Amendment Bill extend the capacity to issue infringements for 12 months in 2011. They were originally part of a trial that included seven common offences, including offensive language and indecent behaviour. Those matters have already been made permanently infringeable offences. However, it was decided that these two offences should continue to be infringeable on a temporary basis while further information was gathered on the impact of the trial, because these two offences were judged to be the two most complex ones operating. I understand that the extension is strongly supported by Victoria Police.

I suggest that if this were really a lock-them-up-and-throw-away-the-key type of government — a myth that some members want to perpetuate — then we would not be permitting infringements to be applied for these sorts of things but we would indeed be seeking to lock them up. With those few words, I commend the bill to the house.

**Mr McGUIRE** (Broadmeadows) — I rise to make a contribution in the public interest on the Courts and Sentencing Legislation Amendment Bill 2012. The theme I want to cover is that it is not about being tough on crime or soft on crime; it is really about this debate evolving so that we are smart on crime. The proposition is not really about just being punitive; it is about how to be preventive as well. There is no doubt that there is a need for a certain number of prisons, because some people who act beyond the law need to be incarcerated. That is a given. We know and understand that, and that has to be dealt with in proportion to increases in the population. However, it comes down to what the priorities are, what the best investment is and what we are going to do to help people who find themselves in difficult circumstances.

The example I want to put on the record is one that I have been involved with from the outset, way back in 1999. It was actually started when former Premier Jeff

Kennett was in government. A safe city task force was formed in Broadmeadows, and I was asked to be the founding chair. My approach, though, was that we needed to move beyond just the criminal justice model and that we could not keep going on with the punitive model without looking at a preventive approach. In the past when there had been issues we had a bigger police station and a grander courthouse, and my view was that I was not going to be involved in building a prison.

**Mr McIntosh** interjected.

**Mr McGuire** — Yes, we did.

**The ACTING SPEAKER (Mrs Victoria)** — Order! I ask members not to interject. It is also disorderly to respond to interjections.

**Mr McGuire** — We evolved a new model. The model we built is internationally acclaimed; it was nominated for awards and all the rest of it. If the Minister for Crime Prevention would like to learn about it, it might be worth actually having a look at it. The proposition was that we then look at how to build smarter, healthier, better connected and more sustainable communities. This is where you get a better return on investment, and you actually get a better result for people.

I turn to how we put it together. Then Premier Steve Bracks understood this. Steve had an intuitive feel for communities and how to build communities, and then Minister for Finance John Brumby did likewise. We started to look at how we could develop partnerships.

When I interviewed the head of the Premier's department, Major-General Ken Green, on his retirement 30 years ago, he acknowledged that the past failure in Broadmeadows was caused by a lack of coordination even at one tier of government, right through the Bolte era.

**Mr McIntosh** interjected.

**Mr McGuire** — No, I am just putting it in a historical context; I am putting it beyond partisanship. There was a failure to coordinate even at one tier of government. This was a model to coordinate the three tiers of government and involve business, the community, the not-for-profit sector and the academy to see what we could do for lifelong learning — a preventive approach to get people involved and connected. It has been highly successful, and here is how it played out.

We now have a Hume Global Learning Centre in Broadmeadows. Within that we established the first

public library in Broadmeadows. In less than 10 years we have achieved a higher rate of library membership than the state average. We have bilingual story time for the kids of the area. Broadmeadows is virtually the United Nations in one neighbourhood, with people from 140 different countries whose families had the imagination to dream of a better future and the courage to cross the world to pursue it. When they arrived in Broadmeadows, we said 'Here is where you can come and get engaged with the community'. You could bring your parents along and people could get to know each other so they did not feel isolated or marginalised at the end of the line, which is often a trigger for getting involved in the criminal justice system. It was engaging.

We had preschool reading programs. What do we know about this? What does history teach us? It teaches us that 90 per cent of male inmates and 80 per cent of female inmates are illiterate. One of the first investments you need to make is in getting children into the education system — giving them a chance, an opportunity.

The next proposition we had was to provide homework mentoring on computers so that if you were a smart kid in a poor area, you would not be left behind — you would have an opportunity. We kept building the model, kept evolving it and kept bringing partnerships in. We had great support from business; it got involved as well. Then we built a maternal and child-care centre at Meadow Heights with the same proposition — providing access to computers so that mothers could come in and be taught how to use computers while their kids were minded, and then they could teach their kids. It was a pretty simple but highly effective proposition, and a whole skill base was built around that.

The next way we evolved the whole thing was to get sponsors from Ford, Visy and the Pratt Foundation and also the *Age* newspaper. The *Age* sponsored the library — the first public library in Broadmeadows — in the Hume Global Learning Centre. Then what we did was take it to the next level by getting international support. We got Microsoft, Intel and Cisco — three of the world leaders in ICT — in a centre called the Ideas Lab in Broadmeadows. There are two in the world: one in London, the other in Broadmeadows.

What are we doing now? What we are trying to do now is explore how we can use technology to connect people — how we can get people to use each evolution of technology for teaching and learning. This is the 21st-century model; this is the community base we are now in. We now have a hub in Broadmeadows — where less than a decade ago we did not even have a

public library — where you can get learning up to this level. This exists; we have a piece of Silicon Valley in Broadmeadows.

The next phase we are moving towards is building Australia's first multiversity. This will connect to the Kangan Institute of TAFE and give local kids — or anybody in the local community — the opportunity to connect to some of our leading universities. I am talking about Victoria University, RMIT University, La Trobe University and the no. 1 university in the state, the University of Melbourne, a sandstone university. So after less than a decade in Broadmeadows we now have access to education ranging from preschool reading programs to doctor of philosophy studies.

That is an investment in the preventive model — an investment that gives people opportunities. People in these areas are crying out for jobs, not jails. What we want is to be able to give people opportunities, take them through lifelong learning and find out how far they can go — where the jobs are, where they need to connect up with — and how to deliver that. This is also an investment in the preventive approach.

During question time today the Minister for Community Services said a new Children's Court would be built in Broadmeadows. That is welcome because the existing one needs to be updated, but I had also pitched for this budget to fund extending the Hume Global Learning Centre by another two storeys, because that is also an investment in the preventive side.

My call to the government and the Parliament is that we need to move beyond the politics of these issues. We need to look at a preventive model, not just a punitive model. If we want to have a better result on law and order issues, this is what we need to get to. This is a model that ended up being nominated for a Metropolis Award on behalf of all Melbourne, not only its area. It is being replicated in other states and in other countries as well. This is a home-grown proposition that has delivered beyond expectations. It is there, it exists and it delivers. This is the proposition I would like the government to have a look at. It is a successful model that can be replicated according to size, scale and funding anywhere around the state. It really goes to that issue of the preventive side of dealing with this issue and how you can get a balanced approach.

**Mr Wynne** — It is about social inclusion.

**Mr McGuire** — It is about social inclusion, providing opportunities, lifelong learning and

engagement. As I said, it is about a balanced approach. I put it to the government in good faith. What I am saying is that it is time for us to evolve in this debate; it is time for us to look at what the opportunities are and what happens, because we are really arguing about what system we want to have. Once we go into a punitive system, how many people will come out and what will be the rate of recidivism versus reform? We need to have both. We need to look at how we can get to this side of it as well. Let us put it beyond partisanship; let us do it in the public interest. It is something I invite the government to look at so that we as a Parliament can deal with it and say, 'This is what the 57th Parliament delivered for Victoria'.

**Debate adjourned on motion of Mr KATOS (South Barwon).**

**Debate adjourned until later this day.**

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

## PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

*Second reading*

**Debate resumed from 18 April; motion of Mr WALSH (Minister for Agriculture and Food Security).**

**Mr HELPER** (Ripon) — It gives me some pleasure, but maybe not an enormous amount, to speak on the Primary Industries Legislation Amendment Bill 2012. The opposition does not oppose the bill but will seek to amend it by deleting clause 7 in the Legislative Council. The bill is pretty much a piece of housekeeping legislation that amends the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010.

Some components of the bill are important; others are absolutely earth shattering. For example, clause 20, which amends section 50(1)(c) of the Livestock Management Act 2010, substitutes 'biosecurity' for 'bisoecurity' — in other words, it corrects a spelling mistake. I can tell you that that mistake crept into the legislation under the current minister, not the previous minister. If I may say so, an observation of the legislation and the depth of the issues covered by it shows a lack of reforming zeal by the government in agricultural matters.

I will outline why the opposition is seeking to delete clause 7. Clause 7 amends section 69(3) of the

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to increase from 2 to 5 the maximum number of penalty units that may be prescribed for an offence for which an infringement notice may be issued. I understand that during departmental briefings on the bill it was made clear that the proposed amendment does not in itself change the level of penalty units to be applied by infringement notices. The amendment only sets the maximum number of penalty units allowable under the act. To raise infringement notice penalties, the minister would be required to enact this by regulation, which of course would involve a regulatory impact statement. I want to acknowledge that up-front.

Whilst I would agree that the fraternity of past and present agriculture ministers is a wise one and that we should be authorised to dispense capital punishment, the rest of the opposition has the view that this Parliament should have a role in setting maximum infringement notice penalties. Therefore the opposition will seek to delete clause 7 in the Legislative Council. As a member of the fraternity of past agriculture ministers, I am somewhat disappointed in this, but party loyalty requires me to support this move by the opposition.

*Honourable members interjecting.*

**Mr HELPER** — If we were to divide on the issue, I would be sorely tempted, I am sure. Clauses 3 to 9 inclusive of the bill amend the Agriculture and Veterinary Chemicals (Control of Use) Act 1992. Clause 3 seeks to further clarify the meaning of the act — in a somewhat convoluted way, if I may say so. Clause 4 seeks to clarify the rampant confusion that exists in the community in relation to the difference between an identification certificate and an identity card issued to an authorised officer. I am regularly stopped in the street by people wanting clarification of this issue, and I am pleased that the government has taken this on board and will finally clarify the matter!

**Mr Weller** interjected.

**Mr HELPER** — On the streets of Newstead, indeed, also.

Clause 5 gives authorised officers the power to require documents to be produced to ascertain whether orders and regulations are being complied with. This is in addition to the present power, which is restricted to whether the act alone has been complied with. I trust that this clarification is necessary for legal reasons because otherwise it would be a somewhat pedantic clarification. Clause 6 imposes a penalty for not returning an authority to the chief administrator within

the period specified in the notice revoking that authority. The revocation of an authority is covered in clause 4 of schedule 1 of the act. This poses a question: should the period in which the authority needs to be returned not be specified in the schedule? Currently the schedule leaves it for the chief administrator to specify on a case-by-case basis.

I have discussed clause 7 previously. Clause 8 ensures there is a two-year time limit for the commencement of proceedings for an offence, including an offence under the regulations. I make the observation that it may be a legislative practice to include offences in the act, as opposed to embedding them in regulations. Clearly this would make clause 8 superfluous. Clause 9 makes necessary amendments to schedule 1 to implement the changes that clause 6 makes to the act.

I now come to part 3 of the bill, which covers clauses 10 to 18 inclusive and deals with amendments to the Domestic Animals Act 1994. Clause 10 deems the parent or guardian to be the owner of a dog or cat for the purposes of the act if the owner is under the age of 18. Currently the age is 17. Clause 11 removes the ability for the minister to delegate power to issue an identity card to authorised officers by repealing section 6(b) of the Domestic Animals Act 1994. The minister must not have a great deal to do; he must have a great deal of time on his hands if he wishes to have his power to delegate this administrative task revoked. The explanatory memorandum to the bill explains that section 6(b) is unnecessary as section 73(1) imposes the duty on the minister to issue identity cards. I would have thought that it is the imposition of that duty that requires the power of section 6(b) to delegate so that the minister may attend to more pressing issues requiring his personal attention.

Clause 12 inserts a new subsection into the act which requires a veterinarian to personally examine a dog or cat before providing written advice that the animal is unfit for desexing. I sincerely hope that the veterinary profession does not see this as a bit of a backhander, as I would have thought the obligation to inspect an animal would already exist as a consequence of the profession's ethics, which I presume include a prohibition on perjury.

Clause 13 increases from 17 to 18 the minimum age of a person who can admit another person to a dwelling in which a dangerous dog is present. Whilst this is in keeping with the amendments made in clause 10 of the bill, I would love to know what the practical impact of this increased restriction might be. On what basis was this change recommended to the minister and the government? Did the minister ask his officials how

many dog attacks have occurred as a result of a 17-year-old being able to open the front door and from that deduce that by increasing the age to 18, greater real public safety is achieved?

Clause 14 is the same as clause 13, as applied to restricted breed dogs. My comments are also the same. Clause 15 restricts the transfer of ownership of restricted breed dogs to a related person who must be over the age of 18. Clause 16 provides that a person who is in charge of a restricted breed dog outside the owner's premises must be over the age of 18 instead of 17, as is currently the case. Clauses 17 and 18 remove the discounted pet registration provisions for microchipped animals. These provisions of the bill have some solid policy rationale, including that the discounting has achieved its objective of increasing microchipping. However, this provision in the bill again clearly underlines the hypocrisy of those opposite in pretending concern for the cost of living pressures and then whacking up fees and removing discounts.

