

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 3 March 2011**

**(Extract from Book 3)**

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### **Legislative Council standing committees**

**Economy and Infrastructure Legislation Committee** — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee** — Mr Barber, Ms Broad, Mrs Coote, Mr Drum, Mr Finn, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee** — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmarr, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich and Mr Viney.

### **Joint committees**

**Drugs and Crime Prevention Committee** — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.  
(*Assembly*): Mr Battin and Mr McCurdy.

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

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

**Family and Community Development Committee** — (*Council*): Mrs Coote and Ms Crozier.

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

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

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

### **Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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# CONTENTS

## THURSDAY, 3 MARCH 2011

BUILDING AMENDMENT BILL 2011	
<i>Introduction and first reading</i> .....	365
<i>Statement of compatibility</i> .....	403
<i>Second reading</i> .....	405
STANDING COMMITTEES	
<i>Legal and Social Issues Legislation Committee</i> <i>and Legal and Social Issues References</i> <i>Committee: membership</i> .....	365
PAPERS .....	365
STATEMENTS ON REPORTS AND PAPERS	
<i>Notices</i> .....	365
MEMBERS STATEMENTS	
<i>Bank of Cyprus: Epping branch</i> .....	365
<i>Rail: premium stations</i> .....	365
<i>Warrnambool Cheese and Butter Sungold Field</i> <i>Days</i> .....	366
<i>Western Victoria Region: 150th celebrations</i> .....	366
<i>Rail: Mount Waverley and Bentleigh electorates</i> .....	366
<i>Floods: Creswick</i> .....	366
<i>Earthquakes: New Zealand</i> .....	367
<i>Middle East: uprisings</i> .....	367
<i>Disability services: national insurance scheme</i> .....	367
<i>Schools: curriculum</i> .....	367
<i>Clean Up Australia Day: participation</i> .....	368
GOVERNOR'S SPEECH	
<i>Address-in-reply</i> .....	368, 380
DISTINGUISHED VISITORS.....	380, 391
SENTENCING FURTHER AMENDMENT BILL 2010	
<i>Statement of compatibility</i> .....	380
<i>Second reading</i> .....	381
POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010	
<i>Statement of compatibility</i> .....	382
<i>Second reading</i> .....	382
VICTORIAN FAMILIES STATEMENT .....	382, 395, 407
QUESTIONS WITHOUT NOTICE	
<i>Minister for Employment and Industrial</i> <i>Relations: police database access</i> .....	388, 389
<i>Health: home and community care</i> .....	389
<i>Housing: Fishermans Bend</i> .....	390
<i>Manufacturing: government initiatives</i> .....	391
<i>Planning: Caulfield Village</i> .....	391, 392
<i>Wind farms: guidelines</i> .....	392
<i>City of Wyndham: ministerial visit</i> .....	393
<i>Biotechnology: government initiatives</i> .....	393
<i>Numberplates: slogan</i> .....	394
<i>Teachers: career opportunities</i> .....	394
RULINGS BY THE CHAIR	
<i>Adjournment matter</i> .....	406
PERSONAL EXPLANATION	
<i>Hon. R. A. Dalla-Riva</i> .....	407
BOWEL CANCER: SCREENING PROGRAM .....	421
FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE	
<i>Membership</i> .....	426
BUSINESS OF THE HOUSE	
<i>Adjournment</i> .....	426
SHRINE OF REMEMBRANCE AMENDMENT BILL 2011	
<i>Introduction and first reading</i> .....	426
<i>Statement of compatibility</i> .....	426
<i>Second reading</i> .....	427
SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011	
<i>Introduction and first reading</i> .....	429
<i>Statement of compatibility</i> .....	429
<i>Second reading</i> .....	430
CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011	
<i>Introduction and first reading</i> .....	431
<i>Statement of compatibility</i> .....	431
<i>Second reading</i> .....	432
EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010	
<i>Introduction and first reading</i> .....	433
<i>Statement of compatibility</i> .....	433
<i>Second reading</i> .....	434
ADJOURNMENT	
<i>Minister for Energy and Resources: briefing</i> .....	435
<i>Murray-Darling Basin: federal plan</i> .....	436
<i>Floods: northern Victoria</i> .....	436
<i>City of Monash: home and community care</i> .....	437
<i>Schools: Torquay</i> .....	437
<i>Floods: disease management</i> .....	438
<i>Floods: market gardens</i> .....	438
<i>Western Victoria Region: home and community</i> <i>care</i> .....	438
<i>Responses</i> .....	439



**Thursday, 3 March 2011**

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 9.35 a.m. and read the prayer.

## **BUILDING AMENDMENT BILL 2011**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. M. J. GUY (Minister for Planning).**

## **STANDING COMMITTEES**

### **Legal and Social Issues Legislation Committee and Legal and Social Issues References Committee: membership**

**Hon. D. M. DAVIS** (Minister for Health) — By leave, I move:

That Mr Pakula be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Mr Elasmr be appointed in his place.

**Motion agreed to.**

## **PAPERS**

**Laid on table by Clerk:**

Gambling Regulation Act 2003 —

Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to a complaint by Intralot Australia Pty Ltd in relation to the Public Lotteries Licensing Process.

Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in Relation to Expressions of Interest in the grant of a Monitoring Licence.

Ombudsman — Report on the Assault of a disability services client by Department of Human Services Staff, March 2011.

Parliamentary Committees Act 2003 —

Government Response to the Public Accounts and Estimates Committee's Report on the Review of the findings and recommendations of the Auditor-General's reports tabled July–December 2008.

Government Response to the Rural and Regional Committee's Inquiry into Positioning the Wimmera–Mallee Pipeline Region to Capitalise on New Economic Development Opportunities.

## **STATEMENTS ON REPORTS AND PAPERS**

### **Notices**

**Notices given.**

**Mrs COOTE** (Southern Metropolitan) — On the notice paper I am listed as making a statement on a report next week. I would like to change that and put another in its place. I give notice that on Wednesday next I will make a statement on the Ombudsman's investigation into the failure of agencies to manage sex offenders.

**The PRESIDENT** — Order! Mrs Coote has withdrawn her previously listed item on which she intends to make a statement next Wednesday and has substituted it with the one for which she has just given notice.

**Further notices given.**

## **MEMBERS STATEMENTS**

### **Bank of Cyprus: Epping branch**

**Ms MIKAKOS** (Northern Metropolitan) — Last week I was pleased to attend the opening of the Epping branch of the Bank of Cyprus at Epping Plaza. With 12 branches across Australia the new Epping branch will offer an additional choice in banking services to local residents in the City of Whittlesea, including a greater level of personal service for which the Bank of Cyprus is well known.

Access to financial services is an important part of the long-term viability and economic success of all communities. I believe the new branch will be of great benefit to the local Whittlesea community, and I extend my congratulations to the managing director, Mr George Tacticos, and the staff of the Bank of Cyprus.

### **Rail: premium stations**

**Ms MIKAKOS** — On another issue I am very concerned that the Baillieu government has abandoned plans to upgrade up to 20 train stations across Victoria to premium status. In my electorate alone, Newmarket station, Lalor station, East Richmond station and Northcote station will miss out on planned upgrades. Premium stations provide improved safety for commuters, more timely information about delays and cancellations, and better customer service. The government's proposed protective services officers will only be at train stations in the evenings after 6.00 p.m.

and will not provide things like timetabling information or tickets.

What we have seen from the Baillieu government to date in relation to public transport has been increased ticket prices, service cuts and the dumping of important local station upgrades. This exposes the emptiness of the Baillieu government's claims that it will fix the problems on public transport.

### **Warrnambool Cheese and Butter Sungold Field Days**

**Mr O'BRIEN** (Western Victoria) — Recently I had the privilege of attending the Warrnambool Cheese and Butter Sungold Field Days at Allansford on all three days. I wish to thank and congratulate the organisers for conducting an excellent representation of the diversity of the Western region of Victoria.

I would also like to thank my Nationals colleague and the Minister for Water, the Honourable Peter Walsh, for attending the field days. It was there that he launched the Climatedogs series of animations, which has been developed by the Department of Primary Industries to help explain what drives the climate in Victoria.

Additional thanks go to The Nationals members for Rodney and Murray Walley in the Assembly, Mr Paul Weller and Mr Tim McCurdy, as well as my Liberal coalition colleagues Mr Ramsay and Mr Koch in this house and Dr Naphthine, the member for South-West Coast in the Assembly. They all attended the field days and spoke to visitors and exhibitors alike about the many matters of concern to the dairy industry, with which they are very familiar.

My electorate of Western Victoria Region produces 23 per cent of the national milk output and employs around 3400 people in farming and processing. That represents about 15 per cent of the regional workforce. We are very proud of our dairy industry, and the Sungold Field Days are an excellent representation of the strength of our community.

### **Western Victoria Region: 150th celebrations**

**Mr O'BRIEN** — I was also pleased to follow on from the three days of the field days by attending and participating in the Peshurst 150th anniversary celebrations and music festival. I congratulate the organisers of those celebrations as well as those of the Hawkesdale and Kirkstall 150th anniversary celebrations.

I also send particular condolences to the Kelly and Loria families on the passing of their dearly beloved

mother, Mary Kelly. I thank them for their efforts in continuing to work for the 150th anniversary celebrations through that difficult period.

### **Rail: Mount Waverley and Bentleigh electorates**

**Mr BARBER** (Northern Metropolitan) — As we all know, the electorates of Mount Waverley and Bentleigh swung Liberal in the last election and in fact delivered government to the coalition. The first thing those electorates received in return was cuts to their train services. Fair dinkum unbelievable! In now-familiar style the government told people that is what they had to accept because the Labor Party had stuffed it up and forced it on them.

The Greens policy for a strong and accountable public transport authority has never been more important, because an exercise as essential and critical as the timetable would be done via public input. The way the minister has approached this exercise is through a couple of strategic leaks to the media and a couple of spin doctors from the company saying, 'This is as good as it gets; that is all you are going to get, and there is no alternative'.

A proper exercise would involve the community in something that is as critical to people as their daily timetable. I want to know why the government is so afraid of being willing to go out and talk to people about the services with which they are provided.

### **Floods: Creswick**

**Mr RAMSAY** (Western Victoria) — All of us will be well aware of the floods that have devastated parts of Victoria since September last year and that continue to cause problems. Among the towns affected is Creswick. It has been flooded three times since last September, leaving residents, sporting groups and businesses exasperated.

I am pleased to remind the house of the efforts being made by the Victorian government to help resolve the flooding problems in that town. To date the Baillieu government has provided \$172 000 to the North Central Catchment Management Authority and the Hepburn Shire Council for flood response. They have received another \$150 000 to create a Creswick flood mitigation and urban drain plan. A project steering committee consisting of Bernie Rienets and Judy Henderson has been set up to oversee the plan. It is very pleasing to see this work under way.

The Committee for Creswick works hard, and this is bringing about a turn in the area's fortunes. However, most businesses in Creswick rely on visitor spending for their incomes. Unfortunately the number of visitors has spiralled downwards, and business confidence is decreasing with it. Businesses are worried about rental payments, job losses and reductions in disposable income. I have been told of some incredible financial losses. Compared to turnover in June 2010, one business experienced a 25 per cent growth in August, then slumped to a 100 per cent decrease in September. I could quote figures that are worse and some that are not as desperate but are distressing nevertheless.

I want the house, and Victorians generally, to know that Creswick is open for business. I urge this Parliament to continue its efforts to provide the help needed.

### **Earthquakes: New Zealand**

**Mr SOMYUREK** (South Eastern Metropolitan) — It is with sadness that I rise once again to express my condolences for the victims of another natural disaster. This time the victims are not fellow Australians, but in this instance the notion of geography as a descriptor is irrelevant. The relationship between New Zealand and Australia can best be characterised as their being two states but one nation. The devastation wrought by the New Zealand earthquake is horrendous. I say to the families of all the victims of the earthquake that the people of Victoria and Australia feel your pain.

I was in New Zealand with a parliamentary delegation at the time of the Victorian bushfires in 2009. As part of our schedule we had meetings in the New Zealand Parliament. When Prime Minister John Key found out that we were in the Parliament he went out of his way to track us down and personally express his condolences to us. Needless to say I have been a fan of John Key ever since.

### **Middle East: uprisings**

**Mr SOMYUREK** — On another matter, I am following the events in the Middle East with a great level of both excitement and trepidation. I am excited that the people of the Middle East have finally woken up and said that enough is enough to the iron-fisted despots who have ruled their countries for all these years. On the other hand, I am concerned about just who will fill the power vacuum created by the fall of these regimes. Naturally I hope that in each of these countries democratic elections will follow, with true democrats being elected to power.

### **Disability services: national insurance scheme**

**Mr DRUM** (Northern Victoria) — I wish to congratulate the Premier on the stance he has taken in announcing that the coalition government has established a new expert task force to advise the government on establishing a national disability insurance scheme (NDIS), which will provide a lifeline for those who are battling to support family members with a disability. The Baillieu government is committed to a new approach to disability funding and to leading the way in Australia in relation to an NDIS, which would introduce a no-fault universal safety net, similar to that operated under the transport accident scheme.

The coalition government's initiative has already ensured that a national disability insurance scheme will be on the agenda at the Council of Australian Governments meeting of ministers for community services. Our Minister for Community Services, Mary Wooldridge, has played a major role in making sure that it will happen and that a meeting will be held in April solely to discuss the issue of a national disability insurance scheme.

What will put a national disability insurance scheme at risk are the literally billions of dollars that have been wasted by the former Victorian Labor government and the current Australian Labor government. The NDIS will be an expensive scheme, and we will need to put all the money we possibly can into it. What will really hurt will be looking back and seeing the amount of money we have wasted in the Building the Education Revolution scheme, the north-south pipeline, the desalination plant, myki and smart meters. All that wasted money could have been better used for a national disability insurance scheme.

### **Schools: curriculum**

**Hon. M. P. PAKULA** (Western Metropolitan) — Like many parents of school-age children, I imagine, I was surprised to say the least to hear that a year 8 English student had been asked to write a suicide note as an exercise based on the book *Smithereens*. I do not think of myself as a fuddy-duddy or as one of Paul Keating's 'young fogies', and I certainly do not think politicians or parliaments should get into the business of vetting which books are on the school curriculum. I understand that as kids get into secondary school the stuff they read can be pretty edgy, that teenagers like to push boundaries and that kids today are exposed to all sorts of things that previous generations, my own included, were not.

But every once in a while I think common sense has a role to play. The test I apply is: how would I feel if my child came home and told me he had been asked to write a suicide note in class? The answer is: I would be beside myself with anger; I would be straight down to the school. Thirteen is a very impressionable age and, without wanting to sound naive, why would we even be thinking about putting these kinds of ideas into the heads of 13-year-olds?

There is a reason why Victoria Police and government departments tend not to publicise the occurrence of suicides, and that is that reporting can lead to copycat behaviour. That is common sense. I do not think it is too much to ask that a similar amount of common sense be demonstrated by all those who have a say in the secondary school curriculum — government, government departments, school councils, principals and of course teachers.

### **Clean Up Australia Day: participation**

**Mr ELSBURY** (Western Metropolitan) — I rise today to highlight the nation's largest community-based environmental event, which will be happening on Sunday. Clean Up Australia Day will be held on 6 March. Already people in businesses across the nation have joined in and rolled up their sleeves to participate in the business version of Clean Up Australia Day. I am pleased to say that schools will also be joining in, with the Schools Clean Up Day tomorrow.

Almost 7000 sites have been registered in this year's event. I am pleased to say that I will be going out to one of the sites to do some work. I will not be going for just a photo opportunity; I will be going out and actually rolling up my sleeves, as I have done in the past four years. I have been a coordinator, but this year I am just a participant — and more than 300 000 participants are expected.

Clean Up Australia Day was launched in 1990 and expanded into Clean Up the World, which was launched in 1993. I congratulate Ian Kiernan, AO, and Kim McKay, AO, on the great event that they have been able to make out of this environmentally responsible endeavour.

## **GOVERNOR'S SPEECH**

### **Address-in-reply**

**Debate resumed from 1 March; motion of Mr ELSBURY (Western Metropolitan) for adoption of address-in-reply.**

**Ms PULFORD** (Western Victoria) — I would like to start with a word of thanks to the outgoing Governor for his service to Victoria, as I respond to his address at the opening of this Parliament. Professor David de Kretser, very much in partnership with and supported by his wife, Jan, has served Victoria with distinction. I have had the opportunity to meet the Governor on a number of occasions and also to speak with people in the community who he has met with in his travels, particularly in his advocacy around men's health issues. It is a fine contribution he has made.

I note in a recent interview reported in the media that he indicated he is looking forward to returning to his research and academic work, and I am sure he will continue to make a fine contribution to our society in that role. I would like to express my gratitude to Professor de Kretser on behalf of the people I represent in Western Victoria Region, and I also congratulate former Supreme Court judge and Melbourne University chancellor, the Honourable Alex Chernov, QC, on his appointment to the office.

The 57th Parliament is very different to the 56th Parliament, and I say this from the other side of the chamber from where I was in the last Parliament. The Governor's address is an articulation of the aspirations and plans of the new government. The Governor's speech is organised around five goals: a growing economy, services that work, strong families and vibrant communities, secure water and a healthy environment, and government Victorians can trust. I will respond to some of those themes that were addressed in the Governor's speech.

The speech starts with a comment about this being a government of inclusion and transparency. I welcome those aspirations, but I would also be interested to know when they are going to start, because so far we have seen blacked out FOI responses; a whole agenda that was not really articulated to the Victorian public before the election — for example, some of the flagged changes to discrimination laws, which are an interesting approach from a government that seeks to be inclusive — and a victorious political party that stripped all its election commitments off its website before the government was even sworn in. Open and transparent government is something we look forward to, and we look forward to knowing when that is going to start.

The government was elected on a platform of 'fixing the problems', so it has created some very high expectations in the community and made a lot of promises to a lot of people. A great many of these promises are very much on the long finger and

packaged up into funding arrangements that would deliver on commitments in a second term, which is of course no certain thing.

In the time available to me I would like to make a few responses on themes I referred to earlier. A growing economy is something we all aspire to, but there are some inconsistencies between the government's desire to reduce public purchasing costs and its similarly stated desire to have a strong procurement agenda that promotes and creates employment and skills opportunities for Victorians.

I am concerned about the moves by the government to abolish the Regional Infrastructure Development Fund and its gutting of Regional Development Victoria, which have both played an incredibly important role in creating economic opportunities throughout regional Victoria. RIDF facilitated \$1.6 billion worth of investments, so it is going to be a hard act to follow. We know the Liberal Party and The Nationals opposed the initial legislation to establish RIDF, and now, some 11 years later, they are getting their wish and are planning to substantially change the way economic development in regional communities occurs.

On the subject of government purchasing, I note the comments made in September last year by the then shadow Minister for Public Transport, Terry Mulder. Responding to news that 50 trams would be built in Dandenong by Bombardier, he said the then government had paid too much, suggesting that a better deal could be had purchasing trams made in Cracow or Toronto. I hope the government is as committed to local manufacturing and local jobs as we, its predecessors, were.

I take this opportunity to express my concern about the way in which the regional rail link program has been placed in doubt. This has created a great deal of uncertainty in not only regional communities serviced by V/Line trains that would intersect better with the Metro Trains Melbourne system if this important project were allowed to go ahead but also for far more people from many more communities who travel by bus or car to these locations and then catch the train into Melbourne. This important project will deliver the capacity to grow the network, and it is one that is surely needed.

'Services that work' is another subheading in the speech. On that subject, I note the inconsistent sentiment coming from the government around teachers pay. One of the most important elements of service delivery for a state government is the education of our

young people. I am concerned about the mixed messages the government is sending about education.

I also note that a great many promises have been made all over the state about feasibility studies for schools, which just ain't the same as building a school. The former Labor government had a commitment to rebuild, refurbish or upgrade every school in the state. Half of them were done, half of them were to be done this term. I do not want to labour the point, but the election result could have been different. There are a lot of schools that had an expectation about this much-needed work occurring, and I hope the government does not disappoint them.

On health matters, prior to the election the government made a great many promises, but its costing documents do not reflect a commitment that matches its rhetoric.

Under the heading 'Strong families and vibrant communities' the government indicates to the Victorian people that it will reduce the cost of living. I look forward to somebody explaining to me exactly how it thinks it will do that, and perhaps further government speakers might have the answer. Strong families and vibrant communities exist when we celebrate our diversity. The proposed changes to the Equal Opportunity Act around discrimination and circumstances in which it is lawful are a retrograde step and one we should be concerned about.

This week Easter Sunday trading legislation is being debated in another place. It particularly affects retail workers, although not exclusively. It will require people to come to work on a Sunday in the middle of what many of us think of as a great opportunity to get together for an important religious holiday and others who think of it as a four-day camping weekend. It is a great family occasion. This early piece of legislation from the government completely flies in the face of its commitment to supporting families and the rhetoric in its families statement.

The speech also talks about the government's desire to secure water and provide a healthy environment. I regret that my time is limited on this occasion because I could probably talk about this until the cows come home — or until the cows go to the Alpine National Park. The scientific whaling-style grazing in the high country is a remarkable thing; many of my colleagues in this chamber thrashed that out at length yesterday.

I am concerned about the scrapping of renewable energy projects and the interventions by the Minister for Planning that put at risk investment in renewable

energy projects, particularly wind energy projects throughout my electorate.

On water security, as part of the carry-on about desalination the government has scrapped the successful Target 155 campaign, which encouraged Melbourne Water users to use less water. This was taken from my local patch and is a Central Highlands Water initiative; it successfully encouraged the use of less water by householders. The Liberal Party has some form on this. It tried to block the goldfields super-pipe when Malcolm Turnbull was the federal water minister, and it has mothballed the north-south pipeline. On secure water and a healthy environment, we are going to have to keep a close eye on that one.

'Government you can trust' is the fifth heading under which the Governor's speech is arranged. Already we have seen cash for access to the 500 Club function emerge as an issue, and there has been a frenzy of reviews. While a new government is entitled to take a little bit of time to look at things and consider what it wants to do and how it wants to prioritise its actions, I reckon at some point the government will have to start making some decisions. A whole lot of promises have been made, many of which do not stack up. We will have to wait and see. Almost three months have elapsed since the election. I hope that if and when the government develops the ability to make a decision it will do so in line with Victorians' expectations of it.

Prior to the election the government had a lot to say about how it would reduce the cost of living for Victorian families and how it would fix the problems. It had a lot to say about new standards on 'integrity, accountability and transparency' — to use the words from the Governor's address — and Victorians are absolutely entitled to expect that at some point the government's actions will match its rhetoric. I note that today in the Legislative Assembly, instead of dealing with legislation or addressing issues of concern to the Victorian people, the government is spending a whole lot of time beating up the opposition, which it is intent on doing. Taking today as a proportion of the total sitting days since the election, that is an interesting identification of priorities.

There are a great many people to be thanked on this occasion for their contribution to the Western Victorian Region. I commend the wonderful volunteers who are the fabric of our society. They work across a region that has struggled with drought, fire and flood in too short a time frame. I hope the government does not disappoint and that the strong standards of access that we set — it does not seem too encouraging at the moment — are upheld by the government.

**Mr ELASMAR** (Northern Metropolitan) — I would like to take the opportunity to welcome all new members to the Parliament. This is my second term in this Parliament, and I am still learning. While I have always enjoyed working with and for the Victorian community, I find that my capacity to deliver proper outcomes for the constituents of my electorate is enhanced by an increased knowledge of how the government works and how the Parliament operates. I recall when I first came into this chamber that I was overawed by the history and tradition of this marvellous establishment. I knew then that there was much to learn. I am still learning, and I am thankful for the opportunity to do so.

I read with great interest a story in the *Herald Sun* on Monday, 21 February, which said that Melbourne has been rated as the second most livable city in the world. That did not happen over the last two or three months; it happened over the last 11 years of a committed Labor government which put into practice policies that benefited the people of Victoria.

The present Liberal-Nationals coalition government criticises the previous Brumby Labor government. But, friends, the facts speak for themselves. Why do people from all over the world rate Melbourne as the second most livable place to live and raise a family? I think the answer is simple: the Brumby Labor government strove to achieve the highest possible standards of living for all Victorians, regardless of the personal circumstances of the individual.

Before I speak in reply to the Governor's speech, I want to pay tribute to Russel Bowman. My new Parliament House office is situated in the 'Russel Bowman boulevard', and I am saddened when I see this. Most of us knew Russel in his capacity as principal attendant of the Legislative Council; he was a friendly, cheerful man who was always willing to give a hand and pass the time of day. I commend the initiative of the Parliament to commemorate Russel by naming the passage after him.

In speaking in reply to the Governor's speech, I want to say that it is one of the finest motherhood statements I have ever heard. If the government truly intended to implement the policy platform on which it was elected by the Victorian people, there would be little to carp about. But unfortunately in just under three short months we have already witnessed the slashing back and the renegeing of electoral promises. The energy bills concessions that were promised from 1 January have been postponed until 1 March.

That was a big shock to low-income earners, but sadly there are more shocks to follow this one. What a shame the Liberal-Nationals coalition government has chosen to increase the size of the ministry by two members and cut back on essential relief for the less fortunate in our community.

As most of you know, my greatest passion is the youth of our nation. As a member of the Education and Training Committee of this Parliament I was very proud to be a part of the revitalisation and rebuilding of our state schools for the betterment of our teaching staff and the learning environments for our children. Imagine my bitter disappointment when I read in the national newspapers that the refurbishment program was to be axed. This Liberal-Nationals coalition government is doing what it does best — taking from the poor kids and giving to the rich kids. I believe all children are worthy of the best possible education and the most appropriate surroundings that will foster the climate of learning.

I turn now to the issue of law and order. This has always been an electoral winner, so when this government says that it will employ more police personnel on the streets and at the same time abolish suspended sentences, that can mean only one thing: more correctional institutions and more jails. If members think that law and order is a 'lock them up and throw away the key' solution, then we will all be interested to see the blueprints for the associated capital works programs, because I know some members of the community have the mentality 'Not in my backyard'. I look forward to the Liberal-Nationals coalition government's future spending program on law and order.

While we are on the subject of law and order, the introduction of protective services officers onto railway stations speaks volumes about the perceptions of the commuting public and their fears of travelling on our public transport system. The safety of the community was always of paramount concern to the Brumby Labor government. We as an opposition still want the safest climate for all our citizens.

I understand that this new government needs time to sort out its priorities and introduce its agenda for the Victorian community, but the Victorian electorate is watching this new government closely — and we are watching it closely — and it will not be fooled by empty promises. We on this side of the house have already heard some lame excuses for not proceeding with electoral promises, but when it comes to the lives and livelihoods of Victorians the government is under a

magnifying glass held by the people and by the Labor members elected to this house.

**Ms BROAD** (Northern Victoria) — I welcome this opportunity to make a contribution to the address-in-reply to the speech of the Governor. I make my apologies to all the women who are here for the Rural Women's Awards for my hasty departure to take up this very important opportunity to make a contribution to this procedure that we have in the Parliament to reply to the Governor's speech — a speech which was prepared by the incoming government.

Amongst other things, the incoming government has committed itself to an agenda based on the principles of responsibility, fairness and respect, and it has made a commitment that this will be a government of inclusion and transparency and a government for all Victorians and for all families. That is a very uplifting statement, and as a member of the opposition I look forward to keeping the government to those commitments.

In my response to the Governor's speech I would firstly like to thank the electors of northern Victoria for re-electing me as one of the five members for Northern Victoria Region in the Legislative Council. I would also like to thank the Labor Party for its endorsement and for giving me the opportunity to represent Labor as one of the members for Northern Victoria Region in the Legislative Council.

I extend my congratulations to all of the new members who have been elected, to those members who have been re-elected and to the new members of the executive government. As someone who has been there I know it is a very important responsibility, one that I am sure the new ministers take very seriously.

I would like to acknowledge some former Labor members who were not re-elected, in particular Ben Hardman, the previous member for Seymour in the Assembly. Ben was a terrific colleague and a hardworking member on behalf of his constituents in the electorate of Seymour, and I am very sorry that he is no longer here. I would also like to acknowledge Nathan Murphy and Bob Smith, former members of this place, and a number of former Labor Assembly members: Michael Crutchfield, Alistair Harkness, Rob Hudson, Jenny Lindell, Tony Lupton, Kirstie Marshall, Maxine Morand, Janice Munt, Tony Robinson and Bob Stensholt. This list draws attention to something of a sea change that we have seen in both houses of the Parliament. I hope the new members will do at least as good a job as those who have departed.

There were also some voluntary retirements of Assembly members, and I would like to acknowledge those as well: Bob Cameron, Peter Batchelor, Carlo Carli, Judy Maddigan, Karen Overington and George Seitz — all members who made important contributions to the Parliament.

**Mrs Coote** — And John Vogels!

**Ms BROAD** — I am sure members opposite will use their time to acknowledge former coalition members, and so they should.

I would like to welcome the newly elected Labor members, in particular the Labor women MPs, including Maree Edwards, the member for Bendigo West in the Assembly, in my region of northern Victoria. The gender balance of Labor MPs in the Parliament now stands at 24 women in a caucus of 58, which is 41 per cent. That has not happened by accident; it is the result of a lot of women in and outside of the Parliament, in the Labor Party and in the community recognising that in order to have a representative democracy we need to ensure that 50 per cent of the population take their proper place, including in the Parliament. I will also say that the women from all parties still have the numbers overwhelmingly — by four to one — in Northern Victoria Region in the Council. Mr Drum is the sole male representative of Northern Victoria Region, and the four women — two from the Labor Party and two from the Liberal Party — have the numbers. That is as it should be, and we enjoy it enormously.

I would also like to acknowledge Craig Ingram, former Independent member for Gippsland East in the Assembly. In my first term in Parliament I had the pleasure of working very closely with Craig Ingram in implementing Labor's policy to restore environmental flows to the Snowy River, which was a policy that he was elected on but that the Liberals and Nationals rejected. I for one very proudly stand by that policy, and I am pleased to see it being implemented, with environmental flows restoring the Snowy River to health.

I would also like to acknowledge all of the Labor candidates in northern Victoria who were not elected. It is a very challenging job to be the Labor representative at a state election in some of the areas of my electorate. It is hard work, and I believe they all deserve recognition. They were Ali Cupper, John Williams, Lachlan Enshaw, Vanessa Langford, Sharon Garrick, Anthony Fullarton and Rowena Allan — all fine, upstanding members of the community, who put their hands up to do what is a pretty thankless job. I know

there were candidates from other parties who did this in other electorates, and I certainly think they deserve thanks — in my case from the Labor Party — for the work that they did, and I am very pleased to put that on the record.

I also want to acknowledge former Labor Premier John Brumby. When I was first elected to the Parliament in 1999 to the no longer existing Northern Metropolitan Province, one of my lower house colleagues was John Brumby, and I was very appreciative as a new member of the Parliament in the upper house of the support he was able to provide. For the seven years that I represented Northern Metropolitan Province I had the pleasure of working with him as the lower house member for Broadmeadows in partnership to ensure that we did our very best for the people of Broadmeadows. I expect that it is just a matter of time before John Brumby turns his energies to new challenges. He is, after all, a well-known workaholic, and I am quite sure he is not going to be someone who is content with retirement — far from it!

I would also like to place on the record my congratulations to the new member for Broadmeadows, Frank McGuire. Again during the period that I represented Northern Metropolitan Province in the Parliament Frank McGuire was a hardworking member of the community who worked to ensure that projects were supported and funded in Broadmeadows. The most outstanding example of that was the Hume Global Learning Village, which was directly across the road from my former office. I was absolutely shocked and horrified to learn on becoming one of the new members for Northern Metropolitan Region that Broadmeadows did not have and had never had a public library, and I was absolutely thrilled to see the establishment of the Hume Global Learning Village and for the constituents of Broadmeadows to be provided as a result with not only an outstanding public library but a whole range of outstanding facilities which are used by business, community organisations, schools and the private sector and which have been used for board meetings of Fairfax Corporation because it is such an outstanding resource for the whole community to enjoy.

I would also like to acknowledge the former state secretary of the Labor Party, Nick Reece, and the team at Labor Party head office. Nick's willingness to be innovative and to try new ways of engaging the community was outstanding during his period as state secretary. I wish him well in whatever he decides to turn his considerable energies to next.

I certainly understand that there is a philosophy that some people hold that the only good election

campaigns are the ones that win and that all election campaigns that lose are bad campaigns. Having participated in many campaigns — some of them winning campaigns, some of them losing campaigns — I know that that is not true and that it is far from being as cut and dried and as simple as that, and I certainly thank Nick Reece and the team at head office for the hard work they put in trying to ensure that Labor was re-elected at the last election.

