

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 30 May 2013

(Extract from book 7)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry (from 22 April 2013)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Agriculture and Food Security, and Minister for Water.	The Hon. P. L. Walsh, MP
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Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mrs Petrovich, Mrs Peulich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmr, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mrs Petrovich, Mrs Peulich, #Mr Ramsay and Mr Viney.

Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Ms Richardson and Mr Wakeling.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Mr Clark, Ms Hennessy, Mr Merlino, Dr Naphthine and Mr Walsh.

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

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

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

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

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

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

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

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Koch and Mr Viney. (*Assembly*): Ms Hennessy, Mr Newton-Brown and Mr Weller.

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

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 O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris, Mr Pakula and Mr Scott.

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

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

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes 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

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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Deputy Leader of the Government:

The Hon. W. A. LOVELL

Leader of the Opposition:

Mr J. LENDERS

Deputy Leader of the Opposition:

Mr G. JENNINGS

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar ²	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip ¹	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP			

¹ Resigned 26 March 2013

² Appointed 8 May 2013

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Thursday, 30 May 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Subordinate Legislation Act 1994 — Legislative Instrument and related documents under section 16B in respect of a Notice of Declared Area pursuant to section 18 of the Summary Offences Act 1966.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 11 June 2013.

Motion agreed to.

MEMBERS STATEMENTS

Western Victoria: community support

Mr BARBER (Northern Metropolitan) — Every time I travel through western Victoria I criss-cross the Major Mitchell trail, and what I see is the same vision Major Mitchell saw: Australia Felix — quite literally the lucky country. It is a verdant landscape; an inspirational landscape of high mountains, plains, rolling hills, tranquil winding rivers and a rugged coast. Amongst it is the human population, and while some are doing well there are pockets of great disadvantage. There are people who are underemployed and there are people who are overworked, including farmers who are quite literally working themselves sick while making the food that keeps us healthy.

What this area needs is a vision and a few basics to make this a more livable community: passenger transport and public transport that would allow people to access opportunities, services and jobs; rail freight to carry their goods to market in an efficient way; and an economic vision based on renewable energy. That is why I am out there talking to leaders who share this vision, people who want to work together to bring this vision together, and I will continue to do so.

Trade unions: officials

Mr MELHEM (Western Metropolitan) — I want to take this opportunity to talk about the reception I have received from members in the last few days. It has been

mostly welcoming, and I thank those members for that, but certain members chose to attack my character and my background. Let me repeat what I said in my maiden speech about being a member of this house of Parliament: it is all about doing things for the state and the common things we share. I expect to be attacked on things like policies. I accept that we need to debate certain things. We have different ideas and different philosophies. That is a fact, and I accept that.

What I do not accept is people attacking my character and my union background. I am proud of my union background. I want to put on the record what a union official does. I ran a small business with 50 employees, a \$10 million budget and a surplus every year. In the past seven years membership grew from 20 000 to 29 000. We actually run businesses. Over the years I have helped many businesses to grow and survive. That is what union officials do. Union officials are not criminals, which members on the other side of the house try to paint.

Honourable members interjecting.

Mr MELHEM — I do not see them criticising failed businesspeople or directors of companies.

The PRESIDENT — Time!

Hamish Paranthoene

Mrs KRONBERG (Eastern Metropolitan) — On Friday, 3 May, in the great global city of London, Hamish Andrew Paranthoene was born to Madeline and Andrew Paranthoene. Hamish is my firstborn grandchild and he was welcomed to our family in recent weeks in London by yours truly; his Saba, which is Hebrew for grandfather, Mike Kronberg; his maternal grandmother, Loreto Brady, also from Melbourne; and his grand-uncle, Ari, and his partner, Avi, who travelled from Israel.

RHS Chelsea Flower Show: Trailfinders Australian Garden

Mrs KRONBERG — On another matter, whilst in London I was treated to tickets to the Chelsea centenary flower show. How proud I was to be able to see for myself the utterly superb Trailfinders Australian Garden presented by Fleming's Nurseries of Melbourne, meet with its fine team of hardworking, talented volunteers and the brilliant landscape designer, Phillip Johnson. The Australian garden won the show's Best Show Garden of the Chelsea flower show and a Royal Horticultural Society gold medal. I was delighted to meet team members Vaughn Greenhill, Dom

Gervigny, Michael Khalil and Leanne Gillies, and Phillip Johnson himself. This is an extremely prestigious award and for the first time in the history of the show was the result of a unanimous decision by the judges.

These very skilful and proud Victorians had the opportunity to meet Her Majesty Queen Elizabeth, when she visited the show garden and insisted on entering the exhibit and exploring it thoroughly, despite the challenges presented by the garden's terrain. The exhibit represents a major achievement on the world stage and is a fine example of cooperation and support from many Victorians, such as the ladder builders from the Wimmera and the Victorian government.

Mildura Base Hospital: future

Ms BROAD (Northern Victoria) — It is 12 months since around 700 people attended a public meeting in Mildura to express their unanimous view in support of the return of the Mildura Base Hospital to public ownership. Today representatives are travelling to Melbourne from Mildura by bus — they left at around 4.30 a.m. — to seek answers from the Naphthine Liberal government and the Minister for Health, David Davis, about the future of the Mildura Base Hospital. The Mildura community is not alone in calling for the return of Mildura Base Hospital to public ownership. The president of the Australian Medical Association, Dr Stephen Parnis, has said that it is not fair that the Mildura community has a health service that is an anomaly in Victoria. The secretary of the Australian Nursing Federation (ANF), Lisa Fitzpatrick, has said that there is an entitlement to have a health service that is responsible and answerable to the community in Mildura and that the ANF supports the endeavours to return the hospital to public hands.

As well as that, some 3000 people signed a petition to the Legislative Assembly requesting the government return the Mildura Base Hospital to public management. That petition was presented to Minister Davis in November last year at a meeting attended by Peter Crisp, the member for Mildura in the Assembly, when representatives of the Mildura community travelled to Parliament House. That was six months ago. I stand to be corrected if I have this wrong; however, I have not been able to find any record of that petition being presented.

Ford Australia: Broadmeadows workers

Mrs PETROVICH (Northern Victoria) — As a member for Northern Victoria Region I wish to voice my sadness at the decision made by Ford Australia to

cease manufacturing in Australia, and my thoughts are with those employed by Ford across the country. Ford manufacturing has traditionally been the backbone of Australian manufacturing, operating across the country for the past 88 years and providing jobs for thousands of men and women. I personally have never owned anything but a Ford. In my own electorate, those working in the Ford plant at Broadmeadows have been severely impacted upon. Individuals, families and, in some instances, whole communities will be disadvantaged by Ford's decision to move its operation overseas.

The coalition is committed to working with the automotive industry to ensure that car manufacturing in Australia is viable and sustainable into the future. As a member of the coalition, I believe that providing people with opportunities is essential to a strong and sustainable economy. I believe it is vital that we work with industries to develop practical solutions, and I believe in careful investment and targeted funding that goes towards solving the problem — not throwing money into a black hole.

As a community we have a responsibility to support all of our industries in Australia. Julia Gillard and the Labor Party had a responsibility to support and protect Ford and its employees, and it has failed to do so. In January 2012 Julia Gillard announced a \$34 million bailout for Ford and promised an increase of up to 300 jobs as a result. But that was all a farce, and within a six-month period Ford was forced to cut 330 jobs, and now less than a year after the final instalment the company has been forced to shut down its Australian manufacturing completely. Julia Gillard and the Labor Party have failed to deliver on their promises to the automotive industry and in doing so have failed the industry that has been a part of our national identity for close to a century — —

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

Battles of Greece and Crete: commemoration

Mr TARLAMIS (South Eastern Metropolitan) — Earlier this month we marked the 72nd anniversary of the battle of Greece and Crete, a battle which saw Australian, New Zealand and British allies fighting side by side with Greeks and Cretans to save the country from invasion and halt the advance of the fascists during the Second World War. Unfortunately they were not successful, and the Greek mainland was ultimately occupied by the invading Nazi Germans, who then proceeded to invade the island of Crete.

On the Greek mainland and in Crete 594 Australians lost their lives, 494 were wounded and more than 5000 were taken prisoner. These losses paled in comparison to the estimated 500 000 Greek and Cretan lives that were lost during the war. Hundreds of members of the Australian armed forces remained behind enemy lines after the mass evacuation, many of whom joined the Greek Resistance, which was supported by the brave local Greek population.

On Monday night I had the honour, along with the President and other members of Parliament, to attend an event at the Greek Consulate General where the Consul General, along with the deputy chief of the Hellenic National Defence General Staff, Vice Admiral Alexandros Theodosiou, presented Greek army medals to a number of Anzac veterans or their family members, acknowledging that they fought in the Greek and Cretan campaigns 72 years ago.

The veterans who were honoured and recognised by the Greek government for their contribution to the fight for freedom, liberty and democracy included Alex Maxwell White, Lenard William Thomas Beale, Davy Howard Bertram, Ernest Allen Bridges, Swan Bramwell, Alan Dyer Campbell, Arthur Charles Ford and Ronald Valentine Magetts. Also present were other veterans who have been recognised by the Greek government in the past, including Basil Hayler, Collin Donaldson, Les Manning and Harry New.

I would like to take this opportunity to congratulate the Greek government for recognising these Anzacs.

Queen Elizabeth II: coronation anniversary

Mr ELSBURY (Western Metropolitan) — I would like to take this opportunity to highlight a very important date that is coming up — 2 June — which will mark the 60th anniversary of the coronation of Her Majesty Queen Elizabeth II. We should be very thankful for her leadership and determination as the monarch of Victoria and for her leadership of the commonwealth.

Heavenly Queen Temple: community hall

Mr ELSBURY — On 12 May I was pleased to represent the government at the opening of a new stone gateway at the Heavenly Queen Temple in Footscray and to turn the first sod for a community hall, to which the state government is contributing \$600 000 from the Cultural Precinct and Community Infrastructure Fund. Not only will this hall serve the people who attend the Heavenly Queen Temple but it will also become a great asset for the people of Footscray.

Protective services officers: Altona railway station

Mr ELSBURY — I would also like to congratulate the new protective service officers (PSOs) who have been deployed at Altona railway station. The Altona railway station is one that I know. I lived in the Altona area for some years and used the Altona railway station to get into Melbourne for my regular day of work. At times there were some hairy experiences on that platform, with people hanging around, but it will not be hairy anymore because of our PSOs, who are fully trained and able to protect our community.

Kyabram P-12 College: funding

Ms DARVENIZA (Northern Victoria) — Kyabram P-12 College principal Stuart Bott is deeply frustrated and disappointed that the college did not receive any funding in this year's budget to plan for the next stage of the \$35 million project to build a \$12 million years 5-9 middle years complex. The Victorian Minister for Education, Minister Dixon, said on his last two visits to the college, in 2011 and in 2012, that the school was a priority. Principal Bott said the college would reassess its approach to lobbying the government for funding after once again being ignored by the government.

This year's snub was a bitter blow to Kyabram, which also missed out on sharing in the \$51 million in school maintenance. The school presently budgets \$70 000 a year for maintenance and has a line, like every other school, for emergency maintenance funding via the Department of Education and Early Childhood Development.

Mr Bott said there is glaring white ant damage in the office administration building that needs urgent attention. He wants a commitment that Kyabram P-12 College will be funded in the next budget so that it can start planning for the third stage of its new and much-needed regeneration project.

Matthew Joyce

Mr RAMSAY (Western Victoria) — I want to use this opportunity today to start a crusade to mobilise by whatever means this Parliament and the commonwealth Parliament can muster to correct the injustice that a United Arab Emirates court bestowed on respected Victorian businessman Matthew Joyce. A recent judgement by that court sentenced Matthew Joyce to a maximum of 10 years jail with a \$25 million fine for charges that were considered and thrown out of the Victorian Supreme Court. I know the Joyce family, and

they are absolutely devastated by this latest sentencing. This is a man who has proved his innocence in Australia but is hampered by the fact that sovereign nations have no requirement to consider the facts and evidence brought to light in another country.

The details around this case have been well covered in the mainstream media. Without prejudicing any potential appeals, I will not go into the details of the history of how this has happened, but I will quote from an *Australia Financial Review* article of 22 May which refers to evidence given by David Brown, an executive of the Sunland Group in Australia, in a civil action brought against Mr Joyce by Sunland in the Victorian Supreme Court. The article reports that Justice Croft 'was damning in his judgement on the credibility and honesty of key witness David Brown'. This alone should have been enough for the Australian government, through Minister for Foreign Affairs Bob Carr, to make strong representations to the Dubai government demanding the release of Matthew Joyce, who has been under house arrest for five years.

It is only due to the efforts of politicians like Senator Helen Kroger, who have been leading the charge on this injustice, that Prime Minister Gillard has woken from her slumber to take an interest in this matter, and this is despite the insipid attempts of the federal Minister for Foreign Affairs, Bob Carr, to make representations to his counterpart in Dubai. Finally, we now have both Julia Gillard and federal opposition leader Tony Abbott working with bipartisan purpose to assist Matthew Joyce to attain his freedom. This is the time to continue diplomatic pressure on the courts in Dubai.

Federal Parliament: opposition conduct

Ms TIERNEY (Western Victoria) — Members will be familiar with the recent story from Canberra of the federal member for Greenway, Michelle Rowland, initially being denied a pair in Parliament so that she could be with her sick child. At the time the story broke in the media, the federal coalition's manager of opposition business, Christopher Pyne, and coalition whip, Warren Entsch, tried their hardest to back-pedal, stating that the coalition did not know it was Ms Rowland's child who was sick but believed it was a family member and wanted more information. However, the newspapers revealed the letter signed by Mr Entsch refusing to grant a pair, specifically stating that the request was made because Ms Rowland's child was sick.

It is fair to say that what occurred was quite damaging for the federal coalition. It showed its complete

ignorance of what it is like to be a working mother and of the arrangements we all need to put in place from time to time for the care of our children. Then came the encore performance from the federal coalition — and it had to be heard to be believed. The federal coalition whip thought it appropriate to judge the decisions made by Ms Rowland as a mother, stating that she should not have been at Parliament that week at all. What a disgusting display by the federal Liberal-Nationals coalition! It brought to light what the coalition really believes when it comes to women's choices and its audacity when it comes to judging mothers and making public comment.

Schools: Musica Viva program

Mrs PEULICH (South Eastern Metropolitan) — Musica Viva is a not-for-profit organisation that has been championing music in the classroom through its Musica Viva in Schools program since 1981, and I am advised it has reached over 6 million students since it began. In 2012 a total of 282 620 children across Australia benefited from Musica Viva in Schools. The program is fuelled by the belief that all children are enriched by music and that active participation in music from an early age improves their learning and social skills.

Later today Musica Viva will launch its Musicessentials, a new digital learning resource produced by Musica Viva's educational professionals. Developed by teachers for teachers, it is a stand-alone music education resource that can be used on demand and provides a term's worth of quality music education for all teachers to acquire educational skills that will serve them and their students on an ongoing basis.

I encourage members to visit the website and promote it to the local schools. Digital learning broadens possibilities and bridges distances, something of particular relevance to Australia. These resources will help more students explore music and gain a greater appreciation of all music genres. You do not need to attend a course, you do not need instruments, you just need ears and a mouse — and the quicker the mouse, the quicker teachers can access quality-engaging, curriculum-focused lesson plans that make teaching fun and easy, and these new digital resources are flexible. Most importantly it is the perfect starting point, or a welcome addition to an established lesson strategy.

The resources align with both the state and national curriculum objectives, enhance learning across all subject areas, including literacy and numeracy, and I highly recommend them to members and communities.

National broadband network: federal opposition policy

Mr SOMYUREK (South Eastern Metropolitan) — I find it interesting and instructive that the Napthine government is refusing to support the federal Liberal opposition's fibre-to-the-node version of the national broadband network (NBN). The Napthine government's technology strategy was clearly developed with the national broadband network in mind and before the release of the plan by the federal Leader of the Opposition, Tony Abbott. It explicitly states that 'access to high-speed broadband will open up opportunities for quality multiparty videoconferencing and remote services'.

The standard version of the NBN by the federal shadow minister for communications and broadband, Malcolm Turnbull, has thrown the government's ICT strategy into chaos. At the Public Accounts and Estimates Committee hearing earlier this month the Minister for Technology, Gordon Rich-Phillips, refused to answer questions about what speeds would be required to support the high-speed, high-capacity broadband referred to in the Victorian government's ICT strategy. Amazingly he said he was not in a position to specify what upload or download speeds would be required for his strategy. Such a statement clearly puts the Napthine government's ICT strategy into disarray and will send shivers down the spine of the ICT industry.

Tony Abbott and Malcolm Turnbull's fibre-to-the-node plan relies on an ageing copper telephone network that is rapidly deteriorating, based disputed vectoring technology and simply cannot provide the speed, capacity and reliability of a fibre connection. In contrast, the national broadband network will provide 93 per cent of Australians with a minimum download speed of 100 megabytes per second through a direct fibre connection to the home.

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

Old Bendigo Gaol: theatre development

Mr DRUM (Northern Victoria) — Last Saturday I had the honour of officiating at two amazing ceremonies in and around Bendigo. Firstly, I helped turn the first sod at the Old Bendigo Gaol for the Bendigo theatre complex, along with my colleague for Northern Victoria Region Wendy Lovell. This will be a great project that will see a 1000-seat world-class theatre built right in the heart of the Old Bendigo Gaol.

Bendigo: Buddhist temple

Mr DRUM — Following the ceremony at the Old Bendigo Gaol, I travelled to the old Sandhurst Town where the local Buddhist community is building a giant stupa. Under the leadership of Ian Green the giant stupa, which is a huge Buddhist temple, is now well over 20 metres high and when completed will be nearly 50 metres high. When completed it will also house the world's largest jade Buddha carved from a large, single piece of gem-quality jade, which is currently travelling the world raising awareness and money to assist with the building of the giant stupa on the outskirts of Bendigo.

As well as the largest Buddhist stupa in the Western world, there are plans afoot for a residential development, an accommodation centre and a school. At the ceremony of light on Saturday, and again on Saturday night, there were over 8000 people in attendance at the old Sandhurst Town site. I look forward to the continued development of Bendigo's newest faith-based attraction. I congratulate everybody involved in this project. It is an amazing temple, and I encourage anybody who finds themselves on the outskirts of Bendigo or in Bendigo to go for a drive and have a look at the newest temple at old Sandhurst Town.

JUSTICE LEGISLATION AMENDMENT BILL 2013

Committed.

Committee

The ACTING PRESIDENT (Mr Finn) — Order! The committee is now considering the Justice Legislation Amendment Bill 2013. The Minister for Liquor and Gaming Regulation, Mr O'Donohue, has circulated amendments which are designed to extend the trial period for the assessment and referral court list in the Magistrates Court. The extension would have a financial effect, and the amendments are therefore to be treated as suggested amendments.

If any of the suggested amendments are agreed to by the committee, the relevant clauses so affected will stand postponed and the committee will report progress, whereupon a message will be sent to the Assembly seeking its consideration of the suggested amendments. The committee would resume its consideration of the bill once the Assembly had responded via a message to the Council.

Clause 1

The ACTING PRESIDENT (Mr Finn) — Order! Mr O’Donohue’s amendments are all related, and therefore his suggested amendment 1 is a test for his suggested amendments 2 to 10.

Hon. E. J. O’DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That it be a suggestion to the Assembly that they make the following amendment:

1. Clause 1, page 2, line 16 after “absence” insert “and to amend the **Magistrates’ Court Amendment (Assessment and Referral Court List) Act 2010** to extend the trial period under the Act”.

Mr TARLAMIS (South Eastern Metropolitan) — I indicate, as I did in my earlier contribution to debate on this bill, that the opposition will not be opposing the suggested house amendments moved by the government in relation to the Magistrates’ Court Amendment (Assessment and Referral Court List) Act 2010, as the assessment and referral court list was an initiative of the Labor government and helps people with a mental illness or cognitive impairment to receive appropriate support. These amendments simply extend the pilot program, which is due to sunset, for another two years.

Ms PENNICUIK (Southern Metropolitan) — The Greens will also support the amendment to extend the trial period for the assessment and referral court list. This is a good initiative in the Magistrates Court, and we feel the trial should continue. It would have been good for the minister to have briefly outlined his amendment rather than just moving it, as the usual practice when moving amendments is to say what they are for.

Suggested amendment agreed to; clause postponed.

Clauses 2 to 5 agreed to.

Part heading preceding clause 6

Hon. E. J. O’DONOHUE (Minister for Liquor and Gaming Regulation) — I welcome the support from the opposition and from the Greens and note in response to Ms Pennicuik that Mr O’Brien gave a fulsome explanation of the purpose of this amendment, which I think accurately recorded the intention of the government and the suggestions it is seeking to put in this debate.

I move:

That it be a suggestion to the Assembly that they make the following amendment:

2. Part heading preceding clause 6, line 2, after “1989” insert “**AND THE MAGISTRATES’ COURT AMENDMENT (ASSESSMENT AND REFERRAL COURT LIST) ACT 2010**”.

Suggested amendment agreed to; part-heading preceding clause 6 postponed.

Clause 6 agreed to.

New clause

Hon. E. J. O’DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That it be a suggestion to the Assembly that they make the following amendment:

3. Insert the following new clause to follow clause 6 —

‘AA Amendment of Magistrates’ Court Amendment (Assessment and Referral Court List) Act 2010 — trial period extended

In the **Magistrates’ Court Amendment (Assessment and Referral Court List) Act 2010** —

- (a) in section 2(4), for “1 August 2013” substitute “1 August 2015”;
- (b) in section 9 for “1 August 2014” substitute “1 August 2016”.

Suggested amendment agreed to; new clause postponed.

Clauses 7 to 9 agreed to.

Clause 10

The ACTING PRESIDENT (Mr Finn) — Order! Mr O’Donohue’s amendments 4 to 9 are all consequential amendments previously tested, and they may be moved together.

Hon. E. J. O’DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That it be a suggestion to the Assembly that they make the following amendments:

4. Clause 10, page 11, line 15, omit “7 and 8” and insert “8 and 9”.
5. Clause 10, page 11, line 34, omit “7 and 8” and insert “8 and 9”.
6. Clause 10, page 12, line 13, omit “7 and 8” and insert “8 and 9”.

7. Clause 10, page 12, line 23, omit “7” and insert “8”.
8. Clause 10, page 13, line 19, omit “7” and insert “8”.
9. Clause 10, page 13, line 36, omit “7” and insert “8”.

Suggested amendments agreed to; clause postponed.

Clauses 11 to 21 agreed to.

Long title

Hon. E. J. O’DONOHUE (Minister for Liquor and Gaming Regulation) — I move:

That it be a suggestion to the Assembly that they make the following amendment:

10. Long title, after “1989” insert “and the **Magistrates’ Court Amendment (Assessment and Referral Court List) Act 2010**”.

Suggested amendment agreed to; long title postponed.

Progress reported.

Suggested amendments reported to house.

Report adopted.

Ordered to be returned to Assembly with message informing them of decision of house.

BUDGET PAPERS 2013–14

Debate resumed from 28 May; motion of Hon. P. R. HALL (Minister for Higher Education and Skills):

That the Council take note of the budget papers 2013–14.

Mr ONDARCHIE (Northern Metropolitan) — It is a pleasure this morning to rise to speak on the 2014 Michael O’Brien state budget. What a great budget this is for Victoria. It is a budget about building for growth. It is a budget about strong finances. It is a budget about sound economic management. It is within the DNA of the Liberal and National parties to be sound economic managers. That is what we are and that is what we do.

This government was left with a trail of flawed projects, budget black holes and cost blow-outs. By way of example we need only look at the mismanagement left to us by the Bracks-Brumby-Lenders governments, including the mismanagement of the desalination project, which will cost Victorians \$1.8 million a day for the next 28 years, and the monumental mismanagement of the Melbourne Markets relocation project that will see a cost blow-out of millions of

dollars as identified by the Auditor-General. That is okay because this budget — the Liberal-Nationals coalition budget; the Napthine-O’Brien budget — is bringing Victoria back into a position where we can build for growth.

Other mismanagement that was left for this government included the \$3 billion revenue loss to Victorian taxpayers due to Labor’s bungling of the gaming machine licence auction. That is \$3 billion that we could have spent on schools, hospital beds and public transport services — lost because of the mismanagement of the former government. Then there was the former government’s mismanagement of ICT projects, such as the myki ticketing scheme, which will cost Victorians over \$1.44 million in blow-outs, and the unfortunate and disappointing ineptitude of the Labor government which saw a \$1.1 billion blow-out to the cost of the regional rail link.

There was also a blow-out of more than \$360 million to the cost of roads, such as the M1 upgrade. This government was also left to repair on behalf of Victorians funding black holes for the Olivia Newton-John Cancer and Wellness Centre and the Royal Children’s Hospital ICT system, which the coalition had to fix in its very first budget.

The former Minister for Health, now the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, had his very own health system version of the myki ticketing system, HealthSMART, which had blow-outs of \$243 million, and the Auditor-General found it had no business case. There was a failure by the previous Bracks-Brumby-Lenders governments to show appropriate rigour in relation to the north-south pipeline project.

More than \$1 billion in taxpayers funds was spent on the blatantly political advertising of the previous Labor government. Mrs Kronberg and Mr Finn nod in agreement when they think about that red helicopter flying in the sky, representing \$1 billion of taxpayer-funded Labor advertising with Steve Bracks at the helm. I think Mr Finn has called him the Red Baron of the party.

Mr Finn — Now he is parachuting into Canberra.

Mr ONDARCHIE — Now he is flying to New York on Australian taxpayers funds to — if Mr Finn will pardon the pun — ‘Swan’ around.

The Labor government failed Victorian students with run-down schools and overcrowded classrooms. I know Mrs Kronberg has been a strong advocate for schools in her electorate, particularly in the area of Montmorency,

where she has worked hard to get funding for a school that was run down under the previous government. Mrs Kronberg has been a champion of those projects.

There was a failure to plan for the growing population by the previous government, which did not invest diligently in road and rail infrastructure. There was a failure to plan for the growing and ageing population because it used out-of-date and inaccurate data for to health planning. We have seen that demonstrated in Canberra by Minister Plibersek, the federal Minister for Health, who does not understand that Victoria is growing. Come to my electorate in the northern suburbs of Melbourne or come to the electorates of Mrs Kronberg, Mr Finn and Mr O'Donohue — come to any part of Victoria — and you will see that the state is growing. Minister Plibersek failed to recognise this and ripped money out of the Victorian health system.

There was \$25 million in funding blow-outs for state sports facilities by the previous Bracks-Brumby-Lenders governments, and there were 11 years of mismanagement of the ambulance services. Ambulance services are working at their best. We respect and pay tribute to the ambulance workers and paramedics who do a great job every single day as they play catch-up after 11 years of mismanagement, including the botched merger of the ambulance services by then health minister and now Leader of the Opposition, Daniel Andrews. That is what was left for Victoria.

In two years of government we have had to repair the damage, and we know there is a lot more to do. After only two full-year budgets we are in a position to invest in Victoria and build for growth. We are investing in a trio of game-changing, nation-building projects to set up Victoria's future, including the east–west link, the Melbourne Metro rail tunnel and the port of Hastings.

The job of this government and this budget is to generate new investment and new jobs for Victoria. The key to this budget is our strong, responsible financial management. By cutting the costs of running government we have been able to invest more in services and infrastructure, and we expect to have our infrastructure programs funded by services, rather than debt, by 2015–16. The east–west link will potentially be the biggest infrastructure project Victoria has undertaken and will do for Victoria today what CityLink did for Victoria in the 1990s. It will create 3200 jobs and make an enormous difference to productivity and livability in Victoria.

I know Mr Barber is often worried about my views on the east–west link. Like me, he should support the

east–west link and support improving productivity and livability in Victoria. We call on the federal government to get behind it, because we know the Liberal-Nationals coalition, led by Tony Abbott in Canberra, said that it will get behind the east–west link if elected. Where is Julia, and where is Wayne, when it comes to supporting what is appropriate for Victorians? They are silent. As a government we are trying to reduce and manage the cost of living pressures for Victorians.

The term 'business case' is associated with the east–west link and is a term that is foreign to the Labor Party. There is lots of evidence before this house, and other houses, of the Labor Party heading off on projects without appropriate rigour, without an appropriate business case and without an appropriate funding model, and who does it hurt? It hurts the Victorian taxpayer, not just today but into the next generation, including the schoolchildren who visit us in the gallery and the people who are having children now. We are paying for the debt, for the inappropriate legacy, left to us by Labor governments. The Labor Party should be apologising to schoolchildren. It should be apologising to the next generation for its failings and for the debt it has left for future generations.

Both the major ratings agencies, Standard & Poor's and Moody's, gave Victoria a AAA rating with a stable outlook — a rating that did not change as a result of the budget. In fact what are others saying about our great budget that is delivering for Victorians? We have provided funding of \$29 million for the Northern Hospital to expand and add more beds, which adds to the previous budget commitment to expand its emergency department. We are delivering a brand-new secondary school for Doreen, with \$11.5 million for the first stage — that is, \$11.5 million to build the badly needed secondary school that the community has been waiting for, for a long, long time. The people of my community in areas like Mernda and Doreen are saying, 'We are at least 10 years behind on the infrastructure we need out here. Why have we been forgotten for so long?'. This government is not forgetting those people; this government supports them.

In our two and a bit years in government we have ensured that a brand-new primary school at Doreen South, which we committed to prior to the 2010 election, is under way and will open for children in 2014; a brand-new secondary college will start construction shortly and from 2015 will open to take year 7 and 8 students and then progressively increase its enrolments; and a brand-new early childhood

kindergarten centre will be built — all on the same site in Doreen. This is a government that recognises the needs of the community, unlike the former government, which ignored what it thought was Labor heartland. It ignored support for local communities and for places like Doreen and Mernda, but this government is doing its job. This government is supporting the needs of Victoria.

On that one site in Doreen we are going to have a kindergarten, a primary school and a secondary school. Families will come together throughout the age profiles of their children, meet each other and probably develop lifelong friendships as a result of their children bringing them together as part of that community. That is a model Victorians aspire to, and that is a model the Napthine coalition government is delivering.

What are others saying? Standard & Poor's said that despite potential downward trends and the revisions of its revenue, from both its own sources and the commonwealth of Australia, the Victorian government's budgetary performance remains solid.

The chief executive of Infrastructure Partnerships Australia, Brendan Lyon, said:

The Napthine government gets full marks for today's budget, because it tackles waste and uses the savings to bring forward the massive east–west road project.

A Victorian Employers Chamber of Commerce and Industry (VECCI) media release says:

VECCI says today's state budget — with its focus on new investment in infrastructure — sets the foundations for economic and employment growth, while remaining fiscally responsible.

Fiscally responsible — that is what the people of Victoria want. The people of Victoria want to look to their leadership, their government, and say, 'Here is a government that is managing my money well', because the government is running Victoria's biggest business. In a sense all the people in Victoria are shareholders in this business, and they expect an appropriate return on their investment. They expect those managing their money to do it properly, and it has taken a coalition government to come to government in 2010 to restore Victorians' confidence in their government. After 11 years of waste, mismanagement and fiscally irresponsible government, this coalition government is saying, 'We are managing for all Victorians', and we are doing it well.

The Australian Industry Group said:

The government has listened to industry concerns and we particularly welcome the commitment to stage 1 of the

east–west link commencing before the end of 2014 ... The funding pledged to develop the port of Hastings is also very important — particularly for the state's trade capabilities. The commitment to such projects will help to keep skills in the economy and provide certainty to industry — particularly to the construction sector.

We are managing for Victorians. We estimate an operating surplus of \$225 million in 2013–14, a surplus we are going to have, unlike Canberra where, in October 2012, the federal Treasurer, Wayne Swan, said, 'We will deliver a surplus', and then in January said, 'Maybe not; maybe it's going to be a \$7.5 billion deficit'. Then the federal Minister for Finance and Deregulation said, 'Maybe it's going to be an \$11 billion deficit', and then the Prime Minister said, 'Maybe it's going to be a \$12 billion deficit'.

What does industry say? Industry says the federal deficit could be as high as \$80 billion over the forward estimates, because Labor does not know how to manage money. Labor forgets it is managing for all Australians, and the Labor Party in Victoria forgets it is managing Victorians' money. This is Victorians' money; they work hard, they have to put food on their tables, they pay their taxes and they expect those receiving taxes to manage their money properly. I say to the Australian Labor Party: look and learn, watch how responsible governments manage money, because that is what the Napthine-O'Brien budget does for Victoria. Ours is responsible government — a fiscally responsible government.

Revenue has been hit since the coalition came to office — over \$7.5 billion worth of GST write-downs — yet we have pushed on for the good of Victorians. We have introduced initiatives for small business totalling \$48 million and invested \$24 million in Victorian tourism. This budget delivers a record infrastructure investment program of \$6.1 billion — \$6.1 billion being invested in infrastructure programs — up from \$5.4 billion last year, and increasing to \$6.6 billion in the next budget.

There is \$110 million in the budget for the planning and development of the port of Hastings to complement the \$1.6 billion expansion of the port of Melbourne. The port of Hastings will deliver the port capacity we will need by the late 2020s.

There is \$72 million in funding for planning and infrastructure for transport for East Werribee and for Point Cook.

There is a record investment in health in this year's budget of \$14.3 billion — \$2 billion more than the last health-care budget under the Brumby-Lenders government. There are major investments in health and

hospitals: \$426 million in capital works in 2013–14. There is an initial \$1.2 million over four years in health-care investments. There is an investment of \$4.8 billion in capital infrastructure in health and hospitals, including \$630 million for the Bendigo Hospital, the biggest regional hospital in the Southern Hemisphere, to include 372 acute beds, 10 operating theatres, an integrated cancer centre and 80 mental health beds.