Part 4 of the bill, which covers clauses 19 to 21, seeks to amend the Livestock Management Act 2010. Clause 19 clarifies the difference between a notice of suspension issued by the minister under section 21 of the act and a notice issued by an inspector, as referred to in section 49. Clause 20 corrects a spelling error. This is clearly the real nub of this legislation. Section 50(1)(c) of the act contains the word 'bisoecurity', for which the word 'biosecurity' is substituted. This is big stuff! Clause 21 clarifies that infringement notices can only be served for the purposes prescribed in division 7 of part 5 of the Livestock Management Act 2010.

Whilst one may have concern about a number of elements of this bill, it is a piece of legislation that seeks to correct matters of perceived concern, and I am happy for somebody, somewhere to derive a sense of achievement from it. In some respects the bill fixes real errors, and I acknowledge those involved in identifying those errors. I trust the government will take notice of the amendments the opposition foreshadows moving in the Legislative Council.

**Dr SYKES (Benalla)** — It gives me great pleasure to rise to make a contribution to the debate on this bill following the member for Ripon, the former Minister for Agriculture, who gave a succinct summary of the clauses in the bill. He indicated that the opposition is generally supportive of the legislation and that he personally is generally supportive. He also indicated that he feels bound by the opposition's guidelines to raise concerns about clause 7, but he suggested that in the event that a division was called he would be highly

likely to cross the floor because he sees the government's position as being a common-sense position.

The former minister also raised the issue of clauses 13 to 17, which relate to the Domestic Animals Act 1994. For the edification of those present and the member for Ripon, the purpose of those clauses is to ensure consistency in the enforcement of the legislation, because it will mean that all matters relating to the Domestic Animals Act will be dealt with by the Magistrates Court. That will ensure consistency rather than having a situation of the Magistrates Court handling some matters and the Children's Court handling others

I will go back a step in relation to my presentation and indicate that I have a longstanding interest in primary industries and therefore in this bill. I am parliamentary secretary to the Minister for Agriculture and Food Security, I am also a livestock producer and I have had a 30-year veterinary career. For 20 years I was involved in the enforcement of livestock legislation, particularly in relation to biosecurity, product quality assurance and animal welfare.

**Mr Eren** — Hey, Dr Dolittle!

**Dr SYKES** — Isn't that interesting? I heard an interjection from the member for Lara making a suggestion about Dr Dolittle. Is that not the pot calling the kettle black? But I will ignore interjections because they are unparliamentary. I will move on and say that I am very much aware of the importance of this legislation, which covers acts, regulations and orders. Having been involved in the enforcement of various forms of legislation during my veterinary career, I can say that it is absolutely critical that the legislation — comprising the act, the regulations and the orders — is clear, consistent and complete and that the penalties are appropriate for the offences committed.

I also indicate by way of introduction that the coalition is absolutely committed to supporting agriculture. Our most recent affirmation of that commitment is in the budget, which was delivered in tough times because of the wasteful attitude and performance of the former Labor government. But even in these tough times what we have is an increase in investment in agriculture. Further, we have an ongoing commitment to our investment, not a short-term commitment, because this side of politics recognises the long-term nature — —

**Mr Helper** — On a point of order, Acting Speaker, I was genuinely enjoying the member for Benalla's presentation on the bill, but I would point out that he

may have an opportunity to make a budget reply speech at some other point, and he should come back to discussing the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I do not uphold the point of order, but I do suggest that the member is straying perilously close to anticipating debate on the appropriation bill.

**Dr SYKES** — Thank you, Acting Speaker, and I thank the former Minister for Agriculture. I was putting my commentary in context, highlighting the coalition's support for agriculture. We have strong support, and I personally have strong support, for enhancing our biosecurity capacity and product quality assurance capacity, especially as it relates to chemical residues. This government has indicated its commitment to animal welfare by introducing and implementing the puppy farm legislation. This bill, per se, furthers the enhancement of pets' welfare by increasing the emphasis on desexing and generally improving the lot of animals.

This bill amends three pieces of legislation: the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010. As the member for Ripon indicated, this is primarily a housekeeping bill. Clause 3 ensures that in future a person selling livestock will need to make a declaration in relation to whether those animals have had access to food or product that has been harvested from pastures or crops that may have been exposed to chemicals within the holding period for that particular chemical. This fills a gap in the legislation. Currently there needs to be a declaration when animals have grazed a pasture that has been treated with chemicals, but up until now the legislation has not covered the situation where, rather than there being direct grazing, a harvested product is taken to the animals.

So this bill fills a loophole and it strengthens the legislation which underpins our product quality assurance, which is absolutely vital for our export markets. In my time we have seen examples of chemical contamination due to inadvertently or deliberately misleading information being provided, resulting in chemicals being detected in our meat products in the US. That has had massive implications back in Australia. One chemical contamination can result in a \$30 million or \$40 million loss — or one even bigger than that — extremely quickly. This piece of housekeeping addresses that issue. It is particularly important in feedlots where there is a lot of brought-in feed. It is also very important in the dairy industry, which I am sure my colleague the member for Rodney

will touch on. Even I, as a beef and sheep farmer, have at times purchased pellets and feed to provide nutrients for our animals.

The clarification of references to authorised officers' identification and the requirement to revoke identification if a person is no longer authorised is again about tidying up. It reflects the problems that people can experience in the field. Having been in the front line, having been in the enforcement line and having at one stage had a gun pointed at my head with the words, 'You shoot my sheep and I shoot you' — and it was 'you' not 'ewe' — I am very mindful of what our front-line troops deal with.

Related to that is the issue of the setting of penalties. This legislation enables the increasing of penalties. In my case, when that threat was made to me back on 15 March 1983 — —

**Mr Weller** — Two days before the drought broke.

**Dr SYKES** — That's right, and that is very significant. What happened then was we took the person to court, and he was found guilty of threatening to shoot me. The penalty he copped was \$2000, which was slightly less than the penalty you cop for animal cruelty, and it was the same amount as the value of a Friesian heifer at the time. So I have watched with great interest the value of Friesian heifers, because that is my value.

There is also the issue of the time limit on commencing investigations. Again, this time limit of two years applies to offences under the act, but under orders or regulations the time limit is currently one year. It is important that we take that out to two years, because these issues in relation to chemical contamination et cetera can often take much more than 12 months to investigate thoroughly because of their complexity.

In essence, whilst I have not covered the full extent of the bill, I can assure the house that this is common-sense legislation. Should it be necessary to go to a division, I invite the member for Ripon to cross the floor and join us on this side of the house, because he recognises the calibre of the various ministers for agriculture we have had, including our current Minister for Agriculture and Food Security, and he will be most welcome to cross the floor and support this good legislation.

**Mr EREN (Lara)** — I rise to speak to the house today regarding the Primary Industries Legislation Amendment Bill 2012. We are not opposing this bill before the house today. Having said that, the previous member waffled on about the government's support for

primary industries, but after yesterday's announcements we have learnt that some \$26.5 million has been cut from the primary industries portfolio, which is a real shame, because that is a slaughter of that portfolio. That is how it ends up. Taking so much money out of that portfolio is actually going to affect its bottom line and affect how that portfolio — —

**Dr Sykes** — On a point of order, Acting Speaker, the member for Lara is misleading the house. He is incorrectly representing the facts which I have presented, and I ask him to withdraw.

**Mr Donnellan** — On the point of order, Acting Speaker, unfortunately it is actually in the budget papers. We know that we are not meant to be anticipating the budget, but it is there in the budget papers.

**The ACTING SPEAKER (Mr Morris)** — Order! We have had the discussion about the anticipation of the budget, and I say to the member for Lara that we are not going to do that.

**Mr EREN** — I know the member hurts when he hears that sort of information, but he has got to face the facts.

This bill seeks to make a number of technical amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and an amendment to extend penalties in a number of areas without adequate explanation. That is another point I want to make today: the minister has not actually said why he is going to extend those penalties. To a certain extent I can understand why he is doing that: the government is a bit short of cash and it is increasing its fines right across the board, including in road safety. I would imagine that one of the reasons the minister will not explain why he is extending or increasing those penalties is that he is doing it purely to raise revenue.

Clause 7 of this amendment bill gives the minister power to increase the penalty range from up to 2 penalty units to up to 5 penalty units for an infringement offence. The minister has not even bothered to offer an explanation as to why the government considers the maximum penalty rate to be low. Once again although the government prides itself on being open and transparent, the minister cannot even explain the reasoning behind an increase. As I said, I suspect that the increase is purely for the purpose of raising revenue, and the minister should just come out and say that. He should say that the reason he is increasing these penalty units is purely to raise revenue, and that is because of the government's

mismanagement of Victoria's finances, as we saw in yesterday's budget.

We recommend that the minister delete clause 7 unless he can provide a valid explanation of his reasoning for including it. Maybe in his summing up or if he is currently in the house he could provide an explanation as to why that increase is going to occur.

This bill seeks to amend the Domestic Animals Act 1994 by increasing the age at which a person can legally be responsible as an owner of a dog or cat. Currently the act allows for a 17-year-old to be legally responsible for a dog or cat. However, if a person commits an offence as the owner of a dog or cat, charges against that person would be heard in a Children's Court. Increasing the age to 18 will ensure that any charges laid against any individual will be heard in the Magistrates Court.

The second change to the act is to remove automatic concessional rates for a dog owner who has their dog microchipped. The old concessions will be grandparented provided the person does not leave their municipality. In practical terms, for example, for a Kingston resident who was exempted and who was moving to Port Phillip the extra cost could be in the order of \$110 per year. This would apply to only a few exceptions for the next few years. The minister should admit that it is a greater cost to a number of dog owners — and this comes from a government that has promised to reduce the cost of living. This is obviously part of the reason why there have been some increases in not only the costs but also the penalty units. This step is clearly designed to raise a fair bit of revenue without due consideration of all of those pressures that come to bear on the everyday Victorian who is doing it tough.

We heard this government coming into the election back in 2010 promising a range of different things, which included reducing the cost of living for everyday Victorians, and what has this government done? This government has done similar things with some of the road safety issues relating to speed cameras, having said previously that the cameras were cash cows, they were revenue raisers and so on and so forth.

**Mr Weller** — On a point of order, Acting Speaker, road safety is a little bit off the bill. I ask that you bring the member for Lara back to speaking on the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I agree. I think the member for Lara was just coming back to the bill.

**Mr EREN** — Further on the point of order, Acting Speaker, I know that members of The Nationals get

very precious about these issues, but they need to understand that what is happening before the house is a reality. The point of order I am raising in relation to the point of order the member for Rodney raised is that the minister has not indicated why the penalties are going up under this particular bill. The minister has not indicated why the fees for transfers between various locations within the boundaries of council — —

**The ACTING SPEAKER (Mr Morris)** — Order! And the point is?

**Mr EREN** — My point is that there is a theme happening here, and the theme is that this is purely about revenue raising. I was just pointing out — —

**The ACTING SPEAKER (Mr Morris)** — Order! There is no point of order.

**Mr EREN** — We would love for the minister to come into the chamber and explain why the increases to the penalties are occurring and why it would cost in the order of \$110 per year if a resident was to move, for example, from Kingston to Port Phillip. I am talking generally about how this bill will affect everyday Victorians. Cost of living issues and the pressures associated with the cost of living are a very serious matter.

I urge the minister responsible for this bill to explain to the house why these increases have occurred without any proper explanation. If he were to come out and say, ‘We are purely doing this so that we can raise extra funds, because we are mismanaging the economy and yesterday’s budget indicated that’, that would be fine. Let the minister come out and say that that is the reason the government is doing this. In the absence of that, that Victorians out there deserve an explanation from the minister as to why these increases are occurring. I would urge the minister to do that, and I would also urge him to explain to the house why there was a cut to the primary industries portfolio as well.

Having said all that, I think I have highlighted all of the issues relating to this bill as it concerns everyday Victorians. I would urge the government to make some explanations in relation to some of those issues that were raised.

**Mr KATOS (South Barwon)** — It gives me great pleasure to rise this evening to make a contribution to debate on the Primary Industries Legislation Amendment Bill 2012. This bill will amend three acts within the agriculture and food security portfolios. The acts that will be amended are the Agricultural and Veterinary Chemicals (Control of Use) Act 1992,

which is known as the agvet act, the Domestic Animals Act 1994 and the Livestock Management Act 2010.