Those are all of the thanks that I wish to place on the record in my reply to the Governor's speech. I started my contribution by referring to the government's commitment about its agenda for governing in Victoria. As a member for Northern Victoria Region, I am absolutely dedicated to my role as a member of the opposition of ensuring that the new government is held to account in implementing the agenda it has set out in the Governor's speech and the commitments contained in that speech. The electors of Victoria, and particularly the electors in northern Victoria, deserve nothing less, and I have no problems at all with taking up my role as a member of the opposition — a new role for me — with alacrity and making sure to the very best of my ability that the government delivers on every one of its promises in my region of northern Victoria.

**Mr BARBER** (Northern Metropolitan) — I have taken the time to read the Governor's speech in preparing for an address-in-reply contribution, and while there is no doubt that the previous government was a specialist in overpromising and underdelivering nobody would accuse the government of doing that in this speech. It does read a little bit like a government that was taken by surprise at its own election. I do not know how many true believers there are on that side who truly thought they could do it — outside the Premier, Mr Baillieu, and possibly Mrs Baillieu — and how many of them expected to be in this situation right now.

Nevertheless the government put forward in this speech a number of the items that it proposed during the election campaign, but I suppose what I am looking for is a comprehensive vision for government. While it is only the first instalment of the four-year term, it is also the year when the government should take off on the correct foot, and in reading it I find some significant gaps as well as some individual items on which I will comment.

Under the all-important 'A growing economy' section, we find the statement:

The fundamental purpose of the government in the economy is to foster the creation of wealth, products and jobs by individuals in the private sector, and to encourage innovation

to help deliver sustainable prosperity through higher living standards and greater employment growth.

That could have been cut and pasted from the *Wikipedia* entry on classic liberalism, but it is not really an economic strategy for the year 2011, with the many challenges we now face.

We learn that the government will go out and discover what situation we are in and what policy it wants to have via a competitiveness report on the Victorian economy, which will examine taxes and regulation, the quality and price competitiveness of Victorian infrastructure services, and the state's education and skills base. I am glad all the relevant matters are listed in the Governor's speech, but these are the things that one expects a government to have had a vision for when it put itself forward for office, and certainly the Greens did so in its election platform. But this is not about us; this is about the government.

The address mentions the first home buyers grant — again, a thoroughly discredited economic policy. It has been tweaked four times since I have been a member of Parliament, and I have argued that point many times. There is also an energy bill concession, which is very important, but it is adding to the ongoing cost of concessions to the state budget without offering the most important thing the government could provide, which is assistance to cut those energy bills in the first place so that they are neither a burden to the taxpayer nor a burden to low-income households.

Concessions are now a billion-dollar cost item in the state budget, and within that item water, energy and local council concessions amount to about \$300 million. That figure is growing at the same rate as those utility bills are rising. For any item as big as that in a state budget to be growing in multiples of a per cent is a real challenge. While I support the government's initiative to offer better concessions to low-income people, in doing so it has tied the budget into an even faster rising cost, and the solution to that must be to help people cut their water and utility bills through another program that the government needs to bring forward.

Likewise, the government has immediately introduced legislation for the \$1 billion regional growth fund. That is a trust fund — a carving out of a certain amount of money for a very wide-ranging group of projects. Under the heading 'Services that work', the government, as we know, has promised three and a half new train lines — which is a significant deliverable in itself — for Scoresby, Doncaster, Tullamarine airport and now Avalon Airport. This commitment, in addition to the \$900 million for rail asset renewal mentioned

here, represents a significant body of work for any capital or operating budget.

The government has also promised an independent public transport authority. That is a major reform if it is to be delivered in the way that most people understand it. In addition to planning for, let alone delivering, these new rail proposals, the government has to make the existing system work, and based on the information that has come out just in the last month, the government has not come to grips with that fact. The biggest reason that extra funds are required to upgrade our rail services is the existing inefficiencies — that is, the way the trains are run.

Apparently an international search is already under way for a head of the government's independent commission against corruption, yet we have not heard about an international search for this new public transport tsar, who would have to be quite the individual given that he or she will be running three modes of transport across a significant metropolitan area, not to mention country areas, coordinating the lot and bringing some sense to planning in that area. Few authorities around the world have such a brief.

One hundred extra transit police have been pledged, as the Governor's speech says, 'bringing to 350, the ... number ... patrolling'. I have been led to believe that while the complement of transit police positions is currently 250, that complement is by no means full. I was therefore somewhat surprised to see the *Herald Sun* suggesting that a crack unit had been created. It seems to me that in proposing that those extra positions mean there will be 350 patrolling, the government is simply buying into the previous government's statement that we have 250 transit police. The information I have been given is that we do not. We have 250 positions for transit police, but we do not have 250 police. If one adds to that the 940 new protective services officers to be assigned to the train system, on paper we have a huge workforce out there to keep people safe. It is seemingly enough staff to be on every transport vehicle at all times, but the problem is in the delivery.

The Governor's speech also raised the much-vaunted zero tolerance approach to enforcement. Many governments talk about zero tolerance, but often it is simply a political slogan and in reality means something very different. The government does not really mean zero tolerance; there is a different meaning for zero tolerance as it applies to planning law enforcement.

The government has committed to an extra 1700 front-line police, with no particular definition for what the 'front line' is. Let us separate out the so-called front line from the concept of street violence. Yes, street violence is a huge problem and it is hugely visible, but domestic violence is an even bigger problem and the reporting of it increases every time the police start to take it seriously. Simply reading the word 'front line' does not tell me anything; I have a very different definition of 'front line' to what the government may be envisaging if it is conflating that with street violence.

The government will introduce new offences for violent drunks and a new liquor licensing system, and I understand one of those measures has already been introduced into the Parliament. I can only hope that tinkering with the liquor licensing system will solve the problem, but I think the problem will be solved when people are not served alcohol to the point of intoxication.

The familiar law-and-order agenda is raised, including suspended sentences, ending home detention and double jeopardy, and Ms Pennicuik will no doubt address those matters when she speaks in the address-in-reply debate.

Under the section on planning, there is no detail — just the usual aspiration that everybody should be consulted and feel like they have ownership of the planning system. However, no particular measures at all are offered in this speech for how that will be achieved through law reform or other measures.

On health — and Ms Hartland will talk about this in more detail — the government did not actually release a health policy during the election, which was very interesting. It did release a mental health policy and made some announcements about ambulances, so we learn no more here than we did during the election.

Under 'Education', the government's commitment in this part of the speech reflects some important, well-recognised pressure points in the system, but the blockbuster promise, the one that never seems to have been in a policy anywhere, is the promise to have the best paid teachers in Australia. That is a very important promise, because in a tight labour market we are competing with other states for teachers, particularly for the best teachers, and we are competing for teachers who are able to move into alternative occupations. That is why you need the best paid teachers. In fact all organisations have a human resources strategy based on how much the organisation pays. It is entirely appropriate for Victoria to adopt, if it wants to, a

strategy of having the highest paid teachers, because it will allow it to attract the best teachers.

Under 'Community services' we see a commitment to undertaking a judicial review of Victoria's child protection system — one of many reviews that have been held. Hopefully it will be the review to end all reviews. We also see that the government plans to initiate 'new approaches towards preventing the abuse of children and supporting vulnerable young people in out-of-home care'.

We see a commitment to 'provide leadership in the coordination of mental health, drug and alcohol services, child protection, family violence and education services'. Yesterday the Auditor-General gave us some more guidance on drug and alcohol services. I do not think the Auditor-General particularly pointed to coordination being the issue, but he did point to a number of other issues that I hope the government will soon address in response to that report.

As Mr Drum told us this morning, the government will lead and drive implementation of a new national disability insurance scheme — that is, it will lead it and encourage the other states and the federal government to follow suit.

Under 'Strong families and vibrant communities' we read that the government intends to invest in major events and facilities. I am sure many of those facilities will be valued.

Under 'Multicultural Victoria', an issue which is the subject of ongoing debate here in Australia, we see a commitment to world-class services and culturally sensitive and language-other-than-English programs.

The government also plans to commemorate the start of World War I in this term. I find that a very interesting commitment, given that every year we commemorate the end of World War I on Remembrance Day. I always participate in those ceremonies as well as having presided over them when I was a local councillor, but commemorating the start of World War I is new to me. I will be interested to hear more as to what the government is seeking from this exercise of commemorating the commencement of World War I, given that we already commemorate the end of World War I every year. I have talked on Remembrance Day in this Parliament before.

Under 'Arts' we see a commitment to the Victorian College of the Arts, Bollywood and regional arts. The regional arts program is a great success story in Victoria, and the more we have, the better. No doubt Ms Pennicuik will wax lyrical on that subject.

Under 'Bushfire response' the government reaffirms its commitment to all the recommendations made by the 2009 Victorian Bushfires Royal Commission. I have already questioned the government on a number of those matters, including the appointment of a bushfires royal commission implementation monitor. I also read that the government has already made an announcement about the successor to the Victorian Bushfire Reconstruction and Recovery Authority.

Under 'Secure water and a healthy environment' the government promises sweeping changes to the management of rural water in Victoria. It plans to establish water substitution targets for 2015, 2020 and 2030 for Melbourne.

Acting President, I would like to raise a point of order on the question of time limits. Under standing order 5.04, time limits are allocated to the address-in-reply. The lead government and opposition speakers are allowed 60 minutes. The lead speaker for the third party is allowed 45 minutes. The remaining speakers are allowed 15 minutes each.

It is clear to me from this definition that as the lead speaker for the Greens I must be the lead speaker for the third party because the current government encompasses The Nationals. If The Nationals would like to argue that they are not in the government, then that is fine. But the way standing order 5.04 reads is that there is a lead government speaker, a lead opposition speaker and a third party speaker. My reading of this — and I seek your ruling, Acting President — is that the Greens represent the third party speaker for the purpose of this standing order, and therefore I should have some more time to speak on this.

**Hon. D. M. Davis** — On Mr Barber's point of order, Acting President, the way that standing order 5.04 has always been understood is that The Nationals have been the third party. I think that is the understanding of the chamber. Certainly in debates in the chamber that is the way it has been interpreted in the past, but I bow to the Acting President's interpretation.

**Mr Viney** — On the point of order, Acting President, I would have liked some advance warning of this from Mr Barber, and then I might have been able to prepare myself. I am in agreement with Mr Barber that The Nationals cannot be seen to be a third party in that they are part of a coalition government. However, the difficulty is that my understanding of the definition of the third party is quite precise in terms of the number of seats held. That is where I think the difficulty lies. I am

seeking advice from the Clerk, through the Chair, as to whether it might be possible for me to move an extension of time for Mr Barber and proceed on that basis.

**Mr VINEY** (Eastern Victoria) — Therefore I desire to move, by leave:

That Mr Barber's time be extended.

**Hon. D. M. DAVIS** (Minister for Health) — In not granting leave I put on record that we will have a discussion about changing standing orders in due course. I think there is a legitimate case to change this particular standing order and the time limits that were imposed by the then government between 2002 and 2006. I make the point that in the lead-up to the last Parliament the then government voted against changing that clause.

**Mr Barber** — On a further point of order, Acting President, if I may, to pick up a point that has been raised so far, Mr Viney says the definition of a third party requires a certain number of seats. That is the definition for the purposes of the Parliamentary Salaries and Superannuation Act 1968. The ability of the Parliament to make standing orders arises out of the constitution. We can do that however we want to, and in this case I do not agree with Mr Davis's requirement for a change to standing orders. If he wants to consider standing orders to be changed, that is fine, but I argue that the current standing orders support my case.

**Mr Viney** — On the point of order, Acting President, we are in a situation where the government is padding to get us to 4.30 p.m. Later this day it is proposing to debate nonsense motions where the government is an opposition in exile, and yet it will not provide extra time to Mr Barber to complete his contribution.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! I am unable to make a ruling on the point of order at the moment. I will refer it to the President for a decision later this day.

**Mrs COOTE** (Southern Metropolitan) — I move:

That the address-in-reply be adjourned until later this day.

**Mr VINEY** (Eastern Victoria) — I am opposing this motion because of what just happened. The government now proposes to adjourn the debate when we do not have enough business to fill the day. The opposition wanted to give Mr Barber an extra 5 or 10 minutes to complete his contribution, so it will not support this adjournment.

This is a joke. It is the joke of the day where in the third week of the Parliament we have no business. This is a government that has come to office with no 100-day program. We have nothing to do; we have nothing before the Parliament. What happened was that there was an attempt by Mr Barber to get a bit of extra time to speak on the address-in-reply. The government has no business and wants to spend the entire day moving what are opposition-in-exile motions criticising the former government, and yet it was not prepared to give some extra time to Mr Barber to complete a simple procedure to get around the problem we just had.

Accounting for the fact that we are not able to get a ruling on this issue until the President makes a ruling about the third party position, the simple way around it would have been to give leave to allow Mr Barber to complete his address-in-reply speech. That is a simple thing, and it is not like we have a busy program where we have so much to do that we do not have time. It is absolute nonsense. This is a disgrace, and we are going to oppose the adjournment of the address-in-reply for that very point.

We know that the 21:19 rule will apply here and that the government will ram this through and gag Mr Barber's contribution, making a mockery of this place wherein we are in the third sitting week without a business program. There is no government business program in the third sitting week of this Parliament.

The government was elected in November last year, and we have nothing in front of us. It is absolutely appalling, and to gag Mr Barber from completing his contribution and then immediately move to adjourn the debate demonstrates how poorly the government regards the standing and procedures of this Parliament. It shows how uninterested the government is in the procedures of this Parliament and how uninterested it is in giving people an opportunity to properly represent their communities.

**Hon. D. M. DAVIS** (Minister for Health) — What an extraordinary performance; an Academy Award-winning performance based on no foundation. The reality is that Mr Barber's position seeking greater time is something we will debate in principle at a later point in discussion on standing orders. That is a legitimate debate. I think there is a glitch in the standing orders, and those standing orders can systematically be debated. However, the curious point is that the Greens and the Labor Party voted for those standing orders prior to the Parliament arising — —

**Mr Barber** — We agree with the standing orders!

**Hon. D. M. DAVIS** — No, you don't! I don't think you do, actually.

Mr Viney's own point that the third party is defined in Parliamentary legislation is a critical point. The third party is The Nationals in terms of the parliamentary acts.

The very key point here is Mr Viney's idea that somehow the government is trying to pad things out. Nothing could be further from the truth. The opposition is determined not to debate the bowel cancer screening program motion later this day, and in particular it is determined not to debate motions about health reform and about the Council of Australian Governments agreement with the Prime Minister. Six states, two territories and nine leaders made a decision. They rolled over the previous government's foolish agreement with Mr Rudd that sold out Victoria.

That is why Mr Viney is desperate to have more opposition speakers on the address-in-reply today. The Labor Party's idea about having six address-in-reply speakers today was peremptorily dumped on the government. It said, 'We demand to have six people speak'. Where did this come from? It is a bizarre construction to think that the opposition can turn around and simply say, 'We will have six speakers on what we decide will be debated today in government business'. No. The government will sort out what we do in government business. We will work with the non-government parties to work that through collaboratively on occasions.

On this occasion we did not intend to deal with the address-in-reply first up; we intended to deal with the Victorian families statement for 2011. We conveyed that to the opposition, and the opposition chose to demand that the address-in-reply go first. We were cooperative. We said, 'We'll let you have three speakers. Find the three that you want to speak and we will allow them to do so'. Ms Pennicuik then came to the government and said, 'Mr Barber wants to speak. Is that okay?'. We said, 'Yes'. We are happy to be cooperative on these matters. We are happy to be reasonable, and we are happy to be cooperative.

Mr Viney and Mr Lenders are determined not to debate the motion about the bowel cancer screening program. They are determined to cover up for a failure of the federal government to extend that critical public health program, and they are determined to use every technique in the book to try to prevent a debate today of the motion that deals with the failure of John Brumby and then Treasurer Lenders to negotiate a good deal for Victoria.

The fact is that Premier Baillieu and the new Baillieu government, in concert with other state and territory governments, have reached with the Prime Minister a sensible agreement that is in the public interest, and those opposite are being exposed for the shameful, un-Victorian deal that they did. That deal would have damaged Victorian healthcare for decades to come.

**Mr Viney** interjected.

**Hon. D. M. DAVIS** — Mr Viney wants to avoid debate. That is why he does not want this procedural motion to fail. He is desperate to avoid debate. That is the point.

**Mr Viney** — On a point of order, Acting President, the motion before the Chair is very precise: that debate on the address-in-reply be adjourned. We are opposing it. Mr Davis should be required to speak on the motion, not on the health matters that he wants to raise.

**Hon. D. M. DAVIS** — On the point of order, I am foreshadowing what will be debated later today. If this motion is not carried, it will prevent debate of exactly those matters further down the notice paper. What is on the notice paper is material to a debate about what will be brought on later in the day. There is no way it can be argued that what is on the notice paper is not relevant to the point of order.

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! Mr Davis has canvassed the issues that are in question. I ask him to move on with the debate. There is no point of order.

**Ms PENNICUIK** (Southern Metropolitan) — I want to make a few remarks in opposing Mrs Coote's motion to adjourn the debate on the address-in-reply. First, I want to say that the government has begun the Parliament in a cooperative manner and has tried to accommodate general business and government business. I understand that it takes a little while with a new Parliament and new government for government business to come up from the Assembly and that it will not necessarily arrive before the upper house in the first or second weeks of the sitting, just due to the way that Parliament works. I am not critical of that.

I have had discussions with the Leader of the Government about reinstating the practice that was extant during the last sittings under which when a bill came up from the Assembly debate on it was immediately adjourned for a week so that members of the non-government parties had the essential time to look over the bill and to read the second-reading speech and contributions in the lower house — unless a case

was made that the bill was urgent. We do not have any of those before us at the moment.

On the address-in-reply, I think this week there was some misunderstanding about what government business was going to precede other government business. Certainly I was under the impression that today we were going to have some contributions to the debate on the address-in-reply. I presume that there was just a misunderstanding. The Greens were ready for anything, but we did understand that that debate was to proceed today — that there would be time for contributions to the address-in-reply.

**Hon. D. M. Davis** interjected.

**Ms PENNICUIK** — We understood it was to be earlier in the day, so there is a misunderstanding.

On the time allowed for the lead speaker for the Greens in the debate on the address-in-reply in this house, we had interpreted the standing orders to provide that our lead speaker, in this case Mr Barber, would have 45 minutes to outline the Greens response to the Governor's speech. If members look closely at the standing orders, they will see that they provide different things. They refer to 'the' third party, as if there will never be more than three parties in the chamber. That is a problem with the standing orders; it is an anomaly.

**Mrs Coote** interjected.

**Ms PENNICUIK** — That is right. We had another member in the last Parliament who was not covered at all under the standing orders, so they do need amending. During the last session we almost got to the stage of doing that. We were able to establish the committee system which is up and running now. From my point of view that was the priority, but there were some changes to the standing orders that needed to be made but were left over. Terms other than 'the third party', 'the government' and 'the opposition' are used in the standing orders, including 'other non-government parties'. They provide that the lead speaker for those parties should have 45 minutes to speak in debate.

Earlier, while opposition members were speaking in the debate on the address-in-reply, I tried to ask government members if, by leave, Mr Barber could have a little bit longer than 15 minutes for his contribution. I indicated that he probably would go not for 45 minutes but for just an extra 10 or 15 minutes. If he had been allowed to do that by leave of the government, we would be finished. I am not sure whether, because we have proceeded down this course, there is a chance for the government to reconsider its position and to grant leave for Mr Barber to continue to

the end of his contribution, which we assure members will probably not go for 45 minutes in total. That would have been in the spirit of cooperation which, to be fair, the government has been showing in its dealings with the opposition and the Greens so far during this sitting of the upper house.

I ask the government to reconsider and allow Mr Barber to finish his contribution. Then we can all continue with the other business before us today.

**Mr LEANE** (Eastern Metropolitan) — On the motion to adjourn the debate on the address-in-reply and on the issue of not letting Mr Barber finish his contribution — and I accept that he believes he is entitled to have that time — and the whole argument on the address-in-reply which Mr Davis touched on, whether government members like it or not opposition members would like to be shown some sort of courtesy on the program that the government puts down for the day.

Until this morning there was no indication that the address-in-reply had disappeared from the government's program. As a matter of fact, all discussions I have had were on the understanding — as with Ms Pennicuik, there might have been a misunderstanding — that the address-in-reply was going to be on today. This morning's notice paper has it listed under 'Business to take precedence'. Then there was an indication from the government that the address-in-reply had just disappeared from the schedule. The limit on the address-in-reply debate was one of the few things left after the sessional orders were brought in and time limits were got rid of. If the government had maintained that position, we would not be having this argument and Mr Barber would have been able to finish his contribution in the time that he believes he needs to put across his points.

Turning to the old standing orders and the limits on how long each individual member can speak, they allow MPs of any party to roughly estimate the time when they will be making their contribution if they have put down their name to contribute to a debate.

**Mr Koch** interjected.

**Mr LEANE** — This goes back to courtesy, Mr Koch. That allows MPs on both sides of the chamber to estimate at what time they need to be in here to make their contribution to a debate. We left Parliament on Wednesday thinking that that was the business that was set down and those were the times when people needed to be in the chamber to make their contribution on different items of government business.

Less than an hour before we walked in here and started the prayer the government sent an email and it was all out the window!

I know the government has just started driving the bus, but it has to accept that it is now driving the bus. We accept that. However, if one is driving a bus, letting people know what time and where it will be stopping would be fantastic. What we are looking at is just common courtesy. We believe Mr Barber should be allowed to finish the speech that he began. If the government wants to adjourn the debate — if it wants to stop the bus — then we have had this discussion and that is fine.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I was not intending to speak. However, I have been listening to the debate, and can I say from the outset that it is good to see that Mr Viney is back. He was hiding for a while, but he has lifted the lid again and exploded out into this debate. Welcome back, Mr Viney! It is good to see him come back out of his bunker.

Mr Viney raised a couple of issues about leave being granted. I recall that earlier I moved to have a bill brought before the chamber. I sought leave, but leave was denied by the Leader of the Opposition. Therefore the second reading of the bill occurred the following day. Yesterday I moved that the Police Regulation Amendment (Protective Services Officers) Bill 2010 be second read, by leave. Mr Lenders blocked it and said leave was not granted.

Leave is sought today, and we on this side have said no. Suddenly there is a big song and dance routine from the other side. It is a bit hypocritical to sit there, having not granted leave on two bills, and to then whinge about having no legislative program to debate. We had a legislative program. We sought leave to bring it forward, and the opposition opposed it.

We now see the same issue arising with the adjournment of this debate, which the opposition wants to continue. The Leader of the Government has clearly indicated that we will need to look at the standing orders. I remind Mr Viney that back in 2002 it was his government that brought in the time limits. It was not the Liberal-Nationals coalition but Labor that brought in the time limits, and now it wants to throw the time limits out. That demonstrates the hypocrisy of this opposition. When it was in government, it wanted to move it through.

We need to look back at when leave has been granted and when leave has not been given. Ms Pennicuik

raised a valid point: that we may wish to listen to Mr Barber. However, the responsible way forward is that there needs to be a determination about the third party. My understanding, and I hope the President takes this into consideration, is that the specified third party has always been The Nationals. The lead speaker for the third party has traditionally been from The Nationals. It indicates the short-sightedness of those opposite that they are saying what they are saying now and think they can suddenly change things to suit themselves, rather than the other way around.

**Mr Viney** interjected.

**Hon. R. A. DALLA-RIVA** — I am enjoying hearing Mr Viney's bark across the chamber again. It is fascinating to hear. He is back!

**Hon. D. M. Davis** — We kicked the rock.

**Hon. R. A. DALLA-RIVA** — We kicked the rock, and he is out from under it. It is great to hear him back in fine form. The reality is that we have moved to adjourn the debate and not continue the speech by Mr Barber. We have sought guidance from the President. I think that is appropriate, and I look forward to moving on with our business program.

**Mr BARBER** (Northern Metropolitan) — As this is a procedural motion, according to the standing orders I, and every other member, get 5 minutes regardless of our status or what party we may be a member of. From that aspect we are all born equal.

Magnanimity in victory is not a strong feature of this government so far. I was speaking on the Governor's speech, which is part of the government's own agenda, and I had got to the fourth point of its five-point plan. I only had one point left to make, which was on the subheading of 'Government you can trust'. I think Mr Leane's point about it being the coalition that is driving the bus is a very apt one. I was speaking on the government's own agenda and I think giving credit where credit was due as well as providing some gratuitous political advice to the government at the same time. Nevertheless, I was approaching this debate in the same way that many people are approaching it, which is to give the government some benefit of the doubt and some time to get on and achieve its agenda.

It is therefore rather surprising that the government wanted to shut me down. However, I do not want to continue the debate on the point of order because I expect we will have a chance to speak about that again. Mr Dalla-Riva attempted to continue, however, by suggesting that traditionally it has been The Nationals that have held that status. I do not think that is a

parliamentary tradition. When it comes to magnanimity in victory, the coalition members have both houses of Parliament, control of every single parliamentary committee and big white cars that come and pick them up from their houses every morning. The Nationals 6 per cent of the vote got them five ministries in the government.

**Hon. R. A. Dalla-Riva** — You really took a pummelling. You thought the Greens were going to dominate.

**Mr BARBER** — As I have said before to Mr Dalla-Riva, nobody would accuse him of having talked up his party's chances during the election, even though I have been accused of that in relation to my party.

I forgot about the phoney-baloney job titles, the extra allowances for multiple positions and the eight leaders of the parties — that is, two for the Liberal Party in the lower house, two for The Nationals in the lower house, two for the Liberal Party in the upper house and two for The Nationals in the upper house. Collectively this is about \$1 million in salary loading over four years for those eight leaders — they do not need eight leaders; they need a pedestrian crossing supervisor to get them over Spring Street most days — but what they are begrudging me today is at most 30 minutes, which in reality would probably be about 5 minutes, to speak on their agenda.

Thankfully we have a new President, who in his infinite wisdom will no doubt support my original point of order and its interpretation. Things can then proceed quite cooperatively. As Ms Pennicuik pointed out, we have been doing this quite nicely so far in this chamber. Compared to the lower house we have been an absolute paragon of proper and intellectual debate, so we can at least be thankful for that.

**Debate interrupted.**

### DISTINGUISHED VISITOR

**The ACTING PRESIDENT (Mr Tarlamis)** — Order! Before we go on I acknowledge a former member in the gallery today, the Honourable Bill Forwood, a former member for Templestowe Province.

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed.**

**House divided on motion:**

*Ayes, 21*

Atkinson, Mr  
Coote, Mrs  
Crozier, Ms  
Dalla-Riva, Mr  
Davis, Mr D.  
Davis, Mr P.  
Drum, Mr  
Elsbury, Mr  
Finn, Mr  
Guy, Mr  
Hall, Mr

Koch, Mr  
Kronberg, Mrs  
Lovell, Ms  
O'Brien, Mr (*Teller*)  
O'Donohue, Mr  
Ondarchie, Mr (*Teller*)  
Petrovich, Mrs  
Peulich, Mrs  
Ramsay, Mr  
Rich-Phillips, Mr

*Noes, 19*

Barber, Mr  
Broad, Ms  
Darveniza, Ms  
Eideh, Mr  
Elasmar, Mr (*Teller*)  
Hartland, Ms  
Jennings, Mr  
Leane, Mr  
Lenders, Mr  
Mikakos, Ms

Pakula, Mr  
Pennicuik, Ms  
Pulford, Ms  
Scheffer, Mr  
Somyurek, Mr (*Teller*)  
Tarlamis, Mr  
Tee, Mr  
Tierney, Ms  
Viney, Mr

**Motion agreed to.**

**Debate adjourned until later this day.**

**The PRESIDENT** — Order! I indicate to the house that I have been apprised of the issue that led to the division and the concern that the Greens members did not have an opportunity to contribute to the debate that was commensurate with their numbers in the house. I appreciate that the matter was raised, and I will take it on board and give it some earnest consideration.

## SENTENCING FURTHER AMENDMENT BILL 2010

*Statement of compatibility*

**Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Sentencing Further Amendment Bill 2010.

In my opinion, the Sentencing Further Amendment Bill 2010, as introduced to the Legislative Council, is compatible with

human rights under the act because it does not limit any human rights as defined by the act.

Richard Dalla-Riva, MLC, MP  
Minister for Employment and Industrial Relations  
Minister for Manufacturing, Exports and Trade

*Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).**

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

This bill is the first in a series of sentencing reforms to be introduced by the coalition government.

Suspended sentences are a fiction that pretends offenders are serving a term of imprisonment, when in fact they are living freely in the community. A suspended sentence does not subject an offender to any restrictions, community service obligations or reporting requirements. As a consequence, many offenders actually incur no real punishment whatsoever for the offence they have committed and make no reparation to the community. Often those released on suspended sentences go on to commit further crimes.

In the last sitting week of the previous Parliament, the former government belatedly moved to adopt a small part of the coalition parties' policy on the abolition of suspended sentences, by closing the gaping loophole it had left in its 2006 legislation when it purported to abolish suspended sentences for serious offences but allowed suspended sentences to continue in undefined 'exceptional circumstances'. The coalition parties supported the Sentencing Amendment Bill 2010 but made clear that, if elected, a coalition government would legislate in its first term of office to abolish suspended sentences for all offences.

This bill represents the first step in delivering on that commitment. The bill abolishes suspended sentences for a range of additional serious crimes, namely:

- recklessly causing serious injury;
- commercial drug trafficking;
- aggravated burglary; and
- arson.

These are all significant offences that frequently cause great damage and suffering to their victims and undermine the safety of our community. Recklessly causing serious injury is an offence committed when the offender knows that their conduct is likely to result in serious injury to their victim but goes ahead anyway. Examples of this offence include many of the horrific assaults captured on closed-circuit security cameras that Victorians have witnessed on their television screens in recent years. Commercial drug trafficking is a

blight on our community that brings misery and suffering to many, particularly to young people and their families and to victims of crimes driven by drug addiction. Aggravated burglary is the offence that covers home invasion, an often terrifying crime that undermines people's sense of safety even in their own home. Arson is an offence that can cause widespread damage and horrific loss of life, as Victorians know only too well.

When this bill comes into effect, sentences of imprisonment imposed for these offences in the County or Supreme courts will no longer be able to be suspended. It is in these courts that the most serious cases involving these offences are tried.

The government is not saying that every person who commits one of these offences must go to jail. However, where a judge considers that a jail sentence is not appropriate, the judge will openly sentence the offender to a non-custodial sentence rather than being forced to go through the legal fiction of sentencing the offender to a period of imprisonment when the offender actually does not go to prison at all. As we have made clear in the past, under a coalition government, jail will mean jail.

This bill is the first step in a new direction in sentencing in Victoria. The government intends to introduce legislation during the 57th Parliament that will substantially reform Victorian sentencing law and practice. We will legislate to introduce baseline non-parole periods for serious crimes, a four-year statutory minimum sentence for gross violence and a comprehensive, flexible community correction order that will restore real teeth to community-based sentencing. We will also abolish home detention and complete the abolition of suspended sentences.

The bill also expands the membership of the Sentencing Advisory Council by two, allowing for a broader range of perspectives and skills on the council's board. The bill will require the board to include an additional person who is a member of a victim of crime support or advocacy group. This will enable the appointment of a board member who brings the particular perspective of being a member of a support or advocacy group that is primarily run by volunteers who are themselves victims of crime or family or friends of victims. The second additional board member will be an operational member of the police force below commissioned officer rank who is actively engaged in criminal law enforcement. This will ensure that another valuable perspective from the criminal law spectrum is included in the composition of the board.

These changes will strengthen the capacity of the board in considering sentencing practices and fulfilling its other roles on behalf of the community.

I commend the bill to the house.

**Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).**

**Debate adjourned until Thursday, 10 March.**

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

*Statement of compatibility*

**Hon. R. A. DALLA-RIVA (Minister for  
Employment and Industrial Relations) tabled  
following statement in accordance with Charter of  
Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Police Regulation Amendment (Protective Services Officers) Bill 2010.

In my opinion, the Police Regulation Amendment (Protective Services Officers) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill will:

amend section 118B(1) to expand the purposes for which PSOs can be appointed to include protection of the general public at certain places; and

repeal section 118B(1A) of the Police Regulation Act 1958 to remove the existing cap on the number of protective services officers (PSOs) that may be appointed under the act.

**Human rights issues**

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

There are no human rights protected by the charter that are relevant to the bill.

**Conclusion**

There are no human rights protected by the charter that are relevant to the bill.

Richard Dalla-Riva, MLC

*Second reading*

**Ordered that second-reading speech be  
incorporated into *Hansard* on motion of  
Hon. R. A. DALLA-RIVA (Minister for  
Employment and Industrial Relations).**

**Hon. R. A. DALLA-RIVA (Minister for  
Employment and Industrial Relations) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

The government has committed to the appointment and deployment of an additional 940 protective services officers (PSOs) on train stations to protect the community on the public transport network.