There will be a new Monash Children's hospital, a project of which I know the Minister for Health is very proud. It will be a 230-bed world-class paediatric facility at the Monash Medical Centre. There is funding to rebuild the Royal Victorian Eye and Ear Hospital and funding to expand the Box Hill Hospital. There is also funding for 32 beds — \$29 million — allocated to the Northern Hospital expansion. There is \$34 million for a 54-bed mental health facility at the Werribee Mercy Hospital. There is funding for radiotherapy facilities at South West Healthcare and funding for improvements at Geelong Hospital.

In this budget there is money for education, money for transport and roads, money for new buses, money for new railway stations at Epsom, Grovedale and Southland, investments in Ringwood railway station and \$4.8 billion for the regional rail project, and all industries and all the experts are saying this is a good budget — a fiscally responsible budget, one Victoria has been long waiting for.

I am proud of this budget, I am proud of the leadership shown by Premier Napthine, I am proud of the foresight and the stewardship of the Treasurer, Michael O'Brien, and I am proud to be a member of this coalition. I commend this budget to this house.

Mr LENDERS (Southern Metropolitan) — I rise to speak on the motion to take note of the budget papers. I first acknowledge that the macro-level Labor contribution came from my colleague Mr Pallas, the member for Tarneit in the Assembly, so I will not seek to repeat that. I also note that our lead speaker in this house was my colleague Mr Melhem, making his inaugural speech. I will have 15 minutes to speak on the budget papers, and I will focus predominantly on the agriculture portfolio issues.

However, before going to the agriculture portfolio I will focus on a couple of things at the macro level as an example of how this budget works. I never cease to be amazed at members of this government, and probably all governments, who talk of figures with no context. If I hear one more government member boasting of some

greater expenditure in an area without putting it into context, I will actually despair.

Hon. D. M. Davis — 'Probably all governments', you said.

Mr LENDERS — I did say, 'probably all governments'. I am amazed at people like Mrs Peulich who go on about how much more education expenditure there is, and figures of millions of dollars are thrown around. If you look at any budget item in Victoria, you will see that by the time you take 1.7 per cent population growth and 2.5 per cent inflation, anything less than a 4.2 per cent increase is in real terms a cut. Anything less than a 4.2 per cent increase is actually a cut unless there is demonstrated productivity or something else happening. I thought I would put that in context first, as government members mindlessly reel off figures without any context. Anything less than a 4.2 per cent increase is a cut, particularly in education and health where the inflation factor is even higher. That is the first thing I want to put on the record for any discussion here.

The second thing government members need to be very careful of is what they wish for. In terms of the numbers of government members who talk about the mythical \$3 billion lost in gaming revenue, anyone who forensically reads the Auditor-General's report or looks at what actually happened will see — leaving aside the global financial crisis — that the only way revenue could have been raised was if government ruthlessly said to all 79 municipalities in this state, 'You will approve every gaming machine application in your neighbourhood, so the state can gouge revenue'. All government members should be aware of that every time they open their mouths and say \$3 billion was lost. They need to go to their own communities and ask, 'Which community were we going to force gaming machines into?'. Can they answer that question? I will raise that question with every club and every pub. Is this government trying to gouge \$3 billion out of them? That is what government members are calling for.

The third thing on a macro level is that I say to every government MP who talks about the Wonthaggi desalination plant: that if your endgame is to say that every public-private partnership is worth the nominal value in 27 years, then when you come up with the \$600 million Bendigo Hospital we multiply it by 4.5. If you come up with a \$500 million prison, we multiply it by 4.5. That is the standard that government members have set for public-private partnerships, and that is the standard that the opposition and the Victorian community will hold them to. Government members should be aware, as they gleefully make up figures, that

the standard they are setting means that every \$100 million prison project is a \$450 million project. Every single government member is on the record as saying that, so they will live by what they have said.

As the Premier has discovered, much to his unbridled anger in the last few days, people like Tim Pallas can forensically go through the Premier's statements over multiple years in this Parliament and hold him to account for every single thing he said in opposition. Government members should be very wary when they describe those things.

To go back to the budget and to having consistency, anything less than 4.2 per cent is actually a cut, and that is what this budget is about.

Hon. D. M. Davis — Unless it is due to productivity.

Mr LENDERS — I take up Mr David Davis's interjection, 'Unless there is productivity', and I will describe to him some of the productivity in the agriculture portfolio, which I will commence talking about now.

The first point I will make is about the Minister for Agriculture and Food Security. He should be called the Minister for Agriculture and Food Security, the Minister for Water and the Minister for Truth, from a 1984 perspective, because again and again we see — —

Hon. D. M. Davis — On a point of order, Acting President, that is a reflection on a member in the other place. People understand what is meant by those words and the description of that famous book. I think the member should withdraw that.

Mr LENDERS — Acting President, if Mr Davis takes offence at the term 'Minister for Truth', I will certainly withdraw it.

We are talking about Minister Walsh, who has said there are no cuts to the agriculture portfolio and that the government is providing more of everything. I will use an example to show why this is absolutely false. Firstly, the government's second budget scrapped the Labor Future Farming initiative. It was a \$205 million initiative over four years. It was replaced by a \$61 million Growing Food and Fibre initiative. Minister Walsh went out across regional Victoria talking about a \$61 million initiative and about doing all these new things. There was no mention of the \$205 million in Future Farming that was cut, although a couple of climate change proposals were cut. The

government does not believe in climate change; it is a hoax according to this government.

The farmer health initiative was also cut out, which Mr David Davis knows all about. However, this was mostly a straight program cut from the agriculture portfolio, and Mr Walsh, in denial, said that cut was not there. He said \$61 million is more than \$205 million. That is the first point I would make. This government slashes and burns and falsely pretends it is doing more.

We then go to what the productivity is that Mr David Davis was talking about in the portfolio. Acting President, I will tell you what the productivity is. Since this government has come to power there has been a 10 per cent reduction in staff numbers in what was the Department of Primary Industries. We have seen offices close in Ararat, Birchip, Cobram, Camperdown, Kyneton, Ouyen and St Arnaud — and I could go on. If any member actually believes these are not cuts that are affecting service delivery in regional communities, then they are on some illegal substance that would see them out of the Victorian Parliament if they were found to be using it.

We have also seen things like 13 research jobs gone in the Department of Environment and Primary Industries biosciences group and 6 jobs gone from the weed research group. In the north-east two of the four doggers — the people who go out and hunt wild dogs — were not replaced. Remember how 20-odd fruit fly inspectors were essentially dismissed on the day the Minister for Agriculture and Food Security insulted the Victorian community with his farcical hunt for the big cat last year? He ran with his tail between his legs 28 days later away from the big cat hunt. It was a sign of the cynicism of this government: on the day the fruit fly inspectors were punted the big cat hunt went out to distract people, and it certainly did distract the minister.

I could go through a litany of instances where this government has made cuts while pretending to do more. We had the farcical situation of Mr Ondarchie saying the Liberal Party can manage money and we can judge it by that. Last night at 9.00 p.m., when I was refreshing my budget presentation for today, I looked at the Weekly Times Now online website and found a story which sums up Mr Walsh's administration of the agriculture and food security portfolio and this government's outsourcing and spin. It is the story from the editor, Ed Gannon, headed 'Culling story smells a bit like dead goat'. It could have been summed up better still as 'Goatgate', but nevertheless the culling story smells a bit like a dead goat.

To cut through to what this story is about, in Gippsland, in eastern Victoria, Parks Victoria — administered by the ‘Minister for Zoos and Recycling’, which is all Mr Smith administers — identified an area around McKillops Bridge, about 120 kilometres north of Orbost, that had a problem with a feral population of 60 goats. Mr Walsh has gone on ad nauseum in opposition and in government about chasing feral animals and weed reduction being a priority of the Liberal-Nationals coalition. The feral animal — a big cat — was not found, but that is what he says. There were 60 feral goats in East Gippsland that needed to be dealt with. Did Parks Victoria do anything? It did a dodgy tender that ended up with a New Zealand company being paid \$42 000 to hunt the 60 feral goats. What did they do? They got 23 feral goats for \$42 000, or \$1826 a feral goat.

Is the reason I raise this matter perhaps a reflection on the Minister for Environment and Climate Change, Mr Smith? No. Is it perhaps a reflection on Minister Walsh? No. Perhaps it is a sign of how this government gets it wrong. We have dozens of sporting shooters in East Gippsland who are accredited to shoot feral goats. They were not asked to do so. A New Zealand company was paid \$42 000 to get 60 goats, and they got only 23 of them. What have we got? We have a minister who says, ‘We are doing more’, yet two of the four doggers in north-eastern Victoria are not re-employed, with two left to hunt wild dogs. The minister’s colleague, Minister Smith, put out a tender from the same department for \$42 000 to a group of Kiwis — and it was a dodgy tender that did not follow the normal process — to hunt the goats while there are dozens of sporting shooters in Gippsland who would happily go out and rid Gippsland of the menace of the feral goats, but they were not asked. It was an insult to the sporting shooters. The tender process was strange, but to make it worse, they did not even get all the goats — they got only 23 of the goats.

This story is a symbol of the government: it says it is doing more, it outsources services in an incredibly ineffective way and it boasts about its achievements, but as the *Weekly Times* correctly identified at 9.00 p.m. last night, this culling story smells a bit like dead goat — Goatgate.

Mr Barber — What about deer?

Mr LENDERS — I am referring to the botched tender to hunt feral goats in East Gippsland that was given to a group of Kiwis rather than to local sporting shooters, who would have happily done it if they had been asked. The group ended up getting 23 goats at a cost of \$1826 each. A spokesman for Parks Victoria,

said the Kiwis were brought in to get a ‘guaranteed outcome’. I ask: with 23 goats out of 60?

Mr Barber — You want the job done? Call a Kiwi.

Mr LENDERS — Mr Barber should declare an interest in this matter. Regardless of whether or not they are Kiwis — and I have a high regard for Kiwis — the point is core public service jobs are being cut and doggers are going and not being replaced. What we have is botched outsourcing by this government, which again shows that the regional offices I referred to are being cut. There are no core services for things like cutting weeds. If we go through the transcript of the Public Accounts and Estimates Committee (PAEC) budget estimates hearing, we see that the minister said in output after output there are lower targets for areas like weed and pest reduction, and yet the government continues to boast that it is doing more.

At the PAEC hearing the chief financial officer from the Department of Environment and Primary Industries was handballed a question by Minister Walsh as to whether there had been cuts in the department. The chief financial officer said there have been cuts of more than \$40 million. For the first time the bright light of scrutiny cut through this government with its admission that there had been cuts to this portfolio. To date we have had constant weaving, subterfuge and spin that more is being done. As identified, the Future Farming program worth \$205 million is being replaced by the Growing Food and Fibre program at \$61 million. We are told, and are expected to believe, that that is more.

We are told there are no cuts to front-line services in the Department of Environment and Primary Industries (DEPI), but we have seen offices close in Ararat, Birchip, Cobram, Camperdown, Kyneton, Ouyen and St Arnaud — and the list goes on. We have seen people who deal with research jobs in DEPI and biosciences gone. We have seen jobs cut from the weed research group — gone. The doggers, as I mentioned before, have gone. The fruit fly inspectors have gone. Thank goodness the big cat hunt has gone. But we have this narrative from the minister that more is being done. I believe this budget really shows there are cuts to front-line services across regional Victoria. In the first call to identify what were essential staff in the Department of Environment and Primary Industries, the only one identified was Minister Walsh’s driver.

Mrs KRONBERG (Eastern Metropolitan) — It is a great pleasure to stand here today to make my contribution to the debate on the Napthine-O’Brien budget of 2013–14. Before I go to some of the specifics I have to make a comment on the contribution just now

of a former Treasurer of this state, Mr John Lenders, which we could only say was tangential to the elements of the budget. He was not able to accommodate them. Clearly he was not able to utter a number such as the operating surplus of \$225 million brought about by the Napthine-O'Brien budget because it would stick in his craw.

The forward estimates in the out years of operating budgets over the next four years are something that, as a member of this government, I am really proud of. Imagine that we can conceive of the concept of operating surpluses going forward over the next three budgetary periods beyond the current one. That is something that the Labor Party has never been able to achieve and that features only in the dreams of the federal Treasurer, Wayne Swan.

The fact that in his contribution Mr Lenders talked about four doggers and 60 goats, only 23 of which were culled, by way of tangentially talking about the agriculture and primary industry portfolio is proof positive that he cannot find anything to criticise in the fine work of the Napthine government and our excellent Treasurer, Michael O'Brien, in their offering to the people of Victoria to provide just what is needed in these difficult times — a responsible budget, a budget that provides optimism, that encourages investment and that is an accurate reflection of the skills and policy backgrounds and the initiative and vision of this coalition government.

In this budget we are talking specifically about an infrastructure investment program of \$6.1 billion and we are talking about funding for stage 1 of the east–west link, with the entire project at the moment estimated to cost between \$6 billion and \$8 billion. When there is a change of government federally on 14 September we know that there will be \$1.5 billion coming from an Abbott coalition government which will see the east–west link achieve the joining of the Eastern Freeway with CityLink and later with the Western Ring Road in Sunshine West. The benefits of this are obvious to many, even the tetchy and ill-at-ease Labor opposition. However, the significance of this infrastructure project for the economy of the entire state has not been able to be accommodated by the Greens, and the contribution by Mr Barber yesterday in moving his motion was proof positive that the Greens have no economic capabilities whatsoever. To bring up their opposition is very short-sighted, which is probably the politest term I can think of at the moment.

I think something as significant as investing \$110 million to progress the development of a container port at the port of Hastings is visionary, and it will come on just in time as the capacity of the port of Melbourne over time is reached. There is also \$280 million for the people of Victoria for upgrades to and maintenance of key areas of the road network. In particular there is an additional \$52 million for the metropolitan level crossing removal program on top of the \$350 million that was allocated in the 2012–13 budget. We already have level crossing removals under way at Springvale Road, Springvale; in my electorate of Eastern Metropolitan Region at Mitcham Road, Mitcham, and Rooks Road, Mitcham; and for the greater benefit of Victoria at Anderson Road, Sunshine, as part of the regional road link project.

We can look forward to further level crossing removals, which is a cause célèbre from my perspective, at North Road, Ormond; Main Road, St Albans; and very particularly in my electorate at Blackburn Road, Blackburn, Mountain Highway, Bayswater, and Scoresby Road, Bayswater. Anybody who does any movement north–south along Burke Road, and I am sure everybody in Melbourne, will be very relieved at the works being undertaken at Burke Road, Glen Iris, and Murrumbeena Road, Murrumbeena, where there is a very aggravating intersection to be trapped in.

This budget has seen \$179 million allocated for eight new trains; \$300 million for public transport network improvement of services, comfort and safety for the travelling public; the full funding of the Monash Children's hospital; redevelopment funding of \$197 million for the Royal Victorian Eye and Ear Hospital; a further \$629 million for hospitals across Victoria; \$11.6 billion for the future of Victoria's education system, which includes a very important structural adjustment fund of \$200 million for the TAFE system; and \$203 million for the school capital program.

A direct beneficiary of the school capital program happened to be the Montmorency Primary School, in the seat of Eltham. The Montmorency Primary School was monstered by the Bracks and Brumby governments into a forced amalgamation process. The Montmorency Primary School community, and the community of Montmorency itself, resisted this amalgamation process and for a number of years was neglected and metaphorically abused by the former Labor government because it did not comply with the jackboot politics of forced school amalgamations.

In our election promises of 2010 we pledged to rebuild the Montmorency Primary School. I have never been

prouder than I was on Friday, 10 May, to visit the Montmorency Primary School and make a formal announcement that there will be a further \$3 695 000 for the rebuild of Montmorency Primary School. It was a very emotional day, attended by many former and current members of the school council, the general population of the school — the students and teachers — the volunteers, the community in general and the school principal, Michael Otway. Everybody was emotionally charged and very relieved to hear that that funding was available for the school, which has to be one of the most neglected school properties in the whole of Victoria.

When Labor was in government members of the school council approached Steve Herbert, the member for Eltham in the other place and shadow minister for the teaching profession, for assistance to rebuild and upgrade the school. I will quote his response verbatim as this comes from the mouth of a member of the school council. He said, ‘Why don’t you go across the road and speak to the members of the Montmorency RSL and ask them to put a lick of paint on the school for you’. That was the response of a member of the Labor government. This is in contrast to the coalition government’s response, which was, ‘Dear members of the Montmorency community, here is a new school, a new heart and soul for you, and we congratulate you on your courage in withstanding the bullying tactics of the Labor government over years’.

It is appropriate that I read from a beautiful visual presentation that I received from prep A of 2013, which I have before me now. Students of prep A of Montmorency Primary School have said, ‘It is very exciting’, ‘We are looking forward to the day we can sit in our new school’ and — this is the important one — ‘We are glad to have a new school instead of a cracked school’. This is the voice of the prep-year level at Montmorency Primary School in response to our pledge to rebuild a new school.

It is important to focus on some of the financial achievements in this budget. It is pretty heady stuff, and it is stuff that the federal government is not able to achieve. The gross state product has grown by 2.25 per cent in 2013–14, and it is going to rise to 2.75 per cent over the medium term. The net debt ratio to gross state product in 2013–14 is going to fall to 5.4 per cent by the end of the forward estimates that we have set out over the next four years, on top of an operating surplus for this year of \$225 million.

The people of Victoria have the opportunity to appreciate how important it is to maintain a AAA credit rating and preserve the endorsement of ratings agencies

such as Moody’s and Standard & Poor’s. That AAA credit rating, the envy of other state governments in this country, has been maintained. In simple language, if you have a AAA credit rating, your borrowings are going to cost you less, and that means you will have more money to spend on projects and service delivery. You will not be placing the crushing burden on taxpayers of them having to pay higher interest on government borrowings. The first rule of holes applies: do not ever get into a hole because when you are in a hole you have to stop digging. This is the sort of simple principle that state and federal Labor governments, with their excessive spending, just do not get.

For the six and half years I have been a member for Eastern Metropolitan Region my offices have been located on the front campus of the Eastland shopping centre and more recently further east along the Maroondah Highway, so I can speak with authority about how the community of that area values the \$66 million the government has provided for the upgrade to the Ringwood railway station and the bus interchange there. This is the catalyst for the investment by owner Queensland Investment Corporation in an expansion of the Eastland shopping centre. The project will bring benefits to the community, including the building of a new library, a number of additions to the commercial precinct, office accommodation, a very pleasing restaurant precinct and the possibility of a 4-star hotel. This has all come from the catalyst of the \$66 million upgrade to Ringwood station.

It is in sharp contrast with the former Labor Minister for Planning, Justin Madden, now the member for Essendon in the Assembly, who visited Ringwood railway station in February 2007 for the launch of a marketing campaign and said that the government would do something about the railway station. In fact all the people of Ringwood, the people of Eastern Metropolitan Region, the travelling public and the patrons of the Eastland shopping centre received were the famous four flags that were emblematic of the forthcoming promotion and of the fact that somewhere in the mists of the thinking of the Labor government there was the idea that there would ultimately be an upgrade. Nothing was ever delivered. The people of Eastern Metropolitan Region got four flags.

The ACTING PRESIDENT (Mr Tarlamis) — Order! The member’s time has expired.

Mr VINEY (Eastern Victoria) — Often when one starts a contribution one refers to the previous speaker’s contribution, but I am a bit flummoxed as to where to begin because it lacked any coherence, so I will stick to the structure I wanted to use regarding this debate.

Yesterday the latest crime statistics were released. They show that Victoria's crime rate rose by 4 per cent in the last 12 months. They also show that in the Latrobe Valley region, which is in my electorate, crime rates rose by 13.6 per cent. To put that in real terms, that means there were 1150 additional reported crimes against the person and crimes against property — all were up — in the Latrobe Valley in the previous 12 months.

The reason I raise this in the context of the budget debate is that there is a clear link. When a government cuts into social expenditure, infrastructure, TAFE and other education services, health services and the social fabric of our society, and when it presides over increasing rates of unemployment because it cut the pipeline of investment into infrastructure, education and in particular into TAFE education, there are inevitable and predictable consequences, and they are twofold. There is an inevitable increase in the level of unemployment — an inevitable drop in employment rates in the society — and when that occurs there is a clear link to increased social dysfunction, and that is reflected in things like crime rates.

I can quote from people like Don Weatherburn, the director of the New South Wales Bureau of Crime Statistics and Research, who in March last year was quoted as saying:

The best prevention tool —

that is, crime prevention tool —

in the long run is ... a strong and vibrant economy.

In Gippsland and the Latrobe Valley there has been a drop in employment since this government came to office, with 22 000 fewer people being in employment in Gippsland. Of that number, 14 000 were just in the last 12 months.

There is a clear and direct link between the sudden surge in the crime rate and the level of unemployment in the Latrobe Valley. That means that the increase in crime in Victoria, and in particular in my electorate, was absolutely predictable and therefore preventable if the government had invested in things like TAFE education, infrastructure services, health, education generally and roads. If it had continued the pipeline of investment in infrastructure that we had under the previous Labor government, the social consequences of this government's ruthless cutting into these service areas and infrastructure would have been prevented, maintaining the social fabric of our community.

In Mrs Kronberg's contribution she quite rightly referred to the importance of the AAA credit rating. I congratulate this government on keeping a AAA credit rating for two and a half years, based on the economic and financial situation that it found Victoria in when it took office — and at the time it acknowledged that it was in a sound condition.

I would have liked to hear Mrs Kronberg congratulate the previous government on maintaining Victoria's AAA credit rating for 11 years, budget after budget, year after year. In every month of every year of 11 years Victoria's employment increased. We had AAA credit ratings, employment growth every year — and by the way, I point out to Mrs Kronberg and other members of the government, we had budget surpluses every single year for 11 years, and my recollection is that in some years the budget surpluses were as much as \$600 million to \$800 million. This reflects the commitments that we made and honoured in our time in government.

In contrast, while this government has certainly maintained a AAA credit rating and a budget surplus, it has done so at the same time as cutting into TAFE expenditure, cutting into health expenditure and reducing maintenance in things like roads and rail services. At the same time the government is doing those things it has managed to massively increase debt.

I am not sure that the government has quite as much to crow about as it chooses to. Over all that, it has presided over a period of government when the employment rate in Victoria has declined, employment has dropped and unemployment has increased. In my own region, as I just mentioned, 22 000 less people are employed in Gippsland than when this government came to office, and 14 000 less people are employed in Gippsland just in the last 12 months. There is nothing to crow about. Congratulations on keeping a AAA credit rating, but the people who have lost their jobs are not feeling that it is a particularly wonderful achievement by this government. Yes, congratulations on that, but the purpose of government — and the purpose of budgets — is to invest in the people of this state, to show your trust in the people of this state and to provide investment and support to the community.

It is very hard to see the purpose of this government, because its purpose is reflected in a government that is prepared to preside over reducing employment levels, preside over increasing crime rates, preside over a period where in the health sector it is now harder to get on elective surgery waiting lists and preside over a situation where schools are suffering through a lack of maintenance.

When we look at the last budget what do we see as the principal achievement claimed by Mr Northe, the member for Morwell in the Assembly, in a press release? His major achievement was the east–west link project. Apparently the people of the Latrobe Valley should be pleased that The Nationals member for Morwell has given them a project that provides improved access to Melbourne for the people of the eastern suburbs. That was the principal announcement by Mr Northe in his media release. I would have thought Mr Northe would have done better for the people of the Latrobe Valley if he had ensured that the Morwell school regeneration project got back onto the agenda. Schools are now bussing their children to a hall — they gave up their Building the Education Revolution funding to build an assembly hall and gymnasium — on a new site that was going to be the site of a new school for Morwell. It would have been better if he had ensured that those children could have been at that site instead of them having to be bussed to it for their assembly.

It would have been better for the people of the electorate of Morwell to have been able to say that they did not have to stand on the train for most of the way from Melbourne back to the Latrobe Valley because they had a government committed to providing adequate services. It would have been better for people to have been able to say that they were pleased with funding for road projects that are desperately needed. I would have thought those were the sorts of things that the member for Morwell would have been pleased about. As a former footballer in the Latrobe Valley, it would have been better if he had been able to say that country sport was getting additional funding, not a 10 per cent cut. I would have thought that would have been a better thing for him to have been able to promote rather than the little-bit east–west project.

That is the greatest misnomer of a major project that I have ever seen. We have an east–west link that does not go anywhere near the west, and an east–west link that provides a little bit of an extension of the east — it does not complete the project. It is an \$8 billion little-bit extension. It does not even get to the west; it does not even get to the north —

Mr Koch interjected.

Mr VINEY — I say to Mr Koch that it does not even get to the north. How does it get to the west? It stops at the Tullamarine Freeway. It stops at the end of Royal Park; that is not the west. It is a little bit of a project.

Yesterday I was corrected by Mr Lenders because my figure was slightly wrong in relation to the true cost of this project. If we use the same formula that the government has used to criticise the desalination project, where a \$5 billion project will become a \$27 billion one over 30 years, the same formula takes this project from the \$8 billion of the little-bit extension of the Eastern Freeway to come out at \$36 billion over 30 years.

Mr Koch interjected.

Mr VINEY — It is the same formula. Mr Koch might want to say it is rubbish.

Mr Koch interjected.

Mr VINEY — Mr Koch should then withdraw all his comments about the desalination plant, because it is the same formula. If he were to say that a \$5 billion project over 30 years becomes \$27 billion, then an \$8 billion project over 30 years becomes \$36 billion. That is over \$1 billion a year that this project will ultimately cost in a public-private partnership. It is a \$36 billion project, and that is only if the government does the little bit. If it does the whole of it, my advice is that it is somewhere around \$16 billion. So you would need to multiply that by 4.5. I will ask Mr Elasmarr to do the maths because I am speaking.

Mr Elasmarr — It is \$70 billion-plus.

Mr VINEY — It is \$70 billion-plus. I thank Mr Elasmarr. I will stick with that figure. I am happy with it. This is the point: if the government is going to criticise Labor projects using a multiplier of 4.5, it has to apply the same formula to its own projects. That is what the government is facing. Government members know as well as I do that if a project is put into a public-private partnership, it has to be paid for, and there are all the ongoing aspects of that.

Apparently this project is going to solve congestion problems in this state. The fact is that we are going to spend \$36 billion on a little-bit extension of the Eastern Freeway, and it is not going to solve the problem. That is the other issue — it will not solve congestion. Within two years of this project being built there will still be congestion because the government is not doing the other projects it needs to do. It needs to do the Melbourne Metro rail tunnel; it has not invested any money into that. It has not invested anything other than a little bit of planning money into that project.

Mr Koch interjected.

Mr VINEY — We built the desalination plant to protect Victoria's water supply — and it will.

Mr Koch interjected.

Mr VINEY — Mr Koch says it is not needed; he may well have to eat his words. We will see. The fact is that Victoria was running out of water and the government did what had to be done to protect Victoria's water supply. Mr Koch can be as cynical as he likes about climate change, but I support and believe in the science. He may not; he may be a sceptic and he may think that by doing a rain dance he can make it rain. I do not. I think there are serious problems with climate and that this is backed by the science.

I say to Mr Koch that this government will be subject to the same measure of financial accountability as it applied to the former Labor government. The \$8 billion it is going to spend on a little bit of east–west extension is not going to solve congestion and is going to cost Victorians \$36 billion over 30 years. What I say to members of this government is that it is their failure to invest properly in this state and the things that are needed that resulted in yesterday's statistics on increased credit rates.

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to rise to speak on the budget papers for 2013–14, and I congratulate Treasurer Michael O'Brien on delivering for this state a responsible budget that will provide a framework for further growth and stability for Victorians. It will give many Victorians confidence, in stark contrast to what we have at a national level, which is a government presiding over a woeful state of affairs under the stewardship of Prime Minister Gillard and federal Treasurer Wayne Swan. The way they have conducted themselves over the last few months and years in relation to financial matters has been just extraordinary. Their legacy is one that will be felt for generations to come. Australians, and indeed Victorians, who want an opportunity are going to be saddled with their debt and legacy.

Victorians are only part of the nation. We have various challenges, and federal management is just one of them. To have a further loss of \$1.5 billion in GST revenue added to the complexity of what Treasurer O'Brien had to deal with. This budget delivers many things for many Victorians. Responsible financial management is a responsibility of government. We have a responsibility to taxpayers, and this is what we have undertaken — a concept that those opposite literally have no idea about and do not understand, because Labor just cannot manage money.

This budget ensures that Victoria's finances will remain strong, that expenditure growth will no longer exceed revenue growth and that services and infrastructure improvements will be there for all Victorians. A media release put out by the Treasurer and the Premier describes an estimated operating surplus of \$225 million, rising to more than \$2.5 billion by 2016–17. This will give Victorians confidence, unlike what we are seeing at a federal level.

Many people are going to benefit from this budget. In my area of Southern Metropolitan Region there are a number of senior Victorians, and this government is committed to supporting senior Victorians because we are an ageing population. That is another issue that the federal Treasurer does not understand about the state of Victoria. He thinks our population has decreased. Our population is increasing, and we have an ageing population. What this government is going to deliver for senior citizens of Victoria is a \$50 concession on the cost of the fire services property levy. This is a significant reform for this state and one that has not been undertaken for many years.

In addition, there will be personal monitoring devices for an extra 1000 Victorians through Personal Alert Victoria and a \$140 million boost over four years to help older Victorians live at home with the help of home and community care services. There is \$14 billion being invested in Victoria's health system, and I am pleased that the 230-bed Monash Children's hospital will allow 7000 more children to be treated each year. Many constituents and parents in my electorate of Southern Metropolitan Region will be accessing that terrific facility.

I am particularly pleased that funding for a new school on a site in South Melbourne has also been allocated in this budget. This is something the community has wanted, and my colleague Mrs Coote has been advocating for it for many years. Since I have been in this place we have spoken to many parents in the area. They are young families with young children, and they are looking to the future for their community. They want to stay in that community and have schools that deliver. Mrs Coote has been strong in her advocacy for relocatable classrooms and in assisting the Port Melbourne Primary School. There is funding in the budget for a new school on a site in Ferrars Street. This demonstrates another strength of this government in that it understands the issues in local areas and plans for the future.

Labor had 11 years to plan for the growing population in that area as well as across the state, but it did nothing.

It did not plan for it, and now we have parents concerned about this backlog. The government has taken this issue on board, and I am very pleased that the Treasurer has listened and helped us to start that process. Some of those opposite think that things pop up overnight and will demand to have that school built by tomorrow. It takes planning and responsible economic management, and that is what we are undertaking in this process.

I am also pleased that there has been significant investment in improving transport systems, particularly rail systems. There is \$100 million for upgrades and maintenance work on the Frankston line, which runs through a number of the electorates in Southern Metropolitan Region. There will be improvements to the tracks, signalling and power maintenance facilities, which are all very important areas that need to be addressed for an effective rail and transport system.

Also in Southern Metropolitan Region I am pleased to note that the Melbourne Sports and Aquatic Centre (MSAC) will benefit from part of the \$6.4 million announcement for developments at some of Victoria's major sporting venues. Victoria has a very proud history as the sports capital of Australia. It is a title we hold very dearly, and I think members on both sides of the chamber would agree. MSAC is a terrific facility, and it will get additional funds to host national and international sports of various kinds. I am pleased the Treasurer has identified and delivered on that area of need.

Other areas of the budget have been spoken about, and I am pleased that the Treasurer, Mr O'Brien, has a very good handle on what is required. He has had many years of working in this area and he understands it. I heard Mr Viney's contribution about 11 years of delivering surpluses across Victoria. I remind him that there was a far stronger economic position at a federal level under the stewardship of Prime Minister John Howard and Treasurer Peter Costello. Treasurer O'Brien understands that because he worked closely with Peter Costello for some time. Almost all Australians would agree that Australia was in a far stronger position under the stewardship of those two men at that level compared to what we have today.

Mr Viney went on to talk about cutting into TAFE and health expenditure. The increased spending in TAFE has been explained on many occasions. Victorians understand that the Labor Party is using this line for its federal campaign. They understand that Victoria is part of a nation that has been presided over by a woeful and wasteful federal government. That has impacted on Victorians and the money we have for the TAFE sector

and our health services. We have increased spending in health expenditure, unlike the federal government, which midway through the last financial year cut \$107 million from hospital funding and took some months to reinstate it. To say we are cutting and to argue that point is in stark contrast to what is happening and what we are dealing with at a federal level.

Treasurer O'Brien should be congratulated on delivering a strong and responsible budget. That is what this government is about, and I commend the budget papers to the house.

Mr SCHEFFER (Eastern Victoria) — Let me begin with the Treasurer's first budget speech; its opening page or two really are something. Firstly, the Treasurer, Mr O'Brien, calls upon us to reflect upon the times that he characterises as marked by global economic insecurity. Secondly, he wastes not a moment, because he remembers that this is a federal election year, and he attacks and blames the commonwealth Labor government as the cause of increasing uncertainty at home. Thirdly, he says his coalition government is a cause for hope and its purpose is to rescue and strengthen the state's finances, and therefore save the state as a whole from global insecurity and commonwealth uncertainty.

The Treasurer's temerity is breathtaking. Why? Because he asks us to believe that this tawdry excuse for a government bears comparison with the commonwealth Labor government that, despite considerable difficulties, which we acknowledge, has nevertheless delivered the important reforms that will benefit this country and this state for generations to come. We search in vain to find a single policy or program initiative from the Baillieu and Napthine administrations that can compare with, for example, the national plan for school improvement, the national disability insurance scheme, the national broadband network, the Clean Energy Future programs, including carbon pricing, the expansion of the network of marine reserves or the finalised plan for the Murray-Darling Basin — and that is just a sample.

Let us acknowledge the concerns associated with the collapse in revenue that has increased the deficit, but let us keep it in perspective. In the context of an economy that is doing well the nation will work through these difficulties. But to what can Treasurer O'Brien possibly point? What is the legacy of this confused, inactive and directionless government? In the years to come, or in fact even now, is there one single policy, program, initiative or reform that Victorians can look back on and identify that its establishment began with the Baillieu and Napthine governments? Is there one thing

of which Victorians will say in the years to come, ‘This action was delivered by the Baillieu and Napthine governments and it made a positive contribution to my life and to the lives of Victorians’? I do not think there is such a policy or such a program.