The agvet act is the principal act that controls the use of agricultural and veterinary chemicals in Victoria. The purpose of the act is to impose controls on the use of various chemicals to protect the health of the public and the environment, animal welfare, the trade in agricultural produce and livestock and the health of the users of the chemicals. Under section 19 of the act the seller is already required to inform the buyer if agricultural produce, stock or stockfeed is being sold within the relevant withholding period for an agricultural or veterinary chemical that has been applied to it. However, there is an anomaly with this in that there is currently no requirement for a seller to inform a buyer of a situation where the stock has consumed feed that has been harvested within the withholding period — some hay that was cut that had had a chemical applied to it, for example. Currently that information is not required to be passed on to the dairy farmer or whoever is using that feed. This amendment will compel the seller of feed to also disclose such matters.

The bill will amend section 54(1)(g) to enable an authorised officer to require the production of a document for the purpose of ascertaining compliance with orders under the act. Under section 54(1)(f) of the act an authorised officer has the power to search for, inspect or examine specified things for the purpose of determining whether they are compliant with the act or any orders or regulations. There is a problem with this, however, as the officer who has the power to compel a person to produce a document that shows compliance with the act does not have a similar power to compel a person to produce a document that shows compliance with an order or regulation, hence the need for the amendment to ensure consistency in the application when it is asked that a document be handed over.

At the moment the agvet act does not provide for the chief administrator to require a person to return a suspended or cancelled authority such as an agricultural chemical user permit. It certainly is not a desirable situation for a person who has had that authority cancelled or suspended to continue to physically hold that authority. The bill will therefore amend the act so that if the authority is suspended the authority will be required to be returned to the chief administrator for the duration of that suspension. Clause 9 of the bill will also enable the chief administrator in issuing such a notice suspending or cancelling an authority to specify that the authority must be returned within a specified time, and a fine has been introduced to penalise non-compliance with this.

Clause 7 of the bill, which the opposition has certainly taken umbrage with in the house this evening, increases the infringement notice from a maximum of 2 penalty units to 5 penalty units. If opposition members bothered to do a bit of research they would know that last financial year — the financial year that ended on 30 June 2011 — 21 such infringement notices were issued in the state of Victoria. If you do the maths, you see that the revenue that would be raised if the maximum penalty of 5 penalty units were applied would be just over \$7500, so it is hardly a massive windfall for the Treasury coffers.

There are also changes to the act with regard to the two-year time limit for commencing prosecutions. The normal time limit under the Criminal Procedure Act 2009 is 12 months. Under the agvet act there is a two-year time limit for cases involving agricultural or veterinary chemicals. Those can be quite complex. There needs to be a degree of testing, so the nature of these investigations can be quite long and drawn out, but there is the same anomaly here as the one I described earlier, in that there is a two-year time limit for prosecutions under the act but no such time limit in place for prosecutions under regulations — hence the need to provide consistency. The bill provides for the two-year time limit to apply to prosecutions under the act and also under regulations.

I will move on to the changes to the Domestic Animals Act 1994. The act at present specifies that the parent or guardian of a person who is under the age of 17 who owns a cat or a dog is deemed to be the legal owner of that animal. The Children, Youth and Families Act 2005 provides that, in relation to an offence, a child is a person under the age of 18. The criminal division of the Children's Court would hear any cases involving such defendants. The problem this creates is that if a 17-year-old commits a crime under the Domestic Animals Act 2004 as the owner of a cat or a dog, those charges can only be brought against the person and not the person's parent or guardian. That means the charges would be heard in the Children's Court rather than the Magistrates Court. For the purposes of consistency clause 10 of the bill amends the Domestic Animals Act so that the parent or guardian of a person who owns the cat or dog is deemed to be the owner until that person turns 18 years of age. Hence the legal owner of the cat or dog will be tried in the appropriate jurisdiction, being the Magistrates Court.

In recent times unfortunately there has been a spate of dangerous dog attacks, and a young girl was killed by a dog in western Melbourne. The coalition government has acted swiftly to bring in legislation to further control dangerous dogs and restricted breeds. The bill

will amend the Domestic Animals Act so that a person must be 18 years of age rather than 17 years of age, as is currently the case, in order to permit another person to enter a dwelling where there is a dangerous or restricted breed dog.

Clause 15 also amends the bill so that if the ownership of such a dog is transferred, it must be to a person over 18. There is also an amendment to the effect that a person who is under 18 is prohibited from having control of a restricted breed dog outside of the owner's premises.

Under section 10 of the act, all owners of cats or dogs over the age of 3 months must register their animal. A local council can resolve that they will not register a dog or cat unless the animal is desexed, and in certain circumstances there are exemptions from desexing such animals which can be given where there is written advice from a veterinarian that a cat or dog's health will be significantly compromised by it being desexed. There have been circumstances, however, where vets for various reasons have issued such advice without actually examining the animal. They might be a vet who, for example, is simply against the desexing of animals, who believes that should not be taking place and who has perhaps issued such advice without examining the animal. The amendment in this bill will require vets to personally examine the cat or dog and provide a reason as to why the animal's health would be compromised by the desexing.

There are also amendments to the Livestock Management Act 2010, including an amendment to correct the reference to a notice under section 49(5). There is also a correction of a spelling mistake. As the member for Ripon mentioned earlier, 'biosecurity' was misspelt. There are also amendments in relation to infringement notices and regulation-making powers.

This is common-sense legislation. Clause 7 is not there as a revenue-raising provision; as I said earlier, based on last year's infringement notices, if the maximum penalty were given, the impact would be just over \$7500. I am more than happy to commend the bill to the house.

**Mr HOWARD** (Ballarat East) — I also rise to make a brief contribution to the debate on this bill, which is again another astounding bill that this government has put forward in its pretty unimpressive legislative program for this year. These are certainly not issues that the residents of my electorate will take a great deal of interest in. When the minister introduced the bill he acknowledged that these were minor amendments being made to three acts. They really have

very little effect on our overall primary industries and animal husbandry affairs.

Our primary industries, however, are very important, and the acts that are being changed by this bill are important — particularly the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. It is important that we protect our primary industries and that we ensure that the products of our land that are sold are good, clean products that are safe to eat. We therefore need to make sure that any chemicals are used according to the appropriate usage requirements and that we protect both our domestic market and our overseas markets and maintain our reputation for producing clean products of a very high standard.

Overall the bill is good. The changes that are being made are relatively minor. In fact the changes to the agricultural and veterinary chemicals legislation simply 'enable an authorised officer to require the production of documents, to ascertain compliance with the regulations and orders established under the act, as well as ensuring the two-year time limit for commencing prosecutions also applies to offences under regulations'. That is the wording of the second-reading speech describing the change. It does not make much sense to the people in my electorate; nor does it to me, even as I read about the proposed change. I accept that there may be some practical benefit to it, but clearly it is quite minor.

The other change introduced by this bill will be the increases in penalties. As has been pointed out, this government seems very keen to increase penalties, as we have seen in the budget. When the members of this government were in opposition and we, in government, were strong on traffic infringement fines and so on, those opposite said we were revenue raising. Now that they have come into office, however, they have quite openly increased penalties in a range of areas, including penalties for traffic offences, and they are quite clearly using such changes as revenue-raising measures without necessarily wanting to promote the issues that make the fines important, whether they relate to agricultural and veterinary chemical use or to traffic offences. The real reason we want to fine people who are speeding or committing traffic infringements is to try to make our roads safer. I would much prefer the members of this government to focus on the related issues and the reasons people should drive more slowly, rather than using penalty changes in this budget to increase the government's revenue, which is something they spoke strongly against when in opposition.

The bill also makes changes to the Domestic Animals Act 1994. At present somebody can legally own a dog

or a cat at the age of 17; the government is changing that to 18 to comply with the legal arrangements relating to following up matters in the courts so that they do not have to be followed up in children's courts. This is perhaps a practical change but again one that is not inspiring to my electorate. Nor is the key change to the Livestock Management Act 2010, described in the second-reading speech as an amendment to 'ensure that the existing unintended limitation on which standards can be enforced through regulation is removed'. Again, these are pretty minor changes about which the constituents of my electorate will not be getting particularly excited. They are looking to see some serious action from this government rather than minor changes in bills. They want to see action addressing the job losses that have been experienced across my electorate. They want to see action that is going to make a difference to their lives. They want to see that education is progressing, that our hospitals are meeting their needs and so on.

This bill is a very uninspiring piece of legislation brought forward by this government and taking up some time in this house. Rather than be speaking on this bill, I would much prefer to be speaking on issues that are of substance to people in my electorate. I would like to see this government bringing forward legislation that addresses those issues of concern. I do not intend to take up any more of the time of the house in speaking on issues that are not of significance to my electorate. I look forward to having an opportunity to do that.

**Mr WELLER (Rodney)** — It gives me great pleasure to rise this evening to talk on the Primary Industries Legislation Amendment Bill 2012. As most members would know, my background is in dairy farming. I am quite proud of that. I have been involved in representing farmers, other agricultural producers and agricultural industries for probably the past 20 years.

The importance of agriculture to this state should never be underestimated. The National Farmers Federation figures show that while agriculture is only 3 per cent of the economy it drives 17 per cent of national employment, so it is a big part of our economy. We hear the calls from opposition members about jobs. I remind them that 17 per cent of the jobs across Australia are driven by agriculture and that we need to remember that it is very important.

Agricultural chemicals, which are addressed in the bill, drive productivity and quality. They are an important part of agriculture. I acknowledge that there are some organic farmers who do not use chemicals, but those in the mainstream — and they are by far the majority —

use chemicals. Farmers use chemicals on their farms to control weeds in their pastures or crops. They also use chemicals to treat parasites, the likes of ticks and lice, on their cows or sheep. They also use chemicals to control internal problems, the likes of worms and fluke, and they have to be sure not to make mistakes with them in that use.

Farmers also use pharmaceutical chemicals for treating animals. If a cow has pneumonia, it is treated with penicillin and the farmer needs to make sure that the withholding periods are appropriate. As I said, I come from the dairy industry. In that industry intermammary injections of penicillin are used to control mastitis. Once again the farmers have to make sure that none of that gets into the food chain. It is very important that the industry maintains quality in food, which is what we are dealing with. In Australia we have a proud record of clean foods and we have some of the highest food quality standards in the world. Product from Victoria is so keenly sought across the world because of the clean production processes and the procedures we use in making sure that chemicals do not make it into the food chain.

Indeed we must make sure also that chemicals do not make it into the fibre chain. We produce not just food from farms here in Victoria, we also produce fibre — that is, wool. Wool is often used in clothing, and people can get allergies from things in clothing.

**Mr Languiller** — I do.

**Mr WELLER** — The member for Derrimut has put up his hand, saying he does, so he understands where I am coming from and the importance of it. He will be very appreciative of the fact that the farming community here in Victoria is making sure that they maintain quality assurance and keep agricultural chemicals out of fibre.

The bill has been run past the Victorian Agricultural Chemicals Advisory Committee. As the dairy representative of the Victorian Farmers Federation, I was once quite proudly a member of that committee.

Another interesting statistic that members need to keep in mind in this debate is that last year this state exported \$8 billion worth of food and fibre that went through the port of Melbourne. This legislation is important because it will maintain the integrity of that \$8 billion worth of food and fibre that we put through the port.

The member for Lara made some interesting comments. He has a problem with clause 7, which increases from 2 to 5 the penalty units for an infringement. The member for Lara spoke about the

budget and said that raising money from fining people is wrong. I say to opposition members: if you do the crime, you pay the fine; and if you do not want to pay the fine, do not do the crime. It is as simple as that. I find it laughable that opposition members would come in here and defend criminals. As I said: if you do the crime, pay the fine. It is as simple as that.

The member for Lara went on to say that the budget provided for decreased spending on agriculture. He is wrong. Again, he has not read the budget. An extra \$60 million is committed in this budget for research on livestock and biosecurity, which protects the integrity of our export market.

The member for Lara talked about what the opposition did in government. Let us consider what those opposite used to spend. It is good to see the member for Ripon, who was previously the Minister for Agriculture, in the house. Labor's commitment for the Future Farming strategy was \$205 million.

**Mr Helper** — On a point of order, Acting Speaker, I am happy to make a rash commitment to come and listen to the member's speech in reply to the budget, but he should not confuse that with his contribution to debate on this bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I ask the member for Rodney to return to the bill.

**Mr WELLER** — I am quite happy to return to the bill, but I thought that as the member for Lara raised some questions as part of the debate I would be entitled to respond to them. Given your request, I will return to the bill.

The member for Ballarat East actually praised the bill. He said that this is an astounding bill and he went on to say that the bill is good. He was full of praise for the bill. Then he showed that he underestimates the intelligence of his constituents by saying that his constituents would not understand the bill. I hold the constituents of the electorate of Ballarat East in higher regard than the member for Ballarat East does.

**Mr Eren** — On a point of order, Acting Speaker, I acknowledge that the member for Rodney considers himself a minister and so is summing up all the contributions of speakers before him, but I ask you to bring him back to the bill. His responsibility is to speak about the bill before the house, not to make assumptions and give a commentary on the contributions of speakers before him.

**The ACTING SPEAKER (Mr Morris)** — Order! I have heard enough. If the member wishes to address

issues that have been raised in the debate, I am quite happy for him to do so. I do not uphold the point of order.