This bill:

amends section 118B(1) of the Police Regulation Act 1958 to broaden the purposes for which PSOs can be appointed; and

repeals section 118B(1A) of the act so as to remove the existing cap on the number of PSOs that can be appointed.

The bill will deliver in part on the government's commitment to improved safety on the public transport system by facilitating the appointment of additional PSOs. The government has committed to the formation of a dedicated unit of 940 PSOs to be stationed on metropolitan rail stations and at rail hubs at major regional centres from 6.00 p.m. to last train, seven days a week.

There are no human rights protected by the charter that are relevant to the bill.

I commend the bill to the house.

**Hon. M. P. PAKULA (Western Metropolitan) — I  
move:**

That the debate on this bill be adjourned for one week.

**Mr BARBER (Northern Metropolitan) —** I would like to speak in support of Mr Pakula's motion. The reason I would like to see this bill delayed until the next sitting week is that I would like the government to bring forward a Treasury costing of this measure. No doubt a Treasury costing has been done, as it would of any measure that has gone to cabinet. When we come to debate this bill I will be asking the government to table that costing so we can discuss that as part of the debate. Therefore I support Mr Pakula's motion.

**Motion agreed to and debate adjourned until  
Thursday, 10 March.**

**VICTORIAN FAMILIES STATEMENT**

**Mrs COOTE (Southern Metropolitan) — I move:**

That the Council take note of *2011 Victorian Families Statement*.

I am pleased to speak on the document entitled *2011 Victorian Families Statement*. At the outset I would like to put on the record a discussion and debate about what constitutes a family.

In the past it has been assumed that a family is constituted of a mother and father and probably two children — and the white picket fence would come

along with that analogy. However, in this day and age things have changed dramatically. I would suggest that whatever the configuration of your family is, if you believe you belong to a family, it is a family. It could be a blended family; it could be the so-called traditional family of a mother and father and two children; it could be a single-parent family; it could be a foster family; it could be a same-sex-couple family — in fact, a whole range of options are available. It is important that when we debate this excellent statement by the Premier we remember that if you believe you belong to a family, however that unit operates for you, that is your family.

When in opposition the Liberal Party recognised the family as a very important unit. In fact in 2010 the then Leader of the Opposition, now Premier of this state, Ted Baillieu, issued an excellent statement called *Victorian Families — An Economic and Social Analysis of Labor's Policies*. This was not done just as a whim but because Ted Baillieu believed and continues to believe in the importance of the structure of the family, which is important not only for individuals but also when considering the economic basis of our community.

In the introduction to his 2010 statement Mr Baillieu said:

The future of families is best served not by —

public relations —

gloss and TV ads, but by an understanding of what the problems are, what the shortcomings in government services are and how they can be improved. We know that what's needed are effective policies to tackle these problems and shortcomings, not another advertising campaign.

...

When the Victorian Liberal-Nationals coalition talks about wanting Victorian families to be better off, it's more than just financial security. It's the support we get to deal with the challenges of illness and disability. It's being able to walk down the street without fear of violence. It's about getting the best education for our kids. It's about the quality of the lives we live, and it's about quality use of our time. An hour spent waiting in a traffic jam, or waiting on a platform for a delayed train, is time far better spent with our loved ones.

That turned out to be a very far-sighted comment, because on 27 November last year we went to the election, and what did the Victorian community say to the Brumby government and, in turn, to us?

I look to the Assembly seat of Bentleigh. The people I spoke to in Bentleigh did not want huge public relations and advertising campaigns; they wanted simple things. They wanted to be able to spend more time with their families. They wanted to know that they could be safe

in their streets. They wanted to know that if they needed the health system, it would be there and it would be reliable and efficient. They wanted to know that their children would be properly educated, and they wanted to know that the costs of and their reasonable standard of living would be within their reach. They wanted simple things. They did not want the government to be in their sitting rooms. They did not want the government telling them how to live their lives. They wanted a framework they could use and operate within to make the choices for themselves — and that is how they voted. They voted the Liberal government in because of just those sorts of values. They are values Ted Baillieu identified when he was the Leader of the Opposition and which are reiterated and reinforced in *2011 Victorian Families Statement*.

I will now talk about the issues dealt with in the Victorian families statement for 2011 which the Premier presented to the Assembly. In its introduction section the statement talks about how the Liberal Party and this government will look at and address families. As I said, it is no accident that the Premier decided that the structure of families is important and valuable. Recognising the values that families adhere to gives us a healthy basis on which to operate as a government and as a community. It is a very important value system, and that is reinforced by this statement.

It is interesting to note that there was some criticism of the families statement and its timing. I would have to say that is a very short-sighted approach. Just as members of the Brumby government misread what the people of Victoria were saying to them at the 2010 election, so too have they forgotten what the people are continuing to say. People want to know that families are at the centre of what a government does. Family life is important to all members of our community. This statement says that the Victorian government will listen to families, will take note of what families are saying and will address issues and concerns that will affect families now and into the future, on a whole range of elements.

In the introduction to this document the government said:

It will also be an ongoing discussion. In the weeks and months to come we will be creating opportunities to connect with families and find out more about what they're thinking.

This is a very important fact. It is all very well for a government to turn around and say, 'You will do this' or 'You will do that', just as the Brumby government said. But Victorians do not want that; they want choice and they want to make decisions, but they want sound frameworks within which they can make those

decisions. We want to listen to what they have to say. As the Premier said, we will be going out into the community and reaching out to Victorians right across this state in metropolitan and country areas; we will reach out to those who are young, old, disabled and students — the whole gamut of people in our community, all of whom belong to families — to hear what it is they want this government to do. It was important to put this document into the arena and say, 'We believe in families. We want this document to be out there and for it to be one of the first things that we as a government do'. Members should mark my words: this will become something that is going to be seen as a hallmark of the Baillieu government because it is such an important core element of what we intend to do.

The Premier said in the introduction to this report:

The families statement is not all things to all people, it does not address all areas of government policy. Instead, it lays the groundwork for an ongoing assessment of where the government needs to focus, to help create a Victoria in which all families have a chance to achieve their aspirations.

That is the very thing the Brumby government absolutely ignored. In its arrogance it forgot to listen. In fact it did not forget to listen; it did not want to listen. That is going to change now.

It has been very important to look at the cost of living. People knew things were starting to cost more, and they could see that reflected in their bills. But as the former opposition it was extremely difficult for us to drill down and get exactly what those costs were. I will give members some examples of this. Melissa Fyfe said in her article in the *Age* of 31 October 2010:

In the face of the government's repeated refusals to reveal the bill increases for desalinated water, the opposition has analysed figures in the Auditor-General's October finance report and found that Melbourne Water's costs per kilolitre, or 1000 litres, could increase by up to 130 per cent.

What have we seen in the last two weeks? Not only are the water costs in this state going to increase, but the desalination plant is going to cost Victorian families \$24 billion for this huge white elephant that was put together by the former Brumby government. It is going to cost families for a significant time — that is, not only the families of today but the children and grandchildren of tomorrow. It is going to be a huge impost. Melissa Fyfe was asking the question in 2010, and it was not until we got into government that we could see these true costs.

The Auditor-General's report of October 2010 said water costs would increase by up to 130 per cent — that was in the *Age* article of 31 October 2010. But we are

now in this year, 2011. In a media release of Monday, 28 February, the Premier said:

The table of payments (attached) reveals that the desalination plant could cost the state more than \$23 billion over the next 30 years.

What an indictment. Members should believe me when I say we are going to remind Victorians that every time their water costs increase it will be because of the former Labor government. Their water costs will rise because the former government put an impost of a huge desalination plant on Victorians for generations.

I remind this chamber that we have not even been in government for 100 days. Already surprises are coming out of the closet, and we are finding out what the exact costs were now that we are able to have access to information.

Another huge indictment that will probably not start to hit and ram home until people start to get their electricity bills is smart meters. What an absolute debacle the smart meters have been. What a misnomer. I can assure members there is nothing smart about the increased costs we are going to be dealing with in terms of the smart meters.

A St Vincent de Paul Society study shows that average households will pay up to \$23 to \$25 more this year compared to last year; that information is contained in a *Herald Sun* article of 1 February this year. An article in the *Herald Sun* of 4 January says of the Minister for Energy and Resources:

Mr O'Brien estimates families will be charged \$900 each for —

smart —

metres over the next 15 to 20 years.

The article of 1 February says that rising costs for supplying wire upgrades, the smart meter rollout and new billing systems are all part of the reason we are paying far more here in this state for electricity. This, coupled with water bills, starts to place a huge impost on families. We are starting to see that reflected in a whole range of figures that have been kept. Retailers are blaming downturn in sales on the fact that people are pulling in their horns. People are concerned about these charges; they are concerned about interest and costs. It may not seem like a lot. We have heard people from time to time saying, 'It's only the price of a cappuccino per week'. There are some families who are so finely tuned that that is a really important issue for them.

We are the legislators in this place. It is up to us to make certain that we provide a framework of equity for people and recognise that families are facing huge costs. Smart meters and the desalination plant are just the beginning of what I am sure we are going to find, now that we are in government, will impact on families down the track for not just this term of our government but well and truly into the future. It is a hallmark and legacy of the Brumby and Bracks governments. It is indictable.

Members can have a look at what we are going to do. They can have a look at electricity costs, what we have already announced and concessions. There is a table on page 8 of *2011 Victorian Families Statement*. It is difficult to explain this verbally, but the table illustrates electricity costs under the former government and under the Baillieu government. The average annual electricity bill under the previous government was \$1600, which attracted a concession of only \$140 for the people who were most in need of that concession. That left a bill of about \$1460. I want to emphasise that under the coalition government the average annual electricity bill, with the concession, will be \$1320, because the concession will be \$280. I remind members that under the Labor government the concession was only \$140; under a Liberal-Nationals coalition government the concession will be \$280. The increase in the concession will have a real impact on people's homes and lives, and it will offer a safety net to the most vulnerable people in our community.

I was interested to hear Mr Barber speak in the debate on the address-in-reply to the Governor's speech at the beginning of this Parliament, just prior to commencement of this debate on the Victorian families statement. He said that we should be looking at reducing the cost of energy, water and other utilities rather than looking at concessions. I take him to task on this, because he did not go on to say that the higher costs of energy, water and other utilities are a direct result of the mismanagement of the former Labor government. It is that government's legacy that utility costs are as high as they are. I suggest to Mr Barber that he acknowledge the fact that we have looked into concessions for the most vulnerable within our community and have gone a long way by doubling the concessions that the Labor Party offered for electricity costs.

On page 7 of the Victorian families statement there is a graph illustrating the annual growth rates of household costs and average earnings in the period 2005–10, which has been provided by the Australian Bureau of Statistics. From that graph we can see very clearly the huge cost of water and sewerage; that service is the

household cost with the greatest percentage increase — an enormous 14 per cent over that time frame. Electricity, also a huge cost, is hot on its heels, and the rising cost of gas and other household fuels is another one in the energy bracket. As I said before, these can be sheeted home to the previous, Labor, government.

The figures in the graph show the growth rates for essential items compared to average weekly earnings and the consumer price index (CPI). It is clear from the graph how the cost of essential items has outstripped both average weekly earnings and the CPI, and it is an unacceptable increase. It is also interesting to see from this graph the increase in urban transport fares. This is a legacy we have inherited, and it is something people are very concerned about.

I return to the issue of listening to the people of Bentleigh. In November last year, when I was out on the street and visiting railway stations with the now very good member for Bentleigh in the Assembly, Elizabeth Miller, and my colleague Georgie Crozier, one of the things we heard from the people of Bentleigh was that they were very concerned about safety. You would not think of Bentleigh as being somewhere unsafe, unlike other parts of the Southern Metropolitan Region, which Ms Crozier and I represent, such as the Assembly electorate of Prahran, where violence is a big issue.

In Bentleigh a man was bashed at McKinnon station. This is a major concern for families and individuals in Bentleigh; they want to see safety on stations and trains. They want to know that their children and other family members who catch those trains are going to be safe. It is particularly pleasing to know that a bill has been debated in the other place and is on its way here on the issue of protective services officers, who are going to be manning the stations and trains, and this is going to be a very good thing for Victorian families. Families will be able to travel safely on public transport — on trains in particular — in the knowledge that they will not be bashed and will get home safely.

Safety is a huge issue in parts of the Southern Metropolitan Region and for families across the state. I am aware of many incidents involving alcohol-fuelled violence, and they occur not just in and around the Assembly electorate of Prahran but right across the area.

As I have said in this chamber before, another area which should be safe for families is Burwood. In suburban Burwood an elderly gentleman was bashed to death in the middle of the afternoon on what was to be his final walk around his old neighbourhood. Why?

Because police numbers in Burwood had been reduced to such a level that there was no police presence out there. The Baillieu government will address this issue. We want to reassure the families of Victoria that they can feel safe in their communities, on public transport and out on the streets. Their children and the elderly should be able to feel safe. That is a primary concern of this government.

One of the things that will impact on all of the policies that we promised during the November election is the huge surprise, I think would be the best term, from Julia Gillard and the federal government. Out of the blue, suddenly \$2.5 billion has been stripped from the money that will be available to the Victorian government. In addition another \$500 million is going to be cut. This will have a very real impact on Victorian families down the track, but we are going to make quite certain that they understand why it is that we cannot implement things along the way: it is because of an out-spending Labor government which is about to impose another tax — a carbon tax — on the families of this country. This is going to increase the cost of living; however, we as a government are going to remind people that it is because of Labor's mismanagement of the costs. Labor cannot manage costs.

There are two things I was particularly pleased to see in this families statement. The first was a recognition of the need to provide a framework for students to be able to get the skills they need to have fruitful and productive lives in the future. The second was a recognition of the skills of older people in the community along with their ability to reskill. Older people have a very real contribution to make to our community. All the way through the families statement is a recognition of the huge contribution senior Victorians have made to our state and the need to encourage their participation because of the wealth of experience and knowledge they bring to our community.

We also praise older people for the work they have done in raising current Victorian families. I do not think enough recognition is given for the sound upbringing that so many of Victoria's families have had by this current generation and by the older generation. They have provided a great platform — from very sound economic management to providing values and safety in their own family units — from which so many Victorian families have been able to leap. Senior Victorians are to be praised for doing that. They have not finished yet; they are an integral part of our community, and I am pleased to note that we, the members of the Baillieu government, are recognising

their ability to be great participants in our state into the future.

I am particularly keen to discuss the area of disability. Disability is a key component of the portfolio of the Minister for Community Services, Mary Wooldridge, and it is in this area that Ms Wooldridge has given me, as Parliamentary Secretary for Families and Community Services, an enormous amount of responsibility. After the short time that I have been involved in this portfolio in government I have nothing but praise and admiration for the families and carers of people with a disability.

This week the federal productivity commissioner came out with suggestions about looking into a national disability insurance scheme to address the anomalies that exist across the spectrum for people with a disability. In Victoria we have good systems with the Transport Accident Commission and WorkCover, whereby a person who is in a car accident or has an accident at work can have a lifetime support program wrapped around them. People who are born with a disability do not have the same opportunity, and the productivity commissioner has looked at these issues and put out a draft report this week.

A final report will be brought out in April. Premier Ted Baillieu and Mary Wooldridge said at the outset that Victoria will take a lead role in encouraging the other states to address the issues that have been brought up by the productivity commissioner and in looking into the national disability insurance scheme. This was one of the key announcements that Ted Baillieu made early in the piece.

Page 13 of the families statement says, under the heading 'Supporting people with a disability and their carers':

More than 1 million Victorians have some form of disability, and this is likely to increase as the population grows and ages. People with a disability, their families and carers can experience difficulties with studying, working, getting around and becoming involved in community activities.

The Baillieu government is cognisant of people with disabilities, and the fact that Ted Baillieu has given responsibility to someone as capable and well respected as Mary Wooldridge shows keenly that the Baillieu government intends to acknowledge the people in the disability sector. Premier Baillieu has charged Mary Wooldridge with making some major changes to the sector, including child protection and the protection of vulnerable children within our state, and I am certain that the respect in which he holds her will be borne to fruition.

As I said at the outset, a family is what you believe it to be, and this statement recognises that families are an important core asset of our state — probably one of our best assets. The Premier, by putting it right up there as a priority and making such an important announcement in the second week of our new government, before 100 days in office, has shown exactly what he believes to be the importance of families to this state. He said in his statement that as we go forward in government we will listen to families and look at their priorities and the issues that affect them.

We will not be a nanny state; we will not impose ourselves upon families. We will be true to Liberal form and Liberal values, acknowledging that families want to make their own choices. They do not want governments telling them what to do. They want a framework in which they can make choices for themselves. They want to be safe, have good public transport, have health and education systems that work and have a safety net for the people who are most disadvantaged, and that is what a Liberal Baillieu government will do.

In conclusion, this is what we have to say:

Using the *2011 Victorian Families Statement* as a starter, the government will embark on an extensive consultation process to gather a wide range of views and ideas on what families are experiencing, what the government should be doing more of and where we should stay out of the way. This will include consultation with targeted groups, experts and those with specialist knowledge or interest in the plight of families, like peak bodies, consumer, business, church and community representatives.

The final comment, under the heading ‘The government’s commitment to Victorian families’, is this:

We all aspire to happy and productive lives, spending quality time with our loved ones, well supported within our communities. Part of the government’s job is to help people realise these aspirations. The annual families statement reflects our commitment to the health, wellbeing and prosperity of Victorian families, now and into the future.

I commend Premier Baillieu for an excellent statement.

**Ms MIKAKOS** (Northern Metropolitan) — I would like to make a contribution to this debate, and I suspect I will be speaking about this after lunch as well. The Labor opposition believes that families are an integral part of our society and deserve every possible support. When in government Labor sought to provide the services that families need, which are now under threat from the new Baillieu government’s proposed \$1.6 billion budget cuts.

The Premier said in his statement, which I understand he delivered in a semicomatose state, that the Victorian families statement is not intended to be a comprehensive outline of all the challenges families face and all the things the government intends to do about them. I hope that is the case, because the statement is strong on worthy sentiments but light on policy details. It has a range of grandiose statements but does not provide any details. The things particularly missing from this statement are time lines, implementation information and an indication to Victorian families as to what the government will be delivering in this year’s state budget. It is unfortunate that the new government has abandoned the practice of the previous government of having an annual statement of government intent which gave us a clear indication of the government’s priorities and time lines — it set out a legislative timetable of what legislation would be implemented that year. I urge the Baillieu government to bring that practice back, because it gave a lot more detail than is contained in this glossy brochure that we have before us today.

**Hon. D. M. Davis** — On a point of order, Acting President, I am sure I heard Ms Mikakos refer to the Premier as being in a ‘semi-comatose state’, and I suggest that that is unparliamentary. I did not hear clearly the words she used, but if they are the words she used, I ask her to withdraw.

**Mr Viney** — On the point of order, President, I have been in this chamber a lot and have heard former Premier Bracks and former Premier Brumby called a lot of things. I think what Ms Mikakos said was really very mild and it is very ‘glass jaw’ to be suggesting that that would be unparliamentary.

**The ACTING PRESIDENT (Mr Finn)** — Order! I believe the comment from Ms Mikakos is borderline — there is no doubt about that — but I am tempted to let it go just for the moment.

**Ms MIKAKOS** — The point I was making is that the Premier needed to show a little bit more passion when he delivered this statement. We on the Labor side are very passionate about the needs of Victorian families. We will be passionate in advocating on behalf of Victorian families in the lead-up to this year’s budget and in the aftermath to that budget. What we would like to see is a bit of passion on the other side. We would like to have a government that is prepared to advocate on behalf of Victorian families and deliver the services they need rather than one that adopts a slash-and-burn approach to cutting services, which is what we will be seeing in May of this year.

This government made a range of promises during the election and expectations are very high. We on the Labor side will be ensuring that the coalition government does deliver on all of its promises rather than finding excuses for delays and adopting the spin that it is currently using at the moment to wheedle its way out of a range of election commitments.

I want to turn my attention to a range of issues that affect Victorian families. I agree with what Mrs Coote said early in her contribution, that families are all shapes and sizes, and all those families deserve the support of the Victorian government.

I particularly want to turn my attention to the needs of our older Victorians who deserve to be supported.

**Business interrupted pursuant to standing orders.**

**Hon. R. A. Dalla-Riva** — On a point of order, President, today in the other place the member for Monbulk in the Assembly made some outrageous allegations against me. They represent an outrageous smear and must be withdrawn immediately. They were slanderous allegations, with Labor using the privilege of Parliament to run website gossip from several years ago. If Mr Merlino had any evidence or an ounce of integrity, he would walk out onto the steps of Parliament House and make the allegations without the protection of parliamentary privilege.

**The PRESIDENT** — Order! I need to understand what the point of order is. Mr Dalla-Riva sought a point of order. It was not a personal explanation, which I would have had to consider whether to take at this point anyway. Mr Dalla-Riva did not seek to make a personal explanation but is actually debating, if you like, a point that I assume he is going to raise with me. I ask Mr Dalla-Riva what his point of order is. He may have an opportunity to respond to remarks in the chamber at another appropriate time or, depending on the course of his point of order, I might permit some further discussion.

**Hon. R. A. Dalla-Riva** — It is an outrageous remark made by the member for Monbulk in the other place containing slanderous allegations about me. He has used parliamentary privilege to run a statement from a website gossip — —

**The PRESIDENT** — Order! Mr Dalla-Riva has already given that information. What I want to know is what is the point of order?

**Hon. R. A. Dalla-Riva** — I ask the President to seek that the member for Monbulk in the other place

withdraw the slanderous allegations that he has made against me in the other place.

**The PRESIDENT** — Order! I advise Mr Dalla-Riva that, apart from anything else, it is not within my ability to direct the other house — much as I might want — to do anything. He has some colleagues in the other house. I would have thought that the allegations he mentioned in support of his point of order might well have been referred to by colleagues in the other house as requiring some substantive motion if they were of the nature he mentioned. I would suggest that he perhaps take that up with the leadership of the government in the other house to see what recourse he might have in that house. I certainly am not in a position to direct the other house or to require members of the other house to make retractions of statements or to take any other action, for that matter. Unless we get some constitutional revolution, I do not see that happening in the near future.

**QUESTIONS WITHOUT NOTICE**

**Minister for Employment and Industrial Relations: police database access**

**Mr LENDERS** (Southern Metropolitan) — My question without notice is to Mr Richard Dalla-Riva in his capacity as minister representing the Minister for Police and Emergency Services. I refer the minister to the Ombudsman's report *The Brotherhood — Risks Associated with Secretive Organisations*, and particularly to page 5 of that report where it says:

... the Brotherhood lunches asked Victoria Police officers to perform LEAP checks and provide information on the status of various police investigations.

I refer to the reports in today's newspapers that the minister's name appears on a circulation list of the organisation known as the Brotherhood. I ask the minister if he has ever improperly accessed the law enforcement assistance program (LEAP) database?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank the Leader of the Opposition. Here we go again — always out for the cheap and nasty headline.

The reality is that the Ombudsman's report states very clearly that I was not involved in the Brotherhood. His report states very clearly that I did not attend lunches, nor did I respond to any requests for assistance. His report further states that I was placed on an email list without my agreement or consent. As to the report, all I

can say is that I had no involvement with the Brotherhood.

In relation to Mr Lenders's first point about the law enforcement assistance program (LEAP) database — guess what? I was a police officer from 1983 to 1995. I very proudly stand here as a former Victoria Police officer who had the responsibility of enforcing law in this state. The slanderous allegations that Mr Lenders is now making across the chamber insinuating, with his mate Mr Merlino, that I had some improper involvement in the LEAP database — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Pakula and Ms Pulford are performing a wonderful duet, but it is a little loud and a little too frequent.

**Hon. M. P. Pakula** — On a point of order, President, I accept your ruling, but I point out that the simplest thing for the minister to do would be to deny the allegation.

**The PRESIDENT** — Order! That is not a point of order. Mr Pakula knows it is not a point of order and that it is therefore frivolous. I advise him to beware.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I do not require assistance in terms of how I might deal with members in this chamber.

**Hon. R. A. DALLA-RIVA** — Again, as I indicated, what we find is an opposition that is more interested in its smears and slander under the protection of this Parliament. The reality is that I stand very proud as a former Victoria Police officer who enforced the law in this state and who was actually out there trying to battle the rogues of this society, unlike the opposition, which is more interested in making slanderous, unfounded allegations in this chamber.

The facts of the matter are that the Ombudsman's report found nothing to do with me and the Brotherhood. The fact is that I was a police officer who had responsibility for law enforcement. Mr Lenders's slanderous, outrageous lies about me need to be curtailed, and I take offence at them. I am affronted by the fact that every hardworking law enforcement officer in this state is being slandered by the opposition — by the Labor Party.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — I note that in Mr Dalla-Riva's answer he espoused the times he had been authorised to use the LEAP database, but not once did he deny that he had unauthorised use of the LEAP database, which was what my question was directed to. My supplementary question to Mr Dalla-Riva is: will he, as the minister in this place representing the Minister for Police and Emergency Services, call for an open, transparent and public inquiry as to whether or not Mr Dalla-Riva had unauthorised use of the LEAP database in his time as a police officer?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Again we find the Labor opposition to be making outrageous allegations about a time when Labor members were gaining unauthorised access to LEAP in relation to my colleague sitting next to me, Mr Guy. They are the ones who need to be hanging their heads in shame about unlawfully accessing the LEAP database.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am having trouble hearing Mr Dalla-Riva because of interjections on both sides, and I am sure Hansard is having trouble as well.

**Hon. R. A. DALLA-RIVA** — As I said, President, what we find is the hypocrisy of those opposite who, when they were in government, accessed the LEAP database illegally. What we find now is that again they are trying to use smear and innuendo in this chamber to besmirch my reputation at a time when all I am interested in doing is trying to support the manufacturing industry. We find cheap shots from opposition members who are more interested in smear and innuendo than they are about actually delivering real outcomes. Maybe André Haermeyer, a former Minister for Police and Emergency Services, should explain himself rather than me.

**Health: home and community care**

**Mrs KRONBERG** (Eastern Metropolitan) — My question without notice is directed to the Minister for Health. I ask the minister if he can inform the house of any additional funding for the home and community care program?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her question and for her support for the HACC (home and community care) program in Victoria. I am very pleased to announce today an

additional \$12 million in new recurrent funds for the home and community care scheme in Victoria.

It is a joint commonwealth-state program that will provide a funding boost for an additional 273 000 hours of care for frail older people and younger people with disabilities, and for additional support for their carers living at home.

It includes more than 43 000 hours of allied health services, including physiotherapy and occupational therapy. It includes 55 000 more hours of personal care and 28 000 hours of domestic assistance.

This follows the Council of Australian Governments agreement reached the other day, and I know Mr Lenders, as former Treasurer, is particularly sore on this point. He does not like the fact that he sold out on the COAG deal and that we got more money and a better deal.

**Mr Lenders** interjected.

**Hon. D. M. DAVIS** — But you lost the GST. You sacrificed 30 per cent of the GST.

Local government's contribution to the HACC program in Victoria is very important to acknowledge. Local government contributes between \$80 million and \$100 million of additional funding each year on top of state and commonwealth contributions to the HACC program. We are very supportive of the contribution of local government and the particular model for HACC delivery in Victoria. I pay tribute to the work of local government, and I make the point that frail older people in Victoria have a much better HACC service than the people in other states.

If the former government had remained in power, we would have had less support for HACC than we have now, and we would have faced a future where HACC would be unwound. The former Premier, John Brumby, the former Treasurer, John Lenders, and the former Minister for Health, Daniel Andrews, were culpable for selling out Victoria at COAG — culpable for leaving frail older people in a weaker and more vulnerable position because of the former government's weakness. As always, the Labor Party is Labor first and Victorians second. The former Labor government was weak and spineless, and it could not stand up to Kevin Rudd. Under the former government we would have got a worse HACC deal, which would have weakened Victorian HACC programs.

Victoria has been prepared to work with the commonwealth, work with other states and sign a better heads of agreement. We are also prepared to work with

local government and protect the local government contribution to the home and community care program.

I am pleased today to announce jointly with Mark Butler, the federal Minister for Mental Health and Ageing, the additional funding for home and community care, and to thank the member for her question and her support for HACC.

### **Housing: Fishermans Bend**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Housing. I hope she is listening. I refer to the proposal to develop what is currently industrial land at Fishermans Bend into a new suburb, and I ask the minister what proportion of housing in this new suburb will be public, social or low-cost housing?

**Hon. W. A. LOVELL** (Minister for Housing) — This project is a new project that is being developed in conjunction with the community, and it will be scoped over time.

#### *Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — That non-response was extremely disappointing, given that the minister has had a lot to say about public housing waiting lists. I note that the government's desire, reported in the *Age* of 18 February, was to avoid 'a suburb of multimillion-dollar apartments', preferring a suburb with 'a broader spectrum of people living there'. I am quoting the Minister for Planning, Matthew Guy. I ask: if the minister is uninterested in having public, social or low-cost housing at Fishermans Bend, where does the minister think residents requiring this type of housing should live?

**Hon. W. A. LOVELL** (Minister for Housing) — The shadow minister has asked a question which gives me a lot of scope to talk about the government's commitment to public housing. The fact is that under the former government, housing waiting lists reached 42 212 — that is, 42 212 families were languishing on a waiting list. That is so many that if you multiply those applications by 2.6, the average household size, they would have more than filled the MCG on grand final day. The former government was happy to let those people languish on waiting lists.

We have moved quickly to try to house some of those families by moving vacant properties back into the system. We will continue to develop policies that will house Victorians — for example, by including public and social housing in all developments around the state. I am sure that there will be a portion of Fishermans

Bend that will be used to house low-income Victorians, particularly key workers who are needed in the city area.

**Manufacturing: government initiatives**

**Mr O'BRIEN** (Western Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, the Honourable Mr Dalla-Riva. I ask: can the minister update the house on the government's plans to revitalise the Victorian manufacturing industry?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. It is a very important one, because what we have seen over the last 10 years is complete neglect in the area of manufacturing and complete indifference to the importance of the workers in that sector.

In contrast, this government will focus on restoring confidence to the vibrant manufacturing sector. We will return Victoria to the leading role that it played once before. A strong and successful manufacturing sector is vital to economic growth, jobs and investment in Victoria. It is also important to understand that in Victoria we have in excess of 311 000 hardworking men and women in that sector who need to be assured that they are being supported by the government in every way possible.

The sector contributes something like \$30 billion per annum to the state's output and is an incubator for this state's skills and innovation. We need a dynamic manufacturing sector. We need an internationally competitive manufacturing sector that is able to project Victorian companies confidently into the global supply chain. This government will set about achieving just that.

Our election commitment was to ensure that we set up a new inquiry into the Victorian manufacturing industry to be undertaken by the Victorian Competition and Efficiency Commission (VCEC). Yesterday the Treasurer and I proudly announced that the government is committed to developing a new and forward-looking approach to manufacturing that reflects the changing nature of global competition in the industry.

We will take into account the 2010 report by the Economic Development and Infrastructure Committee entitled *Manufacturing in Victoria*. The government also intends to get the basics right by backing local innovation and creating new jobs. We will identify the key strengths in regional and rural Victoria, such as Thales and Australian Defence Apparel in Bendigo,

which I recently visited. The inquiry will also look at any unnecessary regulatory burdens placed by the former government on the manufacturing sector to see how we can ensure that we attract overseas investment.

Our aim is to take action that will improve competitiveness, productivity, investment, jobs and export growth in the manufacturing sector. In other words, we will return the sector to where it was before Labor took charge of it 10 years ago. The inquiry will seek public submissions and consult with large and small manufacturers. VCEC will release a draft report for consultation ahead of the final report, which is to be provided before September this year.

VCEC is a key adviser to the government on business regulation reform and on identifying opportunities for improving Victoria's competitive position. This important review will be part of a whole-of-government approach to revitalising the Victorian manufacturing industry. We will also establish an industry round table led by the Premier to improve the efficiency and effectiveness of government in the delivery of infrastructure.

Unlike those opposite, who have no interest in the manufacturing sector and who talk it down, preach gloom and doom and spread scuttlebutt, we are committed to doing everything in our power to help forge a renaissance of manufacturing in this state. We believe that the VCEC review is an important first step on that journey.

**Questions interrupted.**

**DISTINGUISHED VISITOR**

**The PRESIDENT** — Order! I take the opportunity to acknowledge that a member of this house during the last Parliament, Mr John Vogels, is in the gallery today. We welcome him back. I dare say we will see much of Mr Vogels over the course of time. He is addicted to the debate.