Labor’s shadow Treasurer, the member for Tarneit in the other place, said in his budget reply that a budget shows us where a government’s heart is and what it essentially believes in. I agree with him, and it is instructive to examine the first budget of this new Treasurer in this recycled administration.

Let us continue with Mr O’Brien’s budget speech. The Treasurer says that the coalition government has brought the budget back under control so that the level of government spending is reduced and is less than revenue. The Treasurer is very careful not to say that the previous Labor government left the state in debt, because he knows full well that this is not the case. The previous Labor administration was not perfect, but its considerable achievements should not be diminished. Labor left the state in good economic order. Former Premier Ted Baillieu conceded this right after the 2010 election when he said there were no surprises in the state’s finances and that he should have no difficulty at all in delivering the raft of programs and policies that the coalition had promised during the election period.

The Treasurer says that the coalition has governed to strengthen the state’s finances in difficult times rather than using the times as an excuse for plunging the state into unsustainable debt and deficit. He goes on to say that his budget delivers a growing economy, growing employment, growing services and major new infrastructure. He says that the coalition must ensure that services and infrastructure keep pace with demand. How do we read this when it comes from a government that has been universally criticised for not having a jobs plan, for sacking thousands of public servants and for sitting on its hands when jobs are lost right across the state? How do we understand the Treasurer’s words when we know that for the past two and half years the coalition government has been taken to task by despairing business and industry sectors over its failure to invest in infrastructure and for its indecision?

In an article in this morning’s *Age* headed ‘Construction hit by \$1 billion slump’ — that is a national figure — Tim Colebatch said:

Victoria also took a big hit, with engineering construction slumping 11 per cent year on year as the state government fell far short of its infrastructure spending target.

This is not just something that has been dreamt up by the opposition; this is in the mouths, in the words and in

the written pieces of every media commentator. How can we understand what the Treasurer says about ensuring that services keep pace with demand when we know that this government has slashed and burnt its way through services, devastated the TAFE sector and ripped money out of schools and hospitals — all key services — at an unprecedented level? These words are an attempt by the Treasurer and the Premier to rehabilitate the government in the wake of the disaster left by former Premier Baillieu and former Treasurer Wells, who is now the Minister for Police and Emergency Services. The question is whether the leadership switch can really change the fundamentals of this government.

The opposition has made it clear that this budget extracts billions in new taxes and revenue, delivers \$1 billion worth of new funding cuts for only very modest growth in jobs and, if we leave aside the procurement plan for the east–west road tunnel, delivers an infrastructure budget that is even less than last year. We have profound misgivings that the funding and resources required for this single project will draw in so much of the state’s money that nothing will be left for any other infrastructure project. This extraordinary level of investment is entered into with only the thinnest of plans and with no business case before Infrastructure Australia.

In a must-read piece in the *Age* of 15 May headed ‘East–west tunnel plan looms as road to ruin’, road infrastructure experts Sophie Sturup and Nicholas Low say that the project cannot make a return for the community or indeed private investors. They say that the only beneficiaries will be private consultants, who will develop the case for why the tunnel should be built. They also say that in order to make it look like the tunnel can provide a return the business case will need to be based on unrealistically high traffic estimates and that this is what undermined the Cross City Tunnel in Sydney. Finally, they say:

The east–west tunnel is a road to a loss. The only question is who will lose and by how much ...

In a *Sunday Age* article of 26 May Josh Gordon reveals, by way of a 2011 Department of Transport report obtained under a freedom of information application, that the east–west road tunnel will not help traffic congestion on Hoddle Street. What the Department of Transport thought might help, according to Josh Gordon, was public transport — running full-time dynamic bus lanes, raised bus lanes or a bus tunnel. The Department of Transport thought this was worth looking at.

There is hardly a soul around who thinks that the east–west tunnel is the best thing to do right now. It is abundantly clear, as the shadow Treasurer said in his budget reply speech, that this is a big con from a heartless government. There is a connection between this reckless budget and the communities in Eastern Victoria Region, and it is this: right across Eastern Victoria Region there is an urgent and desperate need for government investment in critical infrastructure. I will just focus on the needs within the Casey-Cardinia region. Anyone living in Pakenham, Officer or surrounding areas will tell you that transport and jobs are the two standout and interconnected concerns. If massive and potentially untold resources are to be directed to a tunnel in the city, the government, and specifically Mr O’Donohue, Mr Hall and Mr Philip Davis, has a duty to explain how billions will be found to undertake the upgrade in construction of the roads, just to take one example in the Casey-Cardinia region.

It also needs to be explained to residents in the Casey-Cardinia region where the money will come from to invest in public transport in rail and buses. Everyone living in this region knows that further government investment is urgently needed, both now and in the next year or two, in order to redevelop the Pakenham and Officer rail stations, complete the Koo Wee Rup bypass, duplicate McGregor Road and the rail crossing to complete the Cardinia Road duplication — notwithstanding the allocation in the current budget that takes us some of the way — and complete the Pakenham bypass interchange upgrade at McGregor Road, Pakenham, the Lang Lang truck bypass and the design work for the Thompsons Road extension.

These are essential investments because they are necessary for the development of the local economy so that residents of the Casey-Cardinia region can work closer to home and not have to travel the tens of thousands of kilometres they currently travel to work — many of them in cars on oversubscribed freeways. Then of course there are the investments necessary for the children’s services: schools and post-school education, including training and reskilling.

We are at a unique moment in Victoria’s history. Under the national plan for school improvement the commonwealth is offering Victoria a total public investment of \$68 billion from 2014 to 2019, but the state government is playing politics, waiting for the election of an Abbott government that has said it will withdraw these funds if not all states in the commonwealth sign up. The deal requires the state to increase its education funding by 3 per cent, and the Napthine government needs to step up and reconsider

whether it is prepared to put all its investment into a road tunnel. By all means, sort out the detail — we all accept that that is a government’s responsibility — but give the people of Victoria and those living in the Casey-Cardinia region the assurance that, by hook or by crook, this unprecedented level of education funding will come to their communities and that schools, students, the community and the economy will be the beneficiaries.

Frankly, it beggars belief that this government is so incapable, indecisive and shallow in its vision and aspiration for the state. This budget has delivered precious little for the growing communities in the south-east of Melbourne, and I can see little in Treasurer O’Brien’s first budget that will assist all that much. The Napthine government needs to do a lot better than this if it wants to persuade Victorian voters that there is a new dynamism, because right now when they see the Premier on their TV sets, they are not impressed.

Mr FINN (Western Metropolitan) — I rise to, firstly, congratulate the Treasurer, Michael O’Brien, on his first budget. From the point of view of somebody who represents the western suburbs, it is sensational. It is a great budget; in fact, as I have discussed with my friend and colleague Mr Elsbury, this is the best budget the western suburbs of Melbourne have ever had in the history of Victoria. After years and years of neglect, it is exciting. After generations of neglect by Labor, of its own turf in particular — or what its members like to think of as their own turf, anyway — it is wonderful that a Liberal government is delivering for the west of Melbourne.

That is something that the people of the west appreciate and are a little bit surprised about, I have to say. I know because they are telling me they are thrilled with and very much appreciate what the Liberal government is doing for the west. At long last the years of neglect are over, and that neglect has been ended by the Napthine Liberal government. I am sure that is something that a lot of people in the western suburbs will remember when they wander into a polling booth at the next election.

Of course there are some you just cannot please. The mayor of the City of Wyndham was asked what she thought about the state budget, and she said, ‘We were duded’. Cr Marcus is a lovely woman, but she is confused. She obviously thought that the question was about the federal budget, because that is what duded the west — the federal government. The western suburbs of Melbourne got nothing out of federal Treasurer Wayne Swan’s final budget as Treasurer. We

got nothing, and it is absolutely pathetic that people like federal Minister for Employment and Workplace Relations Bill Shorten, Mr Glass Jaw himself, get on the front page of newspapers and get up at public events to talk up what the federal government is going to contribute to — for example, the St Albans level crossing problem — but deliver absolutely nothing and then spread stories that the state government has rejected the federal government's offer. We would be delighted to accept the federal government's offer if there was one. We would be delighted to accept the federal government's money for just about anything if it would like to actually offer it to us.

I am a bit concerned about people like Mr Shorten, who seek to deceive the electorate in that way, but I suppose when you consider that Mr Shorten is partly responsible for putting in place the most dishonest Prime Minister in this country's history, it should not be surprising that he would go down the same path himself.

I do not want to concentrate too much on areas that I am sure Mr Elsbury will cover in his contribution, because I know he has been very involved in getting funding for schools, particularly in the Werribee area, and I note that he has done a great job in putting in place a program to re-establish the dental health service in the west. I remember visiting the western dental health service back when we were in opposition and seeing the dilapidated state of the place, which was the norm under the Labor government. They told me, 'They take us for granted'. Mind you, that is not surprising, because in the west Labor took everybody for granted. I emphasise the word 'took', because I think at long, long last the people of the western suburbs are saying to Labor, as did people in the Northern Territory not all that long ago, 'We are sick of the way you have treated us for so many years. We are sick of it, and we are not going to give you unbridled loyalty anymore. It is not going to happen anymore'. That is a great thing for the western suburbs, and Labor just might actually have to wake up and realise that the people of the west — —

Mr Elsbury interjected.

Mr FINN — Mr Elsbury, I have to say there are some on the Labor side who are not entirely stupid — granted not many, but there are some — and I am sure they will work out exactly what is going on out in the western suburbs before too long.

I mention briefly the mental health service, which has been given a huge and much-needed boost in funding out in the west. People have long been waiting for the intensive care unit at Sunshine Hospital, so no more

episodes of *Cop Shop* — or whatever shows they may be — will be filmed there. *Cop Shop* is probably going back a little bit. The area set aside for the intensive care unit will be used as an intensive care unit. It has to be said it is a novel approach, but under this government that sort of novelty will become the norm.

Then we have funding for the Werribee East precinct, in which the Minister for Planning, Matthew Guy, has taken a particular interest. I am very much looking forward to the opening of the much-needed Sneydes Road interchange, much-needed particularly by the people of Point Cook. I know those people are showing their gratitude in very large numbers for this further development, and I would like to put on record my gratitude to Minister Guy for his support in reaching out to the people of Point Cook and trying to rectify Labor's neglect of Point Cook for the best part of a decade.

It is extraordinary that the Labor Party would take so much money from the people of Point Cook and give them nothing in return. As a representative of the people of Point Cook I find it gratifying that we in this government are giving back in a way that Labor would never have even thought a possibility, and that will continue. I know Mr Elsbury joins me in saying to the people of Point Cook that we are working in their interests. We are working for those areas that have been denied for so long, and we will deliver. I am sure that what we have delivered to this point has surprised those people, but we know there is so much more, and we will deliver what people need in Point Cook. We will overcome Point Cook's neglect by the Labor Party.

There is one part of this budget of which I am particularly proud — that is, the announcement that the Western Autistic School at Laverton will be fully funded.

Mr Elsbury — Good work, mate!

Mr FINN — Thank you, Mr Elsbury. I have taken a particular interest in this project for five years, I suppose. As members would be aware I have a personal interest in the area of autism and particularly autism education. It came to my attention shortly after I was elected to this place in 2006 that children with autism in the west were getting a very raw deal, as were their families.

Children with autism in the east, in the north and in the south had 12 years of education available to them, but in the west children with autism had four years of education and then they were basically thrown onto the scrap heap. They either went to a mainstream school, to

a special school or fell between the cracks completely, and this was happening on an all-too-regular basis. It was absolutely intolerable to have a situation in the 21st century where children with a disability were openly discriminated against based purely on where they lived. I could not understand, and I still do not understand, how this situation was allowed to continue for as long it did.

At a function about five years ago I well remember the father of a child with autism sitting with me at a table and crying as he tried to describe to me how he felt about his child not having anywhere to go to school the following year. He asked me, ‘What am I going to do? Where is my boy going to go to school next year?’. At that point I had to say that I did not know, because there was nowhere to go.

In the west we have had a particular social experiment, I suppose — education experiment; call it what you will — that has failed. It has failed many children and many families. I am delighted to say that this government has turned that around, and very soon — next year — phase 1 of the Western Autistic School project will open, which is very exciting indeed. It is about much more than education; it is about social justice. We hear a lot from members opposite about their social justice concerns, but in this area they did nothing to right a wrong and they did nothing to right an injustice. I am delighted to say that now the Napthine Liberal government has provided for those children and their families the sort of support they have long needed.

I cannot tell the house how much I am looking forward to attending the opening of that school next year, and I will be keeping a very close eye on the development of that school. I believe if we go the right way, we can provide an education not just for children with autism in that particular location but as a part of outreach programs to children with autism right across the western suburbs of Melbourne. This will be a model that Victoria can be incredibly proud of. This will be a model which will be not just world standard but leading the world. It will be a model that people will come from overseas to see and copy, and they are welcome to copy it.

This is something that excites me beyond words — and that is not something that happens too often. It excites me to know we are going to have an education system for children with autism in the western suburbs of Melbourne that is the best bar none. I am thrilled that it will be happening. I could go on to talk about the impact it will have on families.

Mr Ondarchie — You did this.

Mr FINN — I do not want to go into that. The fact of the matter is that we have reversed an injustice, and that is a very good thing indeed.

I stand here today feeling particularly proud of representing the western suburbs of Melbourne and proud to be a member of the Napthine coalition government. I think to myself how far the western suburbs have come in just two short years. We have to remember that under Labor, state and federal, the west got nothing. Labor did not want to know about us. The western suburbs now have a government that cares about them. The government is concerned about people in the western suburbs and their families, their education, their health services and their transport needs. This government is delivering and is providing. I am sure that I speak for Mr Elsbury when I say we are very proud to do this for the west.

Mr ELASMAR (Northern Metropolitan) — I am proud to stand here representing Northern Metropolitan Region, but I am not as proud as Mr Finn is about the budget. Before I address the 2013–14 budget my thoughts turn back to last year’s budget. I believed then that the Victorian electorate could not sustain further or deeper cuts into the health and education sectors, but it seems I was mistaken. In 2013 the Victorian coalition government has managed to introduce a budget that cuts to the very heart of equity and compassion — equity so our kids get a good start in life by way of a decent education and compassion for the elderly and the disadvantaged in our community. I am sorry to say that Thatcherism is alive and well in Victoria. Thatcher’s Britain and the Reaganomics of Reagan’s United States were tailor-made for the survival of the fittest, and so is this budget.

The only winners it seems are motorists, but make no mistake, they will have to pay significant traffic tolls to access these proposed new roads. There are no injections of capital into the public transport system, which the Victorian public is accessing more and more because of the continuing fluctuations in the price of petrol and parking.

God help you if you get sick. Cuts to the Victorian health system total \$209 million. Hospital and public housing waiting lists have ballooned out again and are the longest they have ever been, no doubt due to savage cuts in the last two years of this government. The Royal Children’s Hospital has the longest waiting list of all, with over 3400 kiddies waiting for treatment. Parents have faith and trust in the Royal Children’s Hospital. It is a natural impulse for parents when their kids need

medical treatment to go to the hospital that specialises in paediatrics.

Victorian school educators who were promised in 2010 that they would be the best paid teachers in Australia are still waiting for parity. Notwithstanding their new wages agreement, salaries for teachers in Victoria still lag behind those in Western Australia. While it is true that this promise was made during an election campaign, it is a promise that continues to be broken.

Victoria Legal Aid has been decimated. The closure of legal aid offices in my electorate of Northern Metropolitan Region will mean there will be no justice for the poor.

The most ruthless cuts of all have to be the cuts to the education system, with \$69 million of cuts to education, meaning Victorian students will miss out on the federal government's Gonski education reform package. This is coupled with the abolition of the trade bonus to Victorian businesses for apprenticeships. It is a small cost saving of \$20 million that in effect denies young Victorians an opportunity to obtain a trade qualification and denies Victorian businesses the incentive to invest in our future. Without a fair go, our younger generation has no future and Victoria has no future.

The 2013–14 budget has once again failed the voters in Northern Metropolitan Region. Again it shows no new initiatives, no job creation schemes and no major infrastructure projects to provide jobs for Victorians.

Mr Ondarchie interjected.

Mr ELASMAR — I will leave that to Mr Ondarchie. There have been no updates to public transport facilities other than more toilets for protective services officers. It is a coalition budget full of disappointments, and once again a budget that clearly discriminates against the voters of the northern suburbs. There is no scope for growth in this state budget or forward planning for the economic future of all Victorians.

The foremost need of the people in the north is jobs, but they also need viable and properly resourced schools for their children so they can know that their kids are not disadvantaged by educational standards. I am disappointed that this budget's emphasis is on slicing essential services to the bone. It is not a family-friendly or working-family budget. It is not a workers budget or a students budget. There is nothing in it for any Victorian. It is one thing to be financially responsible, but it is quite another to make cuts that even further disadvantage the most vulnerable in our community.

Mrs COOTE (Southern Metropolitan) — I am particularly pleased to commence my contribution on the Appropriation (2013–2014) Bill 2013 in the 4 minutes that is left before question time. This budget is the third handed down by a coalition government and the first from Treasurer Michael O'Brien. One thing that makes this budget more remarkable than the previous two is that Mr O'Brien introduced it to the Parliament just 57 days after he became state Treasurer. That speaks volumes about the economic prowess and talent of the Treasurer, which he probably learnt at the hands of Peter Costello when he was a senior advisor to Australia's best and most successful Treasurer in living memory. Michael O'Brien learnt from the master himself, and he brought down an extremely good budget.

I take this moment to also acknowledge former Treasurer Kim Wells, the member for Scoresby in the Assembly, who in preparing this budget did a power of work, as did the people who spent time helping and supporting him, including former Premier Ted Baillieu — because some of the fundamental issues he had decided upon are reflected in this budget. However, nothing can detract from the fact that after 57 days Treasurer Michael O'Brien delivered this very important document for Victoria.

It is a blueprint for both past success, for the years the coalition has been in government, and future success for where it is taking this state. It is an encouraging and far-sighted document. As a member of this government, I am delighted to be standing here today to talk at length about ramifications for Southern Metropolitan Region, the benefits it presents for the area I represent and how it is going to impact on my electorate into the future. The Victorian budget gives us a clear opportunity to make a good comparison with the federal Labor government's budget and, dare I say, the temporary federal Treasurer, Mr Wayne Swan. I have much to say, but I am getting the wind-up. I am sure that members will be delighted to hear me continue my contribution after question time.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Kyneton District Health Service: aged-care facility

Ms MIKAKOS (Northern Metropolitan) — My question without notice is to the Minister for Ageing. I refer to his response to my question on notice 8999 — which incidentally was dated 12 February, but I received the response in April — in which he was

asked whether his approval as minister is required for the sale or closure of a public residential aged-care facility, and he responded:

Decisions are made by individual health service boards, which would normally seek information from the Department of Health to assist the decision.

I ask the minister if he approved the closure of the Kyneton District Health Service's 28-bed high-care Thomas Hogan residential aged-care facility — yes or no?

Hon. D. M. DAVIS (Minister for Ageing) — The answer is quite clear. What I can say about the Kyneton decision is it was made by the board of the health service, and obviously it has a longstanding involvement in aged care. There are new aged-care facilities that have become available in that region. There had been a decision, I think by the residents, to in fact exercise their choice to go to a different location. What I can say very clearly is that ultimately these are decisions for health services, and they made it very clear.

Mr Jennings interjected.

Hon. D. M. DAVIS — For health services, they are — —

Mr Jennings — What if a hospital wanted to close? What would you say to it?

The PRESIDENT — Order! Mr Jennings will have an opportunity to ask a question if he can persuade one of his colleagues.

Hon. D. M. DAVIS — What is very clear is that the decision was made by the board of the health service, which had sought advice from the department, and departmental advice was provided. But it is also very clear that the presence of new and additional services in the region meant that a number of people had exercised their choice. Over a number of years there had been a decline in the number of people in that residential aged-care service.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — Clearly the minister is refusing to say that he was involved in the approval of the closure. He is trying to do a Pontius Pilate here, but he is not convincing anyone. In his response the minister referred to advice being provided to the board, and he also referred to information having been provided to the health services board in response to my question on notice, which I referred to earlier. Can the minister advise the nature of the advice that his

department provided to Kyneton District Health Services board in relation to this closure, and will he make that advice available?

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for her question. I can indicate that there were discussions between the health service and my department. The nature of that advice, as I understand it, was about the steps that would be required in terms of working through the outcomes for residents and the outcomes for staff. As I understand it, the health service did need to talk about what results would be achieved and how we could make sure that each of the residents had a proper plan and a proper outcome and that each of the staff received proper redundancy or other arrangements, which were offered in neighbouring areas.

Ambulance Victoria: staff rosters

Mr ELSBURY (Western Metropolitan) — My question is to the Honourable David Davis in his capacity as Minister for Health. Could the minister spell out for the house the benefits of Ambulance Victoria's centralised rostering system and any alternatives to this successful system that are being promoted?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his advocacy for ambulance services in his area. I know he is very keen to see a strong ambulance service in our state, as all of us are. I can put on record my compliments to paramedics across the state, who perform a very important role and do it with great professionalism.

I want to say that when the merger occurred under the previous Minister for Health, Daniel Andrews, now the Leader of the Opposition in the Assembly, the old rostering systems that were in place in the previous five components of Rural Ambulance Victoria were successfully merged, and then a centralised, statewide rostering system was introduced. This was a process begun during the period Daniel Andrews was minister. We know the merger was botched; there was inadequate preparation. The Auditor-General made points about the problems at Ambulance Victoria in 2010. But the fact is that when the omelette is scrambled, it is a bit hard to unscramble it.

There are some people who seek to go back to the old local rostering system, with swipe cards. I became aware that on 29 May on ABC Gippsland radio somebody said the Victorian opposition is calling on Ambulance Victoria to shift back to a local rostering system for regional ambulance stations. That was none other than the parliamentary secretary to the shadow

Minister for Health, Wade Noonan, the member for Williamstown in the Assembly. He is advocating a return to the system that his boss, Daniel Andrews, dismantled. Daniel Andrews wanted a centralised rostering system, but Wade Noonan wants to go back to the past and unscramble the merger. It is extraordinary, is it not?

There are significant benefits to a centralised rostering system, including a reduction in unfilled shifts and overtime costs and therefore in fatigue for paramedics. Importantly, as a result of these benefits, there are often improved patient outcomes too. One could argue that the benefits of centralised rostering would be at risk if the opposition were to come to power and go back to the old pencil and card system which operated in those areas — back to the system that Daniel Andrews sought to move away from.

It is interesting to note that the total number of unfilled shifts was 4149 in 2010, and that number has fallen to 2939.

Mr Viney — On a point of order, President, given that the minister is talking about what is purported to be opposition policy or commentary, I am intrigued as to how this answer deals with government administration, since he is talking about the opposition.

Hon. D. M. DAVIS — On the point of order, President, I distinctly understood that the question was about the benefits of centralised rostering, something I have been talking about at length. There are also concerns about returning to former, more fragmented and less effective systems.

The PRESIDENT — Order! In this particular answer by the minister I have noted that he has been talking about the benefits of a centralised system. He has referred to a press report, for which he has given a reference, in which a member of the opposition suggested an alternative position. The minister has, in discussing the history of this centralised system, provided a fair context to the house on this occasion. I am not so concerned at this time about the minister focusing more on the opposition than he is on the substance of the question, which was the centralised rostering system. When the point of order was raised, that was exactly what the minister was talking about. The minister to continue, and I am sure it will be in that vein.

Hon. D. M. DAVIS — I can indicate for the benefit of the house that the number of unfilled shifts has fallen in many regions across the state. For example, in 2010 in Barwon-south western region it was 205; that has

fallen to 192 in 2012, despite there being more paramedics and more shifts being delivered. In Gippsland, 380 has fallen to 311; in the Grampians, 354 fell to 218 in 2012; in Hume, 461 fell to 252 in 2011; in Loddon Mallee, 623 fell to 462 in 2012. Metropolitan wise it was 2126 in 2010 and went down to 1238 in 2012, a significant fall. Statewide there were 4149 unfilled shifts in 2010, falling to 2939.

These are some of the benefits of the increased paramedic workforce. Despite there being more shifts in operation, we are filling more of those shifts, and centralised rostering is part of it. That would be at risk under Daniel Andrews, if he came to government. It would be at risk under Wade Noonan. I, for one, am concerned about community safety — —

Mr Jennings — He is not the minister. You are!

Hon. D. M. DAVIS — You need to face up to what he is proposing.

The PRESIDENT — Time!

Kyneton District Health Service: aged-care facility

Ms MIKAKOS (Northern Metropolitan) — My question is again to the Minister for Ageing, and I again refer the minister to the closure of the Thomas Hogan residential aged-care wing, which will cause a great deal of disruption to affected patients and staff. At a Public Accounts and Estimates Committee hearing on 14 May, in relation to Kyneton the minister referred to other private providers opening up in the area. I understand that Bupa Aged Care is adding an extra 30 beds in Woodend and Kyneton and R. M. Begg Kyneton Aged Care is adding another 30 beds in Kyneton. This would suggest that they foresee an increase in demand for beds in the region. Closing the Thomas Hogan residential aged-care wing is effectively taking away an option from that community. Can the minister advise which providers the residents of the Thomas Hogan residential aged-care wing are moving to and what steps are being taken by his department to ensure that residents and their families are being kept fully informed about the relocation?

Hon. D. M. DAVIS (Minister for Ageing) — It will not surprise the member that I do not have a list of where every single resident has been relocated to, but I do understand that a plan has been developed to ensure that no resident is without proper care and that many of the residents are going to the local centres. As Ms Mikakos correctly pointed out, there is expanded capacity in the region, and that is precisely the point I

was making. I am suggesting to the house, the President and thereby Ms Mikakos that the department was at pains to make sure that each resident was looked after and that there was a good outcome available for every single resident. Likewise we were determined to make sure that there was a proper outcome for each and every staff member.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — In relation to the staff, the Australian Nursing Federation has raised serious concerns today that only 2 of the 26 nursing staff have been redeployed within the Kyneton Hospital. The remaining staff have been declared surplus to need and will be made redundant as at 30 June. I understand that the only assistance provided to them thus far has been four sheets of paper pinned on the noticeboard on which are the phone numbers of surrounding health facilities that nurses can contact. The minister referred earlier to a so-called plan for the staff. The nurses themselves are now looking for alternative employment in Melbourne, so why are reasonable steps not being undertaken to assist the remaining staff to be redeployed within the region as occurred following the Charlton hospital flood? Why is the minister throwing these nurses on the scrap heap?

Hon. D. M. DAVIS (Minister for Ageing) — On the matter raised by the member, the information I have is that she is quite wrong and that staff have been provided with advice and assistance — —

Ms Mikakos interjected.

Hon. D. M. DAVIS — I am being very clear. The advice I have is that there will be a good outcome for staff and that staff will be provided with support. It may be that some staff choose to take a different course, and that would be their right in any circumstance. They may wish to move to another job for a range of reasons. But as I understand it, some nurses may be redeployed within the service and others may well go to neighbouring services.

Housing: student scholarships

Mr ONDARCHIE (Northern Metropolitan) — My question today is for the Minister for Housing, the Honourable Wendy Lovell. I ask the minister if she could update the house on work being done by the Napthine government to help young people in social housing complete their secondary school education.

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question, his ongoing interest in those in our state who are less fortunate than

ourselves and his compassion for those people. Last week was Education Week. During Education Week I had the pleasure of launching the entries for this year's student scholarship awards. These are wonderful scholarships available to young people who live in social housing — public or community housing — and who are studying to complete their Victorian certificate of education at a government school or TAFE. This is a partnership with Kids Under Cover, and it has been operating since 2005. The scholarships are also open to young people who are at risk of homelessness.

This year the students will receive a \$1100 scholarship. That is an increase of \$100 on the scholarships that have been offered previously. This money can be used to purchase books, computer equipment, disability aids or even child care for young mothers to assist them to complete their education. Students can be nominated by their teachers. Applications are available at government schools and TAFEs or on the Kids under Cover website.

The scholarships provide financial assistance and much-needed peace of mind to families who are struggling to keep their young students at school. They also help students to concentrate on what matters most: their studies, rather than the financial burden of paying for an education. I urge all teachers to nominate students at their school who qualify for these awards. They need to be nominated before 28 June. I hope as many students as possible take up the opportunity this year.

Last year after presenting the awards I was chased down the street by a teacher who had nominated a young person for an award. The teacher wanted to thank me for making the scholarship available to that young person. The teacher said that the scholarship was literally the difference between that child finishing their education or having to leave school. When you know that for such a small amount of money you can make such a difference in a child's life and their prospects for the future, it is well and truly worth that investment.

TAFE Transition Taskforce: consultant

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. Further to my question to the minister on 7 February, I ask about the scope of the contract of Marianne Lourey, Victoria's highest-paid public sector contractor. At a Public Accounts and Estimates Committee (PAEC) hearing the minister said her contract was extended. How much extra will this extension cost taxpayers?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Mr Lenders asked a question about this matter a while ago, and the question was raised with me when I appeared before the Public Accounts and Estimates Committee. I said very clearly there, as I did in the house, that the employment function is one that is undertaken by the department secretary. It is not undertaken directly by me. This same question regarding the extension of the contract was asked by the Public Accounts and Estimates Committee and was answered by the department secretary, Mr Richard Bolt. I will take the detail of that on notice because I want to go back and check the figure and length of time that the contract was extended, but that answer is clearly on the public record of the Public Accounts and Estimates Committee hearings.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I have read the PAEC transcript where the minister handballed it to the secretary, who took it on notice. This annualised salary of \$689 000 is one I am interested in knowing more about, as I imagine is the Parliament. Will the minister commit to getting back to the house today with an answer to the question the secretary took on notice at the Public Accounts and Estimates Committee so this matter can be clarified?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can always give a commitment to provide what I can to the house in terms of detail. The secretary, as the employer who entered into the contractual arrangement with the company, rightfully undertook to take that question on notice. I will contact the department secretary to see if he has an answer yet for the Public Accounts and Estimates Committee. If that answer has been forwarded to the Public Accounts and Estimates Committee — I will ensure that that courtesy is extended to the committee first — I will then provide it to the house.

Victorian Education Excellence Awards

Ms CROZIER (Southern Metropolitan) — My question is also to Mr Hall as the Minister responsible for the Teaching Profession. I ask the minister: what is the government doing to acknowledge best practice in Victorian schools and preschools?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank Ms Crozier for her question, and I know of her continued interest in education. As a few of my colleagues have said during the course of this week, last week was Education Week, and Education Week was kicked off by the annual

Victorian Education Excellence Awards. I was pleased to be able to go there again and acknowledge the fine work that is being undertaken within Victorian schools by teachers, principals, allied support staff and those who assist in the governance of schools through school councils.

Victoria has about 555 000 students who attend government schools, about 1537 government schools and 40 730 teachers, as well as 15 000 support staff, so by any measure it is a big industry. The education excellence awards give us an opportunity to acknowledge the excellent work of all those categories of teachers, principals, support staff and broader school communities. I might add that while there can only be a few winners, the excellence of those winners reflects the abilities of members of these professions throughout the sector. I acknowledge that while there were only a few winners, we should all feel proud of the quality of people who serve in Victorian government schools.

It was a great night, and there were a number of award winners. I am not sure I have time to mention all of them; I know some of my colleagues have. Chris Barry won the Lindsay Thompson Fellowship. Chris is an outstanding young teacher at Brentwood Secondary College who has developed an aviation applied learning program, which I know is of interest to the Minister responsible for the Aviation Industry. The School Leadership Team of the Year award was won by Dandenong North Primary School, a school I would encourage members to visit to see an excellent example of how the school works with newly arrived immigrants and refugees to the Australian community. It does a great job.

Primary Principal of the Year was Charles Branciforte from Keilor Views Primary School. Secondary Principal of the Year was Bronwyn Harcourt of Croydon Community School. I committed to Bronwyn to be principal for a day at that school later in the year, and I am looking forward to it.

The Outstanding Partnerships with Families and Communities award was won by Huntly Primary School. An award I know Ms Crozier is very interested in is the Outstanding Youth Pathways and Transitions award, which was won by Berendale School and Montague Continuing Education Centre, a fine team of schools in her electorate.

The News Australia Outstanding Curriculum Innovation award was won by Bendigo Senior Secondary College. The Education Support Team of the Year award was won by Cowes Primary School. The bankmecu Business Manager of the Year award

was won by Mary Hannett of Chandler Park Primary School.

One award that I know is of particular interest was for Victoria Teachers Mutual Bank Teacher of the Year — Disability and Additional Needs, which was won by Amanda Purcell of Forest Hill College. She is the coordinator of the deaf facility at that college and has introduced Auslan as a language-other-than-English subject across the college so that students are able to engage with those who are deaf and hard of hearing at that school — a great initiative.

My colleague Ms Lovell mentioned the Victoria Teachers Mutual Bank Early Childhood Teacher of the Year award earlier in the week. It was won by Louise Fitzpatrick Leach of Ouyen Preschool. The Victoria Teachers Mutual Bank Teacher of the Year — Indigenous Education award was won by Janet Barnard from Swan Hill Primary School. The Victoria Teachers Mutual Bank Primary Teacher of the Year was Rebecca Spink from Aitken Creek Primary School. Finally, the bankmecu Secondary Teacher of the Year was Britt Gow from Hawkesdale P-12 College.

It is truly a night where excellence in education is celebrated. As I said, the award winners reflect the great abilities of the many teachers who serve their students, their families and the Victorian people very well indeed.

TAFE sector: funding

Mr LENDERS (Southern Metropolitan) — My question is to Mr Hall, the Minister for Higher Education and Skills. The Auditor-General's *Tertiary Education and Other Entities — Results of the 2011 Audit* report tabled in this Parliament yesterday shows our TAFEs are being starved of capital to the extent that capital grants are down by 40 per cent. Is it government policy to allow this deterioration to continue?