**Mr WELLER** — I was making the observation that the member for Ballarat East said this is an astounding and good bill. If in a debate an issue is raised by a speaker on the other side, I should be able to reply to it.

I refer to clause 10, which raises from 17 to 18 the age for a person who is deemed to be the owner of a dog or cat. I note that members on the other side are not opposing this clause. It makes a lot of sense that all court proceedings relating to an offence committed as the owner of a dog or cat are heard in the Magistrates Court, not in the Children's Court, as is required if the owner is 17 years old or younger.

In summing up, this bill protects exports and jobs in agriculture in the rural and regional areas of this state. Agriculture is a very important part of this state and its economy. Members on the other side can laugh and pull all the faces that they want to, but we on this side understand the importance of protecting agricultural businesses which drive \$8 billion worth of exports out of this state and provide in excess of 17 per cent of the employment in this state. Those opposite may want to do away with 17 per cent of the employment in this state, but we on this side do not want to do that. We want to protect the jobs in rural and regional Victoria. We have brought in this bill to make sure that the integrity of our agricultural industries is protected here into the future.

**Mr LIM** (Clayton) — I note that there has been much excitement involving the previous speaker, but I can assure members that my contribution will be low key and that I will stick to the script. I wanted to say from the outset that there would not be too much excitement, because I know this bill is very much a housekeeping bill. I am very pleased to be making a contribution to debate on the Primary Industries Legislation Amendment Bill 2012. This bill amends three acts of the Victorian Parliament — namely, the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010. As the amendments to the livestock act are minor and of a technical nature I will direct my comments to the amendments to the first two acts.

This bill makes some amendments of a technical nature to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 relating to the use and control of veterinary and agricultural chemicals. Section 69(3) of the principal act deals with infringement notices and

prescribes the penalty for an offence under the act as not exceeding 2 penalty units. However, clause 7 of this bill substitutes 2 penalty units with 5 penalty units, effectively doubling the penalty units, yet there has been no explanation from the Minister for Agriculture and Food Security. All the minister said in his second-reading speech was that the amendments to the principal act are minor. Why then does the bill provide for a 150 per cent increase? Both Parliament and industry are entitled to an explanation. Is there a problem? Has there been a substantial increase in offences? Are the offences becoming more serious? Presumably these are the reasons one would consider for such a massive increase in penalties. Surely penalties of any kind are for the purposes of, firstly, acting as a deterrent, and secondly, punishing illegal behaviour. However, the minister has not outlined a problem; he has said only that the amendments are minor.

Perhaps the hiking of penalties has been imposed upon him by the Treasurer, and he is too embarrassed to admit this to the Parliament. As this do-nothing government takes the state into recession it may be banking on a penalty-led recovery to balance the books. This government should be investing in infrastructure, which would promote economic activity and lead to growth and jobs and increased revenue. Relying on increased penalties is regressive, and Victorians expect this government to meet its commitment to keep charges down. It has been interesting to hear over the last couple of days members make contributions concerning the budget, particularly from the other side of the house. Government members tend to blame the international environment. They forget that when Labor was in government we had to deal with the global financial crisis, and we came out of it with flying colours. However, that fact seems to be completely ignored or overlooked.

The other amendments this bill makes are to the Domestic Animals Act 1994. Firstly, the bill increases from 17 to 18 years the minimum age a person needs to be to be the legal owner of a cat or dog. The rationale behind this is to avoid offences being heard in the Children's Court, which is understandable. I assume the government expects that children will still have pets but that their parents will be the legal owners. I hope it will not lead to a reduction in the involvement of kids with pets. The Royal Society for the Prevention of Cruelty to Animals has this to say about children and pets:

For children, it has been shown that growing up with pets (particularly dogs) during infancy helps to strengthen the immune system and reduces the risk of allergies linked to asthma.

Children who have pets including dogs, cats, fish and birds are also less likely to miss days of school.

I add that owning a pet encourages responsibility in children, which is hopefully something positive that can be taken into adulthood.

The other amendment to the act relates to the payment of concessional rates for the registration of cats and dogs. This is to be removed for new owners but will be grandparented for existing owners. This is fair enough, as it was understood to be a temporary measure to encourage microchipping. However, the grandparenting provision will not apply to people who move municipalities. They will end up paying an additional \$30 for their existing pets, which is yet another way the government is finding to slug people. What should be a reasonable bill has become another example of this government's incapacity to give Victorians a full and frank explanation, and it shows that the promise to keep down charges is on the never-never. I have said enough. I hope the minister will take all of this into consideration.

**Ms McLEISH** (Seymour) — Tonight I am pleased to rise to speak in support of the Primary Industries Legislation Amendment Bill 2012. As we have heard, this bill amends three acts — the first is the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, also known as the agvet act; the second is the Domestic Animals Act 1994, and the last is the Livestock Management Act 2010. Tonight there has been discussion in the house about this bill making minor practical amendments and being a tidying-up bill. Whilst on one hand that is true, on the other we also need to keep in mind the bigger overall picture. All of this works and links together. That is particularly true in relation to the Agricultural and Veterinary Chemicals (Control of Use) Act. I will explain that during my contribution.

Earlier we heard the member for Rodney talk about the extent of the use of chemicals in the agricultural, veterinary and farming industries. Farmers will often spray weeds and treat animals that have parasites located internally and externally. When I was a child we would often dip the sheep. We knew we were not allowed to use the sheep dip in certain ways because it would cause all sorts of harm. It was fine for the sheep, and the dogs would run through it as well. Sheep dip was a fairly potent chemical that was used.

Amendments are proposed to the agvet act to ensure that the use of chemicals does not lead to contamination in relation to livestock, cattle and sheep and agricultural produce, including crops like fruit and vegetables, and because of what can happen due to damage caused by

contamination. Financial losses can result because of damage to plants and livestock. It is important to think about the controls the bill puts in place in relation to the use, application and sale of both agricultural and veterinary chemical products. These controls are about protecting domestic and export trade. These appear minor and on the surface when we look at the picture of our overall agricultural trade, but last year Victorian agricultural exports were worth \$8 billion; that is a huge part of our economy. Australia has a terrific worldwide reputation in this field. Regardless of how minor a step we take when doing anything to protect our industries from damage, it is extremely important.

Recently I had a conversation with a member of this house who had been in the Middle East. He saw a menu there on which each piece of meat was identified with its country of origin. People there thought the steak from Australia was the highest quality product they could offer; Brazilian meat came second. While Australia has that sort of international reputation it is extremely important that we continue to support that trade.

There is also the protection of public health. If people eat any contaminated product or part of a cow that has ingested products that have been sprayed, that can cause enormous problems in relation to damage control, the health system and public illnesses.

Issues in relation to the environment and health and welfare of animals are dealt with in the bill. I draw the attention of members to the avian influenza — which was caused by a different type of contamination — which is also known as H5N1 and the significant damage it did to poultry stock throughout the world. It is an example of a different type of contamination, but I think we need to do everything possible to protect our agricultural industry.

This bill will specifically require a seller of livestock to inform a buyer if the livestock has consumed agricultural produce that has been harvested or obtained within the withholding period for an agricultural chemical that has been applied to it. That withholding period is required between sprays. We are talking about things sellers know or should know. I imagine the should-know test is the reasonable man test.

The bill has clauses that set penalties. I will talk about them, because there is a range of offences in the bill. The bill increases penalty units; we are raising the ceiling. There are some substantive offences. For example, there is the clause about non-compliance in relation to a contaminated stock order. You could sell a cow that has been contaminated. At the moment an

enforcement officer can issue a infringement notice involving two penalty units — this represents 2 per cent of the 100 penalty units that could be applied in a court. The bill proposes that the number of penalty units be increased to five. In dollar terms \$244, which is two penalty units, is being increased to a maximum of \$610. That maximum provides a little more flexibility.

I have referred to the substantive example of the non-compliance in relation to contaminated stock order. On the other hand, an example from the other end of the issue could involve not keeping records in relation to the use of agricultural chemicals. They are quite different. When there is an infringement notice involving two penalty units it is appropriate that there is the flexibility to have the ceiling lifted. A previous speaker mentioned that this is not a revenue-raising exercise. During the last financial year up until 30 June 2011 only 21 infringement notices were issued in Victoria.

I have mentioned that the bill amends the Domestic Animals Act. The amendment is interesting and provides some consistency between acts that mention age limits. Children have been prosecuted in the Children's Court. Under the existing act a child of 17 years of age who has legal ownership of a dog or cat and commits an offence could be prosecuted in the Children's Court. This bill changes that age requirement of offenders to 18 years, which is in line with other acts, so that all matters in relation to the Domestic Animals Act will be heard in the Magistrates Court.

The issue of the registration of dogs and cats is also covered. At the moment the act allows for a council to resolve that a dog or a cat be desexed or registered, and a small number of councils actually do this. There is a proviso here that if the health of an animal is likely to be compromised, it can be exempted. We have strengthened that a little bit by saying that this exemption can only apply where a vet personally examines an animal and then gives actual reasons why it should not be desexed rather than just having a philosophical disagreement and then writing out a certificate without conducting an examination. We are looking to have this examination included.

There is also a revocation of the default fee reduction for cats or dogs implanted with permanent identification devices — by that I mean the simple microchip that many people have implanted in their pets in case their animal gets lost. Microchipping was introduced about five years ago at a reduced rate. This five-year period has now elapsed. Microchipping has a lot of advantages, but at the same time councils have

reported a decrease in desexing with microchipping, so we need to bring the focus back to this. We know that dogs and cats are not quite rabbits, but we also know that there are a lot of animals around that are bitzers. We need to keep that in mind so that it is used appropriately, given that the time has now elapsed and the focus has shifted away from desexing.

Finally, there are miscellaneous minor administrative amendments to the Livestock Management Act 2010 in relation to the removal of existing unintended limitations under which standards are enforced. When we were drafting this bill we consulted with the Victorian Agricultural Chemicals Advisory Committee. The bill will be proclaimed on 13 April 2013 if it is not in operation before then.

I cannot emphasise how important agriculture is to our state. As I mentioned before, last year's exports alone totalled some \$8 billion. That is extremely significant for the state of Victoria. The government has confirmed its commitment to agriculture in this budget with its very strong \$61 million agricultural package.

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to rise tonight to speak on the Primary Industries Legislation Amendment Bill 2012. First of all, let me put on record the position of the opposition. As other speakers have indicated, Labor will not oppose this bill, but we will seek to amend the bill in the Legislative Council by the deletion of clause 7. The member for Ripon, who eloquently explained the content of the legislation and gave guidance to the government in terms of what could be done, referred to clause 7, as I understand it, which amends section 69(3) of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to increase from 2 to 5 the maximum number of penalty units that may be prescribed for an offence for which an infringement notice may be issued.

I am no expert in primary industries; however, I know how important primary industries are and am very cognisant and respectful of the work of the Department of Primary Industries. As the previous speaker indicated, we should be very proud of the Department of Primary Industries and of primary industries both in Australia generally and particularly in Victoria. To provide a bit of general background, members would be aware that DPI oversees Victoria's agriculture, fisheries, earth resources, energy and forestry industries. These are very strategic industries for the state in that they produce essential food, fibre, energy, minerals and building materials, which underpin a very important sector of Victoria's economic and social activity. These industries are very important and are

significant generators of economic value in their own right, particularly in regional Victoria. Whilst I represent the western suburbs, I am very mindful of this and always talk to children and teenagers at primary and secondary schools about the importance of primary industries. I am very cognisant of the importance of understanding how vital this sector is.

The primary industries sector produces food. It produces energy. It feeds not just us but also other important parts of the world. As members have indicated, we are second to none in the world. We are exceptionally well recognised everywhere in the world. Our competitors are also our cousins in New Zealand and Canada. By and large members ought to be aware and proud of what we, the current opposition, did in government and what the current government is doing, because this is an important sector. It is one that ought to be supported very strongly.

Members would be aware that the sector employs around 110 000 Victorians. It contributes in the order of \$18.55 billion to the Victorian economy, which is 6.7 per cent of Victoria's gross state product. It is a very important and significant sector. It is one that we ought to treasure and harness. It is one that we ought to protect very rigidly. The reason the sector continues to grow — and it does have zigzags and ups and downs and other issues that members articulated earlier — is fundamentally because, and I am very mindful and cognisant of this, of the very good work of the Department of Primary Industries. It does not just do this in Victoria but also leads the way around the world.

Members would be aware of my background. I was born in Uruguay and lived in Argentina. I come from a region that by and large complements Victoria, which is a region that does a lot of good work at the World Trade Organisation level. Victoria is a place where scientists and researchers do a lot of good work. Latrobe University's AgriBio, the Centre for AgriBioscience, does an enormous amount of good work and has an enormous number of good partnerships. It does one thing that we do very well in this country, particularly in Victoria: it transfers knowledge. It understands that it can share knowledge with other jurisdictions in other countries even though, interestingly, in some ways — as everyone would know and as farmers certainly do — countries like Argentina, Uruguay, Brazil and others are our competitors.