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Planning: Caulfield Village**

**Hon. M. P. PAKULA** (Western Metropolitan) — My question is to the Minister for Planning, and it relates to the C60 planning scheme amendment. The Melbourne Racing Club has been attempting to resolve issues related to the Caulfield Village proposal with the

Liberal-controlled Glen Eira City Council for some four years. The Caulfield Village represents an up-front investment by the club of some \$20 million and a close relationship with Monash University. It is a project that has been endorsed by Planning Panels Victoria. The club has received positive endorsements from council officers who have recommended that the amendment be adopted, yet council will not act on the amendment. I ask: what steps will the minister take to resolve this matter so that this major investment can proceed?

**Hon. M. J. GUY** (Minister for Planning) — I appreciate the question from Mr Pakula. It is very timely. I met with staff from the Glen Eira City Council this week to seek their views on the proposals that have been put forward for the redevelopment of Caulfield Village. There are issues around car parking which are yet to be resolved. Unlike its predecessor this government will play a key role in trying to facilitate an outcome that suits both the council and the redevelopment of the course to ensure that we achieve for the community the effective use of open space and a great new development for the Caulfield Village.

*Supplementary question*

**Hon. M. P. PAKULA** (Western Metropolitan) — In relation to some of the concerns that have been raised by council and the local community, I am advised that the club has agreed to develop the infield to include barbecues, play areas, toilets and jogging tracks as well as providing the public with permanent access to an area around the lake — —

**An honourable member** interjected.

**Hon. M. P. PAKULA** — No, it was by the club. Despite this, the council has recently advised the club that it will not support parking in the infield of the racecourse for race day purposes — a situation that means racing may become unviable at Caulfield Racecourse. Coupled with the council's refusal to address the C60 amendment, this in effect leaves the club without recourse and threatens not just the development but the future of racing at Caulfield. My supplementary question is: are there any circumstances in which the minister would step in and bring the matter to a conclusion?

**Hon. M. J. GUY** (Minister for Planning) — Again I say to Mr Pakula that these are very timely and important questions in relation to the future of that redevelopment opportunity and the issues that council has raised. As Mr Pakula would know, the questions raised by council are not new. They have been around for a long period of time. I have given a commitment to

the council that I will allow it to get on with the process of the C60 planning scheme amendment. I have also met with the Melbourne Racing Club a number of times to ensure that we resolve those issues so that ministerial intervention would only be an extreme last resort, although I believe very firmly that this government will cooperatively work with the council and the MRC. Without pre-empting anything I am very confident that there will be an outcome which will render that unnecessary.

**Wind farms: guidelines**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Planning. I ask: can the minister inform the house of what action the Baillieu government is taking to bring fairness and certainty back into the approval of wind farms across Victoria?

**Hon. M. J. GUY** (Minister for Planning) — It is with pleasure that I announce today to the house that I have signed the VC78 amendment to enact the first tranche of the coalition government's promises to bring fairness and certainty back to wind farm applications in the state of Victoria. This is one of the most wide-ranging reforms to wind farm planning approvals by any government in Victoria's history, and it has been put forward and enacted by the Baillieu government to ensure that country communities have certainty about where wind farm turbines can be placed and to ensure that there is certainty for those who wish to invest in Victoria in relation to where those turbines will be able to be placed.

**Mr Jennings** interjected.

**Hon. M. J. GUY** — Looking at the amendment in particular, there will be a requirement for a 2-kilometre buffer to be ascertained within the application so that the responsible authority — in this case, after VC78, that means all councils — will know very clearly how many principal places of residence will be impacted on.

Importantly we will be adopting the 2010 noise standards from New Zealand rather than relying on dated standards from 1998, and we seek to bring forward a range of turbine and noise-related monitoring issues which will follow some stage payment issues later in the year. These changes are some of the most important ever to the wind farm turbine placement issue in regional Victoria, and I have enacted those today.

There is some unlikely support for the Baillieu government's push to make sure that wind turbines are placed in an appropriate location. Yesterday I referred to a letter that I received in Parliament. Today I refer to

another letter I received in Parliament, which says that an anemometer has been placed at the base of Red Rock, Gisborne South, by WestWind Energy. The letter explains that the installation of this wind detection device has caused considerable angst amongst the community and that residents in the area are seeking the government's position in relation to wind turbines being placed in the Macedon Ranges. How interesting that I have received a letter from the Labor member for Macedon in the Assembly, Joanne Duncan, seeking my government's intervention to ensure that wind farms are not placed in her electorate!

I heard Mr Jennings's interjections earlier about the Labor Party's supposed opposition to the coalition government's new guidelines of VC78 enacted today. Maybe Mr Jennings would like to have a chat to his colleague Joanne Duncan who does not want wind turbines in her area and who wants fairness and certainty brought back to the wind industry. The Labor member for Macedon clearly wants the coalition government's wind turbine guidelines enacted. I can reassure the Labor member for Macedon that, despite the rest of her party opposing fairness and certainty for wind farm guidelines and despite the division in opposition ranks, VC78 will give fairness and certainty to her constituents — thanks to the election of the Baillieu coalition government.

**Ordered that answer be considered next day on motion of Mr Barber (Northern Metropolitan).**

**City of Wyndham: ministerial visit**

**Ms TIERNEY** (Western Victoria) — My question is also for the Minister for Planning. As the minister knows, Wyndham is one of the fastest growing municipalities in the country, let alone this state. It is also a municipality that has big plans for the Werribee employment precinct and has an obvious need to understand the new government's views about that precinct and other matters. Given the minister's boast that he will meet with any stakeholders who want to meet with him, and given that the Wyndham City Council has been seeking a meeting since mid-December, why has he refused to meet with the City of Wyndham until the middle of April?

**Hon. M. J. GUY** (Minister for Planning) — I thank the member for her Dorothy Dixier. It is quite interesting that you asked this question; I have a meeting scheduled with the City of Wyndham in about two weeks time.

*Supplementary question*

**Ms TIERNEY** (Western Victoria) — I ask the minister: is it because Melbourne's west is not a priority for him that it took him so long to organise that meeting?

**Hon. M. J. GUY** (Minister for Planning) — Some questions are easier than others. If Ms Tierney wants to know about priorities for Melbourne's west, she should ask Mr Elsbury and Mr Finn, two Liberal members who live in Melbourne's west. She should go and ask Mr Pakula, who is a member for the Western Metropolitan Region and who lives in the southern suburbs, or Mr Robert Smith, who was the Labor candidate for Western Metropolitan Region at the last election and who lives somewhere near Frankston. She should go and ask Frank McGuire, the member for Broadmeadows in the Assembly, who lives in Brighton.

If Ms Tierney wants to get up in here and talk about treating the west with contempt, she needs to look in the biggest mirror possible, a mirror that takes in all the Labor Party members, and ask: how long did John Brumby, the previous Premier and member for Broadmeadows in the Assembly, live in Brighton whilst holding the seat of Broadmeadows? How long did John Brumby live in Broadmeadows? Never! How long has Rob Hulls, the member for Niddrie in the Assembly, lived in Niddrie? Never! How long do most Labor members in the west live in their electorates? Never!

**Biotechnology: government initiatives**

**Mr P. DAVIS** (Eastern Victoria) — I will ask a much less exciting question, but it is very important to the future of Victoria. I ask the Minister for Technology, the Honourable Gordon Rich-Phillips, if he can inform the house of any recent developments which strengthen Victoria's position as a leading state in the biotechnology sector?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Mr Davis for his question about what is an exciting area of industry in Victoria. The government is keen to support the future development of the biotechnology and nanotechnology sectors of the Victorian economy. As those sectors mature, one of the challenges for government and industry is to continue to drive innovation in those sectors. One of the key tools available to government to ensure that continued innovation is the Small Technologies Industry Uptake Program, which provides vouchers to client Victorian companies to access technologies from supplier

Victorian companies in order to adopt, integrate and develop nanotechnology or microtechnology to improve their products, processes and services, and thereby continue to drive innovation in their products.

Last night I had the pleasure of attending the opening reception for the 2011 AusBiotech business development forum, at which I had the opportunity to announce the first three trial vouchers to be awarded under the Small Technologies Industry Uptake Program. It was a great pleasure for me to announce the first three recipients of trial vouchers under that program.

The first grant was to Global Kinetics Corporation Pty Ltd to develop a micro-electromechanical wristband device for people with Parkinson's disease. The purpose of that is to relay data about a patient's particular tremors associated with Parkinson's disease in real time to their treating neurologist, to allow optimisation of their drug therapy.

The second grant was to Starpharma Pty Ltd, to develop pilot-scale production of a nano-coated agrichemical that is both more efficient, in reducing the volume that is required by farmers, and more effective, so that agricultural production is increased.

The third grant I was pleased to announce last night was to AdAlta Pty Ltd, to identify and manufacture nano-scale antibodies to reduce drug discovery time lines.

This is a very important program that allows the government to assist innovative Victorian companies to continue to innovate, develop and incorporate nanotechnology into their products and continue to drive innovation and productivity in the Victorian economy.

### **Numberplates: slogan**

**Mr BARBER** (Northern Metropolitan) — My question is for Minister Rich-Phillips in relation to his responsibilities for the Transport Accident Commission. In the act for that body there is a requirement to develop a proactive road safety strategy; it is an object and a function of the TAC. I read in a newspaper somewhere that there is an intention to replace the familiar tag line on numberplates, 'Victoria — the place to be', with something else. I ask whether the minister would consider, through his responsibilities for road safety, putting a series of road safety messages on numberplates as a replacement for 'Victoria — the place to be'.

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Barber for his question and his interest in road safety, which of course is an area that goes to my function as minister responsible for the Transport Accident Commission but indeed has great interest for the Minister for Police and Emergency Services and the government as a whole. Mr Barber raises the prospect of the government adopting numberplate slogans with road safety messages. I have to say to Mr Barber that that is certainly an innovative way of communicating a road safety message. Without having a lot of background on the particular issue, I suspect there would be a lot of logistic issues with adopting such an approach to using numberplates. However, clearly communicating road safety messages is a key function of the Transport Accident Commission, and we will continue to look at innovative ways to do that.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Is it the government's intention to continue with the existing road safety strategy for the remainder of its term or is that going to be reviewed by the new government?

**The PRESIDENT** — Order! The supplementary question ranges into a much expanded area from the original quite specific request. I am a little uncomfortable about the supplementary going quite so wide. Nonetheless on this occasion I will let the minister deal with it in the context of my remarks.

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Barber for his supplementary question as to road safety strategy. I can say to Mr Barber that at this point the government has made no decisions about changing the current road safety strategy. As with all major messaging campaigns, it is essential to see that they are effective, and that program will continue to be evaluated for its effectiveness and changed if necessary.

### **Teachers: career opportunities**

**Mr ELSBURY** (Western Metropolitan) — My question is to the Minister responsible for the Teaching Profession, Minister Hall. I ask: can the minister inform the house of professional development opportunities for Victorian teachers?

*Honourable members interjecting.*

**Hon. P. R. HALL** (Minister responsible for the Teaching Profession) — The pause was like the starter's gun, and I nearly false started on a number of occasions.

*Honourable members interjecting.*

**Hon. P. R. HALL** — Yes, I am excited. I am excited about all things for teachers. Indeed the role that I have is one that I feel very privileged to have.

The question was about professional development opportunities for Victorian teachers. As we all would know, skills of teachers very much impact on learning outcomes. It is a priority of the Baillieu government to provide Victorian teachers with as many opportunities as possible to extend their skills. Those opportunities come in the way of professional development programs available for teachers to undertake.

I was pleased last week to be able to announce a new professional development opportunity for up to 200 teachers in Victoria. That was brought about by a partnership between the Victorian government and the Asia Education Foundation, to which the Victorian government has committed a sum of \$479 500 to enable 200 teachers in Victorian schools to take part in study tour exchanges with a number of our near Asian neighbours. Under this program teachers will have the opportunity to travel to places such as China, India, Korea, Malaysia and Vietnam, work in the schools for a short time and exchange the teaching methods between those schools and those employed in Victoria.

It was out to the Camberwell Primary School in the east that I journeyed last week to farewell the first group of 20 teachers who are travelling to China and spending time in schools in our sister state in China, Jiangsu Province. They will spend time not only in the schools but also with the business community in the Chinese province of Jiangsu.

The teachers have come from Ashwood Secondary College, Balwyn North Primary School, Camberwell Primary School, Camberwell High School, Canterbury Primary School, Donburn Primary School, Doncaster Gardens Primary School, East Doncaster Secondary College, Mount View Primary School and Serpell Primary School.

Mr Elsbury has obviously asked the question because he would like schools in the Western Metropolitan Region also to be involved in programs of that nature. I suggest to Mr Elsbury that he take this message back to his schools in Western Metropolitan Region and encourage them to also take advantage of these great arrangements that have been facilitated by this branch of the Victorian government to enable teachers, wherever they are teaching, to participate in such cultural and teaching exchange programs. It is an excellent program. The first group of schools, teachers

and principals is from the Eastern Metropolitan Region. Next time I would hope it will be Mr Elsbury's electorate or somebody else's electorate where many teachers and principals will be given similar once-in-a-lifetime opportunities to learn how education is being delivered in Asian countries.

## VICTORIAN FAMILIES STATEMENT

**Debate resumed.**

**Mrs Peulich** — Now don't put us to sleep. Make this exciting.

**Ms MIKAKOS** (Northern Metropolitan) — I can assure Mrs Peulich that I am passionate about the needs of Victorian families — unlike her Premier.

As I was saying just before question time, we have a diverse range of families with a diverse range of needs in our state. I was particularly referring to the needs of older Victorians, who deserve to be supported in remaining independent, active and connected. Our senior Victorians are an integral part of Victorian families. They are often parents, grandparents, aunts and uncles who mentor, nurture and support our younger generations.

We know that Australia has one of the highest life expectancy rates in the world, and our baby boomers have begun to turn 65 this year. There will be enormous demand for aged-care services over the next four years and into the future. I was very interested to hear what the Minister for Health, David Davis, had to say in relation to HACC (home and community care) services. I note that during the election the coalition made no specific commitments in relation to HACC services, so it will be interesting to examine exactly what proportion of that \$12 million is coming out of state government funds in the future.

We on the Labor side had developed a 10-year plan to help Victoria respond to the challenges of a diverse ageing population. It was a plan that focused on meeting the needs of older people from a range of backgrounds, including culturally and linguistically diverse backgrounds; promoting their health, wellbeing and independence; and encouraging community participation. With a rapidly ageing community and indeed an ethnically diverse community in which many people have limited English proficiency, the demand for ethno-specific services has steadily increased.

The evidence is that as we age, keeping active leads to a happier, healthier life. I have been particularly concerned by the Baillieu government's dismantling of

the Office of Senior Victorians, which threatens the whole-of-government approach to seniors that was undertaken by the previous government. A range of programs established by Labor geared towards the wellbeing of seniors are under threat because they have no funding allocated to them by the coalition's election promises. Clearly senior Victorians do not rate in the coalition's families statement.

The other point I would like to make in relation to our senior members of the community is that the coalition made a commitment to senior Victorians that it would introduce an electricity concession for power bills. In fact the Premier made a commitment in December that he would bring forward the 17.5 per cent electricity concession by six months to 1 January this year. Subsequently we have seen a Keystone Kops approach to governing, where the government has introduced this three months late. Whilst the energy concession was meant to be the Premier's Christmas gift to over 800 000 Victorian pensioners and concession card holders, in fact it has arrived just in time for April Fools' Day. The coalition has made a joke of the needs of our senior Victorians by promising them they would get a discount on their electricity bills over the summer period and then delaying that by three months. What we are seeing very early on from the coalition government is the government breaking its promises and having the gall to offer no apology or explanation to senior Victorians as to why it has broken that promise.

In relation to our younger families in the community, I note that the Premier said Victorians deserve to have access to services and opportunities wherever they live. I agree that services and opportunities should not depend on where a person lives in this state. I would have thought that every Victorian, no matter how much money they have or where they live, deserves to have the opportunities that a good education can bring.

That is why the former Labor government had committed \$1.9 billion to Victoria's schools plan — a commitment to fund every Victorian government school to be rebuilt, renovated or extended by 2016. The Labor government had a commitment to ensure that services and opportunities did not depend on where one lived. By contrast, during the election Premier Baillieu committed the coalition to completing Labor's pledge to rebuild or modernise every public school in Victoria under the Victorian schools plan, yet since he has taken office he has broken that promise. The Minister for Education told the Parliament recently that the coalition government's priority in relation to schools was to fulfil its own election commitments. Unfortunately for the constituents of my electorate, the

Northern Metropolitan Region, that does not include them.

**Mrs Peulich** — Where were you for 11 years?

**Ms MIKAKOS** — I say to Mrs Peulich that Labor's Victorian schools plan was not written on a whiteboard with an eye to pork-barrelling in marginal seats. What we have seen from the coalition is that not a single school north of the Yarra has been included in its election commitments. What we are seeing from the Baillieu government is a return to the dark, sad days of the Kennett years when the northern and western suburbs of Melbourne were completely forgotten. We are seeing — —

**Mr Finn** interjected.

**The DEPUTY PRESIDENT** — Order! That is enough from Mr Finn.

**Ms MIKAKOS** — Thank you, Deputy President. What we are seeing from the Baillieu government is complete neglect of the northern and western suburbs. My electorate of Northern Metropolitan Region will not benefit. There is no commitment to a single capital upgrade for a single school in my electorate. As fellow representatives of that electorate, Mr Guy and Mr Ondarchie should hang their heads in shame.

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! There has been one warning already. We will hear from Ms Mikakos with some decorum.

**Ms MIKAKOS** — Thank you, Deputy President. It is outrageous for my constituents that Mr Guy and Mr Ondarchie have not been able to deliver a single public school capital upgrade during the next four years under the coalition's election commitment. I can predict with great accuracy that if that situation does not change, Mr Ondarchie will be a oncer. Mr Ondarchie's electoral chances are going to hinge on his ability to deliver to the schools of the Northern Metropolitan — —

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! The volume of interjection in the chamber is far too high. I am someone who thinks it is appropriate for there to be robust debate and occasional interjections, but this is extreme, and we have heard enough. I suggest to Ms Mikakos that some of her remarks may be inviting interjection and we could now resume a reasonable debate on this matter.

**Ms MIKAKOS** — In relation to education in my electorate, the only thing the coalition has committed to is a feasibility study for a secondary college in Doreen. The Doreen community is a rapidly expanding one, and the population has been growing enormously. We have new housing with new families moving in every day. That community deserves to have more than a feasibility study; it deserves a commitment from this government to build a secondary college. One of my colleagues in the lower house, the member for Yan Yean, Ms Danielle Green, has been an excellent advocate for this community allocating — —

**Mr Ondarchie** interjected.

**The DEPUTY PRESIDENT** — Order! I warn Mr Ondarchie. I asked Ms Mikakos to change the manner of her contribution, and she did so. I would appreciate it if Mr Ondarchie had some respect for that change of tone.

**Ms MIKAKOS** — These are very serious issues, and I hope the government takes these concerns on board with the seriousness they deserve, because the people of Doreen and the people of the Northern Metropolitan Region deserve better. They deserve a government that delivers to all Victorian families irrespective of which side of the Yarra they live on. By contrast, the Victorian Department of Education and Early Childhood Development is being told it must make cuts to its funding of \$338 million over the next four years, with \$36 million to be slashed from its budget even before the end of this financial year. What we are seeing is another day in office and another broken promise from the Baillieu government.

The Premier's *2011 Victorian Families Statement* makes particular reference to a core element of the prosperity of families — that is, the importance of a good education starting in early childhood. I certainly agree with that sentiment as the shadow minister assisting the leader on children and young adults. I agree that every young child in this state deserves the best start to their education. As part of that, participation or an opportunity to participate in the kinder program adds to the learning and personal development of a young child.

Despite the government's families statement, it seems that under this government more Victorian children will miss out on the vital learning experience of attending a kindergarten program. This is because the government has committed only \$15 million in capital funding to kindergartens across this state during this term. I have raised this issue on numerous occasions already, but this level of funding will barely upgrade 50 — and the

number 50 is being generous — of the 1755 kindergartens across Victoria. In fact most of our kindergartens will miss out on expansions, despite the fact that we have a baby boom going on in our state, and despite the fact that we have a Council of Australian Governments agreement that the former government signed up to expanding kinder hours from 10 to 15 hours per week for four-year-olds. It seems quite clear that the Minister for Children and Early Childhood Development, Ms Lovell, in her responses to me around these issues, is moving away from the COAG agreement. Victorian families will not be able to see their four-year-olds attending an expanded kinder program with kinder hours increased from 10 to 15 hours per week. That is extremely disappointing for those families.

I despair about how the Baillieu government can talk about the importance of a good education and yet turn its back on thousands of Victorian children. Inadequate funding highlights an apparent lack of priority in the area. I strongly believe education binds a community together, but it seems the coalition cannot spell out whether it is committed to what it says it is. Our children and our families deserve better. This is an area the government is clearly failing on.

In relation to another important area for Victorian families, the issue of health services, I note again that it appears from the families statement and the coalition's election commitments that my electorate is going to miss out over the next four years. There is no commitment to proceeding with the Northern Hospital's academic and research precinct, to which the former Labor government committed. It was a project that had funding committed to it by the federal government, by La Trobe University and the University of Melbourne, and by the hospital network itself. All that is required is a funding commitment of \$11 million — hardly a significant amount of money in the total health budget — to enable the project to proceed. It would enable the Northern Hospital to train and retain medical staff in the future.

This is really important. With the rapidly expanding population in the northern suburbs — in Epping and with the new communities to the north of Epping — the demand on the Northern Hospital will grow significantly in the future. However, to date we have had no commitment from this government in relation to increasing the number of beds or expanding the capacity of the emergency department at Northern Hospital. I will be watching with a great deal of interest to see if the government does anything about these issues in the May budget.

Another of my local hospitals that is set to miss out is the Austin Hospital. At the moment the important Olivia Newton-John Cancer Centre project is under way. During the election campaign Labor gave a commitment to enable the final stage of the project to be completed. To date there has been no commitment from the Baillieu government in relation to this important project.

There is a range of other facilities that Victorian families depend upon. For a number of years we on the Labor side handed down an important document called *A Fairer Victoria*. We introduced it back in 2005, and it became an annual statement that addressed disadvantage and poverty in our state. I am proud of the fact that when in office the Labor Party had fully costed action items in this document — unlike the families statement we are debating today.

We believe in increasing the living standards of all Victorian families and supporting them to lead active and fulfilling lives. There was a range of commitments in *A Fairer Victoria* to support families of people with disabilities, our indigenous community, people in public and social housing and young and disengaged people who are alienated from the community and engaging in crime. We had a whole range of strategies which were costed and implemented to tackle disadvantage and poverty, and it is disappointing to see that these types of initiatives are not being followed up by the Baillieu government. In comparing *A Fairer Victoria* with *2011 Victorian Families Statement*, in the families statement we see a range of lofty ideas but no specifics and no details about how the government will implement programs that will benefit Victorian families.

In conclusion I say that the Victorian families statement for 2011 contains many worthy sentiments. We on the Labor side would agree with them in terms of support for the diverse range of families in Victoria and for people at all stages of their lives — from the very young who require support through early childhood development facilities such as kindergarten programs through to students in the education system at primary and secondary levels, people who require health or disability services and people who require housing and jobs. However, what we have seen from this government with its families statement is a lot of rhetoric and very little in terms of specifics about what it intends to do. The statement does nothing more than highlight the empty promises of a government already failing to meet its rhetoric with real action and substantive change.

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

**Ms HARTLAND** (Western Metropolitan) — There were some aspects of Mrs Coote's address that I agree with, especially her points about families and what constitutes a family, because families are not any more just the standard of a mum, a dad and two kids. Families can be same-sex families, blended families and traditional families or can involve people like me who do not have children themselves but are aunties or uncles to a whole lot of other people's children. We cannot any more look at families in the way we have in the past.

In regard to the desalination plant and smart meters, Mrs Coote and I have similar concerns, but that is probably where the similarities end. What the Liberals and The Nationals complained about in the last Parliament was that the then government would put out lightweight, spin material, but that is what this publication is. There are a number statements in this publication about safety and violence concerns and the need for increased police on streets and at railway stations. That is interesting, but I want to know how safety is going to be ensued with protective services officers (PSOs).

At Footscray station there are four platforms. Does that mean there will be a PSO on every platform? How many PSOs will be there at Southern Cross station? How is this going to work? Is someone with a gun at a railway station the best way to deal with violence and disturbance? I personally would have thought it was much better to have someone who could sell you a ticket, open the toilet doors so you can use the toilet and assist you in other ways while also making sure there is good lighting at the railway station. How is the government going to manage to get that many recruits through the academy and out onto the streets?

The thing that really disturbs me about this statement is that there is no mention of family violence. There is talk of street violence and violence at railway stations, but family violence seems to have fallen off the agenda. I find it extremely disturbing because unless women and children are safe within their homes we will still have an increased amount of violence.

The government in this statement has promised three and a half train lines but is cutting timetables in the western suburbs. The government talked about removing railway level crossings but has not — —

**Mr Finn** — Metro is doing that, not the government.

**Ms HARTLAND** — No, I will respond to Mr Finn. I suggest Mr Finn read point 7.4 of the franchise

agreement; that would explain to him that it is up to the minister to decide how the timetables are addressed, rather than Metro.

**Mr Finn** — You have a look at the agreement the previous government signed with Metro, and you will see — —

**Ms HARTLAND** — Removing railway level — —

**The PRESIDENT** — Order! This is not a conversation. A single member has the floor. I am interested that two members from the same electorate are keen to compare notes on this matter, but they should not do so during Ms Hartland's speech to the Parliament on the families statement. Ms Hartland should continue without assistance.

**Ms HARTLAND** — Removing railway level crossings is an incredibly important piece of work, but nowhere in the statement do we find out which level crossings are going to be removed. I suggest the crossing at Main Road West, St Albans, should be visited.

In terms of the section about disabilities, the Greens support a national disability insurance scheme. It absolutely needs to happen, but I am concerned that during the election campaign both major parties talked about the national disability insurance scheme as if that would solve all the problems. When it comes in it will be a huge benefit — but that could take three to eight years. What are we going to do in the meantime? How are services going to be supplied to families who are at breaking point now, especially respite, transport, schooling, aids and equipment, and extra carers?

In this statement there is mention of health issues, but we do not have the 2022 plan; we do not know how the government is going to deal with these issues. We do not know whether it is going to be about preventive health or whether it is going to be about addressing issues around diabetes and obesity. Is the government going to take up some of the work that has been done previously by VicHealth around footpaths and good transport so that people can walk to work and thereby include exercise in their everyday activities?

I will finish on this point. One of the things I found quite irritating about the previous government was the way the Labor Party was continually saying that things were the fault of the Kennett government. This government appears to be doing exactly the same thing. Those opposite are now the government, and I hope that soon they will tell us what it is that they intend to do.

**Ms CROZIER** (Southern Metropolitan) — As I said in this place prior to Christmas, the structure and support of a family, no matter what an individual's circumstance may be, are the basis for any well-functioning society and should remain its cornerstone. There is no typical Victorian family, but what this government is focusing on is ensuring that all Victorians have support when they need it and if they need it. As the families statement delivered by the Premier in the sitting week in February says:

... family life is central to many of the most important things we have in common. It is about the necessities of a roof over our heads and food on the table, but it is also about working in a secure job that uses our skills, educating our children, feeling safe on our streets, knowing our neighbours and having a quality of life that allows us to spend time with our loved ones.

The Baillieu government places a high priority on Victorian families, and that is reflected in the families statement. It will be a benchmark for this government as it goes forward continually reassessing the needs of all Victorians and Victorian families.

We know that some families are doing it tough. We know that some families are finding it difficult to pay for the most essential items. But it is evident that this is becoming increasingly more difficult for many families, particularly when we learn of the enormous costs which something like the desalination plant is going to bring to Victorian families. We well know why the previous government would not disclose the hidden costs to the Victorian community. The costs are going to be enormous for Victorian families and for all Victorians; they are ongoing not just for years but for decades to come. The incompetence and mismanagement of such a scheme by the previous government is going to be a legacy that many Victorians will remember for many years to come.

As I campaigned in my region throughout last year's state election, whether it was in Oakleigh, Sandringham or Burwood, time and again people were coming up to me saying that the cost of living was paramount in their minds, with water, gas and electricity all on the rise and having a major impact on the bottom line of their family budgets. That meant less spending for the family, whether on a family outing or basic necessities. The effects of cost-of-living rises on family budgets and on Victorians' standard of living have been impacted on by the previous government, and that is why the families statement has been put out by this government — to assure people that it is listening to families and that it will continually readdress those concerns and improve delivery of services to all Victorians.

The previous government did not want to or chose not to recognise those concerns and subsequently did little or nothing to address them. Already the Baillieu government has commenced to address some of those concerns by announcing a substantial cut in stamp duty to help first home buyers, and not just in selected areas of the state.

Families have every right to be concerned about their safety and wellbeing. There is an increasing and alarming incidence of violence in cities throughout our state, and this became evident throughout our campaign when law and order was first and foremost in many instances. I am continually hearing from people in relation to this issue, and just this week we saw somebody gunned down and murdered on Beaconsfield Parade in suburban Melbourne — in Middle Park, which is within my electorate. That occurred at 9.30 at night. It did not occur in the dead of night in some isolated area. It occurred in the height of summer where people are often out doing things with their family members. It is completely unacceptable.

Just last night a bus driver in East Malvern was the victim of some reckless act by somebody who threw an unknown object at his windscreen. Fortunately the bus was not full of commuters. However, it posed a serious danger to many people on the roads. Luckily for the driver was able to get to his depot. It goes to show what is going on in our streets, and that is why this government is placing a strong emphasis on law and order. Whether it is violent crime such as I have described or a reckless act of graffiti, the community is rightly expecting this government to address these issues and give to the Victorian community the reassurance that they can go about their business and their everyday lives knowing that they will have the appropriate levels of care.

We heard before from Mrs Coote, who also spoke about the incident in Burwood. The downgrading in the numbers of police at the Ashburton police station had a major impact on that community, and those people spoke out in numbers. That incident was another example of the sense of recklessness that she was referring to — an attack on somebody who was just going about their daily life. This government is committed to providing appropriate levels of safety and services to the community, and that is why it has announced the recruitment of an additional 1700 police as well as putting protective services officers on our metropolitan stations from 6.00 p.m. until the last train.

We heard Ms Hartland say there should be more ticketing, but I am not sure about that. We have seen a number of fiascos and issues with the ticketing system,

but this issue is about people going about their business and being able to commute safely within their own communities. For that reason this very good initiative is outlined in the families statement.

We want our communities and our families to feel safe so that they can enjoy what this state has to offer. Likewise the Baillieu government recognises many issues that are affecting families, such as the issue of planning. As my colleague Matthew Guy, the Minister for Planning, outlined prior to the election and more recently, planning for future needs will assist with reducing pressure on house prices by releasing land and looking at appropriate developments.

It was also apparent throughout last year that there were alarming increases in the number of ambulance callouts not being attended to and difficulties with hospital waiting lists. Our health system was in crisis, with patients not able to get the services they required. An alarming number of reports were released on these issues, which have also been highlighted as a priority for the Baillieu government. The Baillieu government wants to keep these costs to a minimum; and will help to do so by providing more funding for Ambulance Victoria, cutting ambulance membership costs and looking at the future needs of all Victorians in health delivery in this state. I welcome the initiative of the Victorian health plan, which will outline specific plans for metropolitan, rural and regional health-care systems. This government is determined to address many of these issues, including the waiting lists. Victorians rightly deserve to have and should feel they are able to get appropriate care when they need it.

The final thing I would like to say about this families statement is that this government will listen to the Victorian community. It will listen to what is important to Victorian families, and it will work with them to ensure that better standards and an improved delivery of services are achieved, whether they be in health, transport or law and order. All those issues were neglected, and the Victorian community came out and spoke loudly about that at last year's election. I commend this statement by the Premier. I know it is a benchmark for our plans in government, and I look forward to the 2012 Victorian families statement.

**Mr SCHEFFER** (Eastern Victoria) — I too welcome the opportunity to make some remarks on the document entitled *2011 Victorian Families Statement*, which was released by the Premier recently. The objective of this first Baillieu government ministerial statement on Victorian families is, in its own words, to lay the groundwork for an ongoing assessment of what the government intends to focus on. I understand that it

is a broad document but nonetheless it has a structure, and a close read suggests it is a list of what the government thinks are the significant issues it needs to address in relation to the wellbeing of the community.

The Premier said in his speech to the Parliament that the statement is a discussion point and is not intended to provide answers that will fix any particular problems at this stage. The statement says that the immediate task is to conduct extensive consultation with Victorian families and, by the definition contained in the statement, that means everyone. The consultation will be conducted with targeted groups, and they are listed as:

... experts ... peak bodies, consumer, business, church and community representatives.