Hon. P. R. HALL (Minister for Higher Education and Skills) — It is certainly not government policy to allow a trend like that, because the reality of the situation is — despite what the opposition would say — that our TAFE institutes have received more funding every year since we have been in government, far exceeding that provided by the previous government. Both funding in vocational education and training and funding to TAFE institutes has increased in 2010–11 and 2011–12.

Mr Lenders interjected.

Hon. P. R. HALL — Mr Lenders waves the audit report, and I will comment about that in a minute. The

Auditor-General, I might add, in this report does not dispute the fact that funding to TAFE institutes has increased in each of the last two years. Also, I might add, the recommendations made by the report with regard to the requirements for strategic planning, financial guidelines and strategic planning guidelines and also governance issues with TAFE institutes have all been addressed at least to a large extent by legislation passed by this Parliament. Many of those recommendations, which have been fully accepted by the department, have been in large part, as I said, met by legislation introduced in this Parliament. I could also add to that the structural adjustment funding of \$200 million, which again will be a great asset to some of those TAFE institutes and indeed address the very capital issues raised by Mr Lenders in the question.

The last thing I want to say in respect of this particular issue is that I have already signalled to the Auditor-General that I would like a conversation with him about the exact details of some of the figures in this report because I find them difficult to reconcile with the payments that I know TAFE institutes have received from both federal and state governments. I do not want to reflect on the content of the report insofar as what those figures are, because I am going to pay the Auditor-General the courtesy of having a discussion — —

Mr Viney interjected.

Hon. P. R. HALL — I would have thought the appropriate way, Mr Viney, is for me to approach the Auditor-General, sit down and understand how he came — —

Ms Broad interjected.

The PRESIDENT — Order! The minister should not be distracted by the interjections.

Hon. P. R. HALL — Ms Broad just made an extraordinary interjection that you always get the opportunity to have a look at the report before it is tabled. That is absolutely false. As a former minister of the Parliament, she would know the relationship between — —

Honourable members interjecting.

Hon. P. R. HALL — Protocols are observed and no minister, to my knowledge, ever has access to an Auditor-General's report before it comes to the Parliament. I certainly have not, and that is why I have signalled a desire to have a discussion with the Auditor-General about the veracity of the figures in his

report and reconcile them with the figures that the department and I have produced.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I note the minister did not refute directly the 40 per cent cut to capital grants, which I put to the minister, taken from the Auditor-General's report, is \$39 million. The minister referred to the Premier's \$200 million rescue package of which \$100 million is capital and \$5 million is allocated in the coming financial year. How does the minister reconcile \$39 million in capital cuts, with the \$5 million injection from the state, to the central premise of the Auditor-General that these TAFE's have been starved of capital funds?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Part of that reconciliation relies on the fact that the federal government has not made one single dollar allocation out of the education investment fund (EIF) — it has not made one single allocation. If Mr Lenders goes back to last year's budget, he will see \$25 million in capital funding was available for a co-contribution with the federal government with respect to the EIF. While he can rightfully claim that there has not been a lot of capital investment in that over the last 12 months, it is not because the Victorian government has not made the funding available for it. It is there. We are waiting for the co-contribution from the federal government. With respect to the distribution of the \$100 million capital component, the planning required to get many of those capital projects going can be provided for with the \$5 million immediately available for planning purposes.

Shire of Alpine: fire risk assessment technology

Mr DRUM (Northern Victoria) — My question is to the Minister for Planning, Matthew Guy. What action has the minister taken to advance world first bushfire planning technology?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Drum for an important question in relation to bushfire safety in regional Victoria. It is my pleasure to inform the chamber about a recent action of the state government. As a result of money which we had given to the Alpine Shire Council in order to improve its bushfire resilience technology, the Alpine Shire Council and I recently launched a brand-new information technology, world first application. That iPad app, to be used by its council officers, will be able to determine the slope of the land, the lowest bushfire attack level and all the details around bushfire

prevention in just 10 seconds for those willing to build a dwelling in the Alpine shire.

This world first technology, which was, as I said, developed with funding from the state government, was launched recently with the member for Benalla in the Assembly, Dr Sykes, in the Alpine shire near Eurobin, a town just out of Myrtleford. It is world first technology, and it puts a little shire like the shire of Alpine absolutely front and centre in world first technology to deal with issues such as bushfire resilience. I pay credit to the Alpine Shire Council, particularly Barrett Higman and Nick Vlahandreas who were there to show the world their wares, for the shire's new app — —

Mr Jennings interjected.

Hon. M. J. GUY — I was watching my words there, Mr Jennings.

It is world first technology and, as I said, it was developed with funding from the state government. To date we have provided \$3.2 million to 27 councils to look at bushfire prone areas and to make those areas more resilient. This council has thought on its feet; it has thought about planning, how to deal with bushfire planning immediately and how to deal with it in a manner that can cut down many weeks of dealing with planning questions and planning delays for those who want to invest and build in its municipality. It is a small municipality by population. The residents of Alpine shire number in the thousands. It is quite small by state standards, but it is quite big when it comes to its ability to think big and think outside the square.

The Country Fire Authority, along with other councillors and officials, was at the launch of this product, which I attended with Dr Sykes. This product will be used by those who want to invest in a regional rural shire. They can put in a bushfire application to the council and the council can go to the site, use the technology which has been developed by that council and give a person who wants to build — be it a family or individual — in a bushfire prone area an answer in 10 seconds as to where the best place is to locate their dwelling on that block of land. That is fantastic technology. It is exceptionally good expenditure of money given to that shire by the state government. Again I put on record my admiration and congratulations to the Alpine Shire and the two individuals, Nick and Barrett, who came up with the technology.

It was a pleasure to be with Dr Sykes in his electorate to launch this magnificent world first technology in the

Alpine shire. In my view it shows the ingenuity, the smarts and the world-leading technology that can, and indeed is, coming out of country Victoria in increasing numbers.

Dental health: national partnership agreement

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Health. The national partnership agreement for adult public dental services announced in August last year will provide \$1.3 billion for states and territories from 1 July 2014. This boost to dental health secured by the Australian Greens will deliver tens of millions of dollars in dental services for low-income Victorians who desperately need dental care. My question to the minister is: as it is my understanding that we are the only state not to have signed on to the national partnership agreement, can the minister tell me when the government intends to sign on?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her Dorothy Dixier. I can tell her that her information is wrong. We have signed, and the implementation agreement is signed, so her information is flat wrong.

I can tell the member that it is wrong on another count too. What has occurred with these dental changes is extraordinary and very unfortunate. The federal government is pulling more than \$200 million a year in dental funding out of Victoria — over \$200 million a year — and it has a growing and uncapped program with the chronic dental disease program. It is replacing that with \$85 million over four years. Frankly, over the six-year period for which we have calculated the cost to the state, we will be hundreds of millions of dollars short in terms of dental services in Victoria.

Furthermore, a complex formula invented by the federal government as part of this deal worked against a number of states. Victoria worked hard to advocate for a change in that arrangement. We got it, but it took some time. I can also indicate to the house that other states will now have a backflow from Victoria's tough negotiating stance. The other states were told, 'If you sign up, you will get it; but if Victoria gets a better deal, it will flow back to you'. That is what has occurred nationally.

We welcome the improved deal that has been negotiated by Victorian negotiators, but what we put on record — —

Mr Jennings — Who are they?

Hon. D. M. DAVIS — People in my department who Mr Jennings would be familiar with.

Mr Jennings — Why don't you give them credit?

Hon. D. M. DAVIS — I will. Maree Guyatt, for example, played a very significant role, and she can take enormous credit for the work that was done. Some of the important negotiators in the Department of Premier and Cabinet can also take enormous credit for the fact that we negotiated an improved deal. If we had rolled over and gone with the weak deal at the start, we would have got less for Victoria. That is the first point.

The second point is that even when you do the calculations with this weak deal that is being offered, we will be hundreds of millions of dollars out of pocket in Victoria for our dental patients. I say that the Greens have sold out Victorian dental patients. It is disgraceful.

Mr Jennings — Clearly you have filled the gap. Clearly your budget has filled the gap.

Hon. D. M. DAVIS — We have, Mr Jennings. I have released extra money to do precisely that, so thank you for the Dorothy Dixier.

Mr Jennings interjected.

Hon. D. M. DAVIS — We put out an additional \$5 million ahead of that, so come on down!

Mr Jennings interjected.

Hon. D. M. DAVIS — I want to know whether the member supports the cuts of hundreds of millions of dollars to dental funding in Victoria. It is disgraceful what the Labor Party has done.

There is also federal Labor's teen dental program that starts on 1 January next year, and that program will offer some benefits. But let me be clear that in aggregate, with the two new programs and the removal of the previous dental funding, Victoria will be hundreds of millions of dollars short in dental funding.

These are not patients who are not sick. The chronic dental disease program, whilst poorly targeted — and I concede that about the federal government; it should have tightened the targeting — did fund people with chronic dental disease due to diabetes and other conditions. Those people have not been left with funding and security into the future.

Aboriginal-controlled health organisations built a chronic dental disease program, and let me be quite clear that the money was ripped out of them too by the federal government. We have had to try to work out a

system to backfill that. This is a disgraceful example set by the federal government, a cruel set of steps taken, and money is being ripped out right across the country.

Let me be clear: the chronic dental disease program put \$199 million a year, uncapped and growing, into Victoria; and it is being replaced by a very pale imitation. I can indicate that the sector in Victoria, which I have enormous respect for, will respond to this. It is responding to it, and we are determined to get a very good outcome for our community.

The PRESIDENT — Order! Time, Minister.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister for that answer. Can the minister tell me when it was that the government signed on to the agreement?

Hon. D. M. DAVIS (Minister for Health) — In recent weeks.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! It is my pleasure to announce that we have some visitors in the gallery who are perhaps known to some members. We extend a very warm welcome to Mr Ghassan El Khatib, Consul General of Lebanon; Mr Khaled Rizk, Consul General of the Arab Republic of Egypt; and His Excellency Dr Hamed Al Alawi, Consul General of the Sultanate of Oman. We welcome you.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Crime prevention: government initiatives

Mrs PETROVICH (Northern Victoria) — My question today is to Edward O'Donohue, Minister for Crime Prevention. Can the minister inform the house of some of the measures the coalition government is funding to improve community safety?

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I welcome the question from Mrs Petrovich and her advocacy for the community crime prevention initiatives that are being undertaken by this government. I am very pleased to inform the house that the Victorian community continues to embrace the coalition government's crime prevention strategy. Last week I was pleased to be at Autumn

Place in Doveton to announce a \$200 000 grant to make that area safer.

That funding was granted through this government's Public Safety Infrastructure Fund, which allows councils to apply for funding of up to \$250 000 for infrastructure projects such as CCTV cameras and lighting to improve safety and perceptions of safety in our communities. In this case the grant was to the City of Casey, and I was very pleased to be joined at that announcement by its mayor, Cr Amanda Stapledon. I was also pleased to be joined by local representatives of Victoria Police, traders and residents. I also acknowledge the advocacy of Mr Sean Balfour, president of the local township association.

Autumn Place is a traditional suburban shopping precinct. Opposite the shops is a park which has become a haven for antisocial behaviour. This grant will allow the regeneration of the park, using environmental design techniques intended to discourage that antisocial behaviour and make the Doveton community feel safe and be safe when they come to Autumn Place and give their patronage to the small businesses that operate in that area. This is what the community crime prevention program is all about. It is about listening to local communities, hearing what they need and helping them to build safer communities for themselves.

After listening to the message coming from community crime prevention regional reference groups, the coalition government last year created a new grants program to fund prevention work to reduce violence against women and their children. The coalition government is spending \$90 million this year on family violence measures. Understandably, most of that funding goes to response measures. But the grants program in the crime prevention portfolio goes to prevention measures, which are critical.

While I was in the city of Casey last week I attended one of the training programs being funded through these grants. It was enormously pleasing to see a room full of men, leaders in their respective communities, undertaking training to help them spread the message in their communities that violence against women and their children is not acceptable and must stop. This is just one example of activities which are now happening across our state in an effort to prevent the scourge of family violence.

I am also very pleased to inform the house that applications for the latest round of grants from the enormously popular Community Safety Fund closed yesterday and will soon be assessed. These grants of up

to \$10 000 are available to community groups that need help to improve community safety and prevent crime. Communities which have already received these grants in previous rounds could not be more grateful to have had the government's assistance in making their vital community facilities safer.

One example is the Country Fire Authority stations in the shire of Golden Plains. These stations are filled with specialist equipment used in fighting fires and road accidents. In many cases this equipment has been bought with hard-earned funds raised within that local community. But these brigades had become the target of thieves, and much of this valuable equipment was lost. With one grant from the Community Safety Fund, those brigades were able to install alarms and security lights to secure their fire stations and their equipment. It is a perfect example of what our crime prevention program is all about — local communities coming up with local solutions that will work for them. The coalition government is pleased to work with those local communities.

BUDGET PAPERS 2013–14

Debate resumed.

Mrs COOTE (Southern Metropolitan) — I had a very short start to my contribution prior to question time, so just to reiterate: it gives me a great deal of pleasure to speak on the 2013–14 budget papers and to once again to remind the chamber about the excellent work of the very new Treasurer, Michael O'Brien, in presenting this very successful budget. He was just 57 days into his position when he delivered the budget. It is a budget for the future, and it is a budget that Labor's federal colleagues would envy.

This contribution gives me an opportunity to compare the Victorian budget to the federal budget and highlight what a disaster the federal Treasurer, Wayne Swan, has presided over. As I said earlier, Mr O'Brien worked for former federal Treasurer Peter Costello, who presided over a whole series of surpluses. Wayne Swan has been a disaster as the Treasurer, and I would like to record some of the things he has done.

Victoria's operating surplus is expected to be \$225 million, and by the end of the forward estimates period it will be \$2.5 billion. Victoria makes up only a fraction of the Australian economy. The commonwealth government benefits from the mining boom, and yet it cannot deliver a surplus that is even a fraction of the Victorian budget surplus. Net debt is expected to be 6.4 per cent of gross state product (GSP) in this financial year, and by 2016–17, it will fall to 5.4 per cent of GSP. This is in stark contrast to

federal net debt, which has collapsed from zero — indeed, debt was less than zero just a few years ago; we had net assets valued at 3.8 per cent of gross domestic product (GDP) in 2007–08 — to 11.4 per cent of GDP in 2014–15.

Federally we are going backwards at a rapid rate, but I do not need to explain that to people in this chamber, because their constituents are telling them that they are feeling it out in their communities and it is being reflected in their approach to the disastrous federal government led by Prime Minister Julia Gillard and federal Treasurer Wayne Swan.

The commonwealth government has a net debt of \$191.5 billion, which costs \$9.7 billion a year in interest payments to service. That is \$9.7 billion worth of services that could have been delivered, infrastructure that could have been built or taxes that could have been cut, which has all been squandered by federal Labor.

The Victorian government has just signed an agreement with Julia Gillard in relation to the national disability insurance scheme, now to be called DisabilityCare Australia. Several years ago the Productivity Commission said the disability sector was underfunded and in crisis and that it needed a considerable injection of funds to make certain it was fair and equitable. At the time of the commission's report, expenditure on disability across the nation was \$6.2 billion, and the commission estimated it needed to be doubled. Figures are now close to \$22 billion and ongoing.

The federal government has increased the Medicare levy to 1 per cent in order to afford DisabilityCare, which will raise revenue of about \$7.2 billion a year. If we were not paying this enormous interest cost of \$9.7 billion every year, the government would not have needed to increase the levy. It is an absolute scandal. The federal government is expecting us to come up with \$9.7 billion worth of interest payments.

Against this benchmark, Mr O'Brien has delivered an incredible budget, and I am sure that Canberra is green with envy. It is no mistake that *Building for Growth* is the title of the budget; it is because of the prudent management of our previous two budgets and careful prevention of expensive cost blow-outs such as myki, the desalination plant and smart meters, which have plagued previous budgets. Cutting red tape to help Victorian businesses grow has allowed us to get our priorities right.

I would like to talk specifically about Southern Metropolitan Region. First and foremost the Albert Park community and I are excited about the

announcement of a new school in South Melbourne. The community worked with me in a joint application in support of a new school, which went to the Minister for Education, Mr Dixon, and then to the Treasurer. The former government stood by for 11 years and watched the Southbank towers rise while providing no new schools for the families who moved into them.

My local community has been very enthusiastic about the need for a new primary school, and I have advocated for them. The Premier, Dr Napthine, and Minister Dixon listened, and in stark contrast to the former government's inaction it is fabulous that we are delivering a brand-new school, which will be located in Ferrars Street in South Melbourne, within a very short walking distance of both the new Montague precinct and the Fishermans Bend urban renewal area, and also the routes 96 and 109 trams, which stop at St Kilda Beach and Port Melbourne respectively.

This is a very important development for the school, which is overcrowded, and on many occasions its principal, Peter Martin, has been very critical of the overcrowding. It was a Labor government that allowed that to happen. It allowed the school to grow exponentially without enough facilities and without even talking about developing a second school. But this government has committed to a new school, my community is delighted and I am particularly pleased to represent them and to see this development.

I also want to speak about grade separations, where \$57 million has been allocated within the public transport portfolio for early works and planning to progress the removal of a further seven level crossings.

Mr Finn — Not a cent from Bill Shorten.

Mrs COOTE — As Mr Finn says, not a cent from Bill Shorten. Where is he? These level crossings are located in Southern Metropolitan Region, including at Burke Road, Glen Iris, and at Murrumbeena Road, Murrumbeena, which has been classified by the RACV as being one of the worst and most congested railway crossings in the state. The other crossing in my electorate is at North Road, Ormond. North Road is very busy where it crosses the Frankston line, with three lanes of traffic in each direction. The bank-up of cars, particularly when the gates are down, is extraordinary, so it is pleasing to know that this issue is going to be addressed.

A couple of years ago the local Leader newspaper reported that during the afternoon peak hour, between 5.00 p.m. and 6.00 p.m., the gates at the Murrumbeena crossing were closed for longer than they were open. Members travelling on the Monash Freeway from the

south-eastern suburbs would be very familiar with the Burke Road rail crossing, regardless of whether or not they use that off-ramp. The tram lines to Camberwell follow Burke Road and cross the Glen Waverley rail line at Burke Road, causing the speed limit for trains to be reduced, which causes the gates to be shut for longer per train than would be the case at other level crossings.

Coupled with the volume of traffic coming from the Monash Freeway in the morning, the off-ramp becomes congested with traffic that can creep back along the motorway, blocking the left-hand lane. These three grade separations therefore form part of the seven that are being funded in this budget for early works and planning. This is an excellent initiative, and we are very pleased to see it.

There are a few other things that have been funded in Southern Metropolitan Region. There is \$10.2 million to progress planning for the Melbourne Metro rail tunnel, which will allow construction once commonwealth funding becomes available. We have seen the commonwealth government playing games in this area as well. There is \$3.7 million for the Melbourne Bike Share scheme to continue to provide bikes for hire around Melbourne. This is a particularly popular program. You often see international and interstate visitors riding those blue bikes around Melbourne. They have become an iconic part of the Melbourne tourist scene.

There is \$1.2 million to establish a community-based pilot to provide a rapid point-of-care HIV-testing service as part of Victoria's response to reducing the transmission of HIV infection and sexually transmissible infections, which is a very important initiative. There is \$18 million to complete the Darebin Creek bike trail, which will connect the Darebin Creek cycling trail to the main Yarra cycling trail through the provision of sealed pathways and the construction of bridges. These pathways are a fabulous opportunity for bike riders and enable them to make the very most of what is so good about Victoria, particularly inner Melbourne.

There is a managed motorway program, which includes a \$21 million upgrade of the Monash Freeway between High Street and Warrigal Road to a fully managed motorway system, improving traffic flow and congestion management. There is funding for the 230-bed Monash Children's hospital, allowing for the treatment of 7000 children each year. It is expected to open in 2016. There is also \$6 million for Sandringham College to include educational opportunities for students and \$25.2 million for the Dandenong line, benefiting commuters by providing more frequent weekday on and off-peak trains.

I will just point out another fantastic transport initiative mentioned by the Treasurer in his budget speech, and that is the funding of the Southland railway station project. Funding for this station was promised in the lead-up to the last election, and like so many other promises it is being delivered.

It is also important to understand the great benefits of the fire services levy; it is a truly important initiative. The coalition government has replaced the fire services levy with a property-based levy, as recommended by the 2009 Victorian Bushfires Royal Commission. The property levy replaced the old levy on insurance premiums, leading to a fairer system. The government has removed this unfair tax on a tax, which charged GST and stamp duty on fire services. It is estimated that insured households in Southern Metropolitan Region will save the following amounts: in the city of Bayside, \$93; in the city of Boroondara, \$95; in the city of Glen Eira, \$66; in the city of Kingston, \$39; in the city of Melbourne, \$23; in the city of Monash, \$58; in the city of Port Phillip, \$51; in the city of Stonnington, \$106; and in the city of Whitehorse, \$57. This is an excellent initiative.

It is a great pity that I have 23 seconds left because I would have liked to have talked about disability services. The budget will deliver on the coalition government's funding commitment of over \$300 million in launching the national disability insurance scheme. However, I know I will have other opportunities to talk about this excellent funding. I commend the Treasurer on an excellent first budget.

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

Debate adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT BILL 2013

Assembly's amendments

Returned from Assembly with message agreeing to following Council's suggested amendments:

1. Clause 1, page 2, line 16 after "absence" insert "and to amend the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010** to extend the trial period under the Act".
2. Part heading preceding clause 6, line 2, after "**1989**" insert "**AND THE MAGISTRATES' COURT AMENDMENT (ASSESSMENT AND REFERRAL COURT LIST) ACT 2010**".

NEW CLAUSE

3. Insert the following new clause to follow clause 6 —

'AA Amendment of Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 — trial period extended

In the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010** —

- (a) in section 2(4), for "1 August 2013" substitute "1 August 2015";
 - (b) in section 9 for "1 August 2014" substitute "1 August 2016".
4. Clause 10, page 11, line 15, omit "7 and 8" and insert "8 and 9".
 5. Clause 10, page 11, line 34, omit "7 and 8" and insert "8 and 9".
 6. Clause 10, page 12, line 13, omit "7 and 8" and insert "8 and 9".
 7. Clause 10, page 12, line 23, omit "7" and insert "8".
 8. Clause 10, page 13, line 19, omit "7" and insert "8".
 9. Clause 10, page 13, line 36, omit "7" and insert "8".

AMENDMENT OF LONG TITLE

10. Long title, after "**1989**" insert "and the **Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010**".

Committed.

Committee

Resumed from earlier this day; further discussion of postponed clause 1.

Amended clause agreed to; postponed part-heading preceding clause 6 agreed to; postponed new clause to follow clause 6 agreed to; postponed amended clause 10 agreed to; postponed amended long title agree to.

Reported to house without further amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 1.03 p.m. until 2.07 p.m.

BUDGET PAPERS 2013–14

Debate resumed from earlier this day; motion of Hon. P. R. HALL (Minister for Higher Education and Skills):

That the Council take note of the budget papers 2013–14.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make some remarks on this budget because it comes at a very critical time in Victoria's economic cycle. The budget was much anticipated, because when you look around Victoria you can see that we are very much in the doldrums. If you have a look at the statistics around state final demand, you see two consecutive falls: one of 0.4 per cent in the previous quarter followed by a fall of 0.7 per cent. When you look at the economic data you can see we are technically in a recession, and those figures are confirmed when you look at the investment figures.

For the last three quarters, investment in Victoria has fallen. That economic data, as depressing as it is, really hides the human element, which is the massive unemployment that we see in Victoria. Unemployment is now at 5.8 per cent, which is the second highest in the country and the highest rate in mainland Australia. That is a terrible tragedy for people and families affected by unemployment. If you drill down from the macro level to the construction data in the budget and have a look at Victorian building activity, you will see that it is at its worst level since 1998. In terms of the approval of building permits you have to go back to 1998 to see a worse year. It is fair to say that the level of activity in the building industry has collapsed under this government.

Drilling down again, if you look at employment in the building industry, it really reflects that horror story out there. It reflects the human lives that are being impacted upon, because there are fewer people employed in the building industry today compared to last year. Today's figures are certainly lower than when this government was elected, and you have to go back to 2009 to find a time when there were fewer people employed in the building industry.

There is a terrible state of affairs in Victoria. At a macro level the economy is collapsing; at a human level unemployment is rising. It is rising in the manufacturing industry, where Victoria has now been overtaken by New South Wales, and in the construction industry, where effectively a decade of growth has been wiped clean. Victoria is in a terrible state, and that is the background and the context in which this government had to deliver a budget. Admittedly the expectations were low; Victorians have come to expect this

government to fail to deliver, and in that sense this budget continues along that road. It is a budget that is uninspiring and visionless, and it does not give any hope. Whether it be the building industry or the manufacturing industry, our two largest employers have been left behind.

What we see when we look through the budget papers is a degree of spin and cynicism towards the Victorian public. If you have a look at the budget figures in terms of, say, the Melbourne Metro project, the headline figure is \$10 million expenditure, but the truth is that that figure is unspent money from last year's budget. In the previous financial year — the year we are in currently — some \$11 million had been allocated to Melbourne Metro and was not spent, so that money has simply been rolled forward. At a time of massive unemployment when we are crying out for construction projects and jobs, money allocated in the last budget is unspent and is simply being rolled over to this year. Obviously this shows not only a complete lack of commitment on the part of this government to the Melbourne Metro project but also to public transport and to people who would be employed on that project. Instead we see more spin about the so-called east–west link project, which is a proposal and nothing more. That proposal is not supported by Mr Elsbury, who has made his views very clear in this place.

Mr Elsbury interjected.

Mr TEE — There is no point walking away now. Mr Elsbury does not support the east–west proposal that the government supports. At Public Accounts and Estimates Committee (PAEC) hearings the Minister for Public Transport, Mr Mulder, has made it very clear that the east–west link is not Victoria's priority and not what Victoria needs. He said at PAEC that Victoria needs a second river crossing and that is his priority, but instead we are getting the east–west link.

In his report *Managing Traffic Congestion*, which refers to the east–west link project, the Auditor-General agrees with Mr Elsbury and Mr Mulder when he says:

It is not evident that the impact of the east–west link on future traffic congestion levels has to date been adequately analysed and assessed.

At page 29 the Auditor-General says the impact on congestion has not been 'adequately analysed and assessed' and goes on to say that analysis to date indicates that the east–west link is likely to:

marginally increase congestion to city-bound traffic in other parts of the freeway network during peak periods.

Mr Elsbury's government has signed off on a project which the Auditor-General this week says will increase congestion. In his report the Auditor-General goes on to say the project will:

attract new road users and, therefore, additional traffic both along the east–west corridor and wider network.

The Auditor-General says this project is going to attract more users. We are going to have more cars on the road, additional traffic and more congestion because of this project. He goes on to say the east–west link will:

result in some reverse mode shift from public transport to cars, as these new road users are attracted by the expected travel time savings.

The Auditor-General draws three conclusions: we are going to see fewer people on public transport, more people in cars, more congestion through the east–west corridor and the wider road network and congestion extending to other parts of the road network during peak periods. The project has not been thought through, and the case for the project has not been made. In fact the Auditor-General says the east–west link will increase congestion and make things worse rather than better.

Again this week we see what is being imposed on the people of Victoria with the release of Linking Melbourne Authority's project design in which the authority says:

The tunnel construction ... may involve blasting, tunnel boring and cut and cover.

So there goes Royal Park in a cut and cover.

Mr Elsbury interjected.

Mr TEE — That is what it says. This is page 10 of Linking Melbourne Authority — *East West Link, Eastern Section — Project Proposal — May 2013* under the heading 'Project design'. Where else is Mr Elsbury going to cut and cover? Through the graveyard? The only place is Royal Park. The project design talks about the requirement to store and remove soil, because some of the soil in that area is highly contaminated. It goes on to say that contaminated soil will need to be moved, and once it is exposed to air it will become very toxic to human beings. It also refers to bridge and other structural works, identifying two bridges that will need to be substantially modified or changed. Again Victorians will be expected to carry that burden in terms of the disruption it will cause in terms of houses, parks and businesses, all of which might be subsumed.

The project design identifies construction of ventilation structures. There will be at least two great big smokestack ventilation structures, but we do not know where they will be located. We do not know which businesses will have to be relocated, which parks are going to be built upon or which homes are going to be taken out. The project design also talks about drainage and water quality treatments, because a lot of the water in this area is polluted. It refers to the impact the construction will have in relation to polluted water that will be moved and displaced as a result of this project.

When you consider the state of Victoria, the lack of business investment, the high unemployment and the reductions in final state demand and then compare them to the fix in this budget, including the hollowness and cynicism in terms of the Melbourne Metro project and the effects of the east–west link project, a project which half of the government members appear not to support, which the Auditor-General certainly does not support and which the Linking Melbourne Authority suggests will cause massive disruption, I think this budget is a major let-down for Victorians.

Many other features of the budget are causing concern, not the least of which are in the planning portfolio, which has seen massive cuts — a 47 per cent cut to the budget this year, building on a 22 per cent cut last year. We can see how that plays out. Two years ago the minister trumpeted work-in-kind agreements, and two years later there is not one in place. A million dollars has been spent on the Victorian Civil and Administrative Tribunal (VCAT). The minister said at the time that money was to reduce waiting lists to six months, yet just six months later VCAT's website says it is experiencing delays of between 8 and 10 months. The government claimed that its much-trumpeted VicSmart initiative would mean that the assessment time for about 5000 permits would be reduced from 62 days to 10 days, yet 12 months later not one has been issued.

We are seeing the hollowing out of the planning budget and, as a result, the inability of the minister, or his department, to get on and deliver the commitments that members of his government promised to deliver. When we see a cut in the budget from 2010–11 — when it was \$165 million — then a cut of \$36 million in 2011–12 and a further fall of \$41 million in this budget, all we can anticipate is a further hollowing out of the budget and the impact that will have on communities, businesses and councils unable to get either a response from the department or any work throughput because of the failure of this budget. From whichever perspective

you have, whether it is that of the community or of developers, this budget is a major disappointment.

Mr ELSBURY (Western Metropolitan) — I know those opposite are attempting to downgrade what was the first O'Brien budget, but after listening to Mr Tee people would be almost comatose. I will take up the point that Mr Tee made about my advocacy for Western Metropolitan Region. I am proud to be from the west. I was born in the western suburbs, I will continue to support the western suburbs and I will continue to advocate for the people of the western suburbs who I represent.

Mr Tee — No-one is listening.

Mr ELSBURY — Mr Tee, I will not be belittled in this house by you about my advocacy for the western suburbs.

In any case, the east–west link project which is being provided for in this budget will service the Essendon, Moonee Ponds and Hume areas of my electorate. It will assist people in Tullamarine to gain access to the city and the eastern suburbs. It will be a great benefit in its servicing of the north-western corridor, which I represent as well as the greater western suburbs of Melbourne.

I do not know the number of times I have been caught in traffic along the top of Carlton. Driving through the surrounds of Elliott Avenue and Macarthur Road, I find they are quite nice places — you have nice parkland around you to look at as you drive through it at a snail's pace. You get to crawl past Melbourne Zoo. Driving along College Crescent and Cemetery Road and passing to the north of Melbourne University certainly gives one time to contemplate the education which is being provided to people at Melbourne University. On the other side there is the Melbourne General Cemetery, and there are enough Labor Party votes in there. We also have the opportunity to contemplate our own mortality as we go past that cemetery. Getting onto Princes Street, one can sit in traffic and watch cyclists go past, riding on much shorter journeys than I usually take. Getting up to Alexandra Parade, you get to enjoy the lovely grass median strip and have time to contemplate how much you would prefer to already be at your destination.

The first stage of the east–west link will reduce our reliance on that very inefficient route. As the name suggests, it is the first stage. It is a bit like Quentin Tarantino's film *Kill Bill — Volume 1* in that we have a first stage. There was *Kill Bill — Volume 1*, and then there was a volume 2. Strangely enough, there is going

to be a stage 2 of the east–west link. The second stage of this project will be built. Construction of stage 1 of this project will provide 3200 jobs. That is something the people of the western suburbs should be very eager for, as we have the industry, the manpower and the know-how to get this job done. We need the leaders of industry in the west to get excited about this and to try to grab as many of the contracts as they can for the construction of this project.

I note the lack of assistance for the project from the federal government. Meanwhile, New South Wales has received \$2.2 billion for projects in the Building Sydney Motorways program, one being WestConnex and the other being the F3 to M2 'missing link'. There are a lot of missing links up in Canberra at the moment. The missing link project will allow Sydneysiders in the western suburbs of Sydney to be able to drive around. The federal government has completely ignored this project, which will assist the people of Melbourne's western suburbs, especially the north-western suburbs. Federal funding would draw us closer to the second stage, which is vital for the completion of this project. I note that the Abbott federal opposition has already committed to providing \$1.5 billion towards this project.

It does not matter whether our cars are hybrids, running on electricity or running on any other form of fuel or propulsion system, we are going to need this road capacity. Even if we go towards a much greener road future — —

Mr Barber — You're wrong.

Mr ELSBURY — As Mr Barber wants us to. I have no idea what we would have to use to make Mr Barber happy.

Mr Barber — Trains.

Mr ELSBURY — Even if we do go towards a clean future of using canola oil to drive our cars, then people should have a choice. Mr Barber is saying, 'Trains'. Mr Barber is showing his ideology in that he does not want people to have choice in how they get around Melbourne. He does not want them to choose the time that they leave for or the method in which they get to a destination. He wants to dictate by timetable how people get to their destination, and I think that is an absolute shame and shows how out of touch the Greens are with the general population, the people who want to get around the city of Melbourne.

This budget delivers a real surplus for the people of Victoria, something that Mr Swan, the federal Treasurer in Canberra, could not do. That money can now be used

to deliver vitally needed infrastructure without placing added burdens on generations to come. We will be able to provide great infrastructure, especially in the western suburbs of Melbourne.