However, we complement our work internationally. We share knowledge and we understand, as other members have referred to, that there is a food requirement and food crisis issue and we therefore need to ensure where possible not only that we are productive but that others,

our partners or our cousins, if I can call them that, can be equally productive. That is just by way of general background. I thought I would take the opportunity of providing that in the context of this important bill.

The bill amends three acts of Parliament. It seeks to make a series of mainly technical amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and to extend penalties in a number of areas without adequate explanation. I understand from the briefing that the good member for Ripon provided, and as I referred to earlier, that the opposition will vote against clause 7 when the bill is in the Council. Further the bill seeks to make two policy changes to the Domestic Animals Act 1994, which was amended by the government twice last year, as well as a series of minor administrative changes.

The first policy change relates to treating as a child any person under 18 years of age rather than under 17 years of age, as at present. The rationale is that it will reduce red tape and confusion by treating parents as dog owners and having all matters dealt with in the Magistrates Court and not in the Children's Court. The second stage is to remove the automatic municipal concession rate for a dog owner who has his or her dog microchipped. The exemption will be grandfathered provided the person does not leave the municipality. In practical terms that means, for example, that if a resident who is exempted in Kingston moves to Port Phillip the extra cost could be in the order of \$110 annually. The other provisions relate to the Livestock Management Act 2010. As I understand it there are three minor technical amendments. I further understand that consultations have taken place. Given that the Department of Primary Industries is involved, that does not surprise me: it does its work and it does it well. It understands this sector better than any other, and has always been very good at advising governments, advancing the interests of this sector and making sure that the sector leads the world.

Let me be absolutely clear: sometimes it is easy — and I do not mean that it happened today — to come into this chamber and to knock a department or a sector of government. The reality is that this sector and this department do an enormous amount of good work. I have known many of the heads associated with the DPI, starting with the agribusiness centre and Professor Spangenberg, who is an eminent professor, a scientist of world calibre and a person amongst so many others who have made very significant contributions to this sector in Victoria and Australia.

With these remarks I say that this is one important step in the right direction, with some minor technical

provisions having been made. It is how you do it in this sector. You build it, step by step, brick by brick, but you do it safely and well. I commend the Department of Primary Industries — and I take pleasure in saying so repeatedly. I commend the sector as well; I think it is doing it tough. Farmers are doing it particularly tough, as you, Acting Speaker, in your region would be aware. They are doing it tough, but they are doing it very well. They lead the world, and they make all of us very proud to be able to say, whether it be in Australia or in any other country in the world, that the Department of Primary Industries and this sector in Victoria lead the world. They are second to none. I think they are the best there is. We should be very proud of them, protect them and treasure them.

**Mr McCURDY** (Murray Valley) — I am delighted to rise to speak in the debate on this very important bill. I am very pleased to hear that the member for Derrimut on the other side has a fundamental knowledge of this subject and how important this legislation is to agriculture throughout this great state of ours. I will say, though, that the member for Lara, who spoke a little earlier in the evening, missed a few fundamental points. He needs to understand that milk does not get produced in a bottle, steak is not grown at a butcher's and fruit does not come out of a can. His understanding of this bill was very limited. He started talking about the penalty points and got tied up in that. I just do not think he understands how important agriculture is to this state and the flow-on effects it has for all of us through the regions. We need to support those regions and industries — not subsidise them but certainly support them — and that is what this bill does.

The Primary Industries Legislation Amendment Bill 2012 has three parts to it. As members heard earlier, it contains amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010. I will get to a few of these amendments in detail. Firstly, the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 is the principal act that controls the use of agricultural and veterinary chemicals in Victoria. The act forms part of the national registration scheme. That involves a partnership between the states, the territories and the commonwealth for regulating all chemicals that are used on farms.

Why is it necessary to regulate these chemicals, whether they be agricultural or veterinary chemicals? It is because, while these chemicals are very important tools for us all on farms and we can use them to assist with animal welfare or for spraying our crops, they also present risks to us. Those risks are twofold, one being

obviously the safety risk to humans as they are using the chemicals, whether it be through spraying or, as the member for Rodney noted, through intramammary injections of penicillin into the udders of cows or into other animals. Having been a dairy farmer myself for many years — the first 20 in Gippsland and then another 20-odd in northern Victoria — I certainly understand this industry and livestock and chemicals well.

Let us take an example of the flow-on effect of chemicals. The contamination of livestock or food for that livestock can start very innocently. Let us take the example of cottonseed that might be grown in northern New South Wales or southern Queensland. That cottonseed might then be fed to a cow, whether it be a beef cow or dairy cow, and that meat or milk then becomes contaminated because the feed has been sprayed with something. It is important that we can trace these processes right through. Just to give a further example that might help members understand how deep this whole problem gets, if you inject a cow to help her with mastitis, for example, and there is a withholding period of 10 days or 28 days, the cow's milk is then contaminated. If that milk is fed to a calf and that calf is sold for meat purposes, that meat can be contaminated. It just shows how careful you need to be with chemicals, because this flow-on effect can really cause detriment.

We saw with the live export trade how one rogue trader really turned our industry upside down on a national basis, because somebody did not get it right. That did not occur inadvertently; obviously there were some concerns there. Certainly harm can be done with chemicals inadvertently, whether through the feedstuff for animals or in some other way. This bill will certainly help to monitor those things.

The Agricultural and Veterinary Chemicals (Control of Use) Act 1992 imposes numerous controls over the chemicals in use. These controls include the requirement to hold a permit to use certain high-risk chemicals, the prohibition of the use of other chemicals and the licensing of commercial ground and aerial applicators. When crops are being sprayed — and it might not even be on your farm; it might be spray drift from another property — it can contaminate the feed, the feed goes to the cows and so it goes on as I said before.

It is therefore important that the agvet act enforces national standards for chemical residues in agriculture and creates standards for the content and labelling even of fertilisers so that when a snake oil salesman comes around trying to sell a new product to a farmer, the

product is well labelled and the ramifications of using the product are well understood.

As I said, the member for Lara probably needs to get a better understanding of how important this is to our agricultural industries and the state as a whole. This is an all-encompassing bill; as we have seen, it is not just about livestock but also about dieldrin residues in potatoes and other chemical residues in all sorts of vegetables. The point the member for Lara was raising was about increasing the maximum penalty from 2 to 5 penalty units for an offence for which an infringement notice may be served. That will better reflect the differences in the statutory maximum penalties for offences under the agvet act. I think it was making light of the importance of increasing the penalty, but we need to do that. As I said — and as the member for Rodney said — it is imperative that if you do the crime, you have to pay the fine. That stands to reason.

I will quickly move on to the Domestic Animals Act 1994, about which a fair bit has been said already. The amendments the bill makes to this act are practical ones. The bill tidies up a grey area that currently exists regarding pet owners between the ages of 17 and 18. At present a parent or guardian is only deemed to be the owner until the person has reached 17 years of age, which means that if a 17-year-old commits an offence under the Domestic Animals Act 1994 as the owner of a cat, dog or whatever it might be, the charges can only be brought against the 17-year-old, not their parent or guardian. Rather than that occurring, such charges should be heard in the Magistrates Court. The amendment to section 4 of the Domestic Animals Act 1994 will ensure that any charges under the act can be brought against the parent or guardian and can be heard in the Magistrates Court.

The third part of the bill amends the Livestock Management Act 2010. This was developed to provide a framework for the regulation and enforcement of livestock management standards relating to animal welfare, biosecurity and certainly food safety, which I was talking about earlier in my contribution. The regulation of livestock management standards will provide assurance to customers and the general community regarding livestock management practices. It will certainly assist in maintaining productivity and market access for livestock businesses. It is an international market that we live in, and the changes we make, the paperwork involved, is not a threat to these industries; it actually helps us to compete, particularly against countries that do not have such regulations. That is why we are very proud of our history in exports and why we will continue to be proud of that while we keep the correct checks and balances in place.

I will summarise by saying that this is an important bill to support our agricultural industries. My electorate of Murray Valley has many great industries. It certainly has enormous tourism and manufacturing sectors, but it is agriculture that courses through its veins — it is agriculture that keeps us alive in good times and bad. That is the foundation of the Murray Valley. Agriculture equals exports, and exports turn into jobs, prosperity and the ability to import, and all Victorians then become beneficiaries of this. With these comments, I commend the bill to the house.

**Mr WATT** (Burwood) — I take great delight in rising to speak on the Primary Industries Legislation Amendment Bill 2012. I will make a few comments on some of the contributions made by other members and in particular on an interjection by the member for Lara while another member was on his feet talking. He suggested that making a comment on another member's contributions is not contributing to debate and not talking on the bill. I found it interesting that the member for Lara does not understand that refuting comments made by other members is actually part of the debate and part of talking on the bill. I note that he has done this a number of times. I am intrigued that someone who has been in this place for such a long time has no idea about the purpose of debating a bill.

I also note that the opposition is planning to move an amendment in the Legislative Council to remove clause 7. I find it interesting that if it were moved in this house, the person who flagged the amendment would probably not be voting for it, because he made it quite clear that he did not consider it to be a very good amendment and that he would probably not support it if were moved in this house. He made the point, while interjecting, that this is probably why it is not being moved in this house.

In my contribution I will concentrate more heavily on the Domestic Animals Act 1994. In particular I will focus on clause 13 of the bill before us, the Primary Industries Legislation Amendment Bill 2012, which talks about dangerous dogs and amends the Domestic Animals Act 1994. Under section 3 of that act 'dangerous dog' means a dog which has been declared to be dangerous by a council under part 3 or a dog which by virtue of the operation of section 34A is a dangerous dog.

I turn to section 34(1) of the act, which says:

A Council may declare a dog to be a dangerous dog —

- (a) if the dog has caused the death of or serious injury to a person or animal by biting or attacking that person or animal ...

That leads me to go to the definition of 'serious injury'. You will understand where I am going, Acting Speaker, when I finally make it there. Under section 3 of the act:

serious injury means —

- (a) an injury requiring medical or veterinary attention in the nature of —
  - (i) a broken bone; or
  - (ii) a laceration; or
  - (iii) a partial or total loss of sensation or function in a part of the body; or
  - (iv) an injury requiring cosmetic surgery.

I will stop my definitions there and move on to why I raised this, which involves my personal experiences with what at the time I did not consider dangerous dogs but perhaps should now actually be considered dangerous dogs. This also leads me to talk about teenagers. The reason I mention this is that one of the purposes of the legislation before us is to amend the Domestic Animals Act 1994 to raise the legal age of an owner of a restricted breed dog from 17 to 18. As a teenager, and even before that, I had a number of incidents with dogs which, as I have said, I may not have considered dangerous at the time — and I would not have known whether they were or were not — but perhaps they should be considered dangerous now.

As a 12-year-old or 13-year-old boy doing your paper round, throwing papers onto people's lawns, if a nice little dog comes up and bites you on the rear end, you do not consider whether or not you should run off to the council to report the dog. It is just a nice little bite, you have a hole there, it bleeds and it does not feel very good, but you do not consider whether or not you should go to the council. Someone who is not all that mature of mind might not necessarily understand the implications of these things. On that particular occasion, I was lucky that it was just a nice little nip, and off the dog went. However, under the Dangerous Animals Act 1994, that dog, if not already declared a dangerous dog, probably would have been declared a dangerous dog had I had the good sense at the time to do something about it.

Moving on a number of years, one of my first full-time jobs was door-to-door sales. I remember going through the back streets of Abbotsford, walking into a factory with books in hand, ready to sell them to the owner, and looking around, calling out for the owner. The owner did not arrive, but when heading into the office who should I see but another nice little dog! I did not know at the time whether this particular dog was a dangerous dog, but the scar on my hand that shows a nice little

bite mark would suggest that the dog should have been declared a dangerous dog. Once again, not being old enough or wise enough to understand that I should actually do anything about it besides run down to Victoria Street to see a doctor for an injection to prevent any problems from arising, it did not occur to me — and interestingly enough it also did not occur to the doctor — that we should report that dog and possibly have it declared a dangerous dog.

These two incidents were quite minor, but I am sure we all know of or have heard of other incidents where a dog attack has had more serious consequences. I recall another incident, not involving myself but rather my niece. Sometimes we do not consider our pet to be dangerous or a problem. We can be quite lax with pets. One of my sisters had a dog and usually kept it in an enclosure. I remember hearing of one occasion — this was in Perth and I was in Victoria — when my niece got into an argument with my sister. The dog, being a dog, decided to protect what it considered to be its owner. The result was that my niece had to have plastic surgery to correct some hideous results of that dog attack. That dog no longer exists, which is probably a good thing, given that incident.