The objective of that consultation will be to establish benchmarks, and that will help the government focus on which issues it needs to fix in what order over the next four years.

There is nothing remarkable about the list of issues that the statement identifies: housing provision, health, education, school funding, vocational education and skills development, employment, ageing, disability, public transport, the cost of living, community safety, policing, costs and charges, urban planning, small business, regional and rural issues, the management of natural disasters and so on.

There is nothing novel about any of this and, to paraphrase Mr Barber in his address this morning, it could have been cut and pasted from *Wikipedia*. Many of the measures the government says it is pursuing are common sense, and any administration with a good public service — and we have an excellent public service in Victoria — would do the same. There should be little contention about all those issues. The government is obviously anxious to make reassuring noises to its constituency that it is, at the end of the day, a straightforward, small 'l', liberal centrist government. And I hope it is.

The wraparound for this list of measures is the family, which is characterised in this document as the centre of our personal and community lives and the source of our wellbeing, love and care. In his address to the Parliament when introducing this document the Premier said that the government has placed families at the centre of its decision making and that all cabinet decisions will be underpinned by the benefits those decisions have for families. The spin in this is that any government that cares about families and places them at the centre of its first ministerial statement must care.

Interestingly the Premier touched on the definitional complexity of the meaning of 'family' in public policy. He said the definition varies according to the perspectives of various communities and went on to say it can differ across jurisdictions and for differing regulatory purposes. He referred to the meaning of 'family group' used by the Australian Taxation Office for the purpose of trust law. I thought that was a very telling example. While families that run businesses and have the advice and resources to set up trusts are important, I hope the government actively includes families of all income levels in its policy initiatives.

It is true, as the statement says, that families are the cornerstone of our community, but they are not, unfortunately, repositories of all that is good. Families are not always sites of care, protection and love, as the statement implies both in its text and in its graphics. The reality, regrettably, is a bit more hard edged. Families can also be sites of danger and dysfunction, and we should not forget that every offender has a family and that many incidents of sexual violence — and by definition all family violence — occur within families and are perpetrated by partners or other people who are supposed to be in a caring relationship with the abused family member. The research and literature indicate that significant numbers of women experience intimate partner sexual violence.

Those involved in public policy must be very careful and mindful of the complex dynamics surrounding individuals and families. I hope the ongoing consultation and benchmarking that has been flagged in the document does not airbrush the very serious issues that families face, including family violence in all its forms, child neglect, alcohol and drug dependency and gambling along with the devastating impact all those issues can have on families.

Other examples of stress within the family enclave include elder abuse and the ways in which family members with an enduring power of attorney over a vulnerable relative can use or misuse their power. The Law Reform Committee, which I had the honour of chairing in the last parliamentary term, last year conducted an inquiry into powers of attorney and made a number of recommendations that I hope the government will consider positively in due course.

In the sanitised world of this statement, violence seems to occur only on the streets or on public transport and not, apparently, in the home. There is not one single mention of family violence, which costs this state more than \$2 billion each and every year. This is a very serious weakness in the document, and it really needs to be corrected.

Last week's *Sunday Age*, for example, carried an article on the tensions that exist within the coalition, both in Victoria and at the commonwealth level, for the heart and soul of the Liberal Party if not The Nationals. I am not raising this to stir up any kind of party debate; I am raising it because it is a very serious public policy issue. The *Age* article refers to the government's commitment to repeal the provisions in the Equal Opportunity Act 2010 which were agreed to by this Parliament last year.

Members will remember that this legislation sought to protect people from discrimination when they are seeking employment by a religious organisation, for example, such as a school. Under the act a religious employer can discriminate where a case can be made that an inherent requirement of a particular job is to be practising Christian, Jew or Muslim — for example, in the case of a schoolteacher whose curriculum impinges on values and so forth, it is fair enough to say that a school wants to have a person of a particular religious persuasion in that particular job. But where it is not an inherent part of the job, the act provides that an employer cannot insist on a job applicant being a practising member of a particular religion or live in a certain way.

The act balances, I believe — as did the Parliament in terms of its majority in the last session — the rights of religious bodies to preserve their culture and the rights of job applicants not to be discriminated against on the basis of age, gender, disability or sexual orientation where this has no relevance to the job they are applying for.

The first paragraph of section 2 of this statement validates same-sex couples, and yet we have a law that protects family members against unfair discrimination. The coalition is going to take that protection away. This issue is not even referred to in the statement even though it will have a clear negative impact on many Victorian families. As the *Sunday Age* said, nobbling Labor's reforms in the Equal Opportunity Act 2010 is not a great start for a coalition government.

Another issue I wish to raise in relation to this document is that the statement steers right away from the issue of child protection, which is directly related to family welfare. The coalition when it was in opposition campaigned very heavily on this issue — and the coalition was right to do so. It was right to raise concerns on this issue and to push hard on it, because it is imperative that we completely remove the scourge of child abuse and neglect.

One of the 100 or so reviews that the government now has under way is headed by former Supreme Court

judge, Philip Cummins and relates to this important issue of child protection. That report is due in November, and until then the government needs to employ more child protection workers to improve the situation where children need support. I do not think the government has spent one additional dollar on that particular issue. If ever there was an issue that was directly related to the wellbeing of Victorian families, surely this is it, and yet there is no mention of it anywhere at all in this statement.

The statement says that there is nothing more important than a good education. It proposes that the quality of education can be improved by giving principals control of school building programs and enabling them to ban dangerous objects to keep their schools safe, but that is only a provision that will apply to government schools, as I understand it. That is all that is really said about how we can improve our education system in order to improve the quality of life of Victorian families.

There is not a single mention in this document of the government's decision to cut about \$340 million out of the education budget over the next four years. There is no discussion of what that will mean for the children who are members of Victorian families when they attend school.

As we all know, there is no rocket science in this. Education can only improve through the kind of investment that Labor put into our schools. I know that Jenny Mikakos mentioned this earlier, as have other members. The Victorian schools plan committed to either rebuild or refurbish every single government school right across this state by 2016 to the total value of \$1.9 billion. That policy and that program was so good that when it was in opposition the coalition committed to honouring it in full. It has now been gutted and compromised. In this document, where you would surely expect to see some recognition of the impact that that will have on families, the document is totally and completely silent. The coalition promised to honour this commitment and instead it has trashed it.

Regrettably — and I will wind up now — this is a very thin and weak first ministerial statement from the government. I look forward with great interest to seeing how the consultations go and whether the form of the consultations will be able to elicit from the public — from the people of Victoria — some of the issues I have flagged.

As a parting observation I cannot help reflecting that we all know the coalition fell into government to great surprise — to its own members and to us, of course. We on this side of the house are familiar with that

situation because that is what happened to us in 1999. However, I invite members and I invite the public to compare this document, as a first volley and a first ministerial statement, with a document that some members may not remember — that is, *Victoria Growing Together*, which was well researched and had 11 directions where we thought we would carry the state over the next 10 years, and every subsequent budget after that delivered on those recommendations. It was coherent, it was ordered and it set the government on the right path — and it was research based. I do not believe this document is. I think it is very lightweight and disappointing.

**An honourable member** — It's spin!

**Mr SCHEFFER** — Yes, it is spin.

**Debate adjourned on motion of Mrs PEULICH (South Eastern Metropolitan).**

**Debate adjourned until later this day.**

## BUILDING AMENDMENT BILL 2011

### *Statement of compatibility*

**Hon. M. J. GUY (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

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

In my opinion, the Building Amendment Bill 2011 (the bill) as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will amend the Building Act 1993 to:

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

#### *Disability Discrimination Act*

The Disability Discrimination Act 1992 (cth) is enforced primarily through a complaints mechanism, which allows individuals who believe that they have experienced unlawful

discrimination to seek a conciliated outcome through the Australian Human Rights Commission and if that is not successful, to bring an action in the Federal Court or the Federal Magistrates' Court of Australia.

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

#### *Premises standards*

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

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

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

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

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

#### **Human rights issues**

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

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

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

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

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

*Nature of the right to a fair hearing*

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

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

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

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

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

a party to a proceeding may appear at a hearing before the Building Appeals Board or do anything else in relation to a proceeding before the board either personally or through an agent; and

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

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

*Right to equality*

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

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

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

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

*Nature of the right to equality*

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

*Importance of the purpose of limitation*

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

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

This will provide certainty to all stakeholders who have an interest in the design, construction and use of buildings of a public nature, that building work will comply with the premises standards and will reduce the likelihood of a complaint of discrimination under the Disability Discrimination Act 1992 (cth).

*Nature and extent of limitation*

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

- (a) the financial circumstances, and the estimated amount of expenditure required to be made, by the applicant;
- (b) the availability of financial assistance from government funding;
- (c) the extent to which the building is used for public purposes and has a community function;
- (d) any exceptional technical factors;
- (e) the nature of the benefit or detriment, including loss of heritage significance, likely to accrue to, or to be suffered by, any person concerned, including people with a disability;
- (f) any relevant action plan given to the Australian Human Rights Commission under the powers of the Disability

Discrimination Act 1992 (cth) and provided to the Building Appeals Board; and

- (g) any evidence regarding efforts made in good faith by a person to comply with the requirements and the nature and results of any process of consultation.

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

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

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

*The relationship between the limitation and its purpose*

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

*Any less restrictive means reasonably available to achieve its purpose*

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

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

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

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

**Conclusion**

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

Matthew Guy, MLC  
Minister for Planning

*Second reading*

**Ordered that second-reading speech be incorporated on motion of Hon. M. J. GUY (Minister for Planning).**

**Hon. M. J. GUY** (Minister for Planning) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

**Overview of bill**

The bill will amend the Building Act 1993 to:

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

**National Construction Code**

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

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

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

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

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

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

efficiency gains from removing overlap and inconsistency between codes;

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

greater opportunities for innovation; and

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

To give effect to the National Construction Code series, all states and territories are required to implement the National Construction Code series through their respective legislation. The government introduces this bill to give effect to the National Construction Code series.

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

#### **Building accessibility**

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

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

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

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

States and territories have been asked to consider amending their building control schemes to give effect to parts 1 to 4 of the premises standards, which outline the administrative arrangements that are required to meet the intent and objectives of the Disability Discrimination Act 1992 (cth). These administrative arrangements cannot be accommodated by the National Construction Code series, which are the technical requirements for buildings. Therefore, the bill will amend the Building Act 1993 to enable the Building Appeals Board to determine applications for unjustifiable hardship consistently with the premises standards.

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

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

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

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

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

I commend the bill to the house.

**Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Mr Lenders.**

**Debate adjourned until Thursday, 10 March.**

## **RULINGS BY THE CHAIR**

### **Adjournment matter**

**The PRESIDENT** — Order! I take this opportunity to make some remarks in respect of an adjournment matter raised by Mr Tee on 2 March 2011. During the adjournment debate last night Mr Tee raised a matter

for the attention of the Minister for Planning seeking an assurance from the minister that community involvement would occur in the planning process for various inner city developments. The minister at the table indicated that the same matter might have been raised by Mr Tee on 21 December last year — therefore in the same session.

Having had the opportunity to read *Hansard* I note that the matter raised by Mr Tee in December last year related to planning development matters in Richmond and Fishermans Bend, whilst the matter raised yesterday related to further planning development announcements to be made by the minister in relation to sites in Kew, Maribyrnong and Highett. I am satisfied that the matters are sufficiently different and that therefore Mr Tee's adjournment matter complied with standing orders.

## PERSONAL EXPLANATION

### Hon. R. A. Dalla-Riva

**The PRESIDENT** — Order! Mr Dalla-Riva has written to me in accordance with the requirements of a personal explanation to indicate that he wishes to make a personal explanation to the house. This is an appropriate opportunity for him to do so.

I indicate to members that I regard personal explanations to be matters of great seriousness, and I expect that the personal explanation of this member and that of any other member in future will be heard in silence. I take a very dim view of interjections during personal explanations.

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I rise to make a personal explanation in relation to matters raised by the opposition in Parliament today. I thank the President for the opportunity to make this personal explanation.

In 1993 two letterbox bombs were detonated at my personal residence. At the time I was a senior Victorian police detective seconded to the then National Crime Authority. My wife was an inspector with the then Australian Protective Services counter-terrorism unit in Melbourne, and she was five months pregnant at the time.

The targeted attacks on my wife and me were the subject of a high-level police investigation. The special operations group was involved in the protection of my wife and me and in the investigation of those crimes.

Our house, where the bombs exploded, was bought by my wife in 1987, six years before the incidents occurred and long before I even met her.

The LEAP (law enforcement assistance program) database was never illegally accessed by me. The claims made today by the ALP are completely false, and I will be formally writing to the Leader of the Opposition today and demanding that he publicly apologise.

**The PRESIDENT** — Order! I thank the minister, and I also thank the house for the manner in which it listened to that explanation in terms of complying with my wishes.

## VICTORIAN FAMILIES STATEMENT

### Debate resumed from earlier this day; motion of Mrs COOTE (Southern Metropolitan):

That the Council take note of *2011 Victorian Families Statement*.

**Mrs PEULICH** (South Eastern Metropolitan) — I am pleased to rise in support of the Victorian families statement for 2011.

Before I do so, can I say how unfortunate it is that the families of members of Parliament often unfortunately become the target of political attack rather than the member of Parliament himself or herself. I think that has happened recently to Mr Finn, it has happened to Mr Dalla-Riva and it happened to me with my 26-year old son. That was probably the single greatest contributor to inspiring me to do even more to make sure the result of 27 November was the result that Victorians deserved. There are rules of engagement. We are vigorous in our debate and we are even more vigorous during election campaigns, but on the whole families are innocent bystanders of the profession we engage in and therefore should be sacrosanct.

The difference between the families statement and the annual statement of intentions introduced by the Bracks Labor government was that in many regards the annual statement of intent was just that: it was intent, not fact. That is why I welcome the introduction of the Victorian families statement, because we can use it as an annual snapshot of the impact of government policies on Victorian families, whatever shape or form they take. It will be a good opportunity for us as members of Parliament with special responsibilities and particular portfolios, to reflect on how the government's policies are impacting on our young, our families and the older members of our community in rural Victoria and

regional Victoria, in metropolitan Melbourne and at the interface of the two.

I would like to congratulate the Premier and the government on this shift towards focusing on outputs rather than inputs. That has been the central difference between Labor governments and Labor policies and those of Liberal governments: we focus on the outputs and not on the inputs, and it is as a result of its focus on the inputs that the Labor Party and Labor governments typically lose sight of the outputs. That was probably the reason for Labor's defeat in November 2010, because, despite all the spin, rhetoric and spending, people felt they were not getting a fair return on the revenue that was being collected by their government.

At the same time there was visible evidence of waste and mismanagement across significant projects as a result of which people were getting less in terms of services and the service growth that is required to keep up with a growing population, less in terms of infrastructure that is also required to match population growth and certainly less in terms of accountability, honesty and integrity in government. This was overshadowed by a growing arrogance, a growing disengagement from the community and a growing sense of being out of touch and not caring about the experiences of the ordinary family and the ordinary person.

This attitude cut across so many fields and portfolios. The issue of planning is an absolutely crystal clear example of where people felt they were being done in the eye by the previous government, and yet now, when in opposition, it is crowing about the need for consultation. We heard Mr Tee demanding assurances that consultation would be undertaken, but at no stage did the previous government consult in a meaningful way and on a genuine basis. The Windsor hoax consultation was a primary example, but there were many local examples that were based on the same principle that the Labor government, along with Labor-dominated councils — especially when Labor was in federal government — was able to expeditiously carry a decision and implement it with little regard to the views of the local community.

The same thing happened in education. We heard Ms Mikakos talk about the Victorian schools plan, which was a plan to renew, refurbish or rebuild one-third of Victorian schools. That is a very low target. Rebuild, refurbish or renew — and the former government used these terms seamlessly when 'refurbish' could mean a lick of paint and some new carpet — only 30 per cent of Victorian schools over 11 years is a very, very poor performance indeed.

When the federal Building the Education Revolution (BER) funding came on board the former government used that as an opportunity to backtrack on commitments that had been given for, in many instances, the second stages of school developments, preferring to hide its commitment and veil it as part of the BER rollout. The BER has been a phenomenal debacle for Victorian schools and school communities. There is a lot of unfinished business. Many schools still look like bomb sites when they should not, and a lot of them have not been equipped with heating, cooling, carpet and fit-outs to the degree that they should have been.

Indeed, the use of inflexible templates in obscenely short time lines meant that many schools have been compromised stylistically and aesthetically. Worse still, at a time when physical fitness, good health and child wellbeing is so important and at the forefront of families' concerns, especially when children are spending so much time watching TV or playing games on the computer, is the loss of a lot of open space in schools. We have lost a lot of school ovals as a result of the then government's agreement to implement the botched federal BER plan.

Ms Mikakos waxes lyrical about the 11 years of educational drift under Labor and the succession of underperforming education ministers. The only real innovation that occurred in this area was at the local level as a result of the annual and triennial reviews that were implemented during the time of the Kennett government. That is the reason why many school communities continued to focus on the things they needed to do — local innovation and meeting local needs. It was not as a result of anything that the previous government did.

This is a state adrift, first derailed when Mary Delahunty took over the education portfolio. I could not have thought of a worse Minister for Education. She was followed by Lynne Kosky, who was quite an able politician but not an educator. She was a social worker who, whilst very mindful of the PR and glitz, failed to provide educational leadership. Mr Lenders then briefly held this portfolio but failed to make any significant impact. I had great expectations of Ms Pike, who is herself a teacher, but let me say she was a great big disappointment.

Fortunately the education portfolio has now been liberated. Nonetheless we have some significant issues which we need to address. The ultranet was a debacle — the previous government decided to trial everyone on it at the same time and the whole system melted. More power and influence has been ceded to

the federal government, but I have not seen too many federal programs being implemented successfully. The My School website, flawed as it was, is to be relaunched after the first debacle. I would urge schools, school communities and members of Parliament to check the veracity of that information. The implementation of the national curriculum has been a debacle, and I have already mentioned the seamless interchange of the BER and the Victorian schools plan and how Victorian school communities were short-changed compared to the Catholic school system, which received far better value for money.

Moving on from education, the wellbeing of Victorian families will be the priority of the Baillieu government. It is certainly my priority and the reason why I entered politics in the very first instance. As I mentioned before, the previous Labor government became very dependent on increasing amounts of revenue, property taxes and financial transactions. Enterprising businesses that employed people were squeezed and forced to the wall. The previous government increased gambling taxes and police fines. Then there were the fast-escalating costs of utilities. All of this hurt families, leaving less in their pockets and not allowing them to look after their families as they would like. It also placed enormous pressure on our small and medium size businesses.

John Brumby as Treasurer and later Premier presided over a massive land tax grab from families. As a result of this many self-funded retirees who invested their hard-won earnings in rental properties were forced to sell them in order to pay an obscenely large land tax bill. Due to that land tax a number of properties available for rental have been lost, which places even more pressure on the public housing sector. In this sector there are a huge number of properties that have not been adequately maintained and are therefore not available for rental, which displaces many disadvantaged people and families. This is a travesty that has been created by the former government.

State revenue has burgeoned. Stamp duty on land transfers has increased by 270 per cent. The myki public transport ticketing fiasco blew out by three times its original cost price to \$1.4 billion. The full cost of the government's desalination plant is a scandal. The millstone that has been left around the necks of Victorians by the previous Treasurer and government means that we will struggle to meet the growing needs of Victoria and Victorian families for better infrastructure and better investment in services, education and health. This is all because of a badly botched major project, which is approximately three times the size it should have been.

We all recall the original price of the regional fast rail project being \$80 million; it blew out to \$839 million. There have been constant escalations in all sorts of utility prices. The smart meter project hit families hard in their electricity bills — the cost of that project went up from \$800 million to an estimated \$2.2 billion and climbing.

At the same time youth unemployment is rising. The retention rates in some areas such as Frankston are chronically bad and completely under the radar. The previous government failed to address this. The push and grab for high-density housing was rampant, with no strategic direction — not to mention the poor implementation of the social housing projects. All of this goes to show that it was one debacle after another under the previous Labor government.

The most important of these was the failure of the previous government to address the issue of the rising incidence of serious crimes against the person. The previous government hid crime statistics behind a successful program of recovering stolen bicycles but did nothing to address the serious issue of crimes against the person. Families expect their neighbourhoods to be safe and friendly. That is why I welcome a number of initiatives that have already been taken by this government. Families expect policies that promote a strong, competitive economy and responsible financial management. I welcome that. This is the key to the future prosperity of Victoria and Victorian families.

Families need infrastructure and services that work — they are the bread and butter of what a state government needs to provide. The road network upgrades to relieve massively increasing congestion in the south-east are an example of this.

People say it was the Frankston line that delivered the government a number of seats, including Bentleigh, Mordialloc, Carrum and Frankston. Let me say that that was a contributing factor, but there were many other examples of where the former government had failed its communities, and congestion on the roads is a very significant one in the state's south-east. Failure to build a significant regional project such as the Dingley Arterial means that all those suburbs in the south-east come to a grinding halt during peak-hour traffic. Quality educational opportunities were forfeited and choice in education was undermined by failing to support Catholic and independent schools sufficiently. These are part of a litany of failings of the former government's 11 years of bad policy.

This government intends to get on with the job of governing for all Victorians and all families in Victoria and the south-east. I welcome that. I will be working hard as part of the government to make sure that we deliver on the promises and commitments we made. It ought to be about action; it ought to be about implementing good programs, not about spin and not about wasting money and losing opportunities. A stronger Victoria for Victorian families is what will lead this nation and what will be the salvation that we can hopefully offer through responsible government into the future.

**Mrs PETROVICH** (Northern Victoria) — Firstly, I would like to congratulate all new members of the Victorian Parliament and particularly note the great work done in the seats of Macedon and Seymour by campaign chairmen Mike Dalmau and Serge Petrovich. I would particularly like to congratulate Cindy McLeish, the member for Seymour, and pay tribute to Tristan Weston, Anita Donlon and Michael Langdon, the candidates for Macedon, Bendigo West and Bendigo East.

**Mr Lenders** — On a point of order, President, Mrs Petrovich clearly thinks this is the address-in-reply. We are speaking on the families statement. It is not an opportunity to wax lyrical about Liberal candidates in an election. This is a debate taking note of the families statement, and she is digressing right away from that. She thinks it is the address-in-reply.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I thank Mr Lenders. I will ask Mrs Petrovich to stick to the families statement.

**Mrs PETROVICH** — Families in 2011 in Victoria take many forms, and the traditional family is difficult to define succinctly. My family is the most important thing to me, and this job very often takes me away from my immediate and extended family, a price that all who serve the Victorian Parliament — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I would like to hear Mrs Petrovich, even if no-one else would.

**Mrs PETROVICH** — That is a price that all who serve the Victorian Parliament pay, and pay willingly. However, these pressures are not always isolated to members of the Victorian Parliament, and in today's community it is more difficult, for reasons of economy, for one parent to stay at home with family, and often this is the case for a large part of their children's childhood. The need for quality child care with

well-resourced kindergartens and well-maintained schools with well-trained teachers is a focus of the Baillieu government.

Our commitments to families in relation to services and skills and looking at opportunities to help young adults in rural and regional areas are focuses of the Baillieu government, and after 11 years of Labor there is much work to be done. As highlighted in the Premier's contribution, there has been much work in committing to rural and regional Victoria and in committing to the Northern Victoria Region, which I very proudly represent.

Our contribution to schools will be of great benefit. Principals will be given greater control over the running of their schools and be granted much more autonomy, and the government will assist families who want to choose their schools and not be restricted by region. This assistance includes additional funding for non-government schools, and we will be looking at those children who are struggling — some of the children with special needs or who perhaps have behavioural problems. We will make sure that families are well supported in this, because it is very important to us to support families.

Over 11 years of Labor we saw rents and the cost of living soar — power, water and education. We need to let our community know that we will be much more careful with taxpayers money. There was a lot of money squandered; it is very evident that the previous government was irresponsible with taxpayers money. Its view was that to make something better you just throw a bigger budget at a project. Unfortunately — —

**Mr Lenders** — So it is read.

**Mrs PETROVICH** — Mr Lenders, I write all my own material, and your badgering is not helping me. Mr Lenders, you are puerile — absolutely puerile.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mrs Petrovich!

**Mrs PETROVICH** — I would like to quote from a document about the cost of introducing energy-saving discounts and giving additional discounts to concession card holders, such as a 17.5 per cent year-round discount on electricity bills, which means that on an average annual power bill, currently around \$1600, concession card holders will double their savings to \$280. That is from the contribution by the Premier.

The Baillieu government, through the great work of the Minister for Planning, Mr Guy, is working towards having more affordable housing in Victoria. We are

looking at providing more opportunities for Victorian families and reductions in stamp duty for first home buyers. An increase in our police numbers has been committed to, and that increase will be not only in operational police officers but also in the protective services officers (PSOs) on the rail system.

One of the keystones of the Baillieu commitments during the election period was to ensure community safety. Community safety is about a whole range of things. It is about having proper planning for communities and providing infrastructure ahead of building programs and not creating suburbs in isolation without that infrastructure of schools and transport.

Some key things have happened in the Northern Victoria Region, which I will be very pleased to see committed to and through to their end. In Macedon there were commitments to roadworks on Black Forest Drive. In that very interesting process \$1 million was wasted in taking a four-lane road down to a two-lane road. That was implemented by the Brumby government with no community consultation. The road was considered very dangerous during winter because of ice and during summer months. Following a proper community consultation process that road is being returned. More than 3000 people signed a petition against that terrible autocratic process that was implemented by the former government.

The Romsey–Lancefield road is a very much used road in the Macedon electorate. It had fallen into such disrepair that I was getting calls from people who were breaking rims on the wheels of their cars when going to work. It was a very dangerous road that had had a number of fatalities on it. The government committed to improve that road, and that work is being done forthwith.

There will be stadium facilities provided for Gisborne, making sure that we have adequate sports facilities for that growing community. There is planning for a Romsey secondary college.

An issue that was neglected by the former government was the proposal referred to as Sunbury out of Hume. The plebiscite that was promised by a succession of Labor governments was never provided to that community.

**Mr Finn** — Back in 1999 they first promised it.

**Mrs PETROVICH** — In 1999, Mr Finn. It was a failed commitment and a failed promise. The former government ignored that community. Closed-circuit television cameras for Sunbury were again a focus of

community support because of growing crime figures. That was an issue of safety for that community.

Looking at *Daily Hansard* this morning it was interesting to see the debate on a bill relating to protective services officers that went through the other house on Tuesday night. It was quite disturbing to see the amount of criticism by Labor members of the PSOs — about their capacity and their abilities, including their ability to carry a gun. I have to say that it was both disrespectful and maybe a little foolish. The PSOs in this building provide a very good service to members of Parliament and ensure that our security is taken care of.

**Mr Lenders** — This is a families statement about PSOs in a public building?

**Mrs PETROVICH** — It is about community safety. When Mr Lenders was in government the government continued to choose to ignore community safety.

**Mr Leane** interjected.

**Mrs PETROVICH** — With that haircut, if Mr Leane carried a gun I am sure it would not take long for a PSO or somebody else to pick him up. The PSOs in this building are respected.

One of the issues I would like to address is the growing problem for Victoria Police around domestic violence and drug and alcohol issues. I look forward to ensuring that through community safety work the people concerned are given the required resources so that we have proper capacity to look after our families in Victoria.

Another issue I would like to talk about is disability services for families in the electorate of Seymour. Under Labor many people in the community of Seymour, particularly those families who had autistic children, were forced to seek services in Shepparton or to travel to Melbourne. That is so in many areas of rural and regional Victoria. I know that in Bendigo East, the lower house seat that is looked after by Jacinta Allan, there is a growing number of autistic children and families who need support. In that growing area support is not being provided to those people.

I look forward to delivering on the election commitments. I look forward to serving the people of Northern Victoria Region. After 11 years of neglect it will be very good for us to be able to put our best foot forward as a government to serve those families of Victoria. I finish by saying, as I said when I started, that for me family is the most important thing. It is a

cornerstone of Liberal philosophy — that and the rights of the individual. Other things might change us, but we start and end with family.

**Mr FINN** (Western Metropolitan) — I wish to congratulate the Premier and the government on the first families statement presented by the Premier in the other place earlier this year. I think it is a sure and very clear sign that the Baillieu government does care about Victorian families. There has been some discussion already today, from both Mrs Coote and Ms Hartland, about what exactly a family is. There are various views, it has to be said, about what a family is. The nuclear family of mum, dad and the kids is what most people would accept as a family. That is not to say that there are not a number of living arrangements within our community. I am not criticising them — not one little bit — but I am not sure that we could classify them as a family.

**Mr O'Brien** — Charlie Sheen.

**Mr FINN** — I am not sure about Charlie Sheen, but we certainly could not classify some of the living arrangements as a family because the nuclear family, as we know it, is the foundation stone of our society. I think a lot of the problems of recent years — and we have seen it with youth violence and kids running off the rails in a lot of ways — have been created by the breakdown of the traditional family as a keystone of our society. That is very sad for a lot of people. I am not apportioning blame to anybody. Divorces happen; families break down. I know that from firsthand experience. I know how difficult that can be. I just say that we should not be getting too carried away about various little groups in our society when really what matters is the thing that holds us together, and that is the nuclear family. I just make that point, which I think is a particularly important one, and I hope that this house and the government will take it on board.

I know that at the moment a lot of families are doing it tough. Despite the fact that we have perhaps not been hit as hard by economic conditions as some other countries overseas have been, a lot of families are really finding it difficult to pay their bills. We have the situation where mum and dad may be sitting around the kitchen table at 10 or 11 o'clock at night wondering how they are going to pay their electricity bill or their water bill or buy schoolbooks for their kids. There is no end to expenses for families, and a lot of people are finding it difficult to keep this money going. I can understand it. I have been in the situation of money being tight and having a number of bills in front of me, and it is really a question of prioritising. We as parliamentarians should keep in mind that not

everybody is doing well. For some families even \$20 can be the difference between make and break in any given week. It is something that members should take on board.

Parents of children with disabilities are one group in the community that always do it tough and are really up against it every day. Over the last decade I have seen blatant discrimination against kids with autism in the western suburbs. It makes me wonder why the previous government acted the way it did and why children with autism in the western suburbs would be treated as inferior beings to those in the northern, eastern or southern suburbs. In terms of the education of those kids, that is changing. This government made a very clear commitment prior to the election to change that situation, and it is changing, despite some of the rumours doing the rounds — and I have to say some of that is coming from local Labor MPs.

This government will provide the best education possible for children with autism from prep to year 12. That is a commitment we have given and a commitment we will follow through on. We want the best education possible for kids with autism in the west, and that is exactly what we will deliver. Just this morning I was sitting in a meeting with a group of parents talking about this very thing. I can assure the communities of the western suburbs that this particular election promise will be fulfilled and will be fulfilled as soon as is humanly possible. I am acutely aware of the time frame of this promise and that every week that goes by will create more suffering for families of children with autism, and that is simply not good enough.

Public transport is a particularly important issue in the western suburbs because, as members know, places like Wyndham and Melton are some of the biggest and fastest growing municipalities in Australia. It is almost as if every time you turn around there is a new subdivision or indeed a new suburb that has been built. Mr Elsbury knows this only too well. When he moved into his area he was in an outer suburb, and that is not the case any more. Another six or seven suburbs have since gone up beyond where he is down near Werribee in the Wyndham area.

Public transport is very important, and I want to make a comment today on the regional rail project. There has been a very devious and dishonest campaign by some Labor MPs, particularly in the Werribee area.

**Mr Elsbury** — Who would that be?

**Mr FINN** — Mr Elsbury, they just might be people who do not live in the Werribee area and have no understanding of what people in the Werribee area would need. I believe these people have conducted a very devious and dishonest campaign concerning the regional rail project and have attempted to put the blame for any delays or indeed the scrapping of the regional rail project onto the Victorian government. This is clearly not the case. As I have said time and again, if the regional rail link project is held up or scrapped, it will be purely because half a billion dollars was pulled out of the project by the federal government. Courtesy of the Gillard government \$500 million has gone missing. To the people of the western suburbs and to the people of western Victoria — —

**Hon. D. M. Davis** — A failure to scope things properly, too.

**Mr FINN** — Indeed. The federal government is letting Victorian down on a whole range of things. In this particular instance the regional rail link is something that I am very enthusiastic about, and I know Mr Elsbury is very enthusiastic about it, but the Gillard government has pulled the rug out.

**Mr Leane** — Acting President, I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr FINN** — I thank Mr Leane for his generosity of spirit in calling members into the chamber, although I know they were in their offices listening most intently through the speakers to what I had to say.