In the area of health we have three major projects. The construction of a new 54-bed acute mental health facility at Werribee Mercy Hospital will deliver an additional 25 health beds for Western Metropolitan Region. This is a \$34 million investment in mental health services. I am pleased to say I was out there just last week talking to Mercy Health about how it is going to deliver this project. Mercy Health is finalising its plans for that project, and I was able to have a look at what the organisation is planning to do. A further 12 psychiatric assessment beds will be made available at the Western Health at Footscray hospital. That is a service that is desperately needed in the western suburbs of Melbourne to service the ever-growing community out there. If a person has a mental health issue, they should be able to get the services that they need.

Finally — and this is by far one of my proudest personal announcements in this budget — there is \$9.7 million for the Western Region Health Centre to provide dental services. I was the chair of the western region dental services task force, which delivered to the Minister for Health a full report on the situation as it stands: the risk of doing nothing and the various levels of outcomes that could be achieved under the different options that were explored. The current service of 6 chairs at Paisley Street, Footscray, and 5 paediatric chairs at the Geelong Road facility will be replaced with a single 12-chair clinic built on the Paisley Street site. This facility will provide state-of-the-art dental chairs, which are a far sight from the museum pieces Western Region Health Centre staff have been forced to use, but they have done so with dedication and they are certainly well worth supporting in this endeavour.

On a broader scope this budget has delivered \$22 million to improve the health system responses to heart disease and stroke — two issues that are very close to my heart because my father suffered from both those conditions. The government will be dealing again with the federal budget because it gouges away at health outcomes for Victorians, with \$368 million removed from the Victorian allocation of federal funding for surgery. This follows the fight we had last year when halfway through the year the federal government decided to take \$107 million out of Victoria's funding allocation for surgery, which caused a great disruption to people right across the state, meaning they were not able to get the care they so desperately needed. Victoria's health budget has been

allocated \$14.34 billion to manage the health system and the treatment of patients.

In education, an area I am also passionate about for the western suburbs of Melbourne, I was pleased to be able to join the Premier and the Minister for Education in an announcement of three new schools for the western suburbs of Melbourne. The new P–9 school to be established in Truganina, not that far from where I live, is in an area that has seen massive growth. This new school will receive \$10 million for the first stage, and when completed it will relieve a lot of the stress being felt by schools in the area because of poor planning from the previous Labor government. The construction of two other schools was announced for Wyndham Vale South and Melton North West, with each attracting \$11.5 million.

In addition I pay tribute to my good friend and colleague Bernie Finn for the fantastic effort he made delivering funds in the first place and then delivering additional funds in this budget for the Western Autistic School at Laverton. This is an important project. We delivered \$4 million in the 2011–12 budget and \$15 million in the last budget for works to be done at Laverton College P–12 so that buildings could be demolished and new facilities built. In this budget we include another \$8 million to complete the second stage of the Western Autistic School, something that was very much overlooked by Labor in its years supposedly representing Melbourne's west.

Some \$11.6 billion has been allocated in this budget to improve student outcomes and provide the skills that students need to enter the workforce. A record amount of money — \$238.3 million — will be invested in clinical training. Some \$200 million has been allocated to TAFE institutes over four years to support innovation and make structural changes to ensure that TAFE continues to deliver courses in Victoria's competitive vocational training market. This budget also delivers for the early years of a child's life, with \$46.2 million allocated to that particular period of a child's education. Some \$7 million is allocated to the building and upgrading of kindergartens across Victoria, including in regional areas and — this is what gets my attention — in growth corridors, which are areas Labor neglected for far too long.

Infrastructure continues to attract major investment under the coalition. The West Gate Bridge will undergo \$32 million worth of maintenance. Some members may claim the Melbourne Metro rail tunnel was overlooked in this budget, but \$10.2 million was allocated in this budget for further planning works. Meanwhile the federal budget makes a big claim of supporting the

Melbourne Metro rail tunnel project but really delivers nothing this year.

The Liberal government is committed to starting the works for the removal of the Main Road crossing in St Albans before November 2014. To this end \$52.3 million has been allocated for planning and works to remove utilities impeding construction at seven level crossings, including the Main Road crossing. Community consultation has already started on this project at the crossing site. We are committed to this project as part of the coalition's desire to remove at-grade crossings from the metropolitan area.

Meanwhile, the federal Labor member for Maribyrnong, Mr Shorten, likes to cite a figure of \$90 million allocated to this project by the federal government, a figure which comes from nowhere. He cannot tell us where the money will actually come from because he wants to find savings in ongoing projects here in Victoria. Mr Shorten's time came and went. He could have got the money needed for that particular project in this federal budget. It was absent, just as he is absent as the federal member for Maribyrnong. I hope he is soon gone altogether from that seat.

The Werribee employment precinct remains a priority for the Napthine government. On top of \$40 million announced prior to the budget for the precinct's Sneydes Road overpass we have added another \$32.7 million for other associated works to improve that road infrastructure. Not only will it provide access to the new employment precinct, it will also provide the people of Point Cook with freeway access both to Geelong and to the city. The Sneydes Road overpass is vital for the future of Point Cook and the future of the city of Wyndham.

In this budget we have also funded the purchase of eight new X'trapolis trains and we are also helping out first home buyers, especially those who are building, with \$10 000 for the first home buyers grant if you are buying a home that is going to be built.

In conclusion, this budget has delivered \$33 million for three new schools, \$8 million for the Western Autistic School at Laverton, \$32 million for the West Gate Bridge, \$9.7 million for the Western Region Health Centre dental clinic, \$32.7 million for road infrastructure for the Werribee employment precinct, \$34 million for mental health beds at Werribee Mercy Hospital and, last but not least, \$14.7 million for 12 mental health beds at Footscray Hospital. This is a great budget for the people of the western suburbs.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make some comments on the budget and to follow on from Mr Elsbury. It was interesting to hear his contribution. He did eventually get to the budget, but I noticed that the first half of his contribution — the first 7 or 8 minutes — were taken up with allusions to budget stages 1, 2 and 3 and comments about *Kill Bill*. I was not too sure who was going to be wearing yellow and how many people would be dying violent deaths in the implementation of stage 1 of this budget or how much blood was going to be spilt. He then went on to spend some time attacking the Greens. I am not sure what that was about. But when he finished with Mr Barber, which did not seem to be related to the budget at all —

Mr Barber — Trains equal communism.

Ms DARVENIZA — Mr Barber says trains equal communism. But I do not know that I heard Mr Elsbury say that. Then Mr Elsbury went on to attack the federal government. So he spent a long time and at least half of his contribution, if not a little bit more, without referring to the budget.

My point is that there is not much in the budget. There is not much there. I can remember looking at the budget papers when they came out, trying to find something for northern Victoria and, by golly, there was not much there. I went over to have a little chat with Mr Rich-Phillips and I asked him, 'Is there anything in this budget for northern Victoria, because I'm damned if I can find much at all?'. He assured me there was, although he could not point me to the bits. Let me tell members, I am incredibly disappointed, as are the people of northern Victoria, that the Liberal-Nationals coalition government chose to neglect northern Victoria in this budget — to neglect our hospitals, to neglect our schools, to neglect our roads, to neglect our public transport and to neglect all our other essential services that are so desperately in need of funding.

This budget has once again increased cost of living pressures for families in northern Victoria. It is cold comfort to Victorians on hospital waiting lists and to the tens of thousands of Victorians who have lost their jobs. There is no jobs plan. There is nothing for jobs in this budget and certainly nothing for jobs in northern Victoria, where we have seen so many people lose their jobs and industry downsize or close altogether. There is no jobs plan, but there are many thousands of people who have lost their jobs since the Liberal-Nationals coalition government came to power. We also have many students, right across northern Victorian, who can no longer get into TAFE.

It is interesting, picking up again on what Mr Elsbury had to say about the budget, to look at the way that MPs around northern Victoria have tried to talk up the budget and to find something positive to say about it, because there is so little that is positive to say about it. In Mildura constituents were told to look at the big picture by the member for Mildura in the Assembly, Mr Crisp. He told them to look at the things that were global and said that a bit of that might be coming their way. He could not say how much was coming their way or exactly from where it would be coming, but he said it was the big picture that people should look at and opportunities were created in that, although I have yet to see him identify them.

If we turn to the lower house electorate of Rodney, Mr Weller, the local member, at least had the decency to warn people before the budget. He did all he could to hose down any expectations that people in Rodney might have of getting anything from the budget, and he clearly flagged that his capacity to influence the Liberal-Nationals coalition government on where money should be spent and to get money spent in his electorate of Rodney were pretty light. It is lucky people's expectations were not high, because he was absolutely right. What he said came to fruition: the people of Rodney did not get much from the budget. However, Mr Weller said that he would continue to knock on ministers' doors and to strongly advocate, even though his knocking on doors and his advocacy did not do much for his electorate. It is a huge disappointment that schools in his electorate were overlooked, such as Kyabram P-12 College, with its terrible white ant problems; Echuca Specialist School and the merging Echuca South and Echuca West primary schools.

Prior to the May budget being handed down, the member for Benambra in the Assembly, Mr Tilley, was out there with a wish list for the budget. On that list was a new school at Wodonga West. He is quoted in the *Border Mail* as having said:

Certainly another school up here would be ideal.

Did he get funding for the school? No, he did not.

How are people feeling in northern Victoria? They are feeling very disappointed with this budget. They are feeling very let down. They believe that they have been overlooked and they believe that they are being taken for granted by the elected members of this Liberal-Nationals coalition government.

If we look at schools, both primary and secondary schools, we see that right across northern Victoria schools have been big losers in this state budget, with a

capital funding commitment remaining undelivered. Victoria's education system is dramatically underfunded, with primary and secondary schools still waiting for key capital funding that was promised to them. Here are a few examples of such schools in northern Victoria.

I spoke about Kyabram P-12 College. It has been left in limbo with just no funding for the regeneration project, but it also has a dreadful white ant problem. Benalla P-12 College for the second year in a row has missed out on funding for the planning and development of its regeneration project. Wangaratta High School — I have raised this any number of times in this chamber; I know the Minister for Education has been to Wangaratta and has made all sorts of positive noises — is still waiting for \$10 million to complete stage 3 of its redevelopment. Stages 1 and 2 were completed under the Labor government, but stage 3 has yet to be delivered by the coalition government. It has certainly missed out in this budget. Stage 3 includes a new gymnasium, oval and new classrooms.

Wodonga West Primary School is the school in perhaps the worst condition in northern Victoria. That school has missed out on funding for a rebuild, even though Mr Tilley agrees that this is a priority for Benambra. Windows are drooping from wood rot; corridors are sinking because the stumps are decaying underneath. The school has not been allocated any money for maintenance by Minister Dixon and the department, because these things just cannot be fixed.

There is no money for Echuca West Primary School, Echuca South Primary School and Echuca Specialist School, which were to be merged into one. Yarrawonga College P-12 received \$260 000, which we are pleased about. We are grateful for anything we get in northern Victoria, believe me. Going through these budget papers trying to find something that we have been given is like looking for a needle in a haystack, but we are grateful for the \$260 000. However, the principal, Kim Stewart, said she hoped it was a short-term measure because the school needs funds for a major redevelopment project and not simply a bandaid solution.

While I am on education, I will briefly talk about TAFE. We have been reeling from the cuts that have been made to the TAFE sector in northern Victoria. If this government really cared about employment, and if it cared about young people being able to get the training and education they need to get employment, it would not have made the cuts that it has to our TAFE sector. As a result there have been cuts to courses, increases in tuition costs, mergers of campuses and a

large number of staff either being made redundant or not having contracts renewed. Students are not able to get the training which would give them the qualifications they need to enter the job market. There is no way around this. If you are out there on the ground with these students and with the TAFE colleges, you will know that they are absolutely reeling from the cuts that have been made.

The Minister for Higher Education and Skills, Mr Hall, admitted that there is not \$200 million of new funding for TAFE in the budget. He admitted this when he was questioned by the Public Accounts and Estimates Committee. Of the \$128.4 million in this budget, \$28 million of that is the national partnership funding from the commonwealth. I am very disappointed that as part of the coalition government's budget apprentices are going to miss out on their cash bonuses of up to \$500, which has assisted them in purchasing tools and other equipment.

I am also concerned that the acting Auditor-General, Peter Frost, recently found that the financial health of the TAFE sector is deteriorating. I am not surprised by that. Nobody in the TAFE sector is surprised by that. Nobody who has children looking to take on a course in the TAFE sector is surprised by that. The only people who are feigning surprise are those on the other side of the chamber. Mr Frost also found that TAFEs were more reliant on government funding for capital works and were unable to cover asset upgrades through their own activity. We have real problems with our education sectors — our primary and secondary schools and our TAFEs.

This budget has had a real impact on the cost of living for Victorians, who were already under the pump with cost of living pressures. This government has cut millions of dollars worth of very important concessions from Victorians, not only in my electorate of Northern Victoria Region but across the state, and it has ripped out \$125.5 million in concessions for health, education and utility bills. This is being felt very strongly in my electorate of Northern Victoria Region.

There have been cuts to rural finance counsellors. These counsellors were very important during the drought and the floods that followed. We are missing those counsellors and the important services and advice that they give.

The cuts to concessions by the Napthine government include a cut of \$10 million to ambulances, which are down from \$416.1 million to \$406.1 million. Dental services have been cut by \$2.8 million. Education concessions are being cut by \$13.4 million. There are

very significant cuts to all those concessions. The First Home Owner Grant has gone for people wanting to buy an established home. Car registration and motor taxes will go up by 34 per cent.

The Salvation Army recently found that many regional Victorians cannot pay their electricity bills on time and that they have no savings for emergencies. The Salvation Army National Economics and Social Impact Survey, which was released recently, found that 54 per cent of clients felt worse off than a year ago and that two-thirds of them have cut back on their basics. This budget has done nothing but put people under more pressure.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to contribute to the discussion on the recently announced budget by the Honourable Michael O'Brien. I take the opportunity to congratulate Mr O'Brien on his first budget as Treasurer. From the responses I am getting in western Victoria, it has been a well-received budget. It is reasonably conservative in nature, but it provides some significant results. Notwithstanding some of the more regionalised funding announcements, both rating agencies have given Victoria a AAA rating, and the budget has produced a \$225 million surplus. Our revenue is greater than expenditure by about 2.6 per cent. We are projecting significant surpluses over the next four-year period from \$300 million-plus in the next budget to over \$1.6 billion in the following budget. We are reducing our net debt as well as investing a significant amount of money into new infrastructure — just over \$6.1 billion.

I am just giving a brief overview of that because, like Mr Ondarchie and others on this side of the chamber who have experience in managing small business, we know that the storm clouds are coming. Anyone who has had a sniff at what is going on in Europe and Asia will know there is a slowdown in a range of industries that will have a significant impact on this state and Australia as a whole over the next few years. Manufacturing knows that. As we heard yesterday in contributions from both sides, manufacturing industries are coming under significant pressure. That is not only in this country; globally countries are starting to have to retract and are looking at ways to reduce costs.

As I said in my contribution yesterday, I was disappointed by Ms Tierney's response to the Ford announcement. John Eren, the member for Lara in the other place, parroted Ms Tierney in complaining that the Napthine government is not interested in the impact of the Ford announcement and that it was not represented there on the day, which is another outrageous lie, because in fact Mr Koch was heavily

involved in the task force that was quickly called that day to talk about how to respond. It is interesting to note that we had the Leader of the Opposition in the Assembly, Daniel Andrews, the member for Lara in the Assembly, John Eren, and — —

The DEPUTY PRESIDENT — Order!

Mr Ramsay made a reference to a member in the other place in unparliamentary language. I believe it was quite inappropriate, and I ask that he withdraw that remark and then move on.

Mr RAMSAY — I am happy to withdraw, Deputy President, but could you clarify what remark you found objectionable?

The DEPUTY PRESIDENT — Order! No, that is not the process. I am asking Mr Ramsay to withdraw the remark he made about the member for Lara.

Mr RAMSAY — I do not know what the remark was. To move on, Deputy President, I withdraw the remark. I will also check *Hansard* because I am still confused about what exactly I said that you found objectionable.

The DEPUTY PRESIDENT — Order!

Mr Ramsay can talk to me afterwards if he likes, rather than questioning my decision.

Mr RAMSAY — I will.

Going on, I found Mr Eren's remarks disappointing when I read yesterday's *Daily Hansard*. He accused the Premier and members of the government as not attending a media conference outside the gates of Ford; however, as we know, the Premier was otherwise engaged with disabled children in Wodonga. The Ford workers had actually gone home at that stage — Ford had given them the day off — and other state members were involved in a task force with the mayor and others. It was another cheap political shot at the government at a time when there was significant political sensitivity around Ford, the Ford announcement and Geelong in general. I was really disappointed not only with Ms Tierney's contribution yesterday but also that Mr Eren seemed to parrot it in the other house yesterday.

However, I am here to talk about the budget. As I have indicated, it is a good and sound budget. Victoria is the only state in Australia that has received a AAA rating from both credit agencies and is the only state that has a strong surplus, has had a decrease in net debt and is making a significant investment in infrastructure.

We talked about the east–west link. We could talk about the merits of this proposal. There is no doubt there is a need for a second carriageway to reduce the congestion on the West Gate Bridge, which is becoming a farce. On Monday morning this week it took me 2½ hours to drive from Geelong to Melbourne in a peak-hour period.

Mr Barber interjected.

Mr RAMSAY — Unfortunately I did not have the flexibility of movement to catch a train that day, but as Mr Barber knows, I am a frequent train traveller, using the Marshall train service to Melbourne, which is very good. I take the train whenever I can, but I am talking about the east–west link. The first stage has been suggested. The state government has put a significant investment on the table, and the federal coalition opposition has also indicated it will put \$1.5 billion on the table, but of course we have heard nothing from the federal Gillard government in relation to its support for this project.

Through the Regional Growth Fund we have a commitment to connect natural gas to a number of towns, 13 of which are in my own Western Victoria Region. Bannockburn's connection to natural gas was recently announced, and it will create a significant number of jobs. Winchelsea will hopefully be announced soon, as will Terang and Invermay. Of course there was the recent announcement about Avoca, which will create jobs and industry.

The good news in this budget is that protective services officers (PSOs) will continue to be rolled out. I was at the Melton station — the first V/Line station to get PSOs — with members of the community, the police and the five new PSOs. They are itching to get to work and give comfort, safety and support to the Melton community in relation to those using the train service. There was a significant announcement regarding the new order of eight X'trapolis trains from Alstom in Ballarat. That is fantastic news. It was a \$176 million announcement which will ensure the continuation of 130 jobs at Ballarat. Many young trainees and apprentices were working on the seven previously ordered X'trapolis trains, and now they have surety of employment for the next contract. I will continue to lobby to make sure that Alstom continues to get work so that those jobs remain in Ballarat.

There is \$16.8 million for the Fiskville Country Fire Authority training centre, which includes the Mount Helen fire station. There is \$9.4 million for Ballarat Health Services for a new five-bed mother-baby health unit.

There is another \$8 million for Phoenix secondary college as part of the \$18 million for the consolidation of Sebastopol and Phoenix secondary colleges. When the Treasurer, Michael O'Brien, came to a lunch in Ballarat, which was well supported by business leaders, he gave a presentation on the budget. He came out to Phoenix college to see the works taking place and the \$8 million of extra funds going into that college. The feedback from the principal and students of that college was that there was a whole new buzz around the college. There was a greater degree of self-confidence because of the fact that they are all wearing new uniforms, there are new buildings and teachers are enthused. It has created a whole new air of confidence and excitement to have that new investment in education in Ballarat.

Overall the budget has included \$421 million to deliver more elective surgery; \$238 million for more health workers; \$772 million to treat more patients; and \$203 million for school capital works, which are vital. In Western Victoria Region there are a number of schools that have been waiting not only for the maintenance audit — and obviously the funds that have flowed through from the \$100 million grant money available to upgrade schools from poor to average, at the very least, which is a culmination of 11 years of Labor neglect — but also new school works and new school projects. I am sure my parliamentary colleague David Koch will go into a detailed presentation of the number of schools in the Geelong region that will benefit from this investment.

Much is said about TAFE and the TAFE restructure. In Western Victoria Region the principal TAFEs, being the Gordon Institute of TAFE, South West Institute of TAFE at Warrnambool and the Ballarat University, do not feel gutted. In fact they have got on with the job. They knew there had to be some consolidation, and they knew that under the Brumby contestable model the sector was bleeding about \$200 million a year. They knew there had to be a change of focus from courses that were spitting out hairdressers, beauty therapists, fitness instructors and other things where there was no demand, and now we are finding the TAFEs having to tighten their belts. It was a bureaucracy that was being built up, year after year, and they are now starting to focus on those courses that industry is demanding. We are seeing an uptake of those courses. We are seeing students going into those courses, being trained and getting into the marketplace and getting a job, which was not the case beforehand.

In fact the subsidies for those courses in certificates III and IV have increased, and consequently, obviously, they have become popular given the increase in trainees

or students doing those courses. That \$200 million is new money into the TAFE system to help the TAFE restructure, and it has been well received, as I said, by the University of Ballarat, South West Institute of TAFE and the Gordon. Might I add, the Gordon is in a good position to help with the transition of workers, whether they come from Ford, Shell or Alcoa; or any other manufacturing industries that, because of a whole lot of global factors, are having to reassess their business models. Those workers will be able to be trained through the Gordon with an extra \$30 million from this government to help them reskill into other jobs that are not manufacturing based.

I have already mentioned the PSOs, but not the budgetary amount of \$78 million going into funding the PSOs — that is, the PSOs that Labor did not want; but I am sure that now if anyone took a poll around Victoria, they would find that the community has gladly accepted the PSOs. In fact we are now finding that train usage has increased, the community feels safer and has judged it as being one of the best investments that the state government has made since coming to office. And there will be more police.

There is \$150 million to boost transport infrastructure. We know the regional rail link is progressing well thanks to Mr Mulder, the Minister for Public Transport, having his hands on the wheel, and that will be a great benefit to those towns and cities in my region, particularly Ballarat, Geelong, Bendigo and other regional cities that will have a dedicated track to the Southern Cross railway station.

That is only a snapshot of the budget. It has been well received in Western Victoria Region. There have been significant investments in the region to complement the election commitments we have already made over this term of government. The budget is sound, and that is important because I have already flagged that I believe that globally we are going to find stormy clouds coming. There are a lot of industries now starting to ready themselves for a downturn in the global market. So because we have a state budget that actually has a surplus, a AAA rating, a significant amount of infrastructure to create jobs and economic growth, and because we have revenue growth greater than expenditure — the federal Treasurer, Wayne Swan would love that — and a reducing net debt, we are in a sound and good position. It was a good budget, and it will benefit all Victorians.

Mr DRUM (Northern Victoria) — It is a great opportunity for any member of the government to be able to stand and talk on the budget that was handed down recently by Treasurer Michael O'Brien. I

congratulate Michael O'Brien and Premier Napthine on the work they have done in bringing this budget to the fore, but I also thank former Premier Ted Baillieu for many of the hard decisions that were taken in the early stages of this government, along with the member for Scoresby in the Assembly, Kim Wells, for bringing this state through some very troublesome times in fine fashion.

This is a budget that I see as giving every Victorian the comfort they need when looking to see if the government currently in control of the state is in control of the state's finances. When the people of Victoria look at the nation's revenues, which are well and truly down compared to what was anticipated by the federal government, they can see the federal government switch its promised and proposed surplus of \$1 billion to \$2 billion into a \$19 billion deficit in the blink of an eye. If we compare the Victorian government's handling of its finances to the federal government's handling of its finances we can see they are complete opposites. In exactly the same financial environment the Victorian budget will maintain a surplus of \$225 million, despite more than \$6.4 billion in write-downs in our projected revenue over the four years.

This government's prudent financial management will ensure that we maintain our AAA rating. This will in effect save the state about \$250 million each and every year on the cost of its borrowings. That is something we should be mindful of. We must also be mindful of the actions and statements of the opposition of the day. We now know that if Labor were still in government, we would not have a surplus or a AAA credit rating. We know that because not only have we been able to bring forward a \$225 million surplus but we have produced a set of books which will see that surplus grow to \$2.25 billion over four years. In 2016 we will see unprecedented investment in infrastructure. Even this year there has been the record amount of over \$6 billion in infrastructure spending, the largest ever spend by any government in this state.

Looking back we can see that in each of the 11 years that Labor had control of Victoria's Treasury it failed to manage any of its expenditure in line with its budget. Each and every year Labor exceeded its estimated expenditure, despite what it had said in its May budget it would be able to achieve. The total blow-out in those expenses over those 11 years was more than \$15 billion. I am sure that Victorians would love to have some of that \$15 billion back in the Treasury books right now. Every time Labor was in a position to receive more money than it budgeted for it spent every bit of it.

We also know that Labor members in opposition have opposed each and every saving measure put in place by the coalition government. They have opposed our sustainable government initiative, which is going to be worth billions to the people of Victoria during the term of this Parliament alone. They have opposed our reforms to the training sector. When they were voted out of office the training sector alone was running more than \$400 million over budget in one year, and we know that when this government tried to fix that component of the state's finances Labor opposed the changes to the training sector that we put in place.

Labor members have made individual commitments, pledges and promises right around their electorates totalling billions of dollars without any financial scrutiny. We have every member of the Labor Party in the state of Victoria simply promising the world without any scrutiny whatsoever. When you look at the current state opposition members it is impossible to tell them apart from their Gillard government counterparts in Canberra. They are promising all things to all people. It is a case of all care but no responsibility whatsoever.

This budget delivers \$14.2 billion to the health sector. This is not only a record when it comes to the amount of money ever spent on health in previous budgets but is \$2 billion more than the previous government had invested in the health portfolio when it lost office. Even if we apply the test Mr Lenders suggested in the house this morning — that we always have to allow for population growth and inflation — we find that the amount of money this government is spending in health, including allowances for population growth and inflation, is still considerably more than was ever spent by Labor in the health portfolio.

It is also worth noting that the test Mr Lenders brought to the house this morning has only recently been discovered. We need to keep in mind that the coalition spent 11 years in opposition listening to Labor and Mr Lenders, and during that time his colleagues were absolutely relentless in their selective use of numbers when it came to expenditure. When it suits Labor members they will talk about spending solely in dollar terms. When it suits them they will change from talking about dollars spent to talking about money spent as a percentage of gross state product. Then they will talk about the percentage of money spent compared with other states. When it suits them they will change their tune again and talk about comparing with previous years.

One thing that Labor members never talk about is the outcome they achieve — or fail to achieve. They will never talk about efficiencies or how Labor can drive

better value for Victorian taxpayers. This is simply because it suits them better not to, and it suited them better during the 11 years they were in government to simply talk about the amount of money they were spending.

A significant example of the benefits that flow to Victorians from a coalition government is the \$630 million Bendigo Hospital. We have been able to negotiate with the tendering consortia to arrive at a project that will deliver over \$50 million in additional benefits that were not even anticipated in the initial pledge by our government, let alone in the project that was put to the people of Bendigo by the Labor government. We will now see the delivery of additional health and community benefits. There will be short-stay accommodation for families visiting people in the hospital; a helipad above a multistorey car park; a community theatre which will be part of the hospital; and an additional 300 car parks directly underneath the hospital for people who have trouble with mobility. This is on top of the additional benefits derived from the \$102 million that has been added to the totally inadequate proposal put by then Minister for Health Daniel Andrews in 2010.

He was then the Minister for Health, and along with the member for Bendigo East in the Assembly he wanted to foist a second-class hospital onto the Bendigo community. Keeping an eye on expenditure and running our budgets to budget gives us the money we need to build our infrastructure and to build a hospital like the one in Bendigo to world-class standard.

The Labor way — and this is what we have seen time and again — would have been to build a disjointed hospital that separated our sickest people in an adjacent building across the road and away from the main hospital and the acute care wards. There would have been fewer beds in Labor's hospital, no mother and baby unit for mothers who were having a tough time initially and no scope for a headspace area for our youth who were in trouble with mental health issues.

It is not just in Bendigo; we are also investing in hospitals right around the state, including in Charlton and Numurkah and a new hospital in Waurin Ponds, and in Warrnambool the hospital is finally going to receive a \$10 million improvement and an expanded radiation service. There has certainly been a huge investment in health.

It is also an amazing budget for our public transport and road systems. As part of the Armstrong Creek development in Geelong we will see \$22 million allocated to a new railway station at Grovedale. It will

not just be great for Grovedale, it will also have an amazing impact on the many thousands of students studying nearby at the Deakin University campus at Waurin Ponds. There will be \$9 million set aside for the building of the Epsom railway station to the north of Bendigo, again servicing the growing area of Bendigo and taking every second service out to Epsom as a continuation of the service from Melbourne. We have allocated over \$466 million for the management of our road assets. This money will bring our arterial roads and our road systems up to a standard that our constituents expect. We have a maintenance allocation of \$170 million to ensure that we give our drivers the opportunity to drive safely on decent roads.

This support for our regions comes on top of what we are doing with our local roads and bridges program, which is outside this year's budget allocations. We are giving our 40 smallest councils \$1 million a year for four years. This \$160 million will give them a chance to maintain their road asset base, as previously they were unable to do so. They will now have an opportunity to keep their deteriorating roads up to a standard, whereas under Labor these road networks were going backwards and local councils were unable to maintain them as they continued to deteriorate.

Apart from all of that, we have been able to maintain our recruitment of 1700 additional police and 940 protective services officers (PSOs), which is something that Labor thought we would never be able to do. Labor members still do not know where they sit in relation to the PSOs. They squeal if a station in their patch does not have PSOs, then they turn around and say they are a waste of money. They are all over the place in relation to this policy, not only in respect of their portfolios but also in respect of the PSOs who are working around the state.

Labor needs to let Victorians know exactly where it sits on the policy surrounding PSOs. Well done to the Minister for State Development, who in his previous role was the Minister for Police and Emergency Services, because he instigated this policy. He went out and did it when others said it could not be done and that we would never be able to recruit that number of PSOs. They came up with every reason why this policy would not work. But we are hell-bent on making sure that the public transport system is as user friendly and secure as possible. We now have 1700 more police, finally filling some of the smaller police stations. We are giving the police the resources they need to tackle the job at hand.

Not only have we been able to bring forward all of these additional programs within the budget, but we are continually rolling out additional funding for our

regional communities through the Regional Growth Fund. There is double the amount of money available on every day of the week.

Members should not worry too much about budget time. It has been a great budget for us to hand down, but we are doing great things in our communities each and every day, because we have put the money into the Regional Growth Fund and we are putting it to work. We are partnering with local councils, not-for-profit organisations, local communities, sporting organisations, rotary clubs, the Bendigo Bank and community banks. We are partnering with everybody out there to ensure that we get hundreds of projects funded. We have put in \$280 million. We are fast approaching \$1 billion that has been leveraged into projects right around the state — well over 900 projects. The commitment with the Regional Growth Fund is double the commitment that the Labor Party put on the table in the run-up to the last election. People in regional Victoria know that if you want a group that is truly going to get behind and invest in regional Victoria, it is going to be the coalition.

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

Debate adjourned until later this day.

ABORIGINAL LANDS AMENDMENT BILL 2013

Second reading

**Debate resumed from 9 May; motion of
Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

Ms PULFORD (Western Victoria) — The Aboriginal Lands Amendment Bill 2013 deals with the governance and administrative arrangements for the trust structures of the Framlingham and Lake Tyers trusts. It is not possible to contemplate the effect of this legislation without reflecting on the — I am looking for the right adjective; I am not sure there is one — absolutely devastating and heartbreaking history of members of our Indigenous community in the history of white settlement in Victoria. This bill relates to the governance arrangements of some areas of land where people were taken after they had been forcibly removed, so it is a really sad story that sits behind this legislation.

In terms of what the bill does today, it really is about committees and trusts and things like that, but the stories that precede it are really heartbreaking, and there are many of them. The legislation relates to the

Framlingham Aboriginal Trust and to Lake Tyers. Framlingham is not terribly far from Warrnambool in my electorate of Western Victoria Region and is on the traditional land of the Girai Wurrung and the Gunditjmara country. Lake Tyers is not so far from Lorne and is on the land of the Gunaikurnai people. It is also known by its true name of Bung Yarnda. Lake Tyers became home to people who had been forcibly removed.

The history of both of these areas is long and devastating. Indeed on previous occasions it has been debated in the Legislative Council. In 1987 there was an argument in this place around granting part of the Framlingham forest to the trust, which was an unsuccessful endeavour by the Cain government as it was opposed by the opposition in this place. The Hawke government intervened at the time, and an area of the Framlingham Forest was provided to the trust through the passage of the Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987, which was a federal government intervention. There has been Victorian legislation governing Framlingham since 1861.

The legislation we are seeking to amend today is an act from 1970; it is a piece of legislation that is now more than 40 years old. The bill seeks to provide the minister with the power to appoint an administrator over both the trusts. It provides guidance on the structure of a board and its rules, including the appointment of a chair by the minister. It provides reporting arrangements, including financial, economic and social outcomes, and extends the capacity of the trust to extend leasing arrangements currently restricted to a maximum of 21 years but only with a vote of 75 per cent of trust members.

There have been some conversations between my colleague and shadow Minister for Aboriginal affairs and Closing the Gap, Richard Wynne, the member for Richmond in the Assembly, and with the Minister for Aboriginal Affairs, Mrs Powell, around some of the issues arising from this bill. Mr Wynne indicated in his contribution on this debate that the Labor Party, whilst not opposing the bill in the Assembly, would reserve its right to introduce an amendment to give effect to a sunset clause for these arrangements.

As I indicated, there has been legislation in place for many years relating to these governance structures. It is the view of the Labor Party that some of these administrative arrangements should have a deadline, by which time their usefulness will have passed.

I note that it is not the government's intention for us to conclude our consideration of this matter in the Parliament today. Discussion on the amendment that I have circulated and will be talking to in a minute, and other issues, will continue into the next sitting week. I remain optimistic that the bipartisan discussions around how to best manage these issues will continue until that time and we might be able to come to an agreement on the best way to proceed.