As I say, kids do not understand. This is why we need to make sure that the responsibility for dogs lies with an adult, and that is why it is a good thing that this bill will amend the Domestic Animals Act 1994 and place responsibility for pets clearly with the parent or guardian of a minor. Lots of teenagers consider that they own a dog, but the responsibility for that pet — that dog or that cat — will lie with the parents, as it should. That is clause 13 of the bill, which amends the Domestic Animals Act 1994.

The bill also amends a couple of other acts. I will not go into those because I do not pretend to know too much about veterinary chemicals or livestock management, not being a farmer or a vet. However, a number of other clauses amend the Domestic Animals Act 1994. Clause 10 says that a person must be 18 years of age to be the owner of a dog or cat. That is sensible. Clauses 11 through to 18 all further amend the Domestic Animals Act 1994.

This is a good, sensible bill based on the fact that, as I have shown from my own experiences, people under the age of 18 do not necessarily understand the consequences when it comes to animals. It is a good amending bill, and I commend it to the house.

**Mr CRISP (Mildura)** — I rise to support the Primary Industries Legislation Amendment Bill 2012. The purposes of this bill are a little lengthy but they are:

- (a) to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 to —
  - (i) provide for a further prohibition on selling certain stock or agricultural produce unless the seller has disclosed to the buyer certain information about the stock or produce; and —

I will return to that provision in a little while —

- (ii) insert a requirement for the return of cancelled or suspended authorities to the chief administrator; and
- (iii) increase the maximum penalty for an infringement offence; and
- (iv) make other miscellaneous amendments to that Act; and
- (b) to amend the Domestic Animals Act 1994 —
  - (i) to provide for an age limit of 18 years for minors under that Act; and
  - (ii) to remove the reduced registration fee for permanently identified dogs and cats; and
  - (iii) to make other miscellaneous amendments to that Act; and
- (c) to amend the Livestock Management Act 2010 to make miscellaneous amendments to that Act.

I see this as a common-sense bill in that it is part of our management of the statutes to pick up some of the things that need attending to in these areas. I support the contributions of the members for Benalla, Rodney and Murray Valley, who understand livestock very well. They are livestock experts. However, there are a couple of points I want to make.

I refer firstly to clause 7. I was in the chamber when the member for Ripon made his contribution on this clause. He objected to the penalties for infringing some of the provisions in this bill. I find that interesting, particularly when we are looking at the integrity of the quality assurance system.

Clause 3 of the bill deals with what I call the knock-on contamination effect. The bill identifies a loophole. We all know about withholding periods for chemicals and how important they are to the integrity of our quality assurance chain and what our customers want to see. Farmers know that if you spray a paddock for one reason — and it is not unusual, particularly in my area of the Mallee, when you are preparing areas for sowing grain to bowl over the green grass with a herbicide — that you need to withhold the stock until that herbicide has dissipated before you allow them graze off that dry feed. I think that practice is probably not unusual in other parts of the state as well. However, if we cut that

feed and move it on before the withholding period has expired and that is fed to animals, then we have a problem with the quality assurance and what our customers expect from us.

The relevant clause in the bill picks up the fact that the seller of the produce has got to provide the paperwork so that there is integrity for everybody within that system. I think that is good thing to pick up. I know it adds some difficulty, but it is certainly important. Stock food comes from a number of sources and, as we know, a lot of stock food moves some distance in Victoria. Clause 3, as I said, covers that particular issue.

The other provisions of the bill that I want to make a contribution on relate to dangerous dogs, something that has been close to all of our hearts in recent times because of some of the issues that have arisen. These are covered in part in clauses 12, 13 and 14 of the bill. It makes reasonable sense to make these changes to the Domestic Animals Act 1994. The bill sets out some of the procedures that have to be followed in dealing with the desexing of dogs and cats and with dangerous dogs. The bill changes the age at which a person is allowed to admit someone to a dwelling where a dangerous dog is present. It also prescribes the minimum age for an occupier of premises where a dangerous dog is kept. This is also being tidied up.

This has been a very sensitive issue in our community. I know that a dog is man's best friend, but some are not so friendly. We have heard of a number of examples where this has been the case. As with the previous member's recollections about his paper round, for some time my parents had a milk delivery business and I too met a few dogs who were not very friendly! That seemed to be an occupational hazard. However, we have come a long way from that. Most of my incidents were fairly minor, but we are considering dangerous dogs in this bill because of the experiences of some people over time. The provisions in this legislation regarding dangerous dogs make good sense.

With the comments I have made on the need to maintain the integrity and quality of our Australian produce so that it can attract a premium price everywhere it is sold because of the way it is managed, I am going to commend this bill to the house and wish it a speedy passage.

**Ms MILLER (Bentleigh)** — I rise to speak on the Primary Industries Legislation Amendment Bill 2012. A purpose of the bill is to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. From the outset I will say that the coalition government is committed to agriculture and put on the record that

there are members on this side of the house who have had quite a lot of experience in the agricultural industry, as opposed to those on the other side. The coalition government is committed to biosecurity and in particular the protection of our food supply chain and international export markets from chemical contamination or residue.

This wonderful country we live in, certainly the state of Victoria, has a strong agricultural sector from which we export, and we are proud of that. This week the government handed down its budget. It indicated to people in Victoria that it was a tough budget but a responsible one. Whilst small business will find it tough, we have to protect the industries that are doing well at the moment from the agricultural perspective.

The bill is really about the chemicals that are being used in produce. As I understand it, it is the responsibility of the seller to inform the buyer of the fact that a chemical may have been used in a particular form of produce. Essentially this bill will fill a gap. For example, if some chemical has been applied to a pasture and a certain amount of time is required to pass before it is harvested but it is fed to an animal in that time, the owner must tell the buyer that the animal has eaten the produce prior to the expiry of the withholding period. With the different chemicals that are used to protect produce from insects, pests, diseases et cetera, there can be a variety of time periods. Without being specific, if a person is purchasing prior to the expiry of the withholding period a particular form of produce which has had a chemical applied to it, it is important that that purchaser be informed of that.

If livestock have consumed some contaminated produce, that could potentially go on to individuals. It could be passed on in the form of milk through the dairy industry or through some form of crop or vegetation and end up on our dinner tables. That can have health consequences. If there has been some identified contamination, that could retard the import or export of that particular item and could then impact on the reputation of the place of origin of the food. There are potentially a lot of long-term ramifications should that be the case.

It is important that with the amendments in the bill we tighten up the legislation and get rid of the gap so that when we are buying, importing or exporting produce the seller will be informed of any chemicals used. As I said, the coalition government is committed to the agricultural sector. We want to see it continue, survive and flourish in the years ahead.

The other amendment I wish to speak on is the amendment to the Domestic Animals Act 1994. This is of interest as it makes the legislation consistent with the Children, Youth and Families Act 2005. Basically, it does a couple of things. At the moment if a family of two parents and children under the age of 18 has a family dog and for some reason the adults are not in the house and a minor, someone of 17 years or younger, is looking after the family dog, they are not legally responsible for that animal. Something definitely needs to be addressed there. If the animal were found to be doing something wrong — as I said, it is about the responsibility component — or if a dog were barking or a dog or cat were at large, then it would be difficult for a minor to be responsible, but someone of 18 years or more would certainly be responsible for that animal's behaviour. Clauses 13 to 16 are about the sensible enforcement and consistency of the act. This is about tightening up the legislation and, as I said, about taking responsibility for a particular animal.

Clause 12 provides that a vet needs to see an animal, whether it be a cat or a dog, before desexing it. As it stands, as I understand it, registration is mandatory for pet animals from the age of three months, and the local council determines if an animal has to be desexed or registered. Essentially this legislation does not penalise any particular person; it is about motivating a vet to assess whether an animal should be desexed or not. It also protects veterinarians from being pressured, potentially by a good client, a long-term client or a regular client, into writing a document, as they can rely on the law to say that they are not allowed to do so unless they physically see the animal concerned. It is not something that can just be done verbally or on a handshake basis; a clinical veterinary practitioner must actually see the animal and then make that decision.

Certain councils around Victoria have desexing orders in place under section 10A of the Domestic Animals Act 1994. Thirteen councils in Victoria offer desexing for affected animals, whether dogs or cats. The Kingston City Council in my electorate introduced that service on 1 January 2009 for dogs and cats. That is quite interesting. The other council in my electorate, Glen Eira City Council, does not have any such provision in place at this point in time.

In earlier contributions some of my colleagues talked about dangerous dogs and about incidents or events involving dogs that these members had experienced on their paper rounds when they were young. I too had that experience when I was doing my paper round many years ago. A very small dog took a nice little chunk out of my ankle. It was extremely painful and

uncomfortable, so I think amending this act is certainly worthwhile, and I am very supportive of that.

The other thing I want to point out relates to clauses 17 and 18. Clause 17 is a transitional clause. Clause 18 is about registration. A dog or a cat must be registered, as I said, at three months. If the registration has been in place since 2007, the animal must be microchipped in order to be registered. But if you want to register an animal and you meet one of the criteria you receive a discount on the registration. Those criteria include participating in a dog training program, desexing your animal or being a member of a particular organisation. As I said, if you meet one of these criteria you can get a discount on the registration of your animal. This section will be proclaimed in April 2013, as I understand it. This means that the owner of any animal registered and microchipped before April 2013 will receive this reduced registration rate for the life of that animal.

**The ACTING SPEAKER (Mr Nardella)** — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this matter is next before the chamber.

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — The question is:

That the house now adjourns.

### **Murradoc Road, St Leonards: upgrade**

**Ms NEVILLE (Bellarine)** — The matter I raise is for the Minister for Public Transport, who is also the Minister for Roads. The action I seek is that the minister guarantee funding in the VicRoads Barwon-south western region allocation in the 2012–13 budget to enable urgently needed works on Murradoc Road, St Leonards. Murradoc Road is in fact a road that runs between Drysdale and St Leonards, but the bit I am particularly referring to is the main street of St Leonards on the Bellarine Peninsula. Unfortunately the condition of the road in the St Leonards bit is very poor, and it is made even worse when there is rain, which happened with recent flooding last week near the primary school and community hall.

The St Leonards Progress Association has been a very strong advocate, raising concerns with council and VicRoads about the state of the road and the need for improvement. The St Leonards Progress Association

has also been an active participant in the planning process about how to improve this particular part of Murradoc Road. I have written to the minister and I have also raised the issue in this house, but unfortunately so far we have not seen a resolution.

Accessibility and safety issues are the major concerns with the road where it runs between the lake, the primary school and the busy shopping centre. The proposed upgrade for this section of the road includes footpath works and the construction of kerbing and guttering. A cycle lane is also proposed, which will make the road safer for the increasing number of local and visiting cyclists and ultimately will benefit all road users by making the road more accessible and safer to share.

The City of Greater Geelong is committed to undertaking an upgrade and has undertaken an extensive consultation with traders and through a panel process. Council funding for the upgrade is allocated in its current budget, and it has also advised that the money will be carried over into the 2012–13 budget. It makes sense to allocate the funds from the VicRoads Barwon-south western budget in 2012–13 to match up with the City of Greater Geelong's commitment to get the work done in the coming financial year. A relatively small contribution of around \$250 000 is required. I again call on the Minister for Public Transport to urgently guarantee to the community of St Leonards that this funding is contained within the Barwon-south western region's budget allocation for 2012–13.

### **Edithvale-Seaford Wetlands Discovery Centre: funding**

**Mrs BAUER (Carrum)** — I wish to raise a matter for the Minister for Water. The action I seek is for the minister to determine how the Edithvale-Seaford Wetlands Discovery Centre can be better utilised by the community in the future. This \$4.9 million centre opened in November last year and aims to educate students and other visitors about the role of the wetlands and its flora and fauna. It is a state-of-the-art building and a wonderful asset in the community — or it would be if anyone could access it. It seems that when making this generous donation to the community the former government looked no further than building it and gave no thought whatsoever to providing ongoing funding to staff it.

After receiving a number of complaints at my office I made inquiries of Melbourne Water and discovered that the delay had been caused to some degree by the collapse of an internal ceiling, which has since been repaired. Up until March there were still a number of

building faults that prevented full use of the centre, and it is unclear if they have been resolved. We were also told that no money had been set aside for staff. While its planning permit allows the centre to operate from Monday to Sunday between 9.00 a.m. and 5.00 p.m., apart from two public open days in November the centre has only opened for a three-month trial period every Tuesday between 2.00 p.m. until 4.00 p.m. — that is, for 2 hours a week. This has now come to an end.

I understand that Melbourne Water is continuing discussions with stakeholders, including the local councils and the Friends of Edithvale-Seaford Wetlands group, to find ways of having the centre open more often. Melbourne Water's long-term plan is to protect wetlands and recognise community education as a crucial step towards healthier waterways. The centre supports Ramsar convention goals for communication, education, participation and awareness of wetlands, and it cannot do this if it is not open.

While this situation is the fault of the former government and is yet another example of its gross financial mismanagement, I ask that the minister investigate this issue as a matter of urgency to determine how the Edithvale-Seaford Wetlands Discovery Centre can be better utilised by the community.