On the issue of public transport, if the regional rail project is imperilled, it will be because the federal Labor government pulled the rug from under it. I want to make that very clear to the people of the western suburbs and indeed of western Victoria. One issue very close to my heart is the West Gate Bridge. The West Gate Freeway is very much a car park during peak hours and is something that needs to be addressed as a matter of urgency. We need an Upper Yarra crossing. I have said that probably a couple of hundred times in this house over the past four years and I will say it again: we need an Upper Yarra crossing. If we do not get it, the west is going to become stymied by traffic chaos as a continuing daily event.

Comments have been made about the water prices we face in Victoria. We are talking about Victorian families who are now paying increased water rates. They are obviously not happy about it, and some of them are very adversely affected. Because of the incompetence of the former Labor government, and

particularly the former Treasurer, we will have a situation where many families will not be able to afford water in years to come. Here we are in Victoria in 2011 and we are seriously talking about a situation where Victorian families — mums, dads and kids — will not be able to afford to have water in their homes.

This is not a Third World country, but thanks to the incompetence of the Labor Party when it was in government and the building of a desalination plant, which has to be — I will check the *Guinness Book of Records* — surely the biggest white elephant in the world, that is what it was becoming. Who else would build a desal plant on a flood plain? Who would build a desal plant that cannot be finished because it is flooded? Only the Labor Party. It has done it again, and as a result of its incompetence Victorian families will be paying through the nose for decades. It is another Labor disaster, another Labor stuff-up. How much longer do we have to put up with it? I could go on about smart meters and a whole range of other areas where the previous government has left a legacy of misery for Victorian families. I find that very sad indeed.

I am sure most members of this house will be aware that jobs are the basis of any form of prosperity. Whether it be a single-income family or a double-income family, whatever it may be, a job is the most important thing to keep bread on the table. What worries me in the next few years — if indeed the Prime Minister, Mr Brown, gets his way and introduces the carbon tax he is talking about — is the effect the carbon tax will have on working families in the western suburbs. What is going to happen is that we are going to see businesses hit the wall, we are going to see industries go offshore and we are going to see massive unemployment and huge social disharmony. We are going to see massive misery across the western suburbs, and it will be caused by the champions of working families, Prime Minister Julia Gillard and federal Greens leader Bob Brown.

What is about to hit the western suburbs is terrifying. I remember back during the years of former Premier Joan Kirner when we had all the empty factories and dole queues down the street and around the corner. You get the feeling that compared to what is happening now that will be the good old days. I cannot understand what is going through the minds of these people in Canberra who want to tax prosperity out of existence in this country. It will hit the working people of the west first, because it always does. If you put factories out of business, you put workers on the unemployment queues. Their families suffer, they lose their homes and we know the rest.

At the moment this is something that concerns me more than anything else. Putting aside the lie told by the Prime Minister prior to the election last year, the effect of this proposed carbon tax on men, women and children in the western suburbs will be cataclysmic. This is something a lot of people have not thought through, and I plead with those in Canberra to put a bit of thought into this; to have some concern for those who are going to be suffering as a result of these lunatic policies being proposed by the Labor-Greens coalition government in Canberra. Western suburbs families are great people, and we need to support them.

**Mr ELSBURY** (Western Metropolitan) — I would like to join with Mr Finn in saying that the families of the western suburbs are great people. As Mr Finn pointed out in his speech, we have a community that is growing exponentially. When you look at the growth corridors of Tarneit, Truganina, Point Cook, Derrimut, Craigieburn and up through Roxburgh Park and even Greenvale, you see the explosive growth going on. The number of families now joining western suburbs communities is extraordinary. In just the municipality of Wyndham you can expect somewhere in the region of between 48 and 54 babies to be born every week. To be able to service those children in years to come and give them the education they will need, it is paramount that the government prepare for it.

I would like to congratulate the government on recognising the need to develop this statement as a conversation starter. It provides Victorians with a starting point to consider what needs to be done into the future and allows us to look back at this statement as a way of measuring the progress we have made.

In regard to the rising cost of household budgets, this afternoon I received an email from my wife, who informed me of some of the bills that have come in just today. Looking after two daughters is not a cheap exercise, but by no means are we begrudging that. Mr Finn is letting me know that he has four children; I am working on it.

As a parent I am very proud of my children, but we definitely have the costs that every family out in the western suburbs faces. We have the rising cost of water. In part we have the previous government to thank for that, with the desalination plant that we will not use but will have to pay for. We also have rising electricity costs — and I thank the former government once again for smart meters. Other charges are going up, such as gas and fuel, education and health costs.

Unfortunately the wages paid to many people in the western suburbs are not catching up with the

exponential increase in costs. I cannot really whinge about anything or go around crying poor, especially with the position I currently hold, because I would be lynched in the street. But I do not come from a rich family. I do not come from a family that has run a small corporation or was fortunate enough to have made a fortune by investing in huge tracts of land throughout the western suburbs. We are just normal, everyday, working-class people. That is what, by and far, my constituency is made up of: normal, working-class people. When they get old they want to know they can live in a home that is warm in winter and cool in summer.

That is why the Baillieu coalition government has said that people with concession cards will be able to gain discounts such as the 17.5 per cent discount on electricity bills all year round. That will give people who are suffering from ill health or who are in their later years the comfort of knowing that they will stay warm in winter and cool in summer.

**Mr Leane** — Acting President, I draw your attention to the state of the house, especially seeing Mr Elsbury is making such a great speech.

**Quorum formed.**

**Mr ELSBURY** — I thank Mr Leane for thinking my speech so important that we needed to ensure there were more people in the chamber to hear it.

I congratulate the government on establishing a \$100 million program to expand the natural gas network. This again provides comfort, but it also provides the opportunity for jobs right across regional Victoria.

It is not just the elderly who are finding things tough; it is also young people and young families who are just trying to get a start in life. I know what that was like, trying to get the money together to put a deposit on a home. They were not that expensive back then. Back in my day we paid about \$250 000 for a house and land package on a decent-sized block. I am talking as if I am an old man, but it was not actually that long ago. Nowadays you can expect to get a shoebox for around \$325 000 in a similar location.

The coalition government has already acted on the pressures being placed on young people by reducing the amount of stamp duty they will pay on a new home. It has also released more land, in places like Greenvale. If you have more land around, it actually reduces the cost of the land; it is a strange but interesting phenomenon. If you have more of a product to sell, it reduces in price or stays comparatively level. If someone says, 'We are

going to release only a certain chunk of land', then the price actually goes up. If there is a restriction in the market, the price goes up. I thank the government for taking the initiative to release the extra land.

It is important for people throughout the western suburbs to get a good education, and that is not just primary and secondary education. TAFE diplomas are exceptionally important, especially with the current growth in demand for tradesmen. Strangely enough, we need one or two extra apprentices around to move around piles of bricks and assist their bosses with the construction that is going on. They get the basic idea of being a tradesman, but going to TAFE gives them the qualifications they need.

The government is providing students holding a health-care card with concession fee places from 1 February 2011. These students will want to get to their destination, whether it be to a local TAFE or to a TAFE on the other side of town, or to wherever they can get a position, and get to the work sites around the place. They may choose to drive, but unfortunately delays due to traffic congestion have increased by 22 per cent between 1999–2000 and 2009–10. It would be fantastic if they could catch public transport, but unfortunately the statement reports that over the past eight years the punctuality of public transport has dropped. A young man or woman wants to go off to work, and their train gets cancelled. Normally that would not be such a big deal, because they could just catch the next train — except for when the next train is 20, 30 or 40 minutes away.

If you are hanging around on a train platform you are just about taking your life into your own hands. Over the last 10 years assaults per 100 000 people have gone up by 217 — from 419 assaults per 100 000 people to 636. That is an increase of almost 51 per cent. That is happening not just on the train platforms but also in the streets; I will acknowledge that.

How do we remedy that sort of antisocial and dangerous behaviour? Quite simply, we have committed to recruit an extra 1700 police, including 100 specifically for the public transport network. We are introducing protective services officer legislation, which I believe will be debated in the next sitting week. Those officers will provide protection for people choosing to use the public transport system from 6.00 p.m. until the last train on the metropolitan network. We will also establish baseline sentences and abolish suspended sentences and home detention — once again, sending a clear message that if you do the crime you will do the time, or you will be punished in some way, shape or form. No longer will you get a slap

on the wrist or be able to just sit around at home with your feet up eating KFC and watching the footy.

We will also be impounding hooners' cars. There is no clearer message to someone who loves their machine and who works on it every day than telling them if you do something wrong while using your vehicle, you will lose it. As someone who is a bit of a revhead who does not partake in hooning, I do not know what I would have done if someone had come along and taken my little Astra, which is what I used to drive around in before I came to this place. It would have been a massive impediment to me being able to get around my community, get to work and go to see friends. Impounding cars not only takes away the hooners' love of life but it reduces their mobility.

This statement also recognises the need to support people with a disability and their carers. They truly need and deserve support. We will be inviting people with a disability and their carers to share their views on any new national disability agreement. We are willing to work with other governments, including the federal government, to ensure that people who have a disability or family members of someone who is disabled are given the best support possible.

We are also investing in health care. As someone who has had to use the health-care system extensively, either because of the illness of a close family member or a close friend, I can tell members that the system is in dire straits. I have used two of the major hospitals in the western suburbs in the last three years. It did not matter which hospital I went to; it was clear there was a need for more work to be done. The government is determined to address this by bringing in 800 new beds over the next four years, which will be deployed on a needs basis. We will be employing new doctors, nurses and other health staff. We will also have 340 new ambulance officers employed right across Victoria.

There is nothing worse than sitting at home with a loved one who is in pain and who you think is on their last legs and not having the assistance you think you will receive by dialling 000. I have had that misfortune, and I hope many more people across the western suburbs do not have to suffer from that affliction.

This document is only the starting point; it is not the be all and end all comprehensive document of what is going to happen over the next 4 years, 10 years, 20 years or 30 years. It is the point which we can look back at in years to come and say, 'This is where we were, this is where we are now and we need to be looking forward at future goals'.

I congratulate the government for bringing this statement forward and providing it to the people of Victoria to be able to make comments on and to let us know their views on what needs to be focused on. I look forward to the many other statements that will be coming out about government support of families.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I call on Mr O'Brien.

**Mr Barber** — He has got his own theme song.

**Mr O'BRIEN** (Western Victoria) — I thank Mr Barber for humming that theme song. I am pleased to follow such excellent contributions from my colleagues representing Western Metropolitan Region. We share many interests regarding the western region, particularly in relation to families. We welcome and congratulate the Premier for the 2011 families statement.

From tribal and clan-based societies to advanced civilisations the family unit has been the core institution upon which our political and social society is founded. My family name, O'Brien, goes back over 1000 years. It is a widely known clan name. I was curious to hear that a Kevin O'Brien, who I have never met but who is part of the family unit, managed to score a century for Ireland, which resulted in a very surprising turnaround! We O'Briens will be celebrating in 2014, because it will be the 1000th anniversary of the death of the great progenitor of our name, Brian Boru, who regrettably fell in his last battle at Clontarf but managed to pass on our name. The reason I pause to ponder that is because family networks are indeed varied and interwoven across all Victorian communities and cultures. Although I have an Irish background I also share English, Scottish, French, Swedish-Finnish, Welsh and probably many other backgrounds from over the generations that precede me.

I welcome this week the introduction of friendship groups. Although I was busy and unable to attend them, I wish to become a member of those friendship groups that I have become aware of and also any friendship group which has an interest in neighbours and nations, because family networks extend across all cultures and countries. That is the wonder, the beauty and the great potential of this great state. The diversity of our family units and our cultures is what brings us all together and makes us great Australians and great Victorians.

But the key question is: how does government and society at large best protect and nourish Victorian families across the broad and changing landscape of this great state? As a newly elected member of Western

Victoria Region I welcome the release of the families statement. I will make some brief remarks.

Firstly, as has been said by other speakers — particularly by Mrs Coote, whose contribution was profound and moving because she focused on the question of choice, which is important to all Victorian families and a hallmark of coalition governments — the statement is not intended to be an exhaustive policy prescription document which dictates an ideal family life. Rather it is intended as a reference document that outlines some of the policies this government intends to bring to the family table, so to speak, across the broad and challenging issues that face Victorian families. I also note the support for much of the intent of the statement that was provided by speakers from both the Greens party and the Labor Party, by Ms Mikakos in particular.

In addressing this statement I would like to focus on the areas which I have identified as being particularly important to families in Western Victoria Region, indeed all Victorian families — namely, health; finance or money; education; public safety, particularly in relation to transport; and of course community wellbeing, which is very important, and integral to the great potential of our regional towns.

Particular attention is required to the needs of families in rural areas, especially in disadvantaged communities, many of which are in the smaller towns in my electorate. I also believe there are great opportunities, as I outlined in my address-in-reply remarks, provided by the strong family bonds that exist in these small communities over many generations. They could provide some answers to the problems that have been confronting Melbourne in relation to its overpopulation issues or infrastructure shortages, however you look at it, involving the dislocation of family units, and indeed some of the crimes and violence.

I have listened to the debates in the other place on safety, and I note the comments of many of my regional constituents about the introduction of protective services officers at regional train stations so that their communities operate in a safe way around that public infrastructure. People will be able to leave their cars open, drive to the station and feel safe in the knowledge that they will not be mugged or bashed. It is when many of our regional citizens travel to the cities that they feel somewhat threatened. That is something the country can offer to city communities: the family bonds and networks that exist across all these communities are what binds them together and makes them attractive places in which to live.

However, these places cannot do it on their own, and they need the support of government. That is why we are very pleased by the positive prospects which have been outlined by the coalition government in the form of the \$1 billion Regional Growth Fund. I know there has been some criticism of the families statement saying that it has not been specific in detail, and I am somewhat surprised that the statement does not refer specifically to the \$1 billion growth fund, but as far as the section on regional Victoria is concerned, many of the sentiments that are expressed in the statement are fleshed out in the policies that have been announced and introduced by the Deputy Premier, the Honourable Peter Ryan, as part of the second-reading speech on this very important bill which will commence this fantastic initiative for all Victorian communities, particularly those in western Victoria.

Page 13 of the families statement refers to support for rural and regional Victoria and to one of the very issues I have touched on — population growth. It has a very helpful map of Victoria which shows areas that have suffered population decline. Members will note many of the areas that have suffered population decline are areas to the north of my electorate in West Wimmera, Hindmarsh, Yarriambiack, Northern Grampians and Central Goldfields, many of the same communities that have recently been severely impacted by the floods. This is something I also touched on a few weeks ago: the return of this water is one of the things that may bring life back into these communities that have experienced a rural decline. At the moment there is an overabundance of water.

The way these communities have responded to the floods has been truly inspirational to me, as I have witnessed many of them pull together again. It has been the work of small family units, volunteer organisations and the communities themselves that has helped pull these communities through. Into the future the life-giving water, like the desert flowers that will be blooming in April, will help these areas spring back to life. It will be the family units and the family bonds that have kept these areas together that will allow them to reap the benefits which will be coming over time and on budget and in a financially responsible manner through the delivery of the Regional Growth Fund.

I would like to briefly mention one important aspect of the second-reading speech of the Deputy Premier on the Regional Growth Fund Bill 2011. The Deputy Premier said, 'Regional Victoria's diverse industry base contributes more than \$75 billion a year to Victoria's economy'. One thing that is important to our communities with the structure of the growth fund is that this funding will provide support over and above

existing funding available through government departments.

**Mr Barber** interjected.

**Mr O'BRIEN** — There will be no cost shifting. I thank Mr Barber for that interjection, because I worked very hard on the issue of cost shifting as it affected northern municipalities in the Gannawarra Joint Rates Review in conjunction with the Victorian Farmers Federation. I note that a former president of the VFF, Mr Simon Ramsay, is presently in the chair as Acting President. I know the work contained in the report of that working group, which met over several years, tried to give local government the support it needs to ensure that it can deliver fairness and equity, bearing in mind the differences that apply not only to rural families but also to rural communities, because at present they do not have the population base that exists in our urban centres.

Quite simply, if you put a lot of houses together and a lot of close-knit networks and a lot of people, it is easier to provide infrastructure to the communities as a whole from a broadbased property valuation tax, as is the case with our rating system today, than it is if you are in a large area that requires roads and infrastructure to build it up again.

I will go back to these areas specifically and the role that families play. It is often the farming family networks that keep these areas together so that not only do they have cause to continue to respond to the floods but they also provide great opportunities for future settlement. I believe these small family networks will increase in future years. Family farms are often established along bridges, roads and intersections, which are appropriate places for future subdivisions.

Again we commend the work of our earlier planners who often planned these communities around the various things that we need now, along good roads and with good water sources. As a result of that they offer great opportunities for us to work as a government to give them the infrastructure they need to solve problems both in the cities and in our regional areas.

What will encourage people to continue the growth in these regional areas? The delivery of the important services in the areas that are outlined in the families statement — namely, health, education, transport et cetera.

I turn back to the statement and note that the first thing it identifies in section 3 on page 7, headed 'Meeting the challenges facing Victorian families', is a focus on keeping household budgets in the black. It is very

important to be aware of the cost-of-living pressures that will be imposed on Victorian families in future years, some of them being caused unnecessarily because of projects such as the desalination plant, that have been introduced without a feasibility study having been completed. That is one very important difference between the coalition government's manner of delivering projects and that of our predecessor: namely, they will be delivered on time, on budget and with careful feasibility studies, because as any family knows, if you blow the bank you are not able to do the things you wish to do.

Importantly the statement focuses on health, and it focuses on encouraging people to exercise. I still try to exercise, and I enjoyed my exercise in the grounds of the MCG last night. I look forward to another season with the Penshurst Football Club in the Mininera Football and Netball league and, subject to other commitments, I would also support all other members of Parliament in their exercise regimes and those of their families.

I would like to commend the Minister for Health and congratulate him on his successful negotiation of a fantastic deal on the commonwealth funding arrangements. I look forward to seeing how they are implemented, particularly the home and community care funding arrangements.

I touched on the importance of education in my inaugural speech. Education has been very important to my family, as has health, with my three brothers being doctors. The issue of safety has been adequately addressed by other speakers, and the whole of the community is an important aspect of what brings us all together.

In conclusion I would like to say that Victorian families, past and present, are the cornerstones of our communities. They are what unite all people in this chamber and across the state. Without families we simply cannot be. We all aspire to lead happy and productive lives and to spend quality time with our loved ones, and we all have family connections of diverse sizes.

In closing I send my best wishes to Mr Barber and his wife, Deborah Di Natale, on the news of the recent birth of their daughter Georgette. I also send wishes to my own family, particularly my brother Matthew, who has his wedding this weekend with his beautiful bride to be, Seija, and my son Ned, who is celebrating his second birthday today. I am pleased to offer him birthday wishes from this chamber and look forward to reuniting with him shortly.

**The ACTING PRESIDENT (Mr Ramsay)** — I thank Mr O'Brien. He demonstrated an amazing capacity to include a number of policy issues in that statement without interjection, which must be a compliment to the way he presented.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise today to congratulate the Premier and this government on their care and love for Victorian families. I concur that families come in many shapes. Further to what has been said in today's speeches by Mrs Coote, Ms Crozier and others, there is a variety of family styles. There are traditional families, single-parent families, step arrangements, blended families, extended families and people who get together in friendship groups and treat each other as family members. There are people who choose not to have children but regard themselves as a family and people who choose to look after the elderly, and they are examples of families. There are families who have arrived here and settled into their new country and other families who have come from a long line of indigenous Australians or early settlers.

Many families are within themselves multicultural. As Victoria develops multiculturally, there are people who come into many families from a variety of different backgrounds. My family has a background of Italian and Sri Lankan descent. As you can tell by my very athletic physique, I like both curry and rice, and pasta. One of the beautiful things about Victorian life is the diversity of multiculturalism. I come from a migrant background. My parents arrived here from the beautiful island of Ceylon, now known as Sri Lanka, in the 1950s. They settled into white Anglo Australia. The necessity for integration encouraged them to change the spelling of their name from Ondaatje to Ondarchie. Here we are in 2011 and the acceptance of settlers from a variety of countries is much more inclusive. Bless this state!

My family is a blend. There are three natural children and an additional two who are not of blood, yet they are all regarded as members of my family and as my children. There are many kids in our local community who come into our family and, in a sense, are members of our family.

It is very pleasing, therefore, that this government gets the variety and the differing nature of Victorian families. This government knows that some families are struggling. Some families are struggling with day-to-day bills — electricity, gas, water, telecommunications and fuel for motor vehicles. The Baillieu-led government understands what families

need: they want to live a happy, harmonious, safe, prosperous and healthy life.

Families want, amongst other things, safe communities. They want reliable public transport and responsible government. They want to learn and develop enhanced skills, and they want opportunities to enable them to get better jobs. They want a progressive health system, a good education system and friendly neighbourhoods so they can walk the streets safely. They want support for parents, including the areas of parenting skills and abilities as well as infrastructure, that helps parents be parents. Families want to be listened to, and they want their opinions considered. They do not want to be taken for granted or ignored. They want a government that cares for and loves families, and that is what this government does.

It is on that theme of care and love for families that do not want to be taken for granted or ignored that I address the comments made in this house today about me by Ms Mikakos. I was declared elected on 14 December 2010 and sworn in on 21 December 2010 — only 11 weeks ago. Ms Mikakos asked me today to hang my head in shame due to the alleged neglect of services in the north and suggested I had demonstrated a lack of support for those services in the Northern Metropolitan Region. Let us talk about that: my 11 weeks after the Labor government's 11 years.

**Mr Leane** — Acting President, I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr ONDARCHIE** — As I was saying — and I thank Mr Leane for encouraging more members to come and listen to what I have to say; he has a lovely haircut now — Ms Mikakos asked me to hang my head in shame for the alleged neglect of the northern suburbs of Melbourne and said that I had failed to demonstrate delivering services to the northern suburbs of Melbourne in my 11 weeks in this place. Eleven weeks, I say, not 11 years. Let us talk about that.

In my 11 weeks I have visited schools, universities, TAFE institutes, child-care centres, community groups, manufacturers, councils, churches, traders, service clubs, like Rotary, Apex and Lions sporting clubs and a variety of individual constituent families — working families — in my region. The stories have been very similar in the north.

**Mr Barber** interjected.

**Mr ONDARCHIE** — The stories from working families, Mr Barber, have been very similar. They have

been neglected by the Labor Party. They have been ignored by the Labor Party. The ALP thinks they are safe Labor seats, so it has disregarded them — and Ms Mikakos asks me to hang my head in shame. Indeed when I mentioned Ms Mikakos in the region I thought I had mispronounced her name. I thought the working families were correcting me because every time I said 'Mikakos' they said 'Never heard of her'. I thought I was mispronouncing her name. However, when I said 'Mikakos' they still said they had never heard of her.

Ms Mikakos called me 'a oncer'. Is that not interesting? Maybe I should say, 'Ms Never-Heard-of-Her' called me a oncer. Perhaps she should call her friend Nathan Murphy and refer that expression to him. At the same time, she could ask him to ring me and apologise for the mess he left in my electorate office — the mess he left in the taxpayer-funded office — empty beer cans, cigarette stubs, inappropriate magazines.

**Ms Mikakos** — On a point of order, Acting President, the member is referring to a previous member of this house who does not have an opportunity to defend himself. I think it is poor form on the part of Mr Ondarchie, and it would be good if he could come back to the families statement.

**Hon. D. M. Davis** — On the point of order, Acting President, it is a bit rich of the opposition today to be talking about treating members of the Parliament or former members of Parliament badly after what some of its people have done. But my point of order is very simple: there is no reason why Mr Ondarchie should not refer to a previous member of Parliament as he sees fit.

**Hon. M. P. Pakula** — On the point of order, Acting President, my comments go to the question of relevance. The state of Mr Ondarchie's office has nothing to do with the families statement.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I have a view that Mr Ondarchie is perhaps straying from the subject. I do not uphold the point of order, but I ask him to move on to the statement presentation.

**Mr ONDARCHIE** — This government is committed to families, and let me tell you, Acting President, what my family did over the Christmas break. We cleaned out an electoral office. My family, in its active participation, cleaned out cigarette stubs, empty beer cans, minutes of the plumbing union meeting, and other things.

**Hon. M. P. Pakula** — On a point of order, Acting President, Mr Ondarchie is flouting your ruling. You asked him to come back to the families statement. He is again referring to the state of his electorate office; it has no relevance to the motion.

**Hon. D. M. Davis** — On the point of order, Acting President, the member's comments are completely appropriate and completely in order.

**An honourable member** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! We will not have a point of order debate. The issue is about whether Mr Ondarchie is straying from the families statement. I appreciate that Mr Ondarchie is enjoying his role, and I appreciate that the press gallery is enjoying his presentation, but I ask him to confine his comments to the families statement.

**Mr ONDARCHIE** — It is great to be on my feet here, and it is encouraging that the people who are suffering from relevance deprivation over on the other side are listening to me. That is terrific.

There are a few other things that families participate in. I was criticised in this house by another member for Northern Metropolitan Region for my lack of care for families. This party does care for families. It cares for Mr Dalla-Riva and his family. It cares for everybody's family — unlike those opposite.

It is claimed that Ms Mikakos and the lower house member for Yan Yean also care for families. I have to tell the house in terms of my family that I live in the South Morang area in the Yan Yean electorate. The South Morang working families have been waiting since 1999 for a train line. Indeed I find it curious that every morning on the traffic report they do not call the cancellation of the South Morang railway train — since 1999! Yet people opposite have the gall to say that they care about families.

Many children in the South Morang area have grown up while they have waited for the train in South Morang, and they are now driving motor vehicles. As an act of desperation, whilst claiming to care about families, the former government turned a bit of soil before the election. That was after 11 years. I have been here for 11 weeks; for 11 years those opposite have been claiming they care about families, and here is another example of where they do not care about families.

Indeed as I am being asked to hang my head in shame, maybe Ms Mikakos and those opposite should hang their heads in shame for their lack of attention to

Victorian families for such a long time during which they claimed that they cared about families.

Let me tell you, Acting Speaker, what those opposite have dealt Victorian families: a desalination plant that will cost Victorian families \$654 million a year for the next 30 years before a drop of water comes out of it. That is the care those opposite claim they have for Victorian families. We have a ticketing system that has never worked, and we have 11 years of mismanagement by the former government, which claims in response to the family statement that it cares about Victorian families.

We have a Victorian Funds Management Corporation that has lost over half a billion dollars, coming from a former government that claims, Acting Speaker, to care about Victorian families.

**Hon. M. P. Pakula** — On a point of order, Acting President, if you will not do it, I will. I thought by now you might have let Mr Ondarchie know that your title is Acting President, not Acting Speaker; but if you will not mention it, I will.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I do not see that point of order covered by the standing orders. I have to say it was fairly frivolous. I am quite enjoying Mr Ondarchie's presentation, which is providing a bit of life to this chamber this afternoon. However, I have asked him if he could confine his statements to the family statement, and I hope he will accommodate my wish in that regard.

**Mr ONDARCHIE** — Thank you, Acting President, and I thank Mr Pakula for his educational point, which is perhaps the only value that has been added to this chamber by him today.

**Mrs Peulich** interjected.

**Mr ONDARCHIE** — This is all about Victorian families, Mrs Peulich, and about the care and love the Baillieu-led government has for Victorian families, which have been ignored for 11 years by those opposite, who are suffering from relevance deprivation.

Opposition members left Victorian families with run-down schools and poor planning. Opposition members cannot remember the Windsor Hotel sham consultation. In fact I believe Ms Mikakos was the Parliamentary Secretary for Planning at that time. Smart meters were introduced by that not-so-smart government — and incredibly, those opposite claim they are advocates for Victorian families!

I refer in particular to the claim made by Ms Mikakos and the member for Yan Yean in the other place that they are advocates for Melbourne's north. They talk about the growing suburb of Doreen and the urgent needs of families there. They have watched as families — dare I say voters — have moved in, but they have ignored the lineal, physical and social infrastructure that goes with that. They have delivered Victorian families 11 years of waste, mismanagement, spin and poor government, and on 27 November the voters said, 'Enough is enough; the times they are a-changin''.

The Baillieu government, through the families statement and through genuine and ongoing discussion, will deliver for Victorians — and those opposite have not. The Baillieu government will deliver outcomes for Victorian families, for working families, for families of all different shapes, sizes and compositions, unlike those opposite. We will fulfil our election commitments, we will do what we said we were going to do.

I welcome this Baillieu-led families statement. I welcome the chance to return this state to the pride of Australia. I look forward to truly representing the constituents of Melbourne's north and not being like those opposite — someone they have never heard of.

**Debate adjourned on motion of Mr KOCH (Western Victoria).**

**Debate adjourned until next day.**

## BOWEL CANCER: SCREENING PROGRAM

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That this house —

- (1) notes with concern that 3563 Victorians were diagnosed with bowel cancer in 2008, with 1433 Victorians dying from it in that year alone, notes that bowel cancer is the commonest internal cancer affecting both men and women, is the second-leading cause of cancer death in Victoria, and that these figures can be improved by one-third by an effective bowel cancer screening program;
- (2) notes the *Lancet* article of February 2011, 'Bowel cancer screening program under threat in Australia', which states of the federal government's bowel cancer screening program that '...since 2006 only a piecemeal program has been delivered' and includes the observations that:

- (a) the cost of bowel cancer treatment is projected to reach \$1 billion in 2011; whereas a fully implemented screening program would cost approximately \$140 million and would save lives and be cost effective;
- (b) the national uptake of bowel cancer screening, 37 per cent in men and 43 per cent in women, is much lower than 70 per cent participation rate for cervical screening and 54 per cent for BreastScreen; and
- (c) notes that the current bowel screening program offers once-only screening to people at ages 50, 55 and 65 years compared with the required two-yearly program from 50 to 70 years;
- (3) notes the federal Labor government's refusal to guarantee the continuation of the National Bowel Cancer Screening Program, an important program which, when fully implemented, will save many lives;
- (4) notes the comments of Dr Michael Jefford of the Peter MacCallum Cancer Centre in the *Lancet* that 'bowel cancer has been neglected in terms of screening and advocacy...'; and
- (5) calls on the federal health minister and the federal Labor government to guarantee funding for a fully implemented bowel cancer screening program beyond 30 June, 2011.

I move this motion without any rancour towards or negativity about the federal government, but I put it on notice that this is a very important public health measure that seeks, through screening, to prevent cancer, to detect it earlier or prevent the progress of cancer through early detection in order to save lives.

I believe all fair-minded Australians will support the program, and the commonwealth government should be prepared to move on this. This should be a national program. I do not always agree with the commonwealth, but the fact that it made a start in funding this program is a welcome development; however, the funding will run out on 30 June. That funding needs to be broadened to ensure that there is sufficient funding to go forward and implement a full and comprehensive screening program nationally.

I have written to the commonwealth minister, who I think is a person of goodwill on this matter, a person with a sincere view about the need for public screening measures of this type and someone who is prepared to advocate at a national level. But it is entirely appropriate for this chamber — I hope in a non-partisan way — to take a position on the importance of this program.

The chamber has the opportunity to indicate the importance of this bowel cancer screening program and to make a statement that can resonate at a national level.

In doing so, I am particularly aware that the *Lancet* medical journal recently carried an editorial about the importance of this subject, and it is a significant moment when a major medical journal singles out the potential loss of a significant screening program in an advanced Western country like Australia, and makes that subject its editorial statement in the journal. The article is written by Tamara Barrett and entitled, 'Bowel cancer screening program under threat in Australia', and I want to quote a few short sentences from it:

Australia's bill for bowel cancer is set to hit AU\$1 billion this year, but the federal government has committed no ongoing funding to develop the bowel cancer screening program after June 30, 2011. Benefits of the program have been well established for about 15 years, and, fully implemented, up to 30 deaths per week could be prevented.

These are the *Lancet's* figures. The article goes on to state:

Bowel cancer is the second biggest cause of cancer death in Australia.

The current program does not follow the ideal prescription of biannual screening programs, as the screening program is delivered by mail. People use the screening kit and mail back the relevant sample. The relevant sample is then tested and the person is followed up and given the details of the result. There is, I think, amongst some people, a belief that this mechanism is not perfect in every way, but the fact is it has been highly effective and the uptake has been quite considerable. On each occasion that the fecal occult blood test indicates a positive result, which suggests there may be a cancer present, there is a follow-up and a full investigation in which the person is provided with counselling and given a range of tests to confirm the diagnosis.

It is a very cheap method of administering a test. It is a method that is effective. The sensitivity of the test is sufficiently good that it works well as a screening test. At the same time the specificity is sufficient for the results to lead to proper follow-up and outcomes that enable the community to have a high level of confidence in the way the testing system operates.

The Cancer Council Victoria is strongly supportive of this program. This is one of those cases where preventive steps — screening steps that detect early cancer — are not only the right medical or health step but they also potentially save considerable money. The provision of an early detection measure means that interventions can be successful at an early point in saving lives — and massive costs to the community.