With the house's indulgence, I met a gentleman at the football on Saturday. His name is Murray Harrison, and I have met him before. He grew up in and around Dimboola but as a five-year-old was relocated to Lake Tyers. Mr Harrison performed a song at the Dreamtime Indigenous Round AFL game at the MCG. To contextualise this debate I would just like to read for the record the lyrics of that song:

I was born by the banks of the river.
 Wamba Wamba is my mother's travel land.
 I am her son but my father's name I carry,
 as I walk through this great and ancient land.
 My father taught me all the things I needed,
 like identity and dignity with love.
 From his tribal Wimmera River way of living,
 Lake Tyrell and Gariwerd mountains high above.
 I am a Koori from the Ebenezer mission station,
 where my people and my dreamings all began.
 I know that some day I will be returning,
 to hear the legends that my great river sang.
 The early childhood travels I have taken,
 Lake Tyers mission, Jacksons Track and Melbourne too.
 The Ballarat orphanage helped me in my young life
 and gave me hope and useful things to do.
 Now I am an elder in the dreamtime of my life.
 I truly love this city; it's given me a purpose,
 a family and my loving wife.

It was a beautiful song, and I thought members would like to hear it as it is so pertinent to this debate. Those lovely lyrics can live on in the records of this Parliament. I thank members for their indulgence and Mr Harrison for sharing his story with all those people who attended the footy last Saturday.

Over the last two weeks there has been much public debate around reconciliation as part of National Reconciliation Week. The AFL has done a very good job at raising the prominence of this issue on an annual basis — for better or worse over the last couple of weeks, indeed the last couple of days.

Opposition amendments circulated by Ms PULFORD (Western Victoria) pursuant to standing orders.

Ms PULFORD — We will go to the amendment in more detail in the next sitting week, and I would be happy to answer questions from government members and the crossbenchers at that time. The amendment simply sets a sunset provision for administration after two years. This is something the Labor Party has determined to do subsequent to Mr Wynne's discussions with members of the Lake Tyers community. We believe it is a good way to move towards full independence and self-governance in a way that is compatible with the intentions of this legislation. We believe it has the support of the communities that this legislation concerns.

There has been correspondence back and forth between the minister and the shadow minister. As I indicated earlier, the discussions about how to best get fully independent governance arrangements are ongoing and occurring in a reasonably bipartisan manner.

We are not opposing the legislation; we are seeking to amend it. In my view the sooner there are fully independent governance arrangements for these trusts the better. It is a very long and sad history, one which influences the way we think about these issues. Our community, society and governments have a lot of work to do in terms of closing the gap in standards in health and education outcomes for members of our Indigenous communities. This legislation does not go to that, but in the spirit of National Reconciliation week and the slightly broader comments I have made in the course of my contribution, I think this is something we need to work towards together. Getting the governance arrangements right is but a part of the large amount of work we need to undertake in this area.

Mr BARBER (Northern Metropolitan) — The Greens have received no representations from any Aboriginal people or organisations in relation to this bill. That does not surprise me because this bill is just another example of whitefellas making law for blackfellas. While we believe, quite sincerely, we know what is best in this situation, members must know that every other parliamentarian who has stood here over the last 100-plus years thought exactly the same thing; they sincerely believed they were doing what was right for Aboriginal people. We now look back on their work and see it was quite devastating.

We do not seem to be able to even consider whether what we are doing here today is the right thing. So it does not surprise me that no Aboriginal people have approached us, because they quite likely see this as yet another bill in a long line of similar legislation.

There is no mention of consultation with, much less consent from, Aboriginal people in the second-reading speech. Regardless of the merits of the legislation itself, which I will inevitably be forced to debate and ask some questions about, the fact is there is no informed consent or it would have been the key and the most important piece of information to put in the second-reading speech. Until we have in this country a treaty between the commonwealth of Australia and Aboriginal nations, or for that matter even one between the state of Victoria and one or more Aboriginal nations, we will be back here doing the same thing over and over again.

This bill relates to land, which is quite important. The granting of land at Lake Tyers and Framlingham were in fact some of the earliest — some say the first ever — victories in the land rights movement, and yet here we are making rules for how administrators are to be appointed or unappointed and what those people will do on behalf of Aboriginal people. That is a great shame because we know from the research that has been done around the world that wherever indigenous people have control over their own land and resources, the outcomes for those communities are better than where they do not. However you want to make that comparison, you will always find that control over land and the pride — the ‘mana’ as we call it in New Zealand — in the land is so critical and so important to their welfare that there is no other possible substitute.

I will leave it there. I will do my best during the committee stage of the bill to ask some questions of the minister about the merits of this bill and some questions of the Labor Party about the merits of its proposed amendments.

Mrs COOTE (Southern Metropolitan) — It actually gives me a great deal of pleasure to rise to speak on the Aboriginal Lands Amendment Bill 2013 in this National Reconciliation Week and to put on the record my praise for and acknowledgement of the Minister for Aboriginal Affairs, who has done a sterling job. She does deeply recognise and affiliate with the Aboriginal community here in Victoria. Indeed she listens to and is respected by them completely. I know this for a fact and have seen it firsthand, because I have had the honour to represent her at a number of Aboriginal family violence forums and she receives a great deal of respect from the entire Victorian Indigenous community.

However, I would firstly like to talk about why we are in fact amending this legislation. The bill provides the legislative framework to commit a more effective response to ongoing concerns about the management

and function of the two trusts at Framlingham and Lake Tyers. It allows the transition of the management of Lake Tyers from state administration to a committee of management by establishing a board of administrators, which comprises trust members, community members and persons with appropriate skills, to help build the capacity of trust members to govern and to encourage economic opportunities for the trust by allowing leases for longer than 21 years.

I have to refute something that Mr Barber said, and refute it very keenly. He gave a sort of emotional talk about whitefellas making laws in this place that were inappropriate et cetera. I have to rebuke him on this because quite frankly this minister has spent a lot of time talking to the people involved, and the community of Framlingham has particularly sought these amendments. It was the Framlingham community which in fact asked us to do this. Mr Barber has, as usual, got his facts wrong.

I have to say that we will not be supporting the Labor Party amendment, but I would like to say at this juncture what a poignant and lovely contribution Ms Pulford made to this debate. It was heartfelt, and indeed the poem she read to us all was very charming. I believe her contribution was heartfelt and it was pleasing to see, but we will not be supporting her amendment. I will speak to that again at a later stage.

It is interesting to look at the background to Lake Tyers. In 1962 the Aborigines Welfare Board announced that Lake Tyers station was to be closed within a few years and began to facilitate its closure with a number of Lake Tyers families being relocated around the state. The people at Lake Tyers resisted all attempts to close their community for many years. It is very interesting to read all those names. On 22 May 1963 Sir Doug Nicholls led 40 residents, almost the entire Lake Tyers population at that time, on a march to Parliament House and presented a petition of 260 signatures from the Aboriginal community demanding the absolute retention of Lake Tyers for the benefit of the Aboriginal people. In 1965 protests against the closure of Lake Tyers escalated with marches, petitions and calls for the recognition of Lake Tyers as the inalienable property of Aboriginal Victorians, and by May 1965 the Lake Tyers land was declared a reserve of permanent status. It is interesting to read how galvanised people were, and it puts into context the bill we are discussing here today.

As was previously said, the Aboriginal Lands Act 1970 is now over 40 years old. At the time it was groundbreaking legislation. It supported Aboriginal Victorians and their aspirations for land, and it was

brought in by the Bolte government. The act passed ownership of the former Lake Tyers and Framlingham Aboriginal reserves to the residents of the Lake Tyers and Framlingham Aboriginal trusts. It is salutary to remember and to reflect on the fact that it was only the second piece of land rights legislation in Australia. People forget that Victoria really was very farsighted, and it is important to understand in a national sense that we were the second jurisdiction in Australia to introduce land rights legislation, preceded only by the Aboriginal Lands Trust Act 1966, which established the South Australian Aboriginal Lands Trust in 1966.

However, after 40 years there is no doubt that there will be things in the act that need to be improved. The language is old and outdated. In the act the trusts have only responsibility for land-holding, not statutory obligations for the health, wellbeing and educational participation of residents, and there are limitations on the ability of the trust shareholders to enter into long-term leases that would encourage economic development. The 2004 amendments to the act enable the Minister for Aboriginal Affairs to appoint an administrator at Lake Tyers but not at Framlingham.

I would like to talk briefly about what this bill will do. It will extend the powers of the Minister for Aboriginal Affairs to allow them to appoint an administrator at Framlingham, as the minister can at Lake Tyers, if requested — I repeat, if requested — by the current Framlingham committee of management. The appointment of an administrator will only occur in cases of governance failure and is currently not on the government's agenda. The bill provides for the appointment of a board of administrators, as an alternative to a single administrator, which will comprise three persons appointed on a skills basis and another three persons appointed in consultation with the community. The minister will also have the power to appoint the chair of the board. Skills that might be considered relevant include, but are not limited to, financial management, governance and business development. The trust committees of management or the administrator or board of administrators will be required to provide advice and report on the social and economic wellbeing of the community as prescribed by the minister.

The bill will remove the 21-year restriction on the term of lease the trusts can negotiate, which will permit longer term investments for commercial activity. That is a very realistic addition in this day and age, because it will give the Aboriginal communities opportunity and certainty about where they want to have jurisdiction over their own affairs.

The amendments are a necessary first step to transition Lake Tyers back to community management through a board of administrators that will include the three members appointed in consultation with the trust community. As part of the Lake Tyers community renewal project, departmental staff from the Department of Justice and the Department of Planning and Community Development have established long and enduring relationships with the Lake Tyers community that will form the basis for a positive consultative mechanism.

Finally, the bill will ensure that Framlingham's considerable assets are afforded the same safeguards as those of Lake Tyers in the extreme circumstance of governance failure. This is a very important addition because, as we know, there have been challenges at Framlingham in the past, and it is important to see that issue addressed in this bill so there will be some certainty. The minister released a discussion paper in September last year which examines these proposed amendments. Once again, for Mr Barber to stand in this place and say we are suddenly dreaming up these amendments is absolutely incorrect. The fact is that there was a great deal of consultation with the people concerned, and that is reflected in this bill.

Timing is important, and that is why the bill should be passed soon. The term of the current administrator of Lake Tyers expires on 30 June. I understand that the government is proposing to take the bill through the committee stage during the next parliamentary sitting week and that the bill will be passed before 30 June. It is the government's intention to signal a new approach by transitioning Lake Tyers to a board of administrators on 1 July. The government is acting to build the leadership and governance capacities of the board of administrators and will require the trust committees to take advice and an active interest in social health and not just the economic management of the trusts.

I want to pick up on a point made by Ms Pulford about the member for Richmond in the Assembly, Mr Wynne. To put it in context, she said there had been a lot of correspondence, and I would like to go through what transpired. On 7 May the opposition spokesperson for Aboriginal affairs, Richard Wynne, stated that he supported the bill, but on 7 May he raised the potential of a sunset clause for the entire act. He put on record that the Labor Party wished to work with the coalition government to come to a contemporary model of governance for Framlingham and Lake Tyers. He said:

... I, on behalf of the opposition, am prepared to lend my time and support to any process through which, moving forward, we can address the issue of providing a structure ...

In good faith the Minister for Aboriginal Affairs responded to Mr Wynne by letter on 27 May indicating that she would, in the spirit of bipartisanship, be pleased to explore the potential for and willingness from the communities involved to move to a contemporary governance structure for community ownership and management of land at Lake Tyers and Framlingham. Since the debate in the lower house, the opposition now seeks to insert further amendments to keep the 1970 trust structure and remove all protections for community assets in the event of governance failure. Suddenly, somewhere between the lower house and this chamber, opposition members have dreamt this up. The opposition amendment would negate most of the government's bill and remove all references to ministerial powers to appoint an administrator after 2015. The opposition's amendments are contradictory to its members' representations made during debate in the lower house. Instead of supporting moves towards a more contemporary structure, Labor's amendments would take the trust back to the 1970s model, to even before Labor's 2004 amendments.

It is important to clarify what the process was and what these amendments would do. We want to ensure that there is certainty and that going forward the trusts know what the parameters are and what they are working with. We want to give them some certainty as far as the lease agreements and the structures of the trust go. As I said before, the Framlingham community has asked us to do this. This bill works cooperatively with the Aboriginal community and puts in place legislation to provide the community with certainty. I commend the minister for doing this work. As I said, it is very pleasing to be debating issues of Aboriginal significance in Victoria during National Reconciliation Week.

As I said earlier in my contribution, it is important to understand that Victoria has been an international and national leader on Aboriginal rights and land issues since early days. This is another step in a very important journey, and I commend the minister for bringing this matter to our attention. I look forward to the committee process, as I know there will be a number of issues that Ms Pulford will want to talk about. It will give us an opportunity to thrash them out, talk about them and put the facts straight. Government members are pleased the opposition is not going to oppose the bill. Once again it will give us all a great opportunity to discuss issues of great importance to the Aboriginal community, which is something Victoria is always ready to do.

I commend this bill to the house, commend the minister for bringing it to the Parliament and wish it a speedy passage.

Motion agreed to.

Read second time.

Ordered to be committed next day.

BUDGET PAPERS 2013–14

Debate resumed from earlier this day; motion of Hon. P. R. HALL (Minister for Higher Education and Skills):

That the Council take note of the budget papers 2013–14.

Mr KOCH (Western Victoria) — It is a privilege to rise to speak about the government's budget, and I will leave the house in no doubt by saying that I welcome the coalition government's 2013–14 budget. It is a great result on our previous year. We not only had a better than \$100 million surplus, but Treasurer Michael O'Brien has left us in no doubt that we will have a greater surplus next year of something of the order of \$225 million. In doing so, we will retain our AAA credit rating, something that no other state across Australia has had the capacity to do at this stage. From the point of view of representing Western Victoria Region with my colleagues Simon Ramsay and David O'Brien, this budget is a great outcome for Ballarat, Geelong and western Victoria right across the board.

Importantly, we are now in a position where the debts left by the former Labor government are stabilised. We were disappointed by the position we were left in at the change of government back in November 2010, but in many ways it was only history repeating itself. It is not unusual for Liberal and coalition governments to find that huge debts have been racked up by Labor governments and that they have been left with the task of trying to put the budget back in order. Quite obviously that has again been our endeavour in the last two and a half years.

It was an absolute privilege to work with the former Premier, Ted Baillieu, and the former Treasurer, Kim Wells, the members for Hawthorn and Scoresby respectively in the Assembly. They did some heavy lifting in relation to straightening out Victoria's finances over the period prior to Dr Denis Napthine and Michael O'Brien coming on board from 6 March as our new Premier and Treasurer.

There is no doubt at all that western Victoria has benefited in three major areas. One area is health and another is security, particularly in relation to police

numbers and the protective services officers coming on board at railway stations in provincial cities from 6.00 p.m. to last train. The health sector has been well rewarded, and we understand the need for that funding on an ongoing basis. The other major area is education. Those are probably the three biggest items, and we continue to see headway being made in expenditure across the board for those three major portfolios.

From the point of view of shaping our infrastructure, the coalition government has been able to provide a record \$6.1 billion for infrastructure in the 2013 budget. This obviously will be a great boost to jobs, economic growth and productivity, and it is certainly our intention to lift livability.

Importantly for the residents of Western Victoria Region, we have seen, as my colleague earlier suggested, a marvellous opportunity at Grovedale. A brand-new railway station is being built in Grovedale on the Warrnambool–Geelong line at a cost of \$25.9 million. There is also \$16.5 million for construction works that will be taking place at that site. There is \$300 000 for the Bellarine and South Barwon electorates for planning to determine the viability of rail services between South Geelong and Drysdale on the one hand and Grovedale and Torquay on the other. These are growing areas, particularly the Bellarine and Grovedale areas, with Armstrong Creek coming on board.

Unlike the previous government, this government sees it as imperative to get the services in place as the growth of those communities continues. There is absolutely no doubt about the growth that we are anticipating. Anyone who travels on the Geelong–Torquay road will have already noted the amount of housing that has been built there over the last six months. In the next four or five years some 22 000 properties will be built there, housing a community of some 60 000 people.

In the Geelong area, we will be getting building under way on a 32-bed community hospital at Waurin Ponds. This budget makes provision for \$50.2 million to start those works. We have also made sure that we have a \$5 million allocation to establish a strategic asset maintenance fund in support of assets across the state, particularly for art agencies, including the world-class Geelong Performing Arts Centre.

Before I leave discussion of Geelong, there is \$8 million for Northern Bay College, which was announced by the Premier and the Minister for Education last week. This is a great benefit for North Geelong, particularly the Norlane area, where

maintenance and further growth of education facilities has been denied to those student communities, especially over the last decade. The \$8 million is on top of \$18.5 million in the previous budget — an all-up cost of \$26.5 million. It was extremely well received. The children were absolutely fantastic on the day and received the Premier and the minister with applause.

With a budget allocation of \$179 million, eight new X'trapolis trains are being fitted out by a Ballarat-based company by the name of Alstom. That will also see the employment of a further 130 direct and indirect regional jobs, which is a must for regional Victoria. Jobs right across Victoria are important, but from my point of view more so in regional Victoria, an area I very much enjoy representing, as do my colleagues.

Ballarat will see an extra \$8 million for stage 2 construction of the new learning space at Phoenix P–12 Community College. This is another marvellous opportunity for education in Ballarat. We will also see \$16.8 million over four years for further remediation work at the Country Fire Authority Fiskville estate training centre to address occupational health and safety concerns and to undertake further environmental investigations. This is something that has been very well received, particularly by our volunteer fire services, and I congratulate the government for making this opportunity available.

As part of a \$9.4 million investment for mental health in regional Victoria, Ballarat Health Services will see a new five-bed mother-baby health unit to assist women with a mental illness and their infants. This figure is on top of the \$19 million allocated in the 2012–13 budget for a multideck car park and the installation of a helipad at Ballarat Health Services. The helipad was something talked down by the former Labor government from when I entered the Parliament in 2002. Of course now we have made this commitment, guess who is trying to get ownership of it? Those who spoke strongly against the helipad for such a long period will now be the beneficiaries, as will the Ballarat community, when this work is completed. Further, the budget allocated \$10 million for radiotherapy services at South West Healthcare in Warrnambool. That service will enable residents to receive treatment locally instead of travelling long distances, particularly to Geelong.

Returning to Geelong, there is something else that is very worthy. The Minister for Crime Prevention, Mr O'Donohue, came to Geelong three weeks ago and made available further funds for security and the use of CCTV cameras, particularly in the central business district of Geelong. Geelong has been looking for a long time to offer greater security for people in the

CBD, and these CCTV cameras will go a long way towards providing that opportunity.

Turning to police numbers, we have been very fortunate to have another lift in police numbers in Geelong, Ballarat, Warrnambool, Hamilton, Horsham and all areas in between. It has been a fabulous outcome to gain new police across the state, one which the previous government said we would not gain. Not only have we achieved that outcome and recruited many police to undertake this work, but from the point of view of protective services officers — another thing we were bagged heavily about by the previous government — there has been a good uptake of people who want to get involved in offering security at our railway stations, particularly in the metropolitan area, but also in our regional centres and provincial cities. It is very important for all of us.

One of the other areas in the budget — and it was mentioned earlier — is in relation to roads. There is no doubt about it: if you leave the metropolitan area and go to the South Australian border, as you do in my case, the roads get worse as you head west. We are at the early stage of offering 40 small local governments \$1 million over a four-year period, which adds up to \$160 million towards their local roads and bridges. That announcement was received extremely well by those municipalities after some of the dreadful cost shifts that took place under the Labor administration. To add to that allocation, Minister Mulder, in his capacity as Minister for Public Transport, recently secured another \$170 million to offer VicRoads an opportunity to further maintain regional roads. That is \$330 million over a four-year period that will go into our road networks. That allocation will be much appreciated, particularly in regional Victoria, where in some cases after many years the sealed surfaces of roads have been removed and gravel sheets have returned.

Very quickly, the situation last week in Geelong in relation to Ford Australia ceasing activity from October 2016 is something we were not expecting, certainly not at this stage. There is not only federal assistance; we have done our best, particularly at the state level, to put whatever we can in place to assist workers at the Ford Motor Company both at Geelong and Broadmeadows, and for others who work in the supply chain. A further \$12 million has been made available to assist these workers in the transition period before the Ford Motor Company closes. We will continue to have all these people's interest at heart and do whatever we can not only to retrain workers but to find more jobs. The target we have to aim for is securing jobs for these people, whether they look for further work in Geelong in their same trades in blue-collar industries or in other areas.

As I said, it will be fantastic if we gain this sort of employment.

The opportunity to headquarter the national office of the national disability insurance scheme would also be a great advantage for Geelong, and we certainly hope we can secure that and that the federal government gives an early opportunity to Victoria to undertake that role. We are very well placed to look after that office, and I look forward to the Prime Minister making an early announcement in that arena.

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

Debate adjourned until later this day.

**PARLIAMENTARY AND PUBLIC
ADMINISTRATION LEGISLATION
AMENDMENT BILL 2013**

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), 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 (charter act), I make this statement of compatibility with respect to the Parliamentary and Public Administration Legislation Amendment Bill 2013 (the bill).

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

Overview of bill

The object of the bill is to set the basic salary for members of the Parliament of Victoria from 1 July 2013, provide a formula for future periodic adjustments to that basic salary, to provide for certain other allowances payable to those members, and to make other related amendments.

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

Section 20 — Property rights

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

I consider that the bill does not limit this right. The bill limits the increase that would otherwise apply to the basic salary payable to members of the Victorian Parliament which is precise and not arbitrary. That potential future entitlement to basic salary that would, but for this bill, be otherwise payable is not property of a member of the Victorian Parliament unless and until it accrues to that person and therefore removing that entitlement before it accrues is not a deprivation of property. In any event, any impact on this right will be in accordance with law, as permitted by section 20.

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

As the bill does not limit any of the rights under the charter act, it is not necessary to consider section 7(2).

Conclusion

I consider that the bill is compatible with the charter act because it does not limit human rights.

Hon. David Davis, MLC
Minister for Health

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 Parliamentary and Public Administration Legislation Amendment Bill 2013 will set in place a permanent arrangement for the adjustment of the salaries of Victorian members of Parliament which is objective and not due to decisions taken by members of Parliament themselves.

This bill is necessary because of the actions by the Gillard Labor government in Canberra to significantly increase the basic salaries of Senators and members of the House of Representatives. Historically, the salaries of Victorian MPs had been linked to federal parliamentary salaries minus the amount of \$5733. However, following the decisions taken in Canberra, if this formula had continued, an increase in the order of some \$50 000 per annum would have flowed through to Victorian MPs' basic salaries.

The government regarded this prospect as totally untenable.

As advised to the house in the Treasurer's budget speech last year, the salaries, allowances and other entitlements of members of Parliament have been reviewed as a consequence.

Accordingly, the bill before the house proposes that salaries increase from 1 July 2013 by 2.5 per cent, and by 2.5 per cent on 1 July 2014. From 1 July 2015 the basic salary will be adjusted by the relevant index published by the Australian Bureau of Statistics on Victorian adult average weekly ordinary time earnings.

This will permanently remove decisions on the amount from decisions by members of this Parliament. It provides a more transparent and accountable way forward.

The opportunity will be taken with the passage of this bill to replace current regulations setting the allowances for MPs.

The government believes many of these allowances have no justification in contemporary Victoria, and they should go. Among these archaic allowances still in place is an allowance for members who travel more than 6 hours away from Melbourne. That will be abolished. So will the allowance for members to attend parliamentary committee meetings when they are not required to stay overnight. The 75 per cent subsidy for the home telephone of a member of Parliament will be abolished, as will the travelling allowance for a member's spouse.

These allowances are no longer appropriate and are expensive to administer.

In their place a small general expense of office allowance will be provided to members to defray official expenses they incur, including those of the nature covered by these archaic regulations.

The government recognises that, in a Westminster democracy, the opposition plays an important role in holding the government of the day to account. Echoing a decision in the federal Parliament, this bill provides a special expense of office allowance for shadow ministers, capped at the same number of ministers of the Crown from time to time. In addition, I advise the house that there will be modest funding going forward to provide for the cost of administrative assistance to party whips when either house is sitting.

The Parliamentary Contributory Superannuation Fund was closed to new entrants in 2004. The government has already announced that the Parliamentary Trustee is to be abolished, and the administration of the fund transferred to the ESSS scheme. This bill will make some changes to the superannuation payable to members who were elected to Parliament after the old fund was closed, but not affect those members who are participants in the old scheme and who are still in Parliament.

The employer contribution for such members will increase to 15 per cent, in line with that payable to federal Senators and members. This partly recognises that members of Parliament, although remunerated from public funds, are not public sector employees in the conventional sense. Members of Parliament do not accrue long service leave, nor are they entitled to leave loading or other benefits available to general public sector workers.

In line with federal policy, the bill provides for a resettlement allowance payable to a member who is defeated at a general election or who loses his or her party endorsement. This will be capped at three months basic salary if the member has served in one Parliament, or six months salary if the member has served longer. This allowance will not be payable if the member has lost their preselection because of corrupt behaviour, and will be returnable if the member is re-elected within the life of the next Parliament.

New regulations will be made to increase the salary sacrifice that members must pay for the provision of a motor vehicle, according to the size of the vehicle's engine. In addition, members will be able to opt not to have a vehicle and, if they make that decision, they will be eligible for a flat allowance,

but such an option will only be able to be exercised once in the life of a Parliament.

The government has decided that certain other courtesies extended to members of Parliament are no longer defensible in today's Victoria, and they will be withdrawn. These courtesies are free access to Crown land, free interstate rail travel for serving and former MPs and free parking at Melbourne Airport.

In developing this bill and the associated regulations, the government has consulted with other political parties. We believe that this legislation sets a reasonable path ahead for fair remuneration of the representatives of the Victorian people, while removing some privileges which are no longer justifiable. It also provides a formula for the future which takes these decisions out of the hands of members themselves.

Finally, the bill makes some minor changes to repeal spent provisions relating to previous salary freezes. The bill changes references to the old title of 'chairman of committees' to Deputy President or Deputy Speaker, as applicable.

It also proposes that service-based entitlements, such as long service leave and entitlement to maternity leave, accrued by public sector employees employed by ministers, the Leader of the Opposition or as electorate officers can transfer if the employee moves to another part of the Victorian public sector, provided the gap in employment is less than 12 months. This delivers on a commitment this government gave in 2011.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 6 June.

MARINE (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), 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 Marine (Domestic Commercial Vessel National Law Application) Bill 2013.

In my opinion, the Marine (Domestic Commercial Vessel National Law Application) Bill 2013 as introduced to the Legislative Council is compatible with the human rights protected by the charter act.

I base my opinion on the reasons outlined in this statement.

Overview of the bill

Background

In June 2009, the Council of Australian Governments (COAG) decided to pursue a range of national transport schemes, including a national rail safety investigator and national regulators for the heavy vehicle, rail and domestic commercial marine sectors.

On 7 December 2009, COAG resolved to develop a national marine scheme to transfer state and territory-regulated commercial vessels to commonwealth coverage with the Australian Maritime Safety Authority (AMSA) becoming the national regulator for all commercial vessels in Australian coastal and inland waters.

On 19 August 2011, first ministers entered into an agreement to give effect to this direction.

The purpose of the bill is to facilitate the rollout of a national commercial vessels scheme in Victoria, including the transfer to commonwealth control of a small number of commercial vessels which are not within commonwealth power.

The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 was passed by the commonwealth Parliament on 23 August 2012 and received royal assent on 12 September 2012. That legislation attaches, as schedule 1 to the act, the Marine Safety (Domestic Commercial Vessel) National Law (the national law) and transfers over 90 per cent of Victoria's approximately 1465 commercial vessels from state control to commonwealth control when it commences.

Some vessels, however, are beyond the constitutional power of the commonwealth and can only be transferred to it under state law.

The bill applies the national law and extends it to the small number of Victorian commercial vessels (around 100 vessels not owned by corporations and operating in inland waters) which are not currently within commonwealth reach. Specifically, the bill applies the national law as amended from time to time as a law of Victoria.

It is expected that Victoria's marine safety regulator, the director, transport safety (the safety director), will continue to regulate Victorian commercial vessels as a delegate of the national regulator under the national scheme.

The bill makes historic changes to the way in which small commercial vessels are regulated in Victoria and other states and territories.

From a position of regulation of commercial vessels by colonial governments, the commonwealth Navigation Act 1912 shifted control of commercial vessels on overseas or interstate voyages to the commonwealth.

Accordingly, the states and territories regulated smaller and mostly local commercial vessels operating on inland waters or close to shore, including small passenger and trading

vessels and fishing vessels on interstate and domestic voyages.

The states and territories also had responsibility for government vessels such as police and emergency services and vessels used to regulate fisheries, along with recreational vessels.

This is the position today before the commencement of the national scheme and was confirmed in the late 70s as part of the offshore constitutional settlement.

Only some 440 vessels across Australia or 1.6 per cent of the estimated national commercial fleet actually move operations annually on average between states and territories.

This is a small number but the issue presented by differing regulatory requirements between the states and territories was recognised. Ongoing development of the National Standards for Commercial Vessels by the National Maritime Safety Committee implemented across Australia had provided and was continuing to provide progressive improvements in regulatory harmonisation.

The result is that the different requirements between jurisdictions today are generally small and their resolution was well advanced. However, the national scheme should see this work speed up thereby benefitting affected operators.

Safety performance has generally been good and serious incidents, including those involving deaths and injuries, are rare in Victoria.

Victoria's goal is to not only continue that commitment to high safety standards in the marine sector but to improve safety performance over time. The state also wishes that marine regulation is as efficient as possible and reduces the costs to operators.

Commercial vessels are subject to higher administrative and cost burdens than recreational and government vessels. This is because of different regulatory requirements for certification, equipment and crewing.

Under the national scheme, AMSA must now extend its vision beyond large international vessels to take in local operators who run on tight margins providing, say, sightseeing services up and down the Yarra. Care is needed in how the new regulatory regime is structured and administered to avoid unintended or harsh effects on these and other operators.

Until the passage by the commonwealth of the national law, Victoria had the most up-to-date marine safety law in the country in the form of the Marine Safety Act 2010 (the MSA) and regulations. The national law draws heavily on the Victorian standards such as general safety duties, certification of safe operations and a broad suite of compliance and enforcement powers.

The bill recognises that the national law does not fully replace state and territory laws and that the MSA continues to apply in part to commercial vessel operations in Victoria.

The bill provides that waterway operations, pilotage requirements and drug and alcohol blood controls remain regulated by Victorian laws. The bill also preserves reforms made in the recent Victorian Transport Legislation

Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012.

Victoria is well placed to continue these important reforms at the same time as undertaking the substantial day-to-day regulatory and administrative tasks delegated back to the state by the national regulator when the national scheme commences.

Application of the Charter of Human Rights and Responsibilities Act 2006 and non-Victorian law

The bill adopts the national law which is applied as the law of Victoria and also makes consequential amendments to a number of Victorian statutes.

Scrutiny of the national law

The human rights impacts of the current national law are assessed in this statement. As the national law is a commonwealth act, future amendments will not fall within the parliamentary scrutiny provisions of sections 28 to 30 of the charter act. However, they will fall within the scrutiny provisions of the Human Rights (Parliamentary Scrutiny) Act 2011 (cth).

Interpretation of the national law

The charter act only applies to acts of the Victorian Parliament. As the national law is an act of the commonwealth Parliament, the interpretative provisions of section 32 of the charter act will not apply and nor will the power to make a declaration of inconsistent interpretation under section 36.

Application of the charter act to delegates of the national regulator

The charter act applies to public authorities as defined in section 4. Public authorities are subject to obligations in section 38 to act compatibly with human rights and to give relevant human rights proper consideration when making decisions.

A number of functions are conferred on commonwealth officers and bodies, particularly the national regulator. Where the functions and powers are exercised by a commonwealth officer or body under the national law, the officers and bodies will not fall within the definition of public authority and the obligations on public authorities will not apply.

However, under section 11 of the national law, the national regulator may delegate powers and functions to officers or employees of a Victorian agency. Pursuant to section 4 of the charter act those officers and employees are public authorities.

The bill clarifies that the Charter of Human Rights and Responsibilities Act 2006 applies to a Victorian public authority (within the meaning of section 4 of that act) when exercising powers delegated to that public authority under the applied provisions or the commonwealth domestic commercial vessel national law or the Australian Maritime Safety Authority Act 1990 of the commonwealth.

Part 7 of the bill provides that, even though those officers and employees may be exercising powers and functions under a commonwealth act, they are public authorities and are

therefore bound by the obligations in section 38 of the charter act.

The director, transport safety (safety director) is the head of Transport Safety Victoria (TSV). The safety director and staff of TSV who are Victorian public sector employees are public authorities within the meaning of section 4 of the Charter of Human Rights and Responsibilities Act 2006.

The clarification made by the bill does not affect the operation of the Charter of Human Rights and Responsibilities Act 2006 in respect of public authorities exercising functions under the applied provisions or the commonwealth domestic commercial vessel national law or the Australian Maritime Safety Authority Act 1990 of the commonwealth other than as delegate. For example, if members of Victoria Police exercise police powers in connection with the national law, they will be public authorities within the meaning of section 4 of the Charter of Human Rights and Responsibilities Act 2006.

National law explanatory memorandum

The national law was passed by the commonwealth Parliament in 2012 and was subject to the requirements of the Human Rights (Scrutiny of Legislation) Act 2011 (cth).

The explanatory memorandum to the national law includes an analysis of the compatibility of the law with the right to privacy in the International Covenant on Civil and Political Rights, which is in similar terms to section 13 of the charter act. In particular it considers the provisions on enforcement powers that enable marine safety inspectors to detain, board, inspect and search domestic commercial vessels and gather information and seize things in relation to domestic commercial vessel safety regulation and compliance.

It concludes that the provisions are compatible with the right to privacy.