### **Trams: route 59**

**Mr MADDEN** (Essendon) — The issue I wish to raise tonight is for the Minister for Public Transport, and it relates to the planning and anticipated works to be undertaken for tram super-stops along the no. 59 tram route, which runs from Elizabeth Street to Airport West and from Matthews Avenue, Airport West, to Westfield, and when three specific roundabouts in the works for those super-stops will be undertaken. What we currently have along the no. 59 tram route are a number of super-stops that have been completed or where works are currently being undertaken. Over a series of years works have been undertaken along Matthews Avenue at one end of the tram route, and I understand that works are currently being undertaken on Flemington Road and at the top of Mount Alexander Road. The great challenges are not at either end, they are in the middle, and that is probably why they have been left until last.

There are three roundabouts, and because they are roundabouts, they are limited for space. They will need super-stops located somewhere on them or near them, but there are also issues that need to be considered because these are transport hubs. At the Mount Alexander Road, Napier Street and Essendon station

roundabout, near Essendon station, there is a transport interchange. There is also a transport interchange at Moonee Ponds junction. At the junction of Mount Alexander Road, Pascoe Vale Road, Puckle Street and Ascot Vale Road — or roundabout, as it could be described — there is a transport interchange with buses as well. Each of these junctions lacks a super-stop. There is also a roundabout at the junction of Lincoln, Keilor and Mount Alexander roads.

The three roundabouts currently do not have super-stops. The critical issue is that they are transport interchanges but people are unable to access a super-stop and all the disability access requirements that come with them, or to access the other forms of transport at the interchanges, whether that be the SmartBuses, the range of buses at Moonee Ponds junction or the other train services at one end of Puckle Street or at Essendon station. So you have a series of complex transport interchanges that need super-stops and all the disability requirements that go with them, but because of the inherent challenges of creating them they have been left until late in the rollout.

My request is not only that the minister find out when the planning and anticipated works might be conducted for these super-stops but also that he ask the hard questions of his department as to how these matters will be resolved, because they are quite complex and they need more than just a single solution. To be resolved completely they need some quite comprehensive transport, traffic and pedestrian interchange requirements.

### **Rural City of Benalla: business development officer**

**Dr SYKES** (Benalla) — My issue is for the Minister for Regional and Rural Development. I request that he provide funding support for the appointment of a business development officer for the Rural City of Benalla. Benalla is my home town and has been since 1975. There are a lot of great people in Benalla, and it is a great location. Over the past decade we have experienced tough times, but since the advent of the coalition government we have been well supported through the Regional Growth Fund. For example, \$2 million has been allocated to local government infrastructure, which will be used for a swimming pool upgrade and the development of a new library, which will be known as the Weary Dunlop learning centre.

Benalla has also been the beneficiary of a program called Advancing Country Towns, where the focus is on improving the education of our young people and also improving the job readiness of our people

approaching employment age. The missing part of the jigsaw is that we need more job opportunities in Benalla, particularly in light of the pressures on manufacturing which have seen, amongst other things, the closure of Godfrey Hirst Carpets, which resulted in the loss of around 120 jobs over an 18-month period.

What I am seeking is assistance from the minister and the coalition government to encourage existing businesses to grow and create more jobs and also to attract new businesses to the area. I should make the point that our community is not just sitting back and asking for help. This month we have a program in place called 31 Jobs in 31 Days. That is about encouraging local businesses to create 31 jobs in our area, and it is also about encouraging young people and job seekers to enhance their skills through such means as conducting mock interviews and developing their CVs.

We are having a crack at improving our own situation, but we need help from the state government to build on our existing efforts. To this end a business development officer would be a great acquisition. They could support the existing efforts of people such as Tony McIlroy, the CEO; Jeanie Hall, who is a bundle of energy; Justin Finlayson; Veronica Schilling and all of the staff at Benalla Rural City Council; and the broader community. The sort of help that we could have from a business development officer would be the development of a business case for the upgrade of the Benalla Airport and an associated industrial development there. The Minister responsible for the Aviation Industry has already visited the area, and he has indicated that what we have got in mind would be a good candidate for a grant from the \$20 million Regional Aviation Fund.

I reiterate that my request is to the Minister for Regional and Rural Development, and I am seeking his support to help fund a business development officer so that Benalla can get back on a roll.

### **St Kilda Park Primary School: disability funding**

**Mr FOLEY** (Albert Park) — I raise a matter for the attention of the Minister for Education. The specific action I seek is that he work with his department, St Kilda Park Primary School and the family of Ella Bunn to secure a better Program for Students with Disabilities (PSD) package as a matter of urgency, thereby allowing her to continue her education at St Kilda Park Primary School.

I seek this assistance because Ella Bunn is a student in grade 3 at St Kilda Park Primary School who three

years ago underwent a major operation to remove a significant brain tumour. Her chances of survival were rated as very poor, and her family was expecting the worst, but with assistance from expert medical support, the love and support of her family and, subsequent to that, the support of her local school community she has made an amazing recovery. Her struggle, her bravery and the support of all those around her, particularly her parents, Sophie and Jamie, have been remarkable. This has been at considerable emotional and financial cost to the family.

As I said, Ella is now in grade 3 and has made steady but remarkable progress. She is now faced with a situation where the level of support she receives requires her to be at school four days a week together with her rehabilitation programs. She is now in a position to extend her recovery to a full five days a week, but her family is being forced into choosing between four days a week and recovery or five days a week at school and no assistance for rehabilitation. Of course this is a choice that no parent should be asked to make.

After considerable struggles over the past four years to deal with a range of complex issues and support associated with Ella's condition, it would be of great assistance to this family if the Department of Education and Early Childhood Development were to increase its PSD package for Ella Bunn from level 5 to level 6. I have indicated in earlier correspondence to the minister that I would be more than happy to assist in facilitating a meeting between the minister and his office or the department with Ella, her family and the school so they could learn firsthand of the strong community, family and personal support that Ella brings to her struggle to make a full recovery and to allow her to continue and indeed blossom in her education and her recovery.

### **Melbourne Writers Festival: funding**

**Mrs VICTORIA** (Bayswater) — Tonight I rise to ask the Minister for Tourism and Major Events to provide some funding to help market the 2012 Melbourne Writers Festival, which will be held here in Melbourne between 23 August and 2 September. This funding is needed to build recognition of the festival interstate as a prominent cultural event in Melbourne. By marketing it as a tourism event we will not only be raising the profile of the festival itself but also of course promoting Melbourne's literary culture, which will attract more tourists to Melbourne and continue to build on Victoria's arts culture. Melbourne is one of only five cities worldwide that have earned the esteemed title of UNESCO City of Literature. We share that honour with

Edinburgh, Iowa City, Dublin and Reykjavik, so it is important for us to support this great festival.

The Melbourne Writers Festival is run as a not-for-profit operation and has been the cornerstone of Melbourne's literary culture since 1986. The festival's success and the success of Melbourne writers, publishers and people working across the industry have provided an opportunity for Melbourne's community of readers and writers to grow and prosper.

The 2012 Melbourne Writers Festival will be held, as I said, from August through into September. The festival program features a range of literary activities, including discussions, debates, readings, film screenings, interviews, literary banquets, performances, workshops and book launches. As it does every year, the festival will also feature a lively schools program, which is fantastic for all children. I encourage children from all areas of Melbourne and Victoria to get involved. It is for primary and also secondary students. Each year the festival invites novelists, playwrights, poets, screenwriters, journalists, songwriters, bloggers and other people associated with words to attend the festival.

The hub of the festival will be Federation Square, with over 350 international and local writers participating in well over 300 events to be held in various locations right around the city. The festival has in the past attracted audiences of over 50 000 people, so it is a very impressive festival. It is beautifully run and certainly very significant to us here in Victoria.

Again I ask the Minister for Tourism and Major Events to assist the festival by providing funding to help market it in 2012 and to help build up its profile as probably Australia's most prominent literary cultural event, and in turn assist Melbourne's art culture and help us out as a city of literature.

### **Plenty Road, Mill Park: traffic management**

**Ms D'AMBROSIO** (Mill Park) — I raise a matter for the attention of the Minister for Roads, and the action I seek is for the minister to investigate the traffic bottlenecks along Plenty Road where it intersects with Blossom Park Drive and Childs Road in Mill Park and further south at Mayfield Drive in Mill Park and to fund remedial works as soon as possible.

Plenty Road is a significant north-south arterial road that carries tens of thousands of vehicles each and every day. In fact 40 000 vehicles use Plenty Road north of Blossom Park Drive and Childs Road per day, and over 50 000 vehicles use it to the south. Childs Road carries

approximately 19 000 vehicles and Blossom Park Drive 6000 vehicles a day. A further 3600 vehicles use Mayfield Drive. These intersections are also classified black spot sites.

The minister is well aware of the millions of dollars invested by the previous Labor government to duplicate Plenty Road between Civic Drive in Mill Park and Hawkstowe Parade in South Morang. These major works included installation of a range of traffic signals along this stretch of road. The duplication works have assisted in moving traffic more freely and enabling residents to move more freely through the fast-growing community in the area to access jobs, schools, hospitals, shops and public transport points.

It is vital that government investment continue to be made so that families and businesses in my local community are not left stuck in traffic, wasting precious time that they would prefer to spend at work or at school or indeed with their families. Unfortunately the Baillieu government has not allocated any money whatsoever to any road projects in my electorate in either last year's or this year's budget. This is not good enough. Families and businesses in my electorate deserve their fair share of funding for roads. That is all they want — their fair share. The minister must act quickly — —

**An honourable member** interjected.

**Ms D'AMBROSIO** — So you got nothing too; is that right?

The minister must act quickly so that road congestion and safety problems do not build up due to a failure of investment by this government. I wish to state that had the Baillieu government backed Labor's election commitment to build the Mernda transit busway it would have been up and running by now and relieving some of the traffic pressure of vehicles moving south from Mernda and South Morang along Plenty Road.

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

### **Murray Valley electorate: elite athlete funding**

**Mr McCURDY** (Murray Valley) — I raise a matter for the attention of the Minister for Sport and Recreation, who I am very pleased to see is in the house tonight. The action I seek is for him to assist our local athletes in Murray Valley electorate financially to ensure that they are able to travel to elite sporting events, because the tyranny of distance, certainly for those from the regions, can be a major drawback and can limit their success.

In Murray Valley we have a very strong record of elite athletes. Members might recall Dean Woods from the 1984 Los Angeles Olympics. He is a home-grown Wangaratta boy, and he was a gold medallist in the cycling. We need to support people like Dean Woods now and in the future, because it is one thing to make it onto the world stage, but it is also about what people give back to the community as time goes on, and Dean Woods is doing that now as a mentor. It is really important that we support those people to reach those levels.

Another athlete in Wangaratta is Sharon Scholz, an ultra-marathon runner who has had excellent success throughout the world. She has now come back, and she recently ran in the Wangaratta Fun Run with over 600 others; it is a great community event. I must say the fun run — and some would say those two words do not go together — was over a month ago, and I am still struggling to walk, having competed in it.

As a pre-election commitment we talked about wanting to assist the best athletes in Victoria and supporting them from the grassroots level through to the international level. We can do that by increasing assistance to them and in particular by assisting and supporting high-achieving athletes to maximise their potential and lift their national ratings. The sporting and recreation clubs in our communities really are the centre of most of our communities and part of the social network. They provide an environment where people can meet, enjoy each other's company and play sport, and clubs provide significant informal mentoring and support to these structures within the community.

As I said, assistance to Victoria's elite athletes is very important through state sporting organisations, and I hope the minister can consider the Murray Valley, because it will assist our athletes to achieve but also help our communities in what they bring back to them. I ask the minister to support this request.

### **Werribee Magistrates Court: security**

**Mr PALLAS** (Tarneit) — The matter I wish to raise is for the Attorney-General, and the action I seek is that he review, and in so doing upgrade, the security arrangements at Werribee Magistrates Court to ensure there are adequate facilities to safeguard the protection of court users and staff.

Werribee Magistrates Court faces a number of security shortfalls. The entrance to the court is protected only by walk-through metal detectors, which are not manned by protective services officers (PSOs). The area around the detectors is not secure and could easily be

circumvented. The absence of PSOs at the court has led to the local police station being obliged to provide one officer from its already stretched forces to oversee security. In addition, the waiting areas are open plan and do not lend themselves to separating parties to a dispute. This is of serious concern given that a large proportion of the cases that the court deals with are family-violence based. The situation is exacerbated by the fact that the location of the male and female amenities increases the potential for parties to come into contact with each other. This is an issue of particularly profound concern. I am aware that there has already been an incident this year where serious violence was avoided only because of the excellent work by a police prosecutor and two police officers who were fortuitously present.