These are very important steps. I do not believe the community would like to see this program discontinued. I think that is the wrong step to take. The federal health minister, Nicola Roxon, has the right attitude to this issue by making statements about it publicly. In this way, the community has the opportunity to give her the support to ensure that the commonwealth government continues the work of this important program.

I will quote further from the *Lancet* article:

Internationally, Australia is lagging behind with bowel screening. 'It is astounding that the government has not guaranteed continued — if not increased — funding in the face of what is happening internationally' ...

I could go on, but the point is very clear: the National Health and Medical Research Council recommends two-year screening. Bowel cancer is, as I said, the second most common cancer. The Baillieu government will continue its commitment to assisting with the implementation of this plan. The machinery of posting testing kits out is in place and in my view should be kept rolling. We need to ensure that the message to the community — that it is very clear that the community as a whole supports the bowel cancer screening program and that all governments and oppositions in Australia support this program — is in no way diluted.

In terms of uptake there is a slightly lower number of male participants. As a community we need to address the occasional slowness of men in taking up screening programs of this nature. That is equally about keeping the message very clear. There are some instances where language can be a barrier to understanding what to do with the kit. We need to do better at getting those messages to non-English-speaking communities to make sure that those groups have the higher level of access that is required to ensure that the screening tests pick up as many cancers within those groups as possible.

This is one of those situations where cost-effective interventions can lead to better clinical outcomes, both in saving money initially and preventing terrible consequences for individuals and their families. I welcome the opportunity to move this motion in the chamber today. It is an important opportunity for all those who are interested in better health outcomes to join with me in supporting the continuation of this program.

**Mr JENNINGS** (South Eastern Metropolitan) — On one level I am extremely happy to follow the lead of the Minister for Health in terms of supporting the proposition that he has put to the chamber in a motion

seeking ongoing support for bowel cancer screening programs.

In moving the motion he has reminded us of the importance and prominence of bowel cancer within the Australian and indeed the international communities as well as the importance of the early detection of bowel cancer to enable the appropriate intervention at an early stage or at the onset of the illness. I am happy to support him, as this is a bipartisan issue in relation to the recognition of the issue's significance. I am very happy to put that forward on behalf of the Labor Party in the Victorian Parliament.

The only comment I make that I am not overjoyed about is the need for such a motion. I think that using the forms of the Parliament and having the issue on the government business program is important — maybe; I am not sure about that — but what is definitely important is that we take the opportunity, and not miss the opportunity now that it has been made available to us, to support this program and its ongoing availability to Australian citizens and that we encourage those members of our community who may be susceptible to this illness to avail themselves of the screening program. People should take action at every opportunity to prevent the illness in the first instance and subsequently to intervene at the earliest stage of the onset of cancer. I wholeheartedly support that aspect of our discussion today about how we can send that message to the Victorian and Australian community.

I am very happy to support the Minister for Health in any productive, constructive conversations about jurisdictional responsibilities and funding arrangements between the state of Victoria and the commonwealth. Many of these programs should be national programs. I am not disputing that. I am sure the Victorian Minister for Health is mindful of what would become a conundrum if that funding were not provided. In those circumstances it then becomes incumbent upon state jurisdictions to pick up responsibility for these programs and decide what level and what degree of availability they will provide in the absence of an ongoing program.

There is a first order of issues that may divide the government and the opposition in the Victorian Parliament, and this will not be one of them. We will be supportive of any positive interaction that improves the quality of care for Victorian citizens as part of a consistent and national framework for health. We know that there are differences of opinion, as with any debate that has occurred in the chamber in the last little while in this Parliament, about the difference between the Council of Australian Governments health agreement

that was signed by the Brumby administration and the agreement signed by the Baillieu administration. However, for what it is worth, if we see any improvements in the availability of funding or certainty, or any improvements in growing the health system in Victoria, we will be supportive of it. We are not churlish enough to continue to play political games about those issues, and if there is a net improvement in the quality of care and the availability of resources to provide better health care, then we will be supportive of it.

We will continue to do that, and where that may not be the case — where in fact bad decisions, bad policy implementation, bad governance or bad practices may proliferate through the health-care system or where inadequacies in dealing with community demand exist — we will not baulk from identifying those and drawing them to the attention of the Victorian community, the Parliament, the Victorian government and indeed the national government if it is relevant. We see that as our responsibility, but that is not the issue at hand here. The issue is to support the motion and the intention and design of this program and to see if we can find a way, as the Victorian community, to secure more funds and resources to support this program in the future. I take the opportunity to say to the Minister for Health that if he is seeking bipartisan support and positive engagement in any role that the opposition may play at any point in time to achieve those outcomes, that opportunity is available to the minister and available to the government.

In dealing with what might be a conundrum, where in fact commonwealth funding is not secured and there is not an ongoing program, we will certainly not be gratuitous in our expectations about the Victorian government's ability to provide this program, although we would urge it to use its best endeavours and its wit and wherewithal to be able to provide the appropriate level of service for this important program in the future. If that is the requirement, that is something we would be sympathetic to if the government can identify new resources or shift resources in the name of achieving that outcome. We would be on the public record as being supportive of that, hopefully not at the cost of the provision of other services in Victoria. That is the spirit in which I join the debate, and I think the government is fairly clear about the tone and tenor of that support and how it has been offered.

**Mrs KRONBERG** (Eastern Metropolitan) — In rising to support the Minister for Health's motion on continued funding for the bowel cancer screening program on a national basis, I have to say that the points he has laid out in the motion are very important.

I note the facts and figures about the incidence of bowel cancer in this country and the fact that bowel cancer has the second highest incidence of reported cancers, behind lung cancer, in this country. All the facts, worthy comments and quotations made by members of the medical fraternity who have made contributions that have formed part of the framing of this particular motion are very important.

For me the most important word in this motion is in point 5, in which the house 'calls on the federal health minister and the federal Labor government to guarantee funding for a fully implemented bowel cancer screening program beyond 30 June 2011'. We have seen some very encouraging comments from the federal Minister for Health, Nicola Roxon. She uses very nice warm intonations in her commentary, but funding has not actually been guaranteed. The action of the Victorian Minister for Health, in putting this motion before the house today, is timely and very appropriate, because he is asking the federal government to guarantee it.

It is good to receive bipartisan support on matters such as this, and I welcome many of the comments that Mr Jennings just made in his contribution on behalf of the state opposition.

It is worth making a couple of points on the odyssey that this particular program has been on. I turn to some notes on the time line and history of this program. In 2002 a pilot program was commenced. In 2006 the National Bowel Cancer Screening Program was launched for people turning 55 and 65. In 2008 the program was extended to include people turning 50, 55 and 65. In 2009 the program was suspended for six months due to faulty test kits that were issued to people. In 2010 the Department of Health and Ageing portfolio budget papers stated on page 64 that the last invitations for people to participate in the screening program would be issued in December 2010. When we look at the national screening program for 2011 we can only put question marks next to this year.

It seems to me that this program has been successful in the past. It has been considered an interim exploratory measure. There are sound facts showing a number of incidents of the screening really working to save lives, with many people receiving closer medical examination as a result of the screening. Something like 370-odd people confirmed with bowel cancer were picked up in the screening process in those cohorts of the population.

We know the screening process works as an interim measure. We want to see it as the optimum measure. That would be that the screening regime would be

available to that age group and in the fullness of time — when people have had further opportunity to analyse the results — just like the breast-screening program that has delivered so many results for the women of this country, the entire population would have access to the screening program every two years.

I would like to make a special point in the house today. Because the incidence of bowel cancer is more prevalent amongst men, no matter which age cohort and especially men under 85, I want to encourage the men of Victoria and perhaps of Australia to submit to regular examination and to adopt the approach that their health is as important as that of any other member of their family. They need to find a way to face up to regular physical examination. I have a little bit of experience in this field because I have worked for some time with men who are survivors of prostate cancer. I know the discomfort that they have experienced in facing testing regimes.

I ask the men of this state in particular and the men of Australia generally to look after themselves better than they have in the past, by subscribing to a program like this. If the federal government reinstates the funding from the beginning of this financial year by including it in the May budget, I hope that Victorian and Australian men generally will take full advantage of this essential screening program so that they can go on to live long and happy lives with their families.

**Ms HARTLAND** (Western Metropolitan) — The Greens will be supporting this motion. We consider preventive health measures incredibly important. I echo Mr Jennings's remarks, when he said that this kind of work is extremely important and it should be approached in a bipartisan way. Another thing I would like to say is that it would be good to see the government concentrating on a whole range of preventive health measures, especially around diabetes, and looking at the work that VicHealth has done in the past around those issues. Obviously the work has been done and now we just have to get on with it.

**Mrs COOTE** (Southern Metropolitan) — I want to be brief — not quite as brief as Ms Hartland — in speaking on this motion moved by Mr Davis. I have listened to the comments made by all participants in the debate on this motion. I suggest that prevention is coming through as a big issue in this matter. The fact is that these days there are many areas dealing with cancer prevention. We have BreastScreen. I must put on the record that the Honourable Marie Tehan, a Minister for Health in the Kennett government, was a strong proponent of breast screening and she did an extraordinary job in getting universal breast screening

happening in Victoria. We have seen some remarkable results of that breast screening in prevention, which is very important.

In my contribution to the debate on the address-in-reply, I spoke of our current Governor, Professor David de Kretser, whose scientific career has been based on men's health, with a particular emphasis on prostate cancer. The debate on prostate cancer that he has raised in the community is very important. When I look at the men in this chamber, all smiling and smirking, I say to them, 'Make certain you go and have all these checks, because they are really important'. People may not want to think about this, but I suggest they follow up and start to have preventive discussions and have the tests. These days they can have a very simple blood test that is not invasive. I recommend that they do that.

Having said that, the latest thing in prevention is inoculation for young girls against cervical cancer. Gardasil, a new vaccine, is proving to be very effective. It is being given to teenage girls as a preventive measure against the onset of cervical cancer later as they go into adulthood.

That brings me to this motion. It is just extraordinary that in this day and age the federal government would even consider scrapping this very good program. I know of people who have been involved in the program. Certainly there were a couple of hiccups along the way, with some irregular testing. That was fixed and sorted out.

The statistics on bowel cancer are horrendous. One in 12 people will suffer bowel cancer by the time they are 85. It is the second-largest cause of cancer deaths. In Australia every week 274 people are diagnosed with bowel cancer and every week 78 people die from bowel cancer. Medical science has come such a long way that in this day and age we should be availing ourselves of every opportunity to look at and make certain that we do as much as we possibly can in prevention.

I agree that the Premier has managed to do some excellent things for health in this state with the recent health agreement, but the bowel cancer screening program needs to be thought about and put on the table by all of us. I suggest that the actions of the federal government on this issue are indictable. I, too, commend Mr Davis's motion. Once again, to be coy about this, prevention is something that we must all be thinking about.

**Mr O'BRIEN** (Western Victoria) — I am one of the men who are subject to bowel cancer screening

because, returning to the families statement, I have within my family a history of bowel cancer, and it is a disease that runs in families. Nearly 20 years ago my mother had a tumour that thankfully was removed in time. It is a horrific disease, if not caught early. The important thing about bowel cancer is that it is one of those diseases in which the cost expenditure in money terms, but more importantly in human life, of screening, identifying and hopefully treating in time, compared to that for treatment and the loss of life, makes it absolutely economically sensible to do, even if one is looking at it from a strictly budgetary point of view.

I will briefly add to the debate on this motion. I support the motion and agree with Mrs Kronberg that there should be a guarantee of funding if that is sought and perhaps advocacy for extended funding. I am due for my next screening at age 40. I have not yet booked it in, but we all have to get around to it, as we should with all preventive medicine measures.

I have done some additional research, and I can identify that there is more academic literature that supports the continuation of this program than that mentioned in the motion. We had a debate earlier this week about learned academic research in relation to cattle grazing in the high country, but in relation to this issue it seems that the academics are of one mind, which is that it is beneficial for this program to continue.

I refer to an article in *Medical Journal of Australia* dated 21 February 2011 and entitled 'Costs and cost-effectiveness of full implementation of a biennial faecal occult blood test screening program for bowel cancer in Australia'. It was written by a number of learned authors, including Professor James St John. Professor St John is a clinical gastroenterologist with a longstanding research interest in population screening for bowel cancer. He is currently a consultant to the Cancer Council Victoria and the Cancer Institute NSW and is a member of several advisory groups for the national bowel cancer screening program. I will not cover the research paper in full, but I will briefly quote the abstract, which says under the heading 'Objective':

To examine the costs and cost-effectiveness of full implementation of biennial bowel cancer screening for Australian residents aged 50–74 years.

Under 'Conclusions' the abstract states:

Full implementation of biennial faecal occult blood test screening in Australia can reduce bowel cancer mortality, and is an efficient use of health resources that would require modest additional government investment.

Under 'Results' the abstract says:

We identified six relevant economic analyses, all of which found colorectal cancer (CRC) screening to be very cost-effective, with costs per LYG —

or life years gained —

under \$55 000 per year in 2010 Australian dollars. Based on our additional modelling, we conservatively estimate the full implementation of biennial screening for people aged 50–74 years would have gross costs of \$150 million, reduce CRC mortality by 15–25 per cent, prevent 300–500 deaths from bowel cancer, and save 3600–6000 life-years annually —

that is a huge saving not just in dollars but in the most important cost of bowel cancer, which is human lives —

for an undiscounted cost per LYG of \$25 000–\$41 667, compared with no screening, and not taking cost savings as a result of treatment into consideration. The additional expenditure required, after accounting for reductions in CRC incidence, savings in CRC treatment costs, and existing ad hoc colonoscopy use, is likely to be less than \$50 million annually.

These are significant findings to learn about. I join Mrs Coote in being somewhat surprised that putting such a wonderful program on the proverbial chopping block would even be contemplated.

I will briefly put on the record some of the important statistics relating to this matter, such as the fact that 1 in 12 Australians will develop bowel cancer before the age of 85 and that it will claim the lives of around 3800 Australians this year. By comparison, approximately 2900 women will die as a result of breast cancer. As with all cancer research it is important that the cross-benefits of funding and research be maintained. It is not necessarily a matter of choosing between them; it is a matter of them working together. The screening can prevent an estimated 30 deaths per week. Cancer Council Australia holds the view that early detection can make significant savings in hospital costs.

In conclusion, I support the motion and commend the other parties for the bipartisan support shown for this motion. I urge the federal government to immediately confirm that this program will be maintained and preferably enhanced so as to prevent more deaths of Victorians.

**Hon. D. M. DAVIS** (Minister for Health) — I want to reiterate my comments about the need for the bowel cancer screening program to continue nationally in a comprehensive way. This is a matter that should be seen as a national issue. I welcome the support of all parties and the number of people who have spoken in the chamber today. As I have said, this is an issue that

is one step beyond party politics. In that spirit I encourage the federal minister, with the support of this chamber, to ensure that the program continues in a comprehensive way.

**Motion agreed to.**

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Membership

**Hon. D. M. DAVIS** (Minister for Health) — By leave, I move:

That Mrs Coote and Ms Crozier be members of the Family and Community Development Committee.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the Council, at its rising, adjourn until Tuesday, 22 March.

**Motion agreed to.**

## SHRINE OF REMEMBRANCE AMENDMENT BILL 2011

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. W. A. LOVELL (Minister for Housing) on motion of Hon. G. K. Rich-Phillips.**

### *Statement of compatibility*

**For Hon. W. A. LOVELL (Minister for Housing), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Shrine of Remembrance Amendment Bill 2011.

In my opinion, the Shrine of Remembrance Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill clarifies the Shrine of Remembrance's core role as a memorial and specifies that the shrine trustees are responsible for the stewardship of the facility, the preservation of the shrine as a site of cultural significance, ceremonial activities and public programs to inform and educate the community about the service and sacrifice of Victorians and Australians in war, conflict, peacekeeping and peacemaking.

The breadth and depth of the skills of shrine trustees will be enhanced through increasing the number of trustees and the range of skill categories from which trustees can be drawn, while maintaining representation from the Melbourne City Council (MCC), the Returned and Services League (RSL) and the Legacy Club of Melbourne Inc. (Legacy).

The relationship between the MCC and the shrine will be updated to reflect the current operating environment. The scope of agreements for the provision of services by the MCC to the shrine will be specified.

The application of divisions 2 and 3 of part 5 of the Public Administration Act 2004 to the Shrine of Remembrance will be specified and will be applied from 1 July 2011.

The trustees will be enabled to enter into arrangements with the relevant gas distribution network (rather than specifically with GASCOR, the redundant entity which is currently specified) to supply gas free to the Shrine of Remembrance for the operation of the Eternal Flame.

**Human rights issues**

Clause 5 of the bill limits the right to take part in public life as only certain classes of persons are eligible to become trustees. Clause 5(2) provides that the minister can only appoint to the trust a person who has experience and skills in, and knowledge of, one or more of 11 specified fields.

**1. Human rights protected by the charter that are relevant to the bill****Section 18: taking part in public life**

Section 18 of the charter states that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

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

Section 7(2) of the charter permits rights to be subject to 'such reasonable limits as can be demonstrably justified in a free and democratic society'. The limits to section 18 of the charter by virtue of section 5 of the bill are considered reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

**(a) the nature of the right being limited**

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

**(b) the importance of the purpose of the limitation**

The purpose of the limitation is to ensure that the Shrine of Remembrance Trust draws as widely as is possible from community members with the appropriate skills to assist the trustees to strengthen their stewardship of the Shrine of Remembrance, a place of state and national cultural significance in the community. The restriction addresses the need recognised by the State Services Authority for the trust to be able to draw on a broader and deeper skills base.

**(c) the nature and extent of the limitation**

While the limitation narrows the appointment of trustees from an unlimited pool of adult citizens, it extends the range of skills sought for trust members set out in the current act and expands the number of appointed trustees from 8 to 10. Further, individuals who do not have the defined requisite skills can engage with the trust and participate in its management through other avenues such as becoming a member of the Returned and Services League and Legacy Club of Melbourne.

**(d) the relationship between the limitation and its purpose**

There is a direct relationship between the limitation and its purpose because the limitation will enable the trust to extend the range of skills and experience available to it to provide strengthened stewardship of the Shrine of Remembrance.

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

There are no less restrictive means to achieve this purpose because to provide for the best possible stewardship of the shrine by the trustees, a defined range of trustees' skills and experience needs to be specified.

**(f) any other relevant factors**

Clause 5(2) of the bill extends the skill categories from which trustees may be drawn from the existing 5 specified in section 3(1)(e) of the principal act to 11.

**Conclusion**

I consider that the Shrine of Remembrance Amendment 2011 is compatible with the Charter of Human Rights and Responsibilities because the limits placed upon the right to take part in public life are reasonable and proportionate.

Wendy Lovell, MLC  
Minister for Housing

**Second reading**

**Ordered that second-reading speech be incorporated into Hansard on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

In 2009 the Shrine of Remembrance, Victoria's largest war memorial, celebrated its 75th anniversary. Originally built as a memorial to commemorate the service of men and women who served in the Great War of 1914–1918, the shrine is Victoria's main focus of commemoration.

At the time, Victorians felt a debt to the volunteers who had served during World War I. They felt that they owed these volunteers a permanent monument of remembrance. This was a time when the remains of those who had died were not repatriated home, and the shrine was a place for family members to grieve.

The shrine is seen by Victorian veterans and the community as a monument built as a memorial to honour the memory of all who served, and a lasting tribute to our World War I veterans.

Over time the shrine has evolved to reflect the changing history and nature of Australia's involvement in conflict. Memorials now exist at the shrine to mark the service of other conflicts such as World War II, Korea, Malaya, Vietnam and various peacekeeping missions. Today, the shrine commemorates service and sacrifice associated with large-scale multilateral wars, smaller regional conflicts, civil unrest and other security threats.

The shrine has also expanded its mission to include education as well as commemoration, and to ensure its relevance for future generations. In the late 1990s the shrine trustees recognised that the veterans community was diminishing in numbers and that many Victorians had little knowledge of the events that had shaped the history of the shrine or any personal experience of war.

As a result a major redevelopment occurred at the shrine, firstly with the opening of the visitor centre in 2003, and later the education centre in 2005. The shrine has become a place where members of the community, particularly schoolchildren, can come to learn about, reflect and commemorate the service and sacrifice of servicemen and women.

These developments have been a resounding success. In 2010, the number of visitors to the shrine was around 600 000, with over 40 000 schoolchildren participating in education programs or tours. We have seen a resurgence of public interest in the history and underlying values of service and sacrifice, and the shrine has responded well to the need for greater community education.

In 2009, the State Services Authority (SSA) conducted a review of the Shrine of Remembrance to examine the adequacy of existing governance and institutional arrangements for the shrine. The SSA recommended a number of changes to the existing legislation governing the shrine.

After considerable consultation with the shrine trustees and the veteran community, a decision has been taken to amend the Shrine of Remembrance Act 1978, to provide the shrine trustees with a more contemporary and relevant legislative framework.

The SSA found that while the current act provided the trustees with a range of powers and duties, it did not clearly

set out the shrine's core value and functions, nor did it recognise the shrine as a site of cultural significance for the community.

The bill proposes that the primary role of the shrine should be a memorial to honour the service and sacrifice of Victorians and Australians in war, conflict, peacekeeping and peacemaking.

In order to fulfil this core role, it is further proposed that the shrine trustees be responsible for three key functions: stewardship of the facility as a memorial and site of state, national and cultural significance; delivery of ceremonial and commemorative activities; and delivery of public programs to inform, educate and promote understanding about the history, experience and service of Victorians and Australians in war, conflict and peacekeeping.

The trustees would also be empowered to carry out these functions in places in Victoria other than the shrine or its reserved land, recognising the valuable outreach role the shrine plays in delivering public education programs and exhibitions across the state.

Given the expanded functions of the shrine it is proposed to strengthen the capacity of the shrine trustees by increasing the number of trustees from 8 to 10 and broadening their skill base. All trustees would be required to have knowledge and experience in at least one of the skill areas relevant to key functions of the shrine.

The shrine would also be subject to divisions 2 and 3 of part 5 of the Public Administration Act 2004, clarifying trustees' duties and the role for subcommittees, and formalising current best practice governance arrangements.

The bill also proposes to clarify the relationship between the Shrine of Remembrance and the Melbourne City Council. A number of provisions in the shrine act regarding specific funding amounts and processes are no longer relevant in today's context. It is proposed to repeal all outdated sections of both the Shrine of Remembrance Act 1978 and the Melbourne Market and Park Lands Act 1933, while maintaining the council's role in the maintenance of parks and gardens and providing administrative support as required.

These amendments have been developed following extensive consultation with ex-service organisations. An exposure draft of the bill was released for public comment during October and November 2010 and received 37 submissions on the proposed changes. In particular, the bill is supported by the shrine trustees, the RSL, Melbourne Legacy, the Victorian Veterans Council and Melbourne City Council.

With the centenary of Anzac fast approaching, there will be increased expectations on the shrine to be a place for the Victorian community to commemorate and learn about the sacrifice and service of our veterans.

The proposed bill will ensure that the shrine has relevant and effective legislation oversight and clear direction in relation to this role.

I commend the bill to the house.

**Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).**

**Debate adjourned until Thursday, 10 March.**

## SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. R. A. DALLA-RIVA  
(Minister for Employment and Industrial Relations)  
on motion of Hon. G. K. Rich-Phillips.**

### *Statement of compatibility*

**For Hon. R. A. DALLA-RIVA (Minister for  
Employment and Industrial Relations),  
Hon. G. K. Rich-Phillips tabled following statement  
in accordance with Charter of Human Rights and  
Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Shop Trading Reform Amendment (Easter Sunday) Bill 2011.

In my opinion, the Shop Trading Reform Amendment (Easter Sunday) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The Shop Trading Reform Amendment (Easter Sunday) Bill 2011 amends the Shop Trading Reform Act 1996 (the act) to remove retail trading restrictions that prevent particular types of retail shops from opening on Easter Sunday in Victoria.

Section 5 of the act currently provides that all shops, except exempt shops, must be closed during ordinary shop closing times. Exempt shops include certain prescribed types of shops, as well as shops with not more than 20 employees, and shops with not more than 100 employees, in the week prior to Easter Sunday.

Ordinary shop closing times, as defined under section 3 of the act, includes all times on Good Friday, Easter Sunday and Christmas Day. Ordinary shop closing times also includes the hours between 12.01 a.m. and 1.00 p.m. on Anzac Day.

The shop trading restrictions will be removed by amending the definition of 'ordinary shop closing times' so as to omit reference to Easter Sunday.

Section 5A, which provides for special exemptions from the prohibition on Easter Sunday trading, will also be repealed. Guidelines formerly issued under section 5A will become redundant as a result of the repeal of that section.

The amendments mean that all shops in Victoria will be free to open on and from Easter Sunday from 24 April 2011.

#### **Human rights issues**

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

The bill may be said to engage section 14 of the charter which provides for freedom of thought, conscience, religion and belief.

Section 14 provides that everyone has the right to freedom of religion, including the freedom to have or adopt a religion or belief of that person's choice. Section 14 also provides that a person must not be coerced or restrained in a way that limits her or his freedom to have or adopt a religion in worship, observance, practice or teaching.

It might be said that by removing the restrictions on particular shops so as to allow them to engage in retail trade on Easter Sunday, some shop employees may be expected to work, interfering with their right to religious observance of Easter Sunday. The practice of observing the Christian holiday on Easter Sunday may also be said to be more broadly marginalised by the growth of secular society and its engagement in retail trade and consumption on a traditional day of religious worship.

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

To the extent that the bill results in a limitation of the right to freedom of religion, I consider that the limitation is reasonable, in accordance with section 7(2) of the charter. I provide the following reasons for this view.

###### *(a) the nature of the right being limited*

The right to freedom of religion protects the right to hold certain religious beliefs and to demonstrate those beliefs through acts such as worship and observance of religious holidays. Easter Sunday is a religious holiday for observers of the Christian faith.

###### *(b) the importance of the purpose of the limitation*

The Shop Trading Reform Amendment (Easter Sunday) Bill 2011 (the bill) amends the Shop Trading Reform Act 1996 (the act) to remove retail trading restrictions on Easter Sunday and to remove the requirement for special exemptions from Easter Sunday trading in Victoria.

The purpose of this bill is to improve the clarity and consistency of Easter Sunday trading laws, so that businesses will be able to decide for themselves when they want their shops to be open.

###### *(c) the nature and extent of the limitation*

The extent to which the provisions of this bill limit any charter rights is minor. By removing the restrictions on shop trading on Easter Sunday, the provisions of the bill do not restrain persons from having or adopting religious beliefs, nor do they prevent religious practice, worship or observance of holidays.

Easter Sunday is not a legislated public holiday. Employees can choose to take leave on Easter Sunday, or to celebrate the holiday as they choose. The bill does not limit employers' obligations, under the Equal Opportunity Act 2010, to make reasonable allowance for employees' religious beliefs, including in relation to requests for leave to enable employees to observe their religious holidays.

The trading restrictions currently apply solely to shops with more than 20 employees, or more than 100 employees across the state, in the week prior to Easter Sunday. Businesses

below this size, such as a milk bar, for example, remain free to trade on Easter Sunday. It should also be noted that there are a wide range of existing exemptions provided under the act for larger chain hardware stores and plant nurseries, for example, allowing them to trade on Easter Sunday regardless of their employee size.

By removing any restrictions that formerly applied to shops, the bill provides greater clarity and certainty for businesses, their employees and the broader community.

*(d) the relationship between the limitation and its purpose*

The relationship between the limitation and its purpose is rational and proportionate. Some businesses may prefer not to open on Easter Sunday and they remain free to make their own decision about whether to open or not. Similarly, some employees may prefer not to work on Easter Sunday and they remain free to make their own choices about their leave arrangements.

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

There are no less restrictive means reasonably available to achieve the purpose of the limitation. The bill can only reduce the inconsistent treatment of small and large retail businesses by removing the current restrictions. The fact that businesses may be legally authorised to engage in retail trade on Easter Sunday does not necessarily mean that they are required to do so.

**Conclusion**

I consider that the bill is compatible with the charter because, although it might be said to limit the freedom of religion, the limitations are reasonable under section 7(2) of the charter.

The Hon. Richard Dalla-Riva, MLC  
Minister for Employment and Industrial Relations

*Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The purpose of this bill is to amend the Shop Trading Reform Act 1996 so as to remove restrictions that prohibit some shops from trading on Easter Sunday.

Specifically, this bill will remove the restriction that requires shops with more than 20 employees or retail businesses with more than 100 employees across the state to close on Easter Sunday. It will also remove a requirement for special exemptions to be sought if municipalities wish to trade on Easter Sunday.

This Easter Sunday trading ban was imposed by the former government in 2003. It was an implementation of the ALP's

2002 election commitment as part of its industrial relations policy. Its implementation has been riddled with anomalies. Prior to the introduction of the ban, any retail business, regardless of employee numbers, was able to trade on Easter Sunday.

The Easter Sunday trading ban for the retail sector covers a day involving very significant levels of tourism activity. As a consequence, it is estimated that businesses in Melbourne and regional Victoria lose millions of dollars in revenue on Easter Sunday every year.

This bill rectifies the situation and ensures that any retail business that wishes to trade on Easter Sunday will be legally able to do so. The business itself will make that choice, not the government.

This bill is about the freedom of the business to decide whether to trade and the freedom of choice of consumers to decide whether to shop or not.

Most importantly, the bill provides greater clarity and certainty for businesses, their employees and the broader community.

The Victorian business community was not treated consistently by the former government.

Previously, Easter Sunday trading restrictions meant that some businesses in Victoria, but not others, were required to close before midnight on Saturday and remain closed through Easter Sunday.

This brought about a situation whereby a business with fewer than 20 employees, such as a milk bar, could trade on Easter Sunday, while a larger business such as a department store had to close.

As well as such inconsistencies, implementation of the Easter Sunday trading restrictions became complex, unwieldy and confusing. For example, following the 2003 ban, the former government went on to provide a range of exemptions for larger chain hardware stores and plant nurseries, allowing them to trade on Easter Sunday regardless of their employee numbers.

The 2003 restrictions became especially disruptive in regional Victoria. A number of special exemptions from Easter Sunday closing were granted by the former government for different geographical areas of the state, creating an environment that became extremely confusing for the community.

These special exemptions meant that all shops in one municipality, or part of it, could open on Easter Sunday but not in other municipalities. For example, all shops could open in Bendigo, but not in Ballarat or Geelong.

Easter Sunday, particularly in regional Victoria, is a peak tourist time generating tens of millions of dollars in revenue. All retail businesses throughout all of Victoria will now be able to take advantage of the high tourist numbers that stimulate valuable sales and other opportunities.

This is critical because it comes at a time when Victoria is striving to become an international destination of choice for tourists. A dynamic and flexible trading environment that is responsive to customer demand is central to this goal.

Consumers as well as business will benefit directly from the removal of the Easter Sunday shop trading ban because they will have the opportunity to shop at the times most suitable to them, rather than when the government allows.

Specifically, the Shop Trading Reform Amendment (Easter Sunday) Bill 2011 amends the Shop Trading Reform Act 1996 (the act) to remove shop trading restrictions that currently apply to Easter Sunday in Victoria.

Section 5 of the act currently provides that all shops, except exempt shops, must be closed during ordinary shop closing times. Exempt shops include certain prescribed types of shops, shops with not more than 20 employees and shops with not more than 100 employees in the week prior to Easter Sunday.

The current trading restrictions will be removed by amending the definition of ordinary shop closing times so as to remove any reference to Easter Sunday.

Ordinary shop closing times will now be defined under section 3 of the act, as all times on Good Friday, Christmas Day, and between the hours of 12.01 a.m. and 1.00 p.m. on Anzac Day.

Section 5A of the act, which provides for special exemptions on Easter Sunday, will no longer be required and will also be repealed. Guidelines formerly issued under section 5A will become redundant as a result of the repeal of that section.

These amendments are intended to take effect before this coming Easter Sunday, 24 April 2011.

In conclusion, this bill reaffirms the government's commitment to the rights of Victorians to make their own choices and also reaffirms the government's desire to ensure Victoria is a tourist destination that meets international expectations.

I commend the bill to the house.

**Debate adjourned for Mr SOMYUREK (South Eastern Metropolitan) on motion of Mr Lenders.**

**Debate adjourned until Thursday, 10 March.**

## CIVIL PROCEDURE AND LEGAL PROFESSION AMENDMENT BILL 2011

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips.**

### *Statement of compatibility*

**For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement**

### **in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Civil Procedure and Legal Profession Amendment Bill 2011.

In my opinion, the Civil Procedure and Legal Profession Amendment Bill 2011, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The Civil Procedure and Legal Profession Amendment Bill 2011 ('the bill') repeals chapter 3 of the Civil Procedure Act 2010 ('the act') and makes other technical and consequential amendments to remove prelitigation requirements from the act. It also removes the need for applications for the renewal of practising certificates under the Legal Profession Act 2004 to be accompanied by a statutory declaration.