This statement of compatibility also addresses the right to privacy as well as additional rights that are impacted upon by the bill or national law, but have not been discussed in the commonwealth's statement of compatibility.

Human rights issues

This statement examines the human rights issues and analyses the respective areas of the bill and the national law where those rights are engaged.

Freedom of movement

Section 12 of the charter act protects freedom of movement. However, the right is not regarded as an absolute right and can be subject to reasonable limitations.

The following provisions of the national law engage the right to freedom of movement because they require a person to either proceed to, remain in, or keep out of a particular place:

section 85: proceeding to the assistance of persons in distress;

section 86: requisitioning a vessel to render assistance;

section 95: facilitating the boarding of a vessel;

section 99: marine safety inspector stopping or manoeuvring a vessel or requiring the vessel to adopt or maintain a specified course or speed;

section 101: detaining vessels suspected to be involved in a contravention of the law;

section 105: implies a requirement to remain at a place to demonstrate the operation of machinery;

section 107: use of force against persons and things while executing warrants;

section 109: marine safety inspector giving reasonable directions to persons contravening a provision of the law.

The purpose of the provisions in the national law is, broadly speaking, to promote safety on the water in connection with the operation of domestic commercial vessels. The provisions promote compliance with marine safety requirements for domestic commercial vessels in Victoria by setting a regulatory framework to monitor and enforce the standards set by the national law.

This is achieved by providing various compliance, enforcement and monitoring powers some of which may temporarily restrict a person's movement. It is necessary to provide these powers because vessels are inherently mobile. Vessels may be operating in remote geographical areas or may move from one area to another with ease, including to and from areas which are a great distance from port.

Without these powers, a vessel can quickly be taken beyond reach of a marine safety inspector or a marine safety inspector could be unnecessarily exposed to safety risks. Compliance, enforcement and monitoring activities need to take place when the opportunity arises, frequently while a vessel is at sea. The provisions are drafted so as to recognise these issues.

In short, these powers are fundamental to being able to carry out enforcement activities in the unique environment created by being on the water.

Turning to look at the provisions in more detail, sections 85 and 86 of the national law engage the freedom of movement because a person may be required to render assistance to persons in distress, or following a call for assistance and may need to stop at, or go to, a coordinate for this purpose.

These sorts of requirements are not new. Domestic commercial vessels have been regulated by the state for some time and owners and masters of vessels are well aware of the safety requirements and regulatory oversight which apply to domestic commercial vessels operating in Victoria.

The obligation to assist persons in distress in section 85 is placed only on the master of a domestic commercial vessel — that is, the person in charge of the vessel. Masters of vessels take on certain statutory responsibilities including the obligation to render assistance to others.

However, the obligation does not apply in all circumstances. It is disappplied where, in the special circumstances of the case, it is unreasonable or unnecessary for the master to assist persons in distress. Nor does it apply once the master is informed by the person who the master had reason to believe is in distress that assistance is no longer necessary or where the master is told that another vessel has been requisitioned to

provide assistance and is doing so. As such, the obligation is appropriately circumscribed.

Similar exceptions apply to the obligation to render assistance if requisitioned under section 86 of the national law.

Under section 95 of the national law a marine safety inspector may require a person to take reasonable steps to facilitate the boarding of a vessel by the inspector. A direction to stop or manoeuvre, adopt or maintain a specified course or speed or take a vessel to a specified place may be exercised under an inspector's monitoring powers in section 99 of the national law.

These monitoring powers can be exercised whether or not a marine safety inspector has reasonable grounds for suspecting that there may be material on the vessel which may be evidence of an offence against the applied law. This is to facilitate compliance with and enforcement of the national law. These are important objectives.

A vessel may also be detained or brought to a port or other place under section 101. A direction to bring a vessel to a port or other place and the power to detain a vessel are restricted to where a marine safety inspector reasonably suspects that the vessel is, will be or has been involved in a contravention of the national law in or outside of Australia.

A person may also be required to demonstrate the operation of machinery or equipment on premises under section 105 of the national law, which will temporarily limit a person's right of movement. It is a minor infringement of the right, if it infringes it at all.

If used, the use of force under section 107 may also result in a temporary limitation on a person's freedom of movement. This power is not arbitrary as it can only be employed when executing a warrant and must be necessary and reasonable in the circumstances.

Issuing directions to take reasonable steps under section 109 requires that a marine safety inspector believes on reasonable grounds that there is a contravention of the law. The officer must also consider it necessary for safety purposes or the protection of the environment or that it is desirable in the public interest for the powers to be exercised. Again, the power is appropriately circumscribed.

I consider that any restrictions placed on freedom of movement by these provisions are demonstrably justified under section 7(2) of the charter act. Any limitations imposed by the provisions are proportionate and justifiable limitations which are necessary to minimise safety risks. This is consistent with the safety basis of the law.

In my view, the limitations are rationally connected to their purposes and any restrictions are reasonably necessary to achieve these purposes. Not least because of the unique environment of commercial vessel operations, there are no less restrictive means reasonably available to achieve the purposes.

In conclusion, the limitations are lawful and are imposed for the purpose of securing marine safety in Victoria. I consider the provisions are compatible with the charter act rights and any limitations on this right are demonstrably justified.

Right to privacy

Section 13(a) of the charter act protects the right of a person not to have his or her privacy unlawfully or arbitrarily interfered with and the right not to have the person's reputation unlawfully attacked.

The right to privacy may be engaged where, for example, personal information is required to be provided or where there is a requirement to record such information. The provisions may also be engaged where search and seizure powers are exercised or where there is an expectation of privacy in respect of a person's property including a vessel. The right to privacy may also be engaged where the court makes an adverse publicity order.

However, an interference with privacy will not be unlawful if it is permitted by a law that is accessible and precise. Nor will an interference with privacy be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought.

Personal information and record keeping

The national law contains several provisions dealing with the use of personal information.

These include the capacity for the national regulator to require a person to provide further information about an application for a certificate or a unique identifier (section 71 of the national law).

Sections 76 and 77 of the national law provide for the making of regulations which may prescribe information for inclusion in applications.

Under section 87 of the national law, a master must record requests for assistance where information has been received that a person is in distress. Section 87 of the national law also requires a master to keep an official log book to record specific information. Section 88 contains an obligation to report marine incidents. These are all reasonable and necessary requirements.

A marine safety inspector can require that a person provide their name, residential address, date of birth and evidence of identity when exercising the monitoring powers or enforcement powers. See section 99(2)(i) and section 102(1) of the national law. Failure to comply with a requirement without a reasonable excuse is an offence.

In the event that an offence is alleged to have been committed, the national regulator may give written notice to either the master or owner of a vessel under section 154 of the national law requiring the name and address of the person who was the master or owner of the vessel at the time of the conduct constituting the relevant offence. Failure to provide the information within 28 days is an offence under section 155 of the national law.

Each of these provisions may engage the right to privacy. However, it is necessary to obtain a person's name and address to provide evidence of identity for monitoring, compliance and enforcement activities, or to serve an infringement notice, to prosecute or to properly record details of a marine safety inspector's activities. The information-keeping and reporting requirements are essential to secure marine safety. The provisions are compatible with the charter act.

For completeness I note that the information keeping and reporting may engage the section 15 charter act right to freedom of expression. This is because the right includes a right not to impart information. It is questionable whether the type of information that may be required would fall within the scope of the right, but insofar as it does, I consider that the requirements fall within the scope of limits expressly permitted under section 15(3) of the charter act, or would amount to reasonable limits under section 7(2). Accordingly the provisions are compatible with the right to free expression.

Information disclosure

Information exchange by delegates or subdelegates of the national regulator, marine safety inspectors, accredited persons and approved training organisations is specifically authorised by section 152 of the national law.

In addition, clause 74 of the bill specifically amends section 306 of the Marine Safety Act 2010 to provide for disclosure from the Victorian safety director to the national regulator and use of information for the purposes of administration or enforcement of the national law.

Any interference with privacy arising from information exchange authorised by these provisions is neither unlawful nor arbitrary. The provisions authorise disclosure of information relevant to the administration of the national law. The provisions are compatible with the charter act.

Monitoring and enforcement provisions and privacy

In addition to section 99(2)(i) and section 102(1) of the national law mentioned above, a number of other monitoring and enforcement provisions engage the right to privacy.

Division 2 of part 6 of the national law contains vessel monitoring powers which include information-gathering powers, operating electronic equipment (section 99(4)) searching for data, rendering data in document or other form (section 127) and, under section 121, securing information or equipment for up to 72 hours. Information or equipment may be secured by locking it up, placing a guard or by other means.

These powers may be exercised only if an inspector is of the reasonable belief that the information is relevant to the monitoring purposes or determining whether there is evidential material on the vessel or premises.

The requirements in the national law to provide information are essential to the regulatory regime. They facilitate the correct identification and subsequent monitoring of the vessel and its owner and/or operator to secure compliance with the provisions of the national law. As well as being authorised by law, the powers are not arbitrary.

Search and seizure powers

Expectations of privacy may also arise in connection with a person's property.

In the context of a search of a person's property, the degree to which there exists a reasonable expectation of privacy depends on the circumstances (see *R v. Tessling* [2004] 3 SCR 432 [42]).

I consider that to the extent that a person has an expectation of privacy in relation to a vessel or premises, this expectation is diminished due to the highly regulated nature of the commercial marine industry. It is reasonable to expect that checks relating to vessels will be conducted for compliance, enforcement and monitoring purposes. Indeed, these activities are essential for the proper oversight and regulation of marine safety and the safe operation of domestic commercial vessels in Victoria.

The provisions are appropriately drafted bearing in mind the unique marine environment, the inherent mobility of vessels and the likelihood that compliance, monitoring and enforcement activity may take place on water.

Expectations of privacy are lower in relation to activities which involve a degree of governmental oversight, particularly where personal and public safety is at issue such as operating a vehicle or vessel. It is also the case that, depending on the nature of the interests at stake and the extent of the expectation of privacy, searches in the regulatory or administrative context may attract a lower standard of protection than searches in the criminal context.

It is important to bear in mind the interests involved and the potential for serious damage to persons, property or the environment, including the possibility of a pollution incident occurring if standards set for domestic commercial vessels are not adhered to.

Power to enter premises and vessels

Section 96 of the national law provides that a marine safety inspector may enter any premises that are not used as a residence to gain access to a vessel for specific purposes described in section 97(1) of the national law.

Section 97 of the national law provides that a marine safety inspector may board a vessel to ask questions under section 98 of the national law, for monitoring purposes, to issue an improvement notice or prohibition notice, to issue an infringement notice, to give a notice detaining a domestic commercial vessel or to give a direction under section 109 of the national law requiring a person to take certain steps.

It is possible that these powers will engage the right to privacy where a person has an expectation of privacy in relation to the vessel or premises. However, any interference with privacy authorised by these provisions is neither unlawful nor arbitrary.

Section 97(1) of the national law specifies the circumstances in which a marine safety inspector is empowered to board a vessel and section 96 of the national law sets out requirements for entering premises. These include showing an identity card or, if the marine safety inspector is a member of the police force, wearing a uniform and showing an identity card unless the inspector believes on reasonable grounds that to do so would endanger a person.

The power of marine safety inspectors under section 95 of the national law to require a person to take reasonable steps to facilitate the boarding of a vessel also attracts the right to privacy. However, the law clearly states the circumstances in which this is permitted. The power is essential to ensure that compliance monitoring and enforcement activities can occur as safely as possible and the requirement is not unreasonable.

In each case, the purpose of the entry power is to ensure that a marine safety inspector can ascertain whether statutory requirements have been satisfied. This is fundamental to the regulatory regime.

Other monitoring, compliance and enforcement powers

Vessel monitoring powers under section 99 of the national law include the power for a marine safety inspector to search the vessel and anything on it. Among other things sections 99(2) and (3) enable an officer to:

- search a vessel and anything on it;
- inspect, take extracts from or make copies of documents;
- require the master of the vessel, by any reasonable means, to stop or manoeuvre the vessel;
- require the master of the vessel to adopt or maintain a specified course or speed; and
- require the master of the vessel to take the vessel to a certain place.

The monitoring powers extend to requiring demonstration of or operating electronic equipment. The powers can be exercised whether or not the marine safety inspector has reasonable grounds for suspecting that there may be evidential material on the vessel.

If the marine safety inspector has reasonable grounds for suspecting that a thing on a vessel is 'evidential material', section 100 of the national law provides additional powers relating to that material.

The provision operates in this way. If in the course of undertaking monitoring activities in relation to a domestic commercial vessel an inspector believes that something is evidential material and that there is a serious or urgent need to exercise powers to preserve the evidential material, or it is otherwise impracticable to obtain a warrant, an inspector may take a sample of the material or to secure it for up to 72 hours or seize the material.

This power is limited to use in relation to a vessel which, because of its inherent mobility, may make obtaining a warrant impracticable — for example, if the vessel is in a remote area with no mobile telephone reception. Alternatively, the circumstances may require that action is taken immediately to ensure that evidential material is not lost or compromised.

The 72-hour statutory time limit appropriately circumscribes the section 100 power and provides a reasonable balance between a person's property and privacy rights and the need to secure compliance with marine safety laws.

Division 7 of part 6 of the national law contains additional restrictions on how an inspector can deal with material seized from a domestic commercial vessel. The restrictions ensure transparency in the exercise of powers. An inspector who believes on reasonable grounds that the power needs to be exercised without a warrant because it is not practicable to obtain one must give the national regulator a report describing the exercise of the power and the grounds for his or her belief.

The objective of the provisions is to promote marine safety by providing for a range of powers that can be exercised by

specially appointed officers (marine safety inspectors) for monitoring or enforcement purposes and for the effective administration of the regulatory regime.

This is an important objective which is underpinned by the public purpose of facilitating appropriate levels of marine safety and compliance in Victoria.

A marine safety inspector may also exercise the power to detain a vessel under section 101 of the national law. However, the power may only be exercised if the inspector reasonably suspects that the vessel is, will be or has been involved in a contravention of the national law.

The inspector is required to give notice of the detention and reasons for it to the person who holds the certificate of operation for the vessel or, if that person cannot be located, to the person who had possession or control of the vessel before its detention.

When exercising enforcement powers, a marine safety inspector may take samples of evidential material or seize a thing if the inspector believes on reasonable grounds that it is necessary to prevent its concealment, loss or destruction (under sections 100 of the national law for monitoring purposes and under section 105 of the national law for enforcement purposes).

If the marine safety inspector has reasonable grounds for suspecting that there may be evidential material on any premises, section 105 of the national law provides additional powers relating to that material if he or she enters the premises with the occupier's consent or under an enforcement warrant.

These include the power to search the premises and anything on the premises for evidential material and to operate electronic equipment on the premises. If entry to the premises has been authorised under an enforcement warrant, the powers include the ability to seize equipment.

These powers are necessary because promoting safety on the water extends to the need to inspect premises on the land which may contain evidential material relating to a domestic commercial vessel — that is, evidential material influencing marine safety outcomes. Accordingly, the powers are essential to the effective administration of the regulatory regime.

If a marine safety inspector believes on reasonable grounds that a person is contravening the national law in respect of a thing, section 109 of the national law allows the inspector to give directions requiring a person to take such steps in relation to a specified thing as are reasonable in the circumstances. The direction must be in writing, unless the inspector believes there is an urgent need to protect the safety of people or the environment.

Clear limitations apply before the powers to issue directions under sections 101 and 109 of the national law can be exercised. These include reasons of safety and public interest where there is a belief held by an officer on reasonable grounds that a contravention of the law has occurred. As a result, any interference with privacy authorised by the provisions is neither arbitrary nor unlawful.

Summary (compliance, enforcement and monitoring provisions engaging privacy)

The legal basis for the exercise of these powers is clearly prescribed in the relevant sections. They are sufficiently precise to enable an individual to regulate a marine safety inspector's conduct (*De Freitas v. Ministry of Agriculture* [1999] 1 AC 76). Masters, owners and operators of vessels who are the persons most likely to be subject to the exercise of these powers can reasonably be expected to be aware of them, having regard to their qualifications and the requirements for commercial vessel operation.

Further, the provisions are drafted with sufficient precision and contain appropriate safeguards to ensure that the degree of interference is proportionate to that objective.

As noted earlier in this statement, commercial vessels are inherently mobile and the nature of the commercial activities means that they do not necessarily follow any predictable pattern or timetable. A number of provisions therefore allow searches without the need for a warrant.

Monitoring and compliance activities often need to be undertaken as and when an opportunity presents, frequently while the vessel is at sea. The vessels may also be operating in geographically remote areas and with limited or no mobile telephone access. In these circumstances, obtaining a warrant can be impractical and may limit the regulator's capacity to undertake the regulatory role in a less restrictive manner. For this reason, the enforcement powers in the national law are appropriate and proportionate.

In summary, any permitted interferences with privacy are precise and circumscribed and the powers can only be exercised in controlled and prescribed circumstances. Prosecutions under the national law would be frustrated without these powers as evidence may not otherwise be obtainable and could be concealed or destroyed.

I am therefore satisfied that the regime is compatible with the right to privacy.

Warrant regime

Divisions 2 and 8 of part 6 of the national law, together with division 8, contain provisions relating to search warrants, supporting the national law search and seizure regime.

Different procedures and powers apply depending on whether the warrant is for monitoring or enforcement purposes. Some powers such as the power to require a person to facilitate boarding a vessel can be exercised with or without a warrant (division 2, subdivisions 2A and 2B of the national law). Other powers can only be exercised with consent or under a warrant (division 2, subdivision 2C).

A warrant issued under section 134 of the national law authorises the person named in it to enter premises and to exercise any of the powers contained in sections 103, 104, 106 and 107 (monitoring powers) and division 5 of part 6 of the national law (which sets out the obligations and incidental powers of marine safety inspectors when executing warrants).

A magistrate may issue a warrant under section 135 of the national law only if satisfied that there are reasonable grounds for suspecting that there is, or there may be within the next 72 hours, evidential material on the premises in relation to a suspected contravention of the law.

The statutory precondition for independently issued warrants operates to help prevent an unjustified exercise of the search powers under section 134 or 135 of the national law to use such force against persons and things as is necessary and reasonable in the circumstances.

I am satisfied that the warrant regime is consistent with the right to privacy. I am also satisfied the provisions are consistent with a person's property rights as there is no interference other than in accordance with law.

Adverse publicity orders

Section 158 of the national law provides that a court that finds a person guilty of an offence may make an adverse publicity order requiring the offender to publicise or notify specified persons of the offence, its consequences and the penalty. The order can only be made by a court and therefore attracts the safeguards for court proceedings, including a fair hearing. This information is likely to be on public record already as a consequence of open judicial proceedings.

To the extent that the right to privacy is engaged by this provision, I consider it is reasonably necessary to secure compliance with the regulatory regime. Adverse publicity orders are an important regulatory enforcement tool.

Use of force

Section 107 of the national law provides that in executing a warrant a marine safety inspector may use such force against persons and things as is necessary and reasonable in the circumstances.

Human rights require that the law and policies governing the use of force protect life to the greatest extent possible. The use of force is permitted in organised societies, provided it occurs within the framework of the law and with the objective of protecting public order, people's lives and property.

The use of force by a marine safety inspector executing a warrant engages a person's right to bodily privacy insofar as it may involve physical apprehension or restraint which is a form of interference.

Use of force can be lawful if it is clearly provided for by law, has the clear function of protecting the public and could be regarded as socially appropriate as is the case here.

Section 107 specifically authorises the use of force but limits its exercise to the circumstances contained within the terms of a valid warrant and to the extent that is both necessary and reasonable in the circumstances of the particular case. The exercise of the power is also limited to a specific time frame by the warrant.

Therefore, section 107 does not sanction an unlawful interference with privacy. Nor is the authorisation of use of force arbitrary.

I also note that a marine safety inspector is required to exercise his or her powers only in accordance with the terms of appointment. The appointment must be authorised under section 91 of the national law and is subject to the restriction that the national regulator cannot make an appointment unless it is satisfied that the person has suitable qualifications or experience to properly exercise the powers of an inspector. Delegations to TSV officers are also subject to authorisation by the Victorian safety director (see clause 20 of the bill).

Additionally, under section 91(5) of the national law, marine safety inspectors must act in accordance with the directions of the national regulator and comply with the national law, the Victorian application law (this bill), the *Marine Safety Inspectors Handbook*, the *Compliance and Enforcement Policy* issued by the national regulator and the *National Law — Compliance and Enforcement Protocol*. Training in all of these must be successfully completed by all marine safety inspectors. Victorian officers must also comply with the charter act as explained earlier in this statement.

These requirements ensure that use of the power is reasonable and not arbitrary. I consider the provisions appropriate and necessary for the proper regulation of domestic commercial vessels in Victoria and that any limitations on charter act rights are reasonable and demonstrably justified.

For completeness I note that while the ability to use force is part of the national law, it is not envisaged that officers engaged by Transport Safety Victoria (TSV) as delegates or subdelegates of the national regulator will ever use it. The operational approach in situations where force is likely to be required is for TSV to engage with Victoria Police as police officers are experienced in judging the need to use and the level of any force. Should the power be used by marine safety officers (most likely being members of the police force) its use would be neither unreasonable nor arbitrary.

TSV employs the majority of the marine safety inspectors in Victoria and the safety director can be expected to be familiar with the skills and expertise of those officers it is intended to authorise.

Right to property

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law. The right is engaged, if not necessarily limited, by a number of provisions in the national law.

As noted in respect of warrants, I have considered property rights in connection with the powers of marine safety inspectors relating to vessels.

As explained, an inspector may board any vessel without consent or warrant for monitoring purposes and for an enforcement purpose under section 97 of the national law. Sections 100 and 106 of the national law provide that while the marine safety inspector is on a vessel the inspector may seize anything that he or she believes on reasonable grounds is necessary to prevent its concealment, loss or destruction. Section 123 of the national law also permits a magistrate to order an extension of a retention period in respect of things seized and vessels detained.

To the extent that these provisions provide for deprivations of property, they are in accordance with law and are temporally limited. I consider that these powers do not limit the charter act property rights.

Right to a fair hearing

Under section 24(1) of the charter act, 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.

In *Kracke v. Mental Health Review Board & Ors (General)* [2009] VCAT 646, Bell J concluded that the right to a fair

hearing is not confined to proceedings of a judicial character and can apply to civil proceedings which are of an administrative character. Bell J noted in *Kracke*, that in assessing compliance with the right regard may be had to the whole decision-making process including reviews and appeals.

The national law may engage the right to a fair trial through the provision in part 7 of an infringement notice scheme. An infringement notice can be issued by an infringement officer for contraventions of an offence against the national law with a penalty of one-fifth of the maximum fine that a court could impose as a penalty for the offence.

However, the right is not limited because a person may elect to have the matter heard by a court (that is the person may pay a penalty as an alternative to prosecution). Infringement penalty processes are not generally considered to infringe the fair hearing right.

I have also considered the effect of the following provisions on the fair hearing right:

part 3 — general safety duties offences;

sections 39–46 — certificates of survey;

sections 49–52 — certificates of operation;

sections 61–70 — certificates of competency;

section 72 — varying, suspending or revoking a certificate;

part 8 division 1 — reviewable decisions;

part 8 division 7 — matters relating to evidence and proceedings etc;

section 143 — exemptions regime;

section 158 — adverse publicity orders;

chapter 9 — savings and transitional provisions;

section 123 — magistrate may extend retention period for seized or secured things.

In each case, I consider that the procedures provided in the bill, including the rights of appeal or review that are available, are appropriate to the nature of the particular interests that are at stake.

In my opinion, there are no incompatibilities with section 24 of the charter act.

Right to be presumed innocent

Section 25(1) of the charter act protects the right of a person charged with a criminal offence to be presumed innocent until proved guilty according to law.

Section 25(2) of the charter act also provides minimum guarantees in criminal offences.

Provisions engaging the section 25 right also tend to engage the section 24 right to a fair hearing.

Strict liability offences

The national law provides for a number of offences which are identified as strict liability offences. For strict liability

offences, the prosecution only has to prove the conduct of the accused for the offence to be made out.

However, where the accused produces evidence of an honest and reasonable, but mistaken, belief in the existence of certain facts which, if true, would have made that conduct innocent, it will be incumbent on the prosecution to establish that there was not an honest and reasonable mistake of fact.

The strict liability offences are contained in sections 13(4), 15(4), 18(4), 20(4), 22(4), 26(4), 32(1), 33(1), 34(1), 35(1), 36(1), 43(1), 44(1), 45(1), 46(1), 53(1), 54(1), 55(1), 56(3), 57(1), 65(1), 66(1), 67(1), 68(1), 69(1), 70(1), 83(1), 87(1), 88(1), 89(1), 89(2), 92(3), 93(1), 95(1), 102(1), 102(3), 109(3), 111(9), 112(2), 113(1), 126(1), 144(1), 145(1), 146(1), 155(1) and 161(4) of the national law. Because they are numerous I have summarised them below:

General safety duties

breach of safety duties in the circumstances described in sections 13(4), 15(4), 18(4) and 20(4) of the national law being the absence of intention, recklessness or negligence, (owner, master, crew, designer, supplier, constructor, manufacturer, repairer etc)

Accreditation

contravening a condition of accreditation (accredited person)

Assisting inspectors

failing to provide facilities to assist marine safety inspector (occupier)

Passenger offences

breach of duty to take reasonable care

failing to comply with direction

interfering or misusing a thing placing person at risk

preventing a master implementing a decision

unreasonably causing loss or destruction or serious damage

Owner, master offences

operating vessel without unique identifier or displayed unique identifier

interfering with unique identifier

operating without a certificate of survey

breaching condition of survey

operating without safe operation certificate

breaching condition of operation, including failure to notify of sale etc

failing to report death, serious injury, loss, or significant damage

failing to report marine incident within 72 hours

Person, owner, master offences

permitting performance of duties without certificate of competency

permitting performance of duties in breach of condition of certificate of competency

breaching exemption condition

Master offences

failing to keep official logbook

Person offences

failing to return identity card

making false representation of being a marine safety inspector

failing to give name, residential address, date of birth or evidence of identity

failing to act as directed

failing to comply with or display improvement or prohibition notice

tampering with improvement or prohibition notice

failing to provide name and address of owner or master

Strict liability offences are provided for in section 6.1 of the Commonwealth Criminal Code Act 1995.

Sometimes it is suggested that such offences are contrary to the fundamental right to be presumed innocent until proved guilty, as the person concerned is presumed to have committed the offence if they committed the act that constitutes the offence regardless of their intention to do so.

Importantly however, the imposition of strict liability will not criminalise honest errors and a person cannot be held liable if he or she had an honest and reasonable belief that they were complying with relevant obligations.

The explanatory memorandum which accompanied the commonwealth bill which became the national law states that it was drafted consistently with the principles contained in the *Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers* (the guide) developed by the criminal justice division of the commonwealth Attorney-General's Department. None of the proposed penalties exceeds 60 units which is regarded in the guide as appropriate for strict liability offences.

Marine safety is a unique environment and there are strong public safety and public interest reasons to ensure that the regulatory regime is observed.

These reasons support the need for strict liability offences and adequate penalties as a deterrent to unsafe behaviour. In particular, it can reasonably be expected that a commercial vessel master, operator or owner should know what the requirements of the law are because of his or her professional involvement. The rationale is that professionals engaged in commercial vessel activities operate as businesses seeking profit as opposed to members of the general public and can be properly expected to be aware of their duties and obligations.

It is equally important for the protection of persons and property that passengers and other persons obey instructions and directions when on, when boarding or disembarking a vessel.

The range of offences in the national law reflects the uniquely challenging regulatory environment of on-water activities and operations. There are significant volumes of activities and operations and the offences perform an important deterrent effect to minimise potentially unsafe behaviour. Other offences such as failing to provide identity details of a person or vessel prohibit behaviour which has the potential to undermine the integrity and proper working of the regulatory regime.

Where the prosecution has proved that a strict liability offence has been committed by an accused, the accused is required to prove certain matters. These are that the accused had considered whether or not certain facts existed and was under a mistaken but reasonable belief about those facts. Finally, the accused must prove that had those facts existed the conduct would not have constituted an offence.

It is generally accepted that the right to be presumed innocent can be subject to reasonable limitations. The limitations are rationally connected to their purpose of overcoming the difficulties of proving the state of mind of an accused.

The imposition of an evidential onus does not provide a reasonable alternative for structuring the offences. This is because if, for example, an accused was only required to point to evidence that he or she did not reasonably know, the burden would shift to the prosecution to prove beyond reasonable doubt that the accused did know or should reasonably have known. Proof of the state of mind of the accused in the context of the offences would be difficult.

For example, it would be an easy matter for an accused to point to evidence that he or she was not the owner of a vessel, the vessel was not in operation or that a vessel had been stolen.

Similarly, section 109 provides that it is an offence to fail to comply with a direction of a marine safety inspector where a reasonable belief is held that the direction is necessary for the safety of people (including themselves) or the environment or it is desirable in the public interest. It would not be difficult for an accused to indicate that the direction had not been given or because of the circumstances the direction was not reasonable.

The purpose of the limitations is to ensure that the prosecution is not placed in the difficult position of having to prove that a direction was within the scope of the area of business, activities or capabilities of the person accused.

The limitations require the accused to prove on the balance of probabilities to the contrary. The accused may discharge this onus by proving information that is peculiarly within the knowledge of the accused. It would not be difficult for an accused to establish the scope of his or her employment, or other activities and capability.

The purpose of the limitations is to ensure that persons operating vessels and passengers and other persons comply with marine safety requirements. The offences in the national law are needed to secure safety or are regulatory in nature and exist in relation to activities that are regulated in the interests of public safety and welfare. The purpose of the powers is to ensure that marine safety inspectors can ascertain whether

existing statutory requirements have been satisfied and that persons on vessels comply with safety requirements.

I consider it is appropriate that persons are found guilty of the offence if they are unable to establish the defence.

In my opinion, the provisions are compatible with sections 24 and 25 of the charter act and in each case, I consider that the procedures provided in the national law are proportionate and appropriate to the nature of the particular matters and interests that are at stake. Insofar as the provisions limit the right to be presumed innocent, in my opinion the limitations are reasonable and justified in accordance with the matters set out in section 7(2) of the charter act.

Evidential onuses

The national law contains a number of provisions which engage the right to be presumed innocent by providing for a defence of reasonable excuse:

section 95 — requirement to facilitate boarding;

section 98 — requiring a master to answer questions about the nature of the vessel;

section 102 — offence — not complying with requirement made in relation to monitoring powers under section 99;

section 106 — requiring persons on premises entered under warrant to answer questions and produce documents;

section 113 — notices not to be tampered with or removed.

Sections 16, 17, 35, 44, 46, 54 and 56 do not apply if the vessel is a hire-and-drive vessel being used wholly for recreational purposes and the master is the hirer of the vessel.

Under section 85, the national law permits a master to fail to comply with an obligation to render assistance where it is unreasonable or unnecessary to proceed to assistance of person in distress. Section 86 (the obligation to render assistance if requisitioned) contains a similar exception.

It is an offence under section 155 of the national law not to give information pursuant to a notice under section 154. However, it is not an offence if the person given the notice satisfies the national regulator that at the time of the conduct complained of the vessel had been stolen or wrongfully taken.

Pursuant to section 13.3 of the Criminal Code 1995 (cth), the accused bears an evidential burden in relation to these matters. That is, the accused must adduce or point to sufficient evidence to raise the excuse or exception.

In addition, clause 56 of the bill makes consequential changes to offences in the Marine Safety Act 2010 and inserts a section which provides that the master of a recreational hire-and-drive vessel must not operate the vessel at a speed or in a manner which is dangerous to the public, having regard to all the circumstances in the case. However, the provision does not apply to a person who is complying with a requirement under the national law. This amounts to an exception to the offence. When read in conjunction with section 72 of the Criminal Procedure Act 2009 these sections impose an evidentiary burden on the accused.

Once the accused has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised.

Further, the burdens do not relate to essential elements of the offences and are only imposed on the accused to raise facts which support the existence of an excuse or belief or knowledge.

Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused to raise a defence does not limit the presumption of innocence. A person cannot be convicted if the evidence establishes a reasonable doubt.

However, even if these provisions limit the right to be presumed innocent in section 25(1) of the charter act, the limitation would nonetheless be reasonable and justifiable under section 7(2).

The defences of reasonable excuse are provided for the benefit of the accused, relate to matters within the knowledge of the accused and, if the onus were placed on the prosecution, would involve the proof of a negative which would be very difficult to establish.

Evidentiary certificates

Section 156 of the national law contains provisions for evidentiary certificates to be given by the national regulator. For example, that a unique identifier applied to a vessel or stating the conditions to which a specified certificate was subject.

The certificates are prima facie evidence of the matters specified.

This provision engages the right to a fair hearing and rights in criminal proceedings, in particular the right to examine witnesses. However, the certificate is only prima facie evidence and may be rebutted by evidence to the contrary. The provision does not prevent an accused calling witnesses. The provision is a reasonable limitation on the rights and demonstrably justified given the nature of the matters about which a certificate may be given. A person cannot be convicted if the evidence establishes a reasonable doubt.

Evidential burden in respect of certain matters

Section 157 of the national law provides that the prosecution is not required to prove certain matters in the absence of evidence to the contrary. The matters are as follows:

- (a) that the defendant was the owner or master of a specified domestic commercial vessel at the time of the conduct constituting the alleged offence;
- (b) that a specified vessel is a domestic commercial vessel;
- (c) that a specified vessel of a specified person is subject to this law;
- (d) that a specified vessel is not exempt from a provision of this law;
- (e) that a message or signal was received by the master of a domestic commercial vessel, if:

- (i) the message was transmitted under this law by a prescribed person; and
- (ii) the vessel was located so as to be able to receive the message or signal;
- (f) that a specified vessel is a particular length or tonnage;
- (g) the time of sunrise and sunset in a particular location on any day, as published by the commonwealth Bureau of Meteorology established under section 5 of the Meteorology Act 1955.

These are all matters which, if wrong, should be easily susceptible to evidence by the accused. Once that evidence is produced, the burden shifts to the prosecution. It would be a costly and time-consuming exercise for the prosecution to produce positive evidence of each of these matters, and it is reasonable to alleviate the prosecution from the requirement to do so unless there is evidence establishing that the matters are genuinely in issue. If there is evidence to the contrary, which should be easy for an accused to raise or point to, the burden is then on the prosecution to prove the matters and an accused cannot be convicted if the evidence establishes a reasonable doubt.

To the extent that the provisions limit the presumption of innocence I consider that the limits are reasonable and justified.

Power to direct answers etc

Clause 90 of the bill provides general marine related inspection, inquiry and search powers. These powers are in addition to those in part 6 of the national law which are discussed elsewhere.

Clause 90 amends section 228ZBA of the Transport (Compliance and Miscellaneous) Act 1983 (the TCMA). It enables a transport safety officer to direct the master or owner of a vessel to supply information, answer questions or produce documents for the purpose of determining whether the vessel is a domestic commercial vessel within the meaning of the national law.

Failure to comply is an offence under existing section 228ZBA(3) of the TCMA, without reasonable excuse. Subsection (4) provides that it is a reasonable excuse if the direction was unreasonable. Subsection (5) provides that it is a defence if the person charged proves on the balance of probabilities that the direction or its subject matter was outside the scope of the business or other activities of the person.

These provisions will apply to the new power to be provided under clause 90 of the bill. The compatibility of the existing provisions with the right to be presumed innocent has already been analysed in the statement of compatibility in respect of the Marine Safety Act 2010. I do not consider that the additional provisions of clause 90 alter this assessment. I consider that the onuses placed on an accused by these provisions are compatible with the right to be presumed innocent. To the extent that they limit the right, the limitations are reasonable and justified under section 7(2) of the charter act.

I also consider that the information required to be given under clause 90 is unlikely to include information of the type protected by the rights to privacy and freedom of expression.

To the extent the rights may be relevant, I consider that any interference with privacy or with free expression is reasonable and demonstrably justified. The ability to determine whether a vessel is a domestic commercial vessel or a recreational vessel is fundamental to the determination of which regulatory regime (national or Victorian) applies.

Right not to be tried or punished more than once

Section 26 of the charter act provides that a person must not be punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

Section 6 of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 clarifies the relationship between the national law and the bill and provides that the national law is intended to apply subject to a list of specific exemptions to the exclusion of a law of a state or territory that relates to marine safety so far as it would otherwise apply.

This is complemented by clause 11 of the bill which provides that an offender is not liable to be punished in respect of both an offence against the national law and an offence against the bill. I consider that clause 11 would be read as including where a person has been acquitted of an offence against the national law or the bill.

For this reason, I consider there is no double jeopardy against the Victorian provisions.

The national law permits payment of a specified amount on issue of an infringement notice for the purposes of section 138 of the national law. On payment of this amount, the person will not be liable to be prosecuted for an offence or be liable to proceedings for a civil penalty for the contravention that led to the infringement notice.

Accordingly, the bill is compatible with the right not to be tried or punished more than once for the same offence.

Freedom of movement/liberty

This right may be engaged by exercise of the powers in sections 99 and 154 of the national law which allow a marine safety inspector to detain a person long enough to obtain a person's name and address (whether or not his or her own). Section 107 of the national law empowers a marine safety inspector to use such force against persons and things as is necessary and reasonable in the circumstances when executing a warrant. It is unlikely that these powers would amount to detention or deprivation of liberty under section 21 of the charter act.

In these cases, the nature of the powers and the circumstances of their exercise both ensure that the limit is transitory. This is because detention in the exercise of search and seizure powers for monitoring or enforcement purposes would ordinarily be for a few minutes only. In addition, the power can be exercised for the purposes of investigating whether a contravention of the law has occurred or in accordance with a warrant. The exercise must further be in accordance with guidelines and procedures in which the marine safety inspectors must have received training.

To the extent that the provisions in sections 99, 154 and 107 of the national law are limitations on the right to freedom of movement, they are specifically authorised in the national law and I consider they are reasonable and justified under

section 7(2) of the charter act. They are accordingly compatible with the charter act rights.

Privilege against self-incrimination

A number of provisions in the national law engage the privilege against self-incrimination.

Sections 87 and 88 require the reporting of marine incidents to the national regulator. It is possible that, in some cases, the information required to be reported will lead to a prosecution, including against the person who made the report. It is imperative for safety reasons that such incidents are reported and it is a necessary implication of the provisions that a person cannot refuse or fail to report a marine incident on the ground of self-incrimination. However, to the extent that the right not to testify against oneself in section 25(2)(k) of the charter act is limited, I consider it is reasonable and justified.

Section 87 requires that masters keep certain records, including receipt of information that a person is in distress on a vessel and whether he or she proceeded to the assistance of the person. Ultimately, those records may be the subject of a search or seizure and could end up being used against the person.

However, to the extent that the requirement to keep these records limits the right not to testify against oneself I consider that they are reasonable and justified. It only applies to masters who voluntarily enter this regulated industry, and is necessary in order to ensure compliance with the obligations of vessels to assist others in distress. Given the serious risk to life if these obligations are not complied with and the importance of prosecuting those who breach their obligations, I consider these provisions are reasonable and justified.

I also note that the coercive questioning powers in sections 98 and 106 more directly engage the right not to testify against oneself. However, there is no express abrogation of the privilege against self-incrimination in the national law provisions and, therefore, a claim of privilege would be available. For sections 98 and 106 the commonwealth explanatory memorandum notes that a 'reasonable excuse' would include a claim of privilege against self-incrimination.

Conclusion

I consider that the bill which adopts the national law for domestic commercial vessels is compatible with the Charter of Human Rights and Responsibilities Act 2006 because, while it raises human rights issues, any limitation on human rights are demonstratively justified for the purposes of section 7(2) of the charter act.

Matthew Guy, MLC
Minister for Planning

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 prime purpose of this bill is to provide for a scheme for the national regulation of commercial vessels, including the establishment of a national marine regulator, in accordance with the state's intergovernmental obligations.

Together with recent national legislation, the bill makes the most significant changes since settlement to the way small commercial craft are regulated in Victoria. The bill does this by facilitating a historic shift in responsibility from states and territories to the commonwealth.

Regulatory control of all commercial vessels in Australian waters, including certification of vessels and their crew and controls on equipment and operations, was originally the responsibility of colonial governments and later became the province of states and territories following federation in 1901.

These responsibilities changed in the early 20th century with the establishment of a national marine statute — the Navigation Act 1912 — which gave the commonwealth control of commercial vessels on overseas or interstate voyages, effectively the largest vessels on our waters.

From that point the commonwealth largely regulated three different types of commercial vessels; first, trading vessels carrying passengers or cargo for hire or reward on overseas and interstate voyages; second, vessels supplying services to those ships like tugs and tenders; and third, fishing vessels on overseas voyages.

The states and territories kept responsibility for smaller and mostly local commercial vessels operating within their boundaries or relatively close to the shore or coast including small passenger and trading vessels as well as fishing vessels on interstate and domestic voyages. The states and territories also retained control of vessels operated by government agencies like police and emergency services and fisheries and wildlife as well as vessels used for purely recreational purposes.

This essentially remains the jurisdictional position in marine in Australia today, having been confirmed as part of the nation's arrangements in the late 1970s through the offshore constitutional settlement. Part of the reason for the power sharing no doubt reflected previous limitations on the powers of the national government. It was probably also relevant that only around 440 vessels across Australia, or about 1.6 per cent of the national commercial fleet at last count, actually shift operations between states and territories each year on average. As a result, the smaller vessels were probably regarded for much of the nation's history as being of local interest only.

This is not to say that the federation was inactive in ensuring that commercial vessel standards remained high nationwide and, as far as possible, harmonised. On the contrary, governments, ministers and marine agencies around the country conducted projects over many years to improve Australia's marine safety standards and to facilitate the consistency and uniformity of vessel and operational requirements.

The progressive development and implementation of the National Standards for Commercial Vessels by the National Maritime Safety Committee, for example, is evidence of successes achieved through cooperative federalism. Further, substantial progress was made on the harmonisation of regulatory practices as shown by the unanimous approval of

the National Standard for Administration of Marine Safety by the former Australian Transport Council.

Today, Victoria has around 1465 domestic commercial vessels on our waters. The vessels are found in all parts of the state from the ports of Lakes Entrance and Portland to the Yarra River in Melbourne and our regional lakes, rivers and coastline. The vessels vary widely in nature and purpose and include fishing craft, passenger and trading boats, houseboats and a wide range of other small and medium-sized vessels. Many of the vessels are operated by their owners while others are hired to members of the public.

Pleasingly, the safety performance of this commercial fleet is generally good and I note that incidents, including those involving deaths and injuries and other serious consequences like major property damage and environmental impacts, are thankfully rare.

The jurisdiction-based nature of land and water transport regulation in Australia has been a concern of interests who have advocated for the adoption of national systems for some years. The basis of the concerns has centred primarily on views that state and territory systems impede national efficiency and hold back improvements in regulatory outcomes.

In June 2009, the Council of Australian Governments (COAG) agreed to pursue national regulatory schemes, including dedicated regulators for the marine, heavy vehicle and rail sectors in addition to a national rail investigator. COAG's decision in marine was to develop a national scheme to transfer state and territory regulated commercial vessels to the commonwealth for certification and standards purposes. The Australian Maritime Safety Authority (AMSA) was also positioned to become the national regulator for all commercial vessels operating in Australian coastal and inland waters.

COAG members including the Premier of Victoria later signed intergovernmental agreements in August 2011 which set the structures and procedures for the rollout of these proposals across the country by early 2013. Overall, the measures form part of a broader COAG project that seeks to improve the nation's economic outcomes by aiming to reduce costs to business in complying with regulation and by assisting labour mobility.

Victoria supports these schemes and the bill before the house enables the national marine initiative to take full effect across the state.

The national marine scheme

The national proposal is structured as a commonwealth scheme and that jurisdiction enacted a national statute last year to provide the platform for the scheme and the powers of the national regulator.

However, the scheme is largely founded on the corporations and external affairs powers in the commonwealth constitution. While these powers as currently interpreted can found the transfer of over 90 per cent of Victoria's commercial vessel fleet, the powers are insufficient to support a national statute which seeks to regulate vessels which are not owned by corporations and which operate on inland waters.

Retaining a separate state-based regulatory regime for a small percentage of the commercial vessel fleet sector is not

tenable. A state bill is therefore needed to transfer those Victorian regulated vessels that the commonwealth cannot cover under its own powers. This effectively translates to around about 100 vessels operating on the inland waters of the state.

The intergovernmental agreement for the national scheme requires that the commonwealth and states and territories use an applied or template laws approach. This adoption method requires the host jurisdiction to pass a law which other states and territories apply locally by passing application legislation. As noted, the commonwealth has already enacted the national law for the scheme and therefore the prime work of the Victorian bill is simply to apply that national law as the law of this state to capture the remaining vessels in the national scheme.

The bill is generally straightforward. It includes substantive stand-alone provisions including clause 4, a key provision which applies the commonwealth law. It also amends Victoria's Marine Safety Act 2010 to modify its coverage and makes appropriate modifications to other local statutes.

Coverage issues

The national marine regulation scheme was in development for almost four years. Intergovernmental negotiations on the model were challenging at times, particularly when they touched on the types and numbers of vessels to be covered by the proposal.

Honourable members should bear in mind that commercial vessels are subject to higher red tape and cost burdens than recreational and government vessels, including in respect of certification, safety management and operations systems, equipment and crewing. As a result, it is imperative that a sound case is made for including any new vessels in the 'commercial' category.

Victoria has traditionally classed fewer vessels as commercial than have other states and territories. Accordingly, if the meaning of commercial vessel is broader under the national scheme than under existing local settings, red tape and costs for businesses and other affected persons increase in this state as a result.

I am pleased to advise the house that the government has been very active in the national scheme negotiations in seeking to ensure that the scope of the scheme remains appropriately confined.

For example, the former Premier, the Honourable Ted Baillieu, MLA, was successful in curbing the scope of the scheme during the COAG negotiations in August 2011 which led to the signing of the intergovernmental agreement. Prior to that point the scheme had classed any vessel owned by a corporation, including recreational vessels owned by clubs and schools, as commercial thereby potentially increasing red tape for an additional 3500 vessel owners across Victoria.

In addition, the former Minister for Ports was able to negotiate an arrangement through the Standing Committee of Transport and Infrastructure (SCOTI) in May 2012 to make sure that any commonwealth regulations which changed the meaning of 'commercial vessel' in the national law, and therefore the coverage of the scheme, needed to be approved unanimously by the nation's transport ministers rather than being largely left to negotiation by agency officials.

Nonetheless, it needs to be acknowledged that the final national scheme casts a broader regulatory net than Victoria's existing arrangements. The commonwealth law, for example, classifies all hire-and-drive vessels operating in state and territory waters as 'commercial', including non-powered vessels for the first time.

This means that local businesses which hire rowboats, kayaks, canoes and pedal boats are to be caught by the national scheme and treated as 'commercial' even though those vessels are used solely for recreational purposes. A number of government and search-and-rescue vessels are also included in the scheme, although I note that advice from the Department of Transport, Planning and Local Infrastructure and Transport Safety Victoria supports that outcome.

In respect of other matters arising from the negotiations, I note too that at one point the proposed national scheme law would have had the effect of excluding the operation of state and territory occupational health and safety laws. This was due to the wording of the then draft law and the effect of the inconsistency provision of the federal constitution, section 109.

I am pleased to advise that this risk was averted as a result of a settlement negotiated through SCOTI by the former Minister for Ports that explicitly preserves the operation of these important state safety laws and which enables the oversight of WorkSafe to continue in workplaces in our commercial marine sector.

It is necessary to note that some general duty offence provisions in the national law include a requirement to prove that offenders demonstrated mental elements such as intent and recklessness. For the most part, this is not required under occupational health and safety law which is predominately based in negligence and does not generally require proof of mental state.

The national approach could have substantially reduced the effectiveness of the OHS general safety duties and caused compliance uncertainty for business. However, these risks were averted through the inclusion of provisions, at Victoria's request, that make it clear that local occupational health and safety laws prevail despite any inconsistency with the national law.

Some other details of the national scheme are still to be settled and are proposed to be developed over time. The foreshadowed use of private surveyors to inspect and certify vessels, for example, is a potentially contentious proposal. This proposal must be developed carefully if the scheme is to preserve and improve existing safety levels and avoid unnecessary cost increases for businesses.

Like all jurisdictions other than Queensland, Victoria currently uses government surveyors to certify the safety of commercial vessels. While the government obviously welcomes private sector involvement in regulatory schemes, that involvement has to be appropriate and must be managed carefully to achieve the right public policy results.

The private surveyor proposal is still under development but, pleasingly, I note that it is another key aspect of the national scheme that must be approved unanimously by ministers as a result of Victoria's work in the SCOTI process.

Finally, as was noted when counterpart national marine scheme application legislation was introduced into the NSW Parliament, the costs of the national scheme to state and

territory governments are higher than the costs of Victoria's existing regulatory system. This is undesirable and, as a result, the government is committed to pursuing reductions in the costs of the national scheme, including by requiring the national regulator to deliver efficiency gains as part of the budget approval process overseen by SCOTI.

The national scheme is complex and a few matters remain to be adjusted and are being worked through with the commonwealth. These include avoiding potential increases in red tape where there is likely to be little or no benefit. The work will also put beyond doubt the continuation in Victoria of important laws relating to culpable driving of a vessel causing death or injury — Casey's law — brought in following the tragic death of 18-year-old Casey Hardman at Eildon on 28 December 2008. We supported that proposal in opposition when it was brought forward by the former government. I am pleased that the commonwealth has agreed to resolve these matters, including by making changes to draft regulations and marine orders under the national law.

Finally, members will note that the bill includes a range of fees for matters relating to commercial vessels and related regulatory services. The national scheme requires that fees for these matters continue to be set by states and territories rather than centrally by the commonwealth. The approach taken in Victoria has been to set the fees in the bill at their existing levels.

There are benefits to the national scheme which centre on measures to address some legitimate industry concerns about differing regulatory practices among some states and territories that can increase compliance costs for those operators who move between jurisdictions. While the existing differences are generally small and steps were well advanced at national level to deal with them, the advent of the national scheme and the national regulator should speed resolution of the matters and benefit affected businesses.

The practical impact of the national scheme over time should be that marine standards become more uniform and become more consistently applied across the country. This has potential to assist some marine industry parties, particularly commercial vessel owners with operations in more than one state or territory and some vessel designers and builders.

The bill applies the national law as the law of Victoria. I note that the national law has been heavily influenced by Victoria's marine safety laws which are the most modern in the country. The national law adopts many of the key features of our laws such as safety duties, certification of safe operations and most of the state's compliance and enforcement powers and sanctions.

Matters remaining under local regulation

Members should note, however, that that national law does not provide a holistic scheme for the regulation of commercial vessels. As a result, it does not fully replace state and territory laws and local statutes like the Marine Safety Act which continue to apply in part to commercial vessel operations across the state. Examples of key things that remain regulated by local laws include waterway operations, pilotage requirements and drug and blood alcohol controls.

Measures like the reforms made by the government's recent Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012 are not to be affected by the national scheme and will continue to keep the state of Victoria at the forefront of safety.

Accordingly, Victoria's zero blood alcohol limit for operators and masters of commercial vessels and rigorous drug assessment and testing regimes will still apply while those vessels are in our state waters.

Finally, I note that the bill contains transitional arrangements that help the commercial marine industry move to the national scheme so that persons and vessels operating under current state or territory legislation can continue operations when the national scheme commences.

As mentioned, the Australian Maritime Safety Authority or AMSA is the regulator for the national scheme and it had a central policy role in developing the proposal. However, the scheme does not envisage AMSA having a substantial day-to-day administration role. Instead, the intergovernmental agreement provides that AMSA will delegate most of its new powers back to existing state and territory regulators who will administer the framework on the ground. As a result, many operators are unlikely to experience significant changes, at least in the early stages of the scheme.

Conclusion

It goes without saying that the Victorian government is committed to ensuring that marine safety standards in Victoria remain high. As required by existing local statutes, the government's aim is simply to make sure that all transport safety levels, including in the marine sector, are not only maintained in our state but continue to improve over time where practicable.

At the same time as maintaining and improving safety, we must also make sure that marine safety is regulated as efficiently as possible. This means reducing unnecessary red tape and costs to operators and facilitating the national and state and territory economies including Victoria's and local regional economies as well.

This is a key issue for AMSA to bear in mind as the new scheme is rolled out. Many commercial marine operators in Victoria operate on tight margins and their operations are sensitive to increases in red tape and other costs. Constraining those matters is therefore essential to avoiding harsh and unnecessary effects on individuals, businesses and communities.

The scheme facilitated by this bill is the culmination of work over almost four years by transport ministers, Council of Australian Governments members and transport department and marine safety regulatory staff across the country.

The new arrangements have been sought by areas of industry and by some governments and, as a result, they come with high expectations that they will deliver substantial safety and efficiency improvements.

Victoria simply wants the initiatives to deliver what they have promised — that is, improved marine safety in Victoria and across the country, and reduced red tape for the commercial marine industry in Victoria and across the country.

Victoria supports this national scheme and we wish it well.

I commend the bill to the house.

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

Debate adjourned until Thursday, 6 June.

**BUILDING AND PLANNING
LEGISLATION AMENDMENT
(GOVERNANCE AND OTHER MATTERS)
BILL 2013**

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), 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 (charter act), I make this statement of compatibility with respect to the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013.

In my opinion, the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013 ('the bill'), as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Building Act 1993 and the Architects Act 1991 to introduce a new governance framework for the building industry by establishing the Victorian Building Authority (VBA) as the regulator of the building and plumbing industries. In the interim, the VBA will replace the Building Commission (BC) and the Plumbing Industry Commission (PIC). Further reforms will see the VBA also replace the Architects Registration Board of Victoria (ARBV), the Building Practitioners Board (BPB) and the Building Appeals Board (BAB).

Human rights issues

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

Clause 5(1)(b) of the bill

Recognition and equality before the law (section 8 of the charter act)

Clause 5(1)(b) of the bill amends section 207(2) of the Building Act 1993 (the act) to provide for a member of the Building Advisory Council (BAC) to be nominated by the Building Designers Association of Victoria Inc. (BDAV). The BDAV is an industry body. It is an incorporated association which acts for building design professionals and is registered under the Victorian Associations Incorporation Reform Act 2012.

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination.

Clause 5(1)(b) of the bill (when considered in isolation from the rest of the act), draws a distinction between people or groups of people based on 'industrial activity'. Industrial activity is an attribute prescribed in subsection 6(f) of the Equal Opportunity Act 2010.

Section 4 of the Equal Opportunity Act 2010 defines industrial activity to mean, amongst other things:

- (a) **being or not being a member of**, or joining, not joining or refusing to join, an industrial organisation or industrial association; [emphasis added]

For the purposes of the Equal Opportunity Act 2010, the BDAV is characterised as an industrial organisation. This means that any legislation which draws a distinction between people who are, or alternatively, who are not, members of the BDAV, is a distinction drawn on the basis of an attribute prescribed in section 6 of the Equal Opportunity Act 2010.

The purpose of clause 5(1)(b) of the bill is to enable the appointment of a member of the BAC who is nominated by the BDAV. The legislative intent of this provision is to allow the BDAV to nominate a person for appointment to the BAC who can best represent the knowledge, skills and experience of its member base (building design professionals) to assist the BAC to efficiently and effectively fulfil its statutory functions. Such a person is likely to be, themselves, a member of the BDAV.

While this amendment imposes differential treatment on members of the BDAV, this differential treatment is obviously not unfavourable to BDAV members. On the contrary, clause 5(1)(b) of the bill provides BDAV members with a favourable opportunity to convey the knowledge, skills and experience of members of the BDAV to assist the BAC to fulfil its statutory functions under the Building Act 1993. As such, this amendment does not discriminate against BDAV members (as defined in sections 8 and 9 of the Equal Opportunity Act 2010).

However, clause 5(1)(b) of the bill, when viewed in isolation from the rest of the membership provisions for the BAC (as contained in subsection 207(2) of the act), could be said to discriminate against people who are not members of the BDAV. This is because clause 5(1)(b) of the bill effectively only provides for nominations of BDAV members. This distinction could be classed as unfavourable to people who are not members of the BDAV and therefore discriminatory.

Allowing the BDAV to nominate a person for appointment to the BAC is critical for the BAC to effectively and efficiently carry out its building-specific advisory functions in a manner that is sensitive to the current composition and interests of Victoria's building industry. This, together with the capacity for non-industry association and/or organisation members to be appointed as members of the BAC under the act, means that the criterion in clause 5(1)(b) of the bill is justified under the charter because it is reasonable and the aim of the differentiation is to achieve a legitimate purpose — the effective and efficient fulfilment of the BAC's statutory functions.

Notwithstanding this, it is important to note that when the eligibility criteria for membership of the BAC (as contained in subsection 207(2) of the current act) are viewed collectively (in conjunction with clause 5(1)(b) of the bill), these criteria are broad enough to allow the appointment of non-BDAV members to the BAC (in addition to the appointment of people who are not members of any other industry associations and/or organisations). This means the entirety of the eligibility criteria for membership of the BAC (now and after the amendment act is made) is consistent with section 8 of the charter act.

Similarly, as clause 5(1)(b) of the bill treats BDAV members differently and more favourably from non-BDAV members as it makes possible the appointment of a BDAV member to the BAC, this is relevant to section 16 of the charter act.

Section 16 protects the right of all persons to voluntarily group together for a common goal and to form and join an association. It applies to all forms of association. For similar reasons to those outlined above, and as there is no compulsion for individuals to join the BDAV, clause 5(1)(b) of the bill does not limit this right.

Clauses 9 and 12 of the bill

Privacy and reputation (section 13 of the charter act)

Upon the commencement of the bill, the Building Practitioners Board (BPB) will be responsible for registering building practitioners and the Victorian Building Authority (VBA) will be responsible for registering/licensing plumbing practitioners.

Clauses 9 and 12 of the bill require applicants for registration and/or licensing as builders or plumbers ('applicants') to provide to the BPB or the VBA (as applicable) an authorisation signed by the applicant for the BPB/VBA to conduct a national police record check on the applicant in connection with the consideration of the application.

Section 13 of the charter act is relevant given that clauses 9 and 12 of the bill require disclosure to the BPB/VBA of an applicant's personal information in the form of past convictions.

Clauses 9 and 12 of the bill place clear and precise limits on when the BPB/VBA may conduct police record checks on applicants. As such, the bill does not give broad discretions to the BPB/VBA which authorise interference with the privacy of applicants.

The disclosure of convictions by means of police record checks in the registration/licensing process for plumbers and builders as authorised by clauses 9 and 12 of the bill will not be arbitrary.

Police record checks can only be conducted by the BPB/VBA when considering whether to refuse or grant an application for licensing or registration as a builder or plumber.

Therefore clauses 9 and 12 of the bill are consistent with section 13(a) of the charter act because these clauses do not unlawfully or arbitrarily interfere with a person's privacy.

Clause 4 of the bill

Taking part in public life (section 18 of the charter act)

Clause 4 of the bill (which inserts new section 201 into the act) will provide eligibility criteria for the recommendation and appointment of members to the VBA board.

The VBA board is a proposed statutory board to be established by the Building and Planning Legislation Amendment (Governance and Other Matters) Act 2013.

Once established, the board will be characterised as a 'public entity' under section 5 of the Public Administration Act 2004 which provides a framework for good governance in the Victorian public sector and in public administration generally.

The bill will require the minister to take into account certain eligibility criteria when recommending a person to the Governor in Council (GIC) to be appointed as a member of the VBA board. Persons not meeting these criteria will not be recommended for appointment.

The criteria, which will apply collectively to the members of the VBA board will include skills, experience or knowledge relating to:

- building;
- plumbing;
- architecture;
- consumer interests;
- dispute resolution;
- insurance matters;
- financial management;
- law;
- public administration; and
- the administration of regulatory regimes.

New section 201(2) of the act, to be inserted by clause 4 of the bill, establishes eligibility requirements for membership of the VBA board. These criteria limit a person's eligibility for recommendation for appointment to the board which, in turn, also limits a person's right to take part in public life as a VBA board member under section 18 of the charter act. However, any limits are reasonably justifiable.

The creation of the VBA is the first step in improving the governance and administration of the building industry, including addressing those matters recently identified by the Victorian Auditor-General's Office and the Victorian Ombudsman.

The establishment of the VBA will introduce a more streamlined, less fragmented regulatory system that better services the needs of builders, plumbers, architects and consumers.

In order for the VBA to have the confidence of consumers and industry and deliver effective and efficient regulatory outcomes, it will be critical that it is structured, governed and managed in such a way that it discharges its responsibilities with integrity, honesty and objectivity, adhering to high standards of propriety and probity.

The bill will establish the VBA as a corporate entity that is governed by a board of at least five members — the chair,

deputy chair and at least three commissioners. The board will collectively have responsibility for the effective and efficient administration of the regulatory regimes governing the building and plumbing industries and the architecture profession, consumer protection, dispute resolution, the financial management of the VBA, industry-specific insurance matters and the administration and governance of the VBA. These responsibilities reflect the eligibility criteria that must be taken into account by the minister when recommending that a person be appointed to the board of the VBA.

The purpose of imposing eligibility criteria on the appointment of VBA board members is to ensure the board of the VBA is comprised of individuals who collectively possess the skills, experience and knowledge necessary to efficiently and effectively exercise the functions and powers of the VBA.

Clauses 8 and 11 of the bill — review of certain decisions by the Victorian Civil and Administrative Appeals Tribunal

Fair hearing (section 24 of the charter)

Clause 8

Inserts a new section 25J into the Building Act 1993, which re-enacts the substance of section 143(1A) of the act, amending the forum for review from the Building Appeals Board (BAB) to the Victorian Civil and Administrative Tribunal (VCAT). This provision provides that a person to whom a decision of the Building Practitioners Board under division 3A of part 3 applies may appeal to the VCAT against that decision or a failure of the board to make a decision under that division.

Clause 11

Clause 11 of the bill inserts a new section 182A into the act which outlines who can apply to VCAT against the decisions of the Building Practitioners Board.

Section 24 guarantees the right to a fair and public hearing.

The bill does not alter any rights of appeal or review under the Building Act 1993, it simply substitutes, in certain instances, the forum for review of certain decisions made by the BPB. Under the old act these decisions were reviewed by the BAB. Under the new act, these decisions will be reviewed by VCAT.

This appellate forum change is consistent with section 24 of the charter act. It promotes a fair and public hearing in a tribunal that is 'competent, independent and impartial' and whose orders (decisions) are public. As such, clauses 8 and 11 of the bill are consistent with, and enhance, section 24 of the charter act.

Conclusion

I consider that the Building and Planning Legislation Amendment (Governance and Other Matters) Bill 2013 is compatible with the charter act because, to the extent that it may limit human rights in that charter act, those limitations are both 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 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:

This bill introduces important reforms to the building regulatory system in Victoria, which has remained largely unchanged from the major reforms of 1993 that established the Building Commission and introduced private building surveyors. The bill brings together a package of reforms to the building system that will deliver strong and effective governance across the entire building industry.

The aim of the bill is to improve the regulation of building practitioners and plumbers and to establish a regulatory system that meets current-day requirements.

The objective of the bill is to amend the Building Act 1993 to:

Establish the Victorian Building Authority and abolish the Building Commission and the Plumbing Industry Commission.

Establish an independent governing board and provide for the appointment of a chief executive officer.

Provide for practitioner appeals of decisions of the Building Practitioners Board to be heard by the Victorian Civil and Administrative Tribunal.

Strengthen the disciplinary powers which will in the short term be powers of the Building Practitioners Board. These powers will be further strengthened and in the second stage of reform will become powers of the Victorian Building Authority.

Commence the alignment of the regulation of architects into the Victorian Building Authority framework.

It is important to understand that the establishment of the Victorian Building Authority is only one component of a package of reforms to the building system that the government will be progressing to improve the building system in Victoria. The reforms commenced by this bill provide the strong governance framework required to underpin the next stage of reform.

The establishment of the Victorian Building Authority as the single integrated regulator is necessary to underpin the planned reforms, particularly our intention to improve consumer protection for domestic building.

The changes in this bill will provide the framework by which the building industry in Victoria can be well regulated by a regulator that is focussed on its core job as regulator. They are designed to underpin the government's response to the findings of the Victorian Auditor-General's Office and the Victorian Ombudsman, both of whom have released reports critical of the current regulatory system in Victoria. These

reforms (the first stage of the major reform program) are designed to fix these problems and ensure that we have a transparent and accountable regulator that delivers on best practice regulatory outcomes.

Industry and consumers are supportive of the need for reform. The establishment of the Victorian Building Authority provides significant opportunity to improve Victoria's building industry and to increase collaboration between the architecture, building and plumbing industries.

These reforms (again, as the first stage of the major reform program) will improve the building system and contribute to the government's broader vision for Victoria into the future.

I shall now outline the major provisions of the bill.

Establishment of the authority and the governance framework

The bill establishes the Victorian Building Authority as the new regulator and single point of governance for the building and plumbing industries. The Victorian Building Authority replaces the Building Commission and the Plumbing Industry Commission.

The authority will be established with an independent board of commissioners appointed by the Governor in Council on the recommendation of the minister. It will be constituted by a minimum of five members, comprising a chair (chief commissioner), deputy chair (deputy commissioner) and at least three other members.

The board will be responsible for the strategic directions, operational policies, priorities and strategies in line with the government's expectations of regulators.

It is critical to the success of the authority that the board is comprised of individuals with appropriate skills and expertise to authoritatively lead the authority. The bill introduces specific criteria for board members to be appointed with expertise in regulatory administration, public administration or corporate governance, financial management, law, building plumbing architecture, consumer protection or dispute resolution or specific insurance matters related to the building, plumbing and architecture industries.

This provision is strengthened by the requirement that two board members will be nominated for appointment by my colleagues the Minister for Consumer Affairs and the Minister for Finance.

These requirements will assist in establishing a highly skilled board that is well equipped to lead this new authority during its transitional and establishment phase.

The bill also provides for the establishment of the position of chief executive officer. The chief executive officer will be:

appointed by the authority with the approval of the minister;

responsible for the day-to-day management, the organisational structure and administration of the Victorian Building Authority;

accountable to the board in ensuring that the authority delivers on best practice regulatory outcomes.

To enable the Victorian Building Authority to be operational from 1 July 2013, the bill includes transitional provisions to enable the minister to appoint the first chief executive officer.

To maintain the appropriate degree of separation of corporate governance and operational management, the chief executive officer will not be able to hold positions on the board, the Building Advisory Council or the renamed Plumbing Advisory Council. Nor will the chief executive officer be able to hold a position on the Building Appeals Board, Building Practitioners Board or the Building Regulations Advisory Committee.

The Public Administration Act 2004 will apply to the new authority, which will provide for an additional degree of good governance for the authority. However, the bill retains the flexibility to allow the authority to employ staff outside the public sector to ensure that it can fulfil its role effectively. This is particularly critical in the area of audit and compliance monitoring.

The advice and views of industry stakeholders on the building industry are held in high regard by the government. For this reason we are retaining the Building Advisory Council and the Plumbing Industry Advisory Council. The Plumbing Industry Advisory Council is being renamed the Plumbing Advisory Council for consistency. The government recognises the dynamic nature of the building industry, the changing roles of professionals and the changing needs of consumers for different skills and approaches in design and project management. For these reasons, the bill also provides for additional membership of the Building Advisory Council which will now also include a member nominated by the Building Designers Association of Victoria Inc.

Powers and functions of the Victorian Building Authority

The bill provides for the transfer of all the powers and functions of the Building Commission and the Plumbing Industry Commission to the Victorian Building Authority, except for the power to accept any gifts or donations.

The new authority will have all the powers necessary to fulfil its roles and functions under the act.

Abolishing the power to accept gifts delivers on the commitment to make the new regulator