Werribee Magistrates Court currently has a single operating courtroom, which is inadequate for its needs for two main reasons. Firstly, the courtroom itself is very small, with the dock in particular not sufficiently distanced from the rest of the court. There is no provision for safe rooms or a video link for witnesses and no capacity to hold prisoners securely. This impedes the ability of witnesses in particular to feel safe and confident when participating in court procedures, and it drains resources, as prisoners must be held at and transported from Werribee police station, which is some 2 kilometres from the court.

Secondly, having a single courtroom reduces the number of matters the court is able to hear, which has resulted in only mentions being heard at that location and parties to contested matters being forced to travel to the Sunshine court, which is more appropriately resourced. Despite this reduced workload, the court is operating at capacity and is consistently overcrowded, which can aggravate the security concerns outlined above.

I understand that the infrastructure inadequacies of the court have been apparent for some time and will not be able to be rectified immediately. On this subject, I have in the past advocated, and I continue to advocate, for a justice precinct in the city of Wyndham, which would provide a much more appropriate level of service to the community. As part of the review of security arrangements, the court should be provided with PSOs and video link capacity as a matter of urgency in order to meet the immediate and serious concerns for the physical safety of those attending Werribee Magistrates Court.

## Hastings electorate: youth project funding

**Mr BURGESS** (Hastings) — The matter I wish to raise is for the attention of the Minister for Regional and Rural Development. The action I seek is assistance with a project to support the youth of Hastings. I seek funding for a project in Hastings that will offer young people at risk or those who are disengaged from education with opportunities to raise their self-esteem, build networks across all ages and develop new social, educational and career pathways. Hastings has school absenteeism rates, school retention rates and post-secondary school qualification rates below the state average. I am seeking assistance for a project which incorporates a community facility for young people that will provide mentoring and skills development opportunities, a youth project which will meet the needs of young people and address issues such as wellbeing, lifestyle, education and the role of young people as part of their local community.

I understand there are funding initiatives associated with the community support grants program, which encourages Victorians to drive their own local development and funds projects which bring about the best long-term results for communities. The grants program supports communities in developing infrastructure, improving people's connections to resources and boosting local skills development and participation. It is important that young people learn new skills that provide mentoring and skills development opportunities and give them the best opportunities to pilot their way successfully through their teenage years and into adulthood and to grow and develop into valued members of their community.

While the majority of young Victorians are successfully facing the challenges unique to their generation, there remain some who will need more of our support to ensure that they can play an active role in our social, economic and community life. The Victorian government delivers programs which provide young people with the necessary skills and training to enter the workforce and engage with their community and which put them on the path to achieving their dreams and aspirations. The Victorian government strongly believes that learning and working are fundamental parts of a fulfilling and productive life. They help to establish, identify and offer choice and independence. I therefore ask the Minister for Regional and Rural Development to consider the community support grants program as a suitable funding resource for a worthwhile youth project in Hastings.

## Responses

**Mr RYAN** (Minister for Regional and Rural Development) — The member for Benalla has raised with me an issue regarding the prospective appointment of a business development officer by the Rural City of Benalla. This is a very important position which the city requires to be filled. The business development officer would have a number of important tasks in assisting the economic development unit within the council and would do so over the course of the next two years.

The council has identified a number of areas where the talents and expertise of this officer could be directed. They would be directed towards the tourism sector, a major attractor of business into the beautiful electorate of Benalla, and could enable the Winton Wetlands project to be capitalised on as it continues to gather momentum. There would also be a capacity for the council to conduct a business expansion and retention program and to implement the findings associated with that to assist local business operators. There is the need for a much closer liaison with the local education providers to support business training and skills development. There is also the need to assist the Benalla Business Network and to represent the council in the regional workforce development initiatives. Suffice to say — and as the member has so ably outlined — there is a significant need for another position to be filled within the ranks of the council.

I am pleased to be able to tell the member that the government will make available an amount of \$75 000 from the Putting Locals First program within the Regional Growth Fund as a means of enabling the council to employ this additional officer. I am sure the person concerned will make a great contribution to the council ranks and will assist it to see these various initiatives concluded. As ever, the member for Benalla will provide his able services to the council to assist where he possibly can.

The member for Hastings has raised with me a request for assistance in relation to the Backyard Blitz project. This seems to me to be an important and innovative project focused on benefiting young people who live in the member's electorate and who might be somewhat disadvantaged for a variety of reasons. The focus of this project will be to create an outdoor space at the Hastings Youth Resource Centre. The centre is intended to incorporate a community garden, a communal eating space, an indigenous garden and an outdoor classroom. Importantly, it will enable the young people who are involved in the project to learn new skills. Those different skills are intended to include planning and budgeting, gardening and construction,

along with healthy eating and matters akin to health care generally.

I think it is a very far-sighted project on the part of those who are promoting it. I am pleased to be able to tell the member that the government will make available an amount of \$50 000 to assist in the delivery of what I think is a great idea. Mornington Peninsula Shire Youth Services is going to manage the project, and I am sure it will be a great success. I certainly wish it well. The government will make this funding available through its community support grant system. I thank the member for raising it with me.

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Bayswater has raised with me the issue of tourism marketing funding for the 2012 Melbourne Writers Festival. I might add that the member for Bayswater, more importantly, is the Parliamentary Secretary to the Premier and Assisting the Premier with the Arts, and she is doing an outstanding job in that area. Everywhere I go in the arts community I hear about what a strong supporter she is of arts events and culture itself.

The Melbourne Writers Festival will be held from 23 August to 2 September and is one of a number of cultural events held in Victoria. In relation to the reason for tourism marketing funding, I have here a breakdown of the number of visitors that have attended this particular event. Interstate visitors make up 5 per cent of the total number of people attending the festival and international visitors make up 2 per cent. Most of the interstate visitors, as the member for Bayswater knows, come from New South Wales — 61 per cent. From Queensland 14 per cent come, South Australia 8 per cent and Tasmania 8 per cent.

I am pleased to advise the member for Bayswater that the coalition government will provide \$12 500 through Tourism Victoria's events program to assist in increasing interstate and intrastate visitation. That funding will be used for promotion of the Melbourne Writers Festival website; program distribution in the *Age*, book stores and libraries; print and online advertising across a range of media; and cross-promotions with key cultural organisations in New South Wales and the Australian Capital Territory. The 2012 festival also includes a program for primary and secondary school students.

As the member for Bayswater knows, arts and culture play a key role in attracting visitors to our state. In the year ending December 2011, an estimated 2.8 million domestic overnight visitors to Victoria participated in a cultural experience while in the state of

Victoria. This represents 16.7 per cent of all domestic overnight visitors to Victoria and accounts for an estimated 10.1 million overnight stays in Victoria during that period. I again thank the member for Bayswater for acknowledging not only the importance of the arts but the importance of visitation for arts events, and I am delighted to provide that funding to promote the Melbourne Writers Festival.

**Mr WALSH** (Minister for Water) — I thank the member for Carrum for raising the issue about the Edithvale-Seaford Wetlands Discovery Centre, which the member officially opened last November. The Edithvale-Seaford Wetlands Discovery Centre is a great resource for the community. It provides an opportunity for hands-on learning experiences for visitors to the wetlands. The centre highlights the importance of wetlands in the water cycle due to their role in natural stormwater treatment, flood protection and wildlife habitat. The Edithvale-Seaford Wetlands were listed as Ramsar wetlands of international significance in 2001, and this centre helps to showcase migratory birds and the native vegetation of the area.

I can inform the member for Carrum that Melbourne Water has included in its 2012–13 corporate plan \$79 385 for the centre. Melbourne Water has made preliminary budget provisions in its water plan 3 for the Edithvale-Seaford Wetlands Discovery Centre. The budget that is yet to be approved by the Essential Services Commission allocates a 0.3 full-time equivalent staff member to complete and manage the education program; \$415 000 over five years to maintain the discovery centre building — that is, for cleaning, painting and other general maintenance; and \$15 750 per annum for casual staff to deliver the education program to school groups. In addition to that, the centre will share in \$290 000 in capital funds to upgrade educational resources at all of Melbourne Water's educational facilities.

Melbourne Water is in the process of meeting with the other water retailers down there and local councils to determine the potential of the centre for further community use. There has been interest from the community and community groups, particularly the Friends of Edithvale-Seaford Wetlands, in having the centre open for more public access. Melbourne Water is currently discussing shared use of the centre with the friends group to enable the friends group to base itself there and the potential of cooperation of volunteers to allow the centre to be open more often to the general public — perhaps once or twice a month. Melbourne Water will have that discussion with those interested community groups and look at all the options for more community participation in the Edithvale-Seaford

Wetlands Discovery Centre. I thank the member for Carrum for raising this issue.

**Mr DELAHUNTY** (Minister for Sport and Recreation) — I rise to respond to the matter raised with me tonight by the member for Murray Valley, who is a very hardworking and high-achieving member of this Parliament who has done exceptional work in the short time he has been in this place.

Tonight he raised the issue of support for high-level athletes, and he highlighted the fact that there has been a strong record of elite athletes coming from the Murray Valley area. He spoke about Dean Woods, a cycling hero who not only has been a high-achieving athlete in his own right but also has given back to the community in the area as a mentor. The member spoke also about Sharon Scholz, who is an ultra-marathon athlete and another one who is putting a little bit back into the community.

*Honourable members interjecting.*

**Mr DELAHUNTY** — As people opposite are saying, like them, I am a long-time athlete. I still swim most mornings, and I play a game of golf when I get the time.

The member for Murray Valley spoke about the need for greater support for grassroots athletes coming up through the ranks. We as a coalition government are committed to assisting Victorians to reach their potential. In Victoria we have fantastic sports facilities and fantastic supporters, but we need to make sure we get a lot of our athletes up to the higher level, both internationally and, importantly, in the Australian context. We want to assist them to reach their potential.

In last year's budget we provided an additional \$2 million over four years to help Victoria's high-level athletes reach their potential by making it easier for them to travel to national or international competitions or even training venues. This funding enables athletes, no matter where they live, to access financial assistance if they need to travel extensively to train or compete. Under our program elite or developing athletes are eligible for grants of up to \$2000 a year to help subsidise the cost of travel and accommodation. These grants are open not only to Olympic sports like tennis, cycling and swimming but also to participants in such sports as waterskiing or women's cricket, which have previously been deprived of support.

I have recently approved the first round of grants, which include funding assistance to 349 Victorian athletes totalling just under \$500 000. The member for Murray Valley will be pleased to know that this

includes two athletes from Wangaratta. Ashley Gorman has received \$2000 to compete as part of the Australian tent pegging team in South Africa, and Alexander Meyland received \$2000 to travel to the 2012 Mountain Bike World Cup in Austria from 29 August to 9 September this year.

Many of our high-level athletes are trying to balance their sporting careers with school, university or full-time work. These grants will help to remove some of the obstacles faced by our high-level athletes and make it easier for them to focus on representing and promoting Victoria and Australia. The coalition government wants to ensure that Victoria's athletes are well represented on both the national stage and the international stage. Our athletes deserve support so they can aspire to and achieve greatness across Australia and the world.

I wish the two athletes from the electorate of Murray Valley all the best, and I am sure they will do not only Wangaratta and Victoria but also Australia proud.

**Mr DIXON** (Minister for Education) — The member for Albert Park raised with me an issue regarding a year 3 student, Ella Bunn, at St Kilda Park Primary School, and indicated the success of her struggle to overcome some serious medical difficulties. Through the support of the school, her family and the medical profession she has been able to re-engage with school life. The school and the family are seeking to move from level 5 to level 6 assistance under the program for students with disabilities.

I am more than happy to follow up that issue for the member for Albert Park. Those circumstances are interesting, because it is obvious that there are physical and intellectual difficulties, and with that mixture under the student support services there are visiting teachers for chronically ill students. I am not sure whether Ella has accessed that, but it is one of the issues that I will follow up as part of the member's request. I will get back to the member as soon as possible on that matter.

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — The member for Bellarine raised a matter for the attention of the Minister for Public Transport, who is also the Minister for Roads. The action she sought was for the minister to provide funding from the Barwon-south western region allocation to upgrade Murradoc Road in St Leonards, and I will refer that matter to the minister for his attention.

The member for Essendon raised a matter for the attention of the Minister for Public Transport. The

action he sought was for the minister to advise of the timing and allocate funding to provide for three tram super-stops on tram route 59 between Elizabeth Street and Airport West. I will refer that matter to the minister for his attention and response.

The member for Mill Park raised a matter for the attention of the Minister for Roads. The action she sought was for the minister to investigate the traffic bottleneck along Plenty Road at Blossom Park Drive in Mill Park and provide funding for remedial works. I will refer that matter to the minister for his attention and direct response.

The member for Tarneit raised a matter for the attention of the Attorney-General. The action he sought was for the Attorney-General to review and upgrade security at Werribee Magistrates Court, which I assume has only become necessary in the last 12 months and was not a problem before that. I will refer that matter to the Attorney-General for his attention and response.

**The ACTING SPEAKER (Mr Nardella)** —  
Order! The house is now adjourned.

**House adjourned 10.45 p.m.**