#### **Human rights issues**

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

The bill does not limit any human rights protected by the charter.

##### **Right to a fair hearing**

Section 24(1) of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This right has been held to include an implied right to access the courts (see *Kay v. Attorney-General* (No. 3726 of 2009, 19 May 2009, VSCA at [11]).

The introduction of prelitigation requirements under the act limited this implied right to access the courts due to the imposition of preconditions on the commencement of civil proceedings. This limit was found to be a reasonable limitation under section 7(2) of the charter.

By removing the prelitigation requirements from the act, the bill will remove any impediment imposed by the prelitigation requirements in accessing the courts and therefore the right is no longer limited.

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

As the bill does not limit any of the human rights protected by the charter, it is not necessary to consider section 7(2).

#### **Conclusion**

I consider that the bill is compatible with the charter because it does not limit any of the human rights in the charter.

Richard Dalla-Riva, MLC  
Minister for Employment and Industrial Relations  
Minister for Manufacturing, Exports and Trade

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Civil Procedure Act 2010 commenced on 1 January 2011. The act applies to civil proceedings in the Supreme, County and Magistrates courts but not VCAT. Amongst other things, it proposes to introduce prelitigation requirements (PLRs) intended to encourage resolution of disputes without the commencement of proceedings. Under the act as it stands, the prelitigation requirements are to apply to cases in the Victorian courts that commence on and after 1 July 2011.

The PLRs require parties to a dispute, save in the case of specified and limited exceptions, to take what the act describes as 'reasonable steps' to resolve their dispute without resorting to litigation. The act is open-ended and unclear as to what parties are required to do to fulfil this requirement. The act simply provides that 'reasonable steps' include exchanging prelitigation correspondence, information and documents crucial to the dispute, and considering whether the dispute can be resolved through negotiation or appropriate dispute resolution (ADR). If parties fail to comply with the PLRs, they are liable to be subject to costs penalties.

It is common sense and good practice for parties to attempt to resolve their dispute without resorting to litigation if there is a reasonable prospect of success in such an attempt.

However, the government's view, and the view of many practitioners, is that to seek to compel parties to do so through these heavy-handed provisions will simply add to the complexity, expense and delay of bringing legal proceedings, because of the need to comply with these mandatory requirements, whether or not they are likely to be useful in any particular case. In many instances, the PLRs will allow dishonest parties to postpone and frustrate proceedings.

These problems arise because the PLRs apply to all proceedings unless a specified exception is applicable, whereas in practice the extent, if any, to which it makes sense for prelitigation processes to be undertaken will depend on the facts of the particular case.

Of particular concern is the potential for the bill to create unreasonable and costly barriers to recovering debts through the courts, especially for small to medium-sized businesses. Where a debtor simply will not pay up or even reply to repeated requests for payment, creditors should be entitled to go to court to recover debts without the need for compliance with prelitigation requirements that will almost certainly be fruitless.

During debate on the legislation last year, the coalition proposed amendments to exempt a range of additional categories of litigation from the PLRs, and to make clear that in remaining cases there may be some cases in which it was not reasonable to undertake any prelitigation steps.

Since the election, most parties with whom the government has consulted are of the view that, rather than adding to the complexity of the prelitigation requirements by including yet more exceptions, it is better to remove the mandatory prelitigation requirements altogether.

Section 9(2) of the act will still enable the court, in making orders and giving directions under the act, to have regard to the extent to which the parties have used reasonable endeavours to resolve the dispute by agreement or to limit the issues in dispute. This provision will give the court discretionary power to take action against parties who act unreasonably in not seeking to resolve their dispute, without burdening all parties with unnecessary procedural requirements.

The bill also makes a minor amendment to the Legal Profession Act 2004 to facilitate the full benefit of the Legal Services Board's move to an online system of grant and renewal of practising certificates for legal practitioners in Victoria. Victoria is the second jurisdiction in Australia to move from a paper-based system of issuing practising certificates to an online system. This change will reduce the regulatory burden on legal practitioners and the Legal Services Board by allowing for a more efficient and effective licensing process.

In order to make possible this move to online grant and renewal of practising certificates, the bill removes the requirement that an application must be accompanied by a statutory declaration, which is a requirement that is unique to Victoria.

Instead, practitioners will be required to complete a simple declaration in a form approved by the Legal Services Board, which would allow the declaration to be completed online. Without this amendment, practitioners would need to scan and electronically attach their executed statutory declaration or post the completed declaration to the Legal Services Board, which would undermine the efficiency sought to be achieved through the move to an online service.

The removal of the requirement for an application of grant or renewal of a practising certificate to be accompanied by a statutory declaration will not increase any regulatory risks as there are significant disciplinary consequences that flow from the provision of inaccurate or misleading information or through any breach of the Legal Profession Act 2004.

I congratulate the board on its initiative to streamline and modernise the processes for granting and renewing practising certificates. The government is pleased to support and facilitate this reform through this amendment to the act.

I commend the bill to the house.

**Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).****Debate adjourned until Thursday, 10 March.**

## EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. G. K. Rich-Phillips.**

### *Statement of compatibility*

**For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Education and Training Reform Amendment (School Safety) Bill 2010.

In my opinion, the Education and Training Reform Amendment (School Safety) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill aims to improve safety in Victorian government schools by providing school principals and authorised teachers with the power to search for weapons and other harmful items. These powers are additional to any existing powers, and ensure that principals and teachers have clear legislative authority to maintain order and safety in schools.

#### **Human rights issues**

##### *Privacy*

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

New section 5.8A.3, inserted by clause 3, engages this right by enabling principals, assistant principals and authorised teachers to conduct searches of students and student property. The search powers are broad enough to cover school grounds, buildings and premises, classrooms and student desks, premises being used for student activities, school lockers, and student bags, cases and other storage items that students bring on to school grounds. The search powers also include powers to direct students to turn out their pockets or to disclose if they have concealed items on their persons or on school premises.

Items that can be searched for include items that are prohibited by other laws (such as the Control of Weapons Act 1990 and the Firearms Act 1996), items that have been declared by the principal as prohibited, and any other item that the person searching reasonably suspects is being used, or

is likely to be used, in a threatening, violent or harmful manner.

While I acknowledge that the right to privacy is engaged by these provisions, I note that students may have a diminished expectation of privacy in a school environment. A student should be aware that they must comply with school regulations, and that it is not appropriate to bring certain items, such as weapons, onto school grounds or on school activities. Further, teachers and principals must be able to act quickly to protect their students and to provide the orderly atmosphere required for learning. Therefore, a flexible approach should be taken to searches conducted by teachers and principals.

Further, there are important limitations on the search powers authorised in the bill. First, the search power does not extend to the student's person. Searches only apply to premises, vehicles, lockers, and storage items carried by the student or brought by the student onto the premises. In addition, the principal, assistant principal or authorised teacher must reasonably suspect that the search will uncover harmful items. The bill therefore does not authorise arbitrary, unreasonable, or overly intrusive searches.

For these reasons, I consider that the search powers do not constitute an arbitrary or unlawful interference with privacy, and therefore the bill does not limit the right to privacy in section 13 of the charter.

##### *Property rights*

Section 20 provides that 'A person must not be deprived of his or her property other than in accordance with law.'

New section 5.8A.4, inserted by clause 3, provides that the principal, assistant principal or authorised teacher may seize a prohibited or harmful item. New section 5.8A.5 provides that items may be surrendered to police, or retained by the principal until the principal is reasonably satisfied that there is no imminent threat to the safety, security or wellbeing of any person or property. If an item is not surrendered to police, items must be returned to the rightful owner of the item or, if the owner is a student or is under 18 years of age, the parent or guardian of that student or child.

The seizure of possessions from students may result in a deprivation of property from students, or from the owners of property that is in the possession of a student. However, the right to property in section 20 will only be limited where there is a deprivation of property that is 'not in accordance with the law'. The law must be adequately accessible and sufficiently formulated to allow the student to regulate his or her conduct. Here the circumstances in which a person may be deprived of property are clearly outlined in the bill, and deprivations will therefore be in accordance with the law. For these reasons, I consider that the right to property in section 20 of the charter is not limited.

##### *Rights in criminal proceedings*

As discussed above, new section 5.8A.3 provides that a principal may ask a student to turn out his or her pockets or disclose whether or not he or she is concealing a harmful item. As there is the potential for such items to be surrendered to police and used in a criminal proceeding against the student from which it is seized, I have considered whether the provisions could limit the student's right to be protected from self-incrimination. That right is protected by both

section 25(2)(k) of the charter (the right not to have to testify against oneself) and also section 24(1) (the right to a fair trial).

I do not consider that the right is engaged by the provisions of the bill. The bill only gives teachers the power to ask students to turn out pockets or disclose that they are concealing items; it does not allow the teacher to compel the student to do so. Further, the right against self-incrimination is generally concerned with oral testimony, and is much weaker in relation to 'real' (that is, physical) evidence. I do not consider that the right applies in the circumstances provided for in the bill, and I therefore do not consider that any rights in criminal proceedings are limited by the bill.

### Conclusion

For the reasons set out above I consider that the bill does not limit any human rights and is therefore compatible with the charter.

The Hon. Peter Hall, MLC  
Minister for Higher Education and Skills  
Minister responsible for the Teaching Profession

### *Second reading*

## **Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I move:

That the bill be now read a second time.

### **Incorporated speech as follows:**

The Victorian government is committed to reducing the effects of antisocial and violent behaviour in Victorian schools.

The Victorian government was unambiguous in its plan for education in the lead-up to the state election, committing to introduce legislation providing clear powers for principals to ban or confiscate items considered harmful or dangerous.

This bill gives effect to this commitment.

I now turn to the key provisions of the bill.

Clause 1 sets out the main purpose of the bill, which is to amend the Education and Training Reform Act 2006 to provide certain powers to government school principals in relation to weapons and other items in the possession of students, and to make related amendments to the act.

Clause 2 provides that the provisions of the act come into effect by 1 January 2012. The Victorian government's intention is to bring this legislation into effect as soon as possible, with an intended commencement in the second half of 2011.

Under existing legislation, it is illegal for persons to possess weapons in public places, including government schools, without an exemption or lawful excuse. The bill does not intend to override these existing laws but will operate alongside them to make our schools safer.

Clause 3 of the bill provides the power for principals to ban, search for and seize harmful items. I will deal with each of these powers in order. These provisions allow principals to exercise common sense when dealing with situations in which students are suspected of being in possession of a weapon.

The bill provides principals with the express power to declare specific items they reasonably suspect are likely to be used in a threatening, violent or harmful manner from being brought onto the school premises — at any time or at certain times for specific purposes. In this way principals will be empowered to ban potentially harmful everyday items in response to local circumstances.

For example, a principal may choose to ban glass bottles being brought to the school during school hours if students are using them as weapons in the playground. However, the principal may want to exercise discretion in respect of activities conducted on the school premises after school hours.

Any declaration made in accordance with this aspect of the bill will be required to be made in writing and circulated to the school community.

The bill provides for the principal or assistant principal of a school to search for a harmful item on the school premises, providing they reasonably suspect that a search will uncover a harmful item. Furthermore, if students are participating in a teacher-supervised activity away from the school, including overnight stays and excursions, the principal or assistant principal will be empowered to search any part of a premises being occupied by the students. This power will extend to searches of bags, lockers or other articles in students' possession.

As part of this process, the student may be asked to turn out his or her pockets and to unlock any locked bag, locker or space being used for storage. Principals may also ask a student to disclose whether or not the student is concealing a harmful item.

In circumstances where the principal or assistant principal is not able to be present to carry out a search, the bill provides for the principal or assistant principal to authorise a teacher to undertake the search — irrespective of whether it is off-site or on school premises. Authorisations will be able to be made in writing or provided verbally. The latter is particularly important in situations where the circumstances necessitate action be taken immediately and the principal or assistant principal is not able to be present.

Importantly, this power does not extend to a personal search of a student — if such a search is necessary, it should be carried out by a member of the police force in accordance with established laws and protocols.

Regulations will be developed to help guide principals in the exercise of this power and the related seizure powers under this bill. These regulations will establish a framework for the development of appropriate protocols between Victoria Police and the Department of Education and Early Childhood Development, on behalf of principals, regarding the manner in which certain powers should be exercised in different circumstances, and how seized items should be handled and how school principals will liaise with Victoria Police in the execution of these new powers. For example, the regulations

may provide for protocols for principals when exercising search powers during a school camp or excursion.

The bill will provide the express power for a principal, assistant principal or any authorised teacher of a school to seize any harmful item found on the school premises. This power will also extend to harmful items found on premises where students are engaged in teacher-supervised activities away from the school. Principals will be provided with advice as to how this power is to be applied through regulations. One of the benefits of this approach is that the development of regulations regarding the search and seizure powers will provide an excellent opportunity for extensive consultation with key stakeholders, such as principals associations, regarding the application of provisions in the bill. The Department of Education and Early Childhood Development will also work with the office of the Victorian privacy commissioner and the Victorian Equal Opportunity and Human Rights Commission in developing the regulations and guidelines that will accompany the bill.

Principals may only seize harmful items if the person in possession of the item does not have an exemption or a lawful excuse for being in possession of that item. For example, a student undertaking a fencing class may have a lawful excuse for having a foil or épée in their school bag. Similarly, a student may be entitled to wear a ceremonial knife for religious reasons, such as the Sikh 'kirpan'. The bill also ensures that a person such as a police officer who enters a school while legally in possession of a weapon is not inadvertently brought under the provisions of the bill.

The bill provides some flexibility for principals in dealing with a harmful item that has been seized. For prohibited items such as swords and knives, it remains appropriate for principals to contact police immediately and to surrender those items to police if directed to do so. If police direct that an item is not to be surrendered, a principal will have discretion to maintain possession of an item until the risk of its use in a harmful manner has passed. For less serious items, it may be appropriate for the principal to return the item to the student's parents or guardian. Regulations and protocols will be developed to provide principals with more detailed guidance about how different types of potentially harmful items should be dealt with under different circumstances. Clause 4 of the bill also allows for ministerial orders to be created to provide further clarity around the powers and rights of principals when banning, searching for and seizing harmful items.

While the bill will provide clear legislative powers for principals to ban, search for and seize harmful items, it does not seek to limit any other powers that principals and teachers possess. Existing police powers are protected under this bill, and teachers and principals can still rely on their existing power to restrain a student from acts or behaviour that is dangerous to members of staff or students. The bill has been designed to provide complementary powers to principals to ensure that our schools remain safe and secure learning environments.

Importantly, the bill provides an exemption to principals, assistant principals and teachers from contravention of the Control of Weapons Act 1990 and the Firearms Act 1996 in the event that they take possession of a prohibited item after seizing it pursuant to the bill. This is similar to the exemptions recently provided to health professionals who may be required to seize weapons from patients in the course of their

regular duties. These exemptions are appropriate and necessary to ensure the proper functioning of the bill.

The bill also takes the opportunity to make a minor statute law amendment to section 7A(4) of the Control of Weapons Act 1990.

### Conclusion

This bill represents the implementation of the government's pledge to create clear legislative power for principals to ban or confiscate items considered harmful or dangerous. Principals will continue to work with Victoria Police to ensure that appropriate action is taken in instances where people take knives and other dangerous weapons onto school grounds. These new powers will allow principals to take a proactive and common-sense approach to making their schools safer for staff and students.

I commend the bill to the house.

### Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Lenders.

### Debate adjourned until Thursday, 10 March.

## ADJOURNMENT

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the house do now adjourn.

### Minister for Energy and Resources: briefing

**Mr LENDERS** (Southern Metropolitan) — The issue I raise today is for the Minister for Energy and Resources, Michael O'Brien. I am disappointed that my colleague Mr Hall is leaving the chamber, because he delivered on this matter with his colleague Mr Walsh recently. The issue I raise for the minister is the need for him to brief the opposition on the running of his portfolio.

It has now been more than three months since the election of the Baillieu government, and I have been singularly unsuccessful in achieving a briefing from the Department of Primary Industries on that portfolio of Mr O'Brien.

Mr O'Brien's attitude to briefing the opposition on the running of his portfolio is interesting. Firstly he asks for an agenda, and then when the agenda is submitted to him he says, 'I don't like it'. Then we get phone calls from his advisers saying they do not like the agenda that was submitted and that he will not brief the opposition because he chooses not to like the agenda. If it was any tribunal in the state of Victoria, natural justice would apply and at least there would be an explanation why the agenda was inadequate.

For the benefit of the house I could go through and read the email I sent to Mr O'Brien and the non-reply. But the long and the short of it is that, at a time when the minister is prepared to go to the *Age* newspaper and talk about all the coal export opportunities arising out of Gippsland — that is, to go to the newspapers and tantalise them with talk about resources — he is too busy, too arrogant and too out of touch to brief the opposition on this matter.

The reason I raise this is that previously in this house I have fairly harshly described the response from the Minister for Agriculture and Food Security, Mr Walsh, on a similar matter.

**Hon. D. M. Davis** — On a point of order, President, I draw your attention to the use of terms like 'too arrogant' and a whole series of other adjectives. This is simply not satisfactory, and it is debating the issue rather than simply raising an adjournment point.

**The PRESIDENT** — Order! Mr Davis is fully aware that being called too arrogant is not the subject of a point of order. That might be his perception of what is being said, but it is clearly nothing to do with the order of the house. There is not a point of order, so I dismiss that. As somebody who was involved in the drafting of the standing orders, Mr Davis would also be aware that the adjournment debate was widened to allow members to make some commentary rather than simply asking a question or seeking an action. Members are able to refer to the sorts of matters that I suggest Mr Lenders is referring to.

**Mr LENDERS** — Chair, the clock was at 61 seconds when the point of order started, and it has now run out of time. I seek your guidance.

**The PRESIDENT** — Order! The member, to continue.

**Mr LENDERS** — I will be brief: less than a minute. The action I seek from Mr O'Brien is that he show the courtesy that Mr Walsh showed: when Mr Hall interceded and sought a briefing Mr Walsh agreed to a briefing on the agriculture portfolio. The action I seek from Mr O'Brien is that he extend the same courtesy to the opposition that Mr Walsh extended in relation to the agriculture portfolio and offer a briefing on the resources component of his portfolio so that I may do my job with due diligence.

### **Murray-Darling Basin: federal plan**

**Mr DRUM** (Northern Victoria) — Members of the house who are based in metropolitan seats might not be aware of the fierce and sustained opposition from

people in northern Victoria to the federal government's Murray-Darling Basin plan, unveiled recently. This issue is for the attention of the Minister for Water.

The Murray-Darling Basin plan detailed three scenarios to allegedly try to save the lower reaches of the Murray River — mainly, it seems, to keep the river flowing at its mouth in South Australia. This was, of course, long before the record rains that flooded Victoria, New South Wales and Queensland and absolutely flushed the entire Murray-Darling Basin anyway. The three scenarios, which were meant to send an extra 3000, 3500 or 4000 extra gegalitres of water down the system, were put on the table as part of the Murray-Darling Basin plan.

When you drill down into the detail of the plan you start to see how the authorities hoped to achieve this miracle of trying to take water out of a catchment that historically has not had this sort of water to spare. The plan spells out how much extra water will be taken from each and every catchment along the way. That is where this absolute miracle became a bit of a joke and where the people of northern Victoria stopped laughing. They could see where the water was going to come from.

In the Campaspe River system near Bendigo, which for the most part of the last decade has been little more than a string of waterholes, entire sections of the Campaspe valley have now been taken off the irrigation network simply because there was not enough water in the Campaspe to sustain those irrigation sectors. The three scenarios saw an extra 40, 46 or 52 gegalitres being taken out of the Campaspe system. That water simply is not there. That water will be taken away from agriculture and taken out of the Eppalock Weir, which will be taking it out of Bendigo's growth water. Each and every year 40, 46 or 52 gegalitres will be taken out of the Bendigo-Echuca corridor. If that water is taken away, the growth in the area will not be able to be sustained.

I ask the Minister for Water, Mr Walsh, if he will continue to advocate in the strongest possible manner to ensure that the communities of northern Victoria are not sucked dry and that they have enough water to continue to prosper and to enable these communities to have the resources to reach their full potential.

### **Floods: northern Victoria**

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Public Transport, Mr Mulder. The matter I raise concerns the estimated \$30 million worth of damage to the state's

freight rail network. Many rail lines throughout my electorate of Northern Victoria Region have been damaged as a result of the recent flooding in that region. Extensive damage has occurred on the Dimboola, Yaapeet, Kulwin and Robinvale lines, and sections of these lines have been washed away as a result of the floods.

As this is a big grain-growing region — it is the biggest grain-growing region in our state — we need to ensure that the grain currently being stored in the area is emptied before the harvest that will come in later in the year. I must say it is anticipated that the harvest that will come in later in the year is going to be a big harvest, and the grain that is already in storage in the region needs to be moved by rail. Our rail freight lines are vital to moving the grain that is currently in storage. Money will be needed from the government to get the rail line fixed and have it up and running and operating at its optimum level. This is an urgent matter, given the amount of grain in storage that needs to be shifted, particularly with the harvest coming in later in the year.

There is a lot of concern about this among my constituents in Northern Victoria Region. I ask the minister if he would be so kind as to provide me with a briefing on the extent of the damage and his plans for repairing the rail freight lines. I also call on the minister to commit the necessary funds so that works can begin immediately — this is not something that can wait, because there is extensive damage — and so that the lines that have been damaged by the recent floods in northern Victoria can be brought back to a working state.

### **City of Monash: home and community care**

**Ms CROZIER** (Southern Metropolitan) — I was pleased to hear the announcement by the Minister for Health regarding HACC (home and community care) services. HACC forms a critical support for older Victorians, frail Victorians and younger Victorians with disabilities. HACC will assist and enable individuals like these to stay in their own homes and communities for longer. I am proud that the Baillieu government has negotiated improved HACC arrangements with the commonwealth. I particularly welcome the ongoing contribution of local government to HACC services. For this reason I rise to seek the minister's assistance to ensure that HACC funding and resources are provided to the City of Monash.

### **Schools: Torquay**

**Ms TIERNEY** (Western Victoria) — My last adjournment matter called on the Minister for

Education, Martin Dixon, to commit to the construction of a primary school at Torquay North. Today my adjournment matter is also directed to the Minister for Education; again, my matter concerns the provision of education in Torquay, although on this occasion my matter is about secondary education.

From talking to locals in the area, and from reading articles as well as —

**The PRESIDENT** — Order! Is Ms Tierney giving me an assurance that this matter is different to the one previously raised?

**Ms TIERNEY** — Yes, it is. From reading articles in the local papers and reading letters to the editor in the *Echo* as well as the *Surf Coast Times*, I can see there are clear and immediate needs. The first is for an additional primary school, and the second is for a secondary education facility that educates students in years 9–12.

Families in and around Torquay need to know exactly when their children who are in their senior secondary years can enrol. They also need to know exactly where the education facility will be located. Whilst the minister has recently been quoted as saying that negotiations are occurring over the purchase of land for the new stand-alone secondary school, I am advised that as recently as last week the land had not been identified. I hardly think that anything that resembles substantive negotiations has even begun. This, along with the normal processes that have not been gone through — processes that involve planning, architectural drawings, various departmental compliance requirements, budget allocations and all-important construction — leaves me with very little confidence that the secondary school will be built in Torquay for some time to come and that it will be in the government's recently stated time frame.

I call on the minister to be honest with the people of Torquay. The community needs to know exactly when Torquay students will be able to access full secondary education. I am sure the Torquay community is more interested in real dates for families to plan around, because Torquay families cannot just decide to send their children to another school down the street or to somewhere in the next suburb. Planning and organisation does not just involve the enrolment of a student in a particular year. It also involves sporting arrangements and other extracurricular activities and associated transport options.

Fanciful dates that are thrown around to take the political heat off the Liberal state government and the

current Minister for Education are an insult to the intelligence of Torquay people, and they do not provide Torquay families with the much-needed information they require.

### **Floods: disease management**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the attention of the Minister for Health. It seems like a long time ago, but we all remember the enormous floods that swept through Victoria. I know the Minister for Health and the Premier spent a lot of time in northern Victoria with flood victims looking into issues. Now that it has stopped raining we tend to forget that there are still floods in regional Victoria and that parts of the north-west are seriously under water, and that has its own problems.

The issue I raise tonight is a public health measure for northern Victoria following the floods. We have read in the newspapers this week about mosquito-borne diseases such as encephalitis and the Ross River virus which are now becoming prevalent and are a major health concern for people within that region. It is important we acknowledge this.

This evening I entreat the minister to take action to ensure that there are measures put in place to protect the community from mosquito-borne diseases.

### **Floods: market gardens**

**Mr ELSBURY** (Western Metropolitan) — I would like to raise a matter for the attention of the Honourable Peter Walsh in his capacity as the Minister for Agriculture and Food Security.

When the recent storms lashed Melbourne in February, Werribee was hit rather hard. In terms of Werribee South in particular, the market gardens throughout that area suffered a major blow — that is, much of the crops throughout Werribee South were damaged by floodwaters. There was the immediate impact on leafy vegetables which were ready for picking. Mud entered lettuce and cabbage plants, foreign substances went into the leaves and therefore the crops were useless. Sooner or later the water inside the lettuces caused them to rot. Unfortunately many of the market gardeners had to sit and watch as their cash crops were basically being destroyed from the inside out while they waited for the soil dry out enough to be able to do something about ploughing that crop into the ground.

There are also ongoing issues regarding fungal infections that get into some of the weakened crops. Some of the crops will be damaged because root

systems have been attacked by the water. It has caused the roots to stop taking nutrients to feed the plants. Therefore yields are going to be down.

I went down to Werribee South a week after the storms had hit the region, because that was about the only time you could start to use the roads throughout Werribee South. I met a number of market gardeners and talked to them about their concerns. They not only have the issue of recent storm damage but they also have other issues that they need to nut out with the Minister for Agriculture and Food Security, not discounting the issue that they have with their water security. They use inferior recycled water which has a high salt content and which causes damage to their crops and also requires them to use greater amounts of product so they are able to loosen their soil.

I ask the minister to come down to Werribee South, meet with the market gardeners and discuss their issues on a one-on-one basis so that he has a full understanding of one of the crucial pieces of agriculture infrastructure close to Melbourne.

### **Western Victoria Region: home and community care**

**Mr O'BRIEN** (Western Victoria) — I raise an adjournment matter for the consideration of the Minister for Health, and it relates to his announcement of the \$11.9 million boost to aged-care services across the state through the HACC (home and community care) program — unfortunately named, but a very important program and a valuable joint initiative of the federal and state governments. I commend the minister for his prompt delivery of coalition pledges and promises, for his administration and negotiation of the commonwealth health agreement as well as this very important initiative and his work in exposing the health myki.

In relation to this program, I refer to my contribution to the debate on *2011 Victorian Families Statement* when I referred to the importance of communities and people being cared for in their communities. The HACC initiative is one of those programs whereby the additional funding will allow more frail older people and younger people with disabilities to remain in their homes and communities. This initiative also supports the coalition's work in relation to the amendments to the Building Act 1993 which, for a long time, have been advocated for by those with disabilities.

I am interested in how this program will be delivered in my electorate of Western Victoria Region, particularly in the areas covered by the Barwon-south western

region and the Grampians region. I do not wish to single out any individual towns across the community because they are all important. I call upon the minister to provide details about how this important program is to be delivered across those areas in my electorate.

### Responses

**Hon. D. M. DAVIS** (Minister for Health) — I have written responses to adjournment debate matters raised by Mr Lenders on 8 February, Ms Hartland on 9 February, Mr O'Brien on 10 February and Ms Broad on 10 February.

I also have a number of matters to deal with from tonight. The first matter is from Mr Lenders and concerns his desire for a briefing to be arranged by the Minister for Energy and Resources, and I will pass that matter to Mr O'Brien.

Mr Drum raised a matter for the attention of the Minister for Water, Mr Walsh, concerning the Murray-Darling Basin plan. I know Mr Drum has been a longstanding advocate for the rights of people in northern Victoria because of his fierce determination to ensure that people in the north of the state get a fair deal through these commonwealth-state arrangements, that Victoria's water entitlements are fair and that the community is able to plan with certainty, including irrigators and towns. I will pass this matter through to Minister Walsh.

Ms Darveniza raised a matter for the Minister for Public Transport concerning state rail networks and the impacts of the floods. She is quite right when she says that there has been a significant impact on these networks and that there is a need to ensure that grain can be moved. I know this is a matter that has exercised the minds of a number of ministers. I am keen to pass that through to the Minister for Public Transport for his attention.

Ms Crozier raised with me the matter of home and community care (HACC) services. As I said earlier today in the chamber, the HACC announcement — a joint announcement by me and the federal Minister for Mental Health and Ageing, Mark Butler — is important, because HACC services provide invaluable support to those in the community. The role of local government, in particular, is important. I note Ms Crozier made that point. She sought information on the services that would be available in the city of Monash, advocating strongly for those services, and I understand the case she makes.

In Monash there will be 10 200 hours of care for those who wish to remain in their homes and stay connected with their community. There will be 1200 more hours of allied services, such as physiotherapy, podiatry and dietetics; 5000 more hours of personal care; and an additional 2400 hours of domestic assistance. Monash will get a \$590 000 funding boost, which will increase access to those in aged care. I am happy to indicate tonight that that resource will be available, and I thank the member for raising this matter and for her advocacy.

I also note Mr O'Brien raised the matter of HACC funding in his region. Obviously country regions are very large and cover enormous areas. He raised the Grampians region and the Barwon-south western region, which are important areas. I note that in the Grampians region Ballarat will receive \$125 100, Golden Plains \$23 900, Hepburn \$15 800, Horsham \$9200, Moorabool \$26 000 and Pyrenees \$11 600, a total funding boost in that region of \$211 600. In the Barwon-south western region Colac-Otway will receive \$11 700, Corangamite \$4000, Glenelg \$11 400, Greater Geelong \$601 600, Moyne \$8400, South Grampians \$2800, Surf Coast \$46 600 and Warrnambool \$15 100, a total funding boost in that region of around \$707 000. I am pleased to indicate to Mr O'Brien that the result of his advocacy is the additional services in those important regions.

Mr Elsbury raised a matter for the Minister for Agriculture and Food Security concerning Werribee South and matters surrounding the market gardens, which have a critical role in agriculture close to the city. They are part of our green wedges beyond their immediate agricultural role. But it is clear that they have been impacted on severely by the floods. I am keen to pass this to Minister Walsh, who I know will be focused on assisting each of their farmers as well as he can.

Mrs Coote raised a matter with me concerning public health matters in the wake, as it were, of the floods, although, as she correctly points out, the floods are still significantly impacting some areas. She is quite right that there are greater numbers of mosquitos because of the large quantities of stagnant water, and Murray Valley encephalitis is a serious issue. It has been isolated in a number of sentinel chickens across the north of the state.

When it became clear that the floods would recede slowly and that there was a significant issue with stagnant water and large volumes of water still remaining, my department increased the monitoring that is done through the sentinel chickens testing

program and the regular testing of their blood. It is the case that Murray Valley encephalitis has been isolated in at least five or six locations across the north of the state. There is a significant risk; we should not underestimate that.

The messages at a public health level are that you should cover up, in the first instance, and seek to remove stagnant water — even small quantities — that are near your home, if that is possible. Certainly at a municipal level councils should do all they can to remove pools of water. The use of repellent is also important. Those who are outside in places where they may come into contact with mosquitoes are encouraged to use repellent. The message is relatively simple in this context: there is a risk.

There are issues with Murray Valley encephalitis. Testing, which has been increased, has shown that Murray Valley encephalitis has been isolated in sentinel chickens. What do we do about it at this point? Substantial monitoring will continue in order to detect such infections in those sentinel chickens. I make the point for the benefit of the chamber that the last human case of Murray Valley encephalitis in Victoria was in 1974, so it is some time ago, but there have been isolations, and not just in this recent period, in sentinel chickens.

There is a significant risk, and we should not underestimate that in any way. People should cover up and, if possible, avoid being out around dusk. They should remove stagnant water from near their homes and be prepared to use repellent. They should also seek assistance if there is any indication that they may have symptoms. I thank Mrs Coote for raising the matter and indicate that the government is focused on the public health response that is required in the wake of the floods.

Ms Tierney raised for the attention of the Minister for Education, Mr Dixon, the matter of secondary education facilities in Torquay. I know the minister is aware of these matters and is committed to providing better educational facilities in and around Torquay, and I know that the local member of Parliament in the Assembly, Mr Katos, is a fierce advocate for additional facilities. The coalition is determined to keep its promises and make sure that the best facilities are in place. I will pass that matter on to the minister.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 5.25 p.m. until Tuesday,  
22 March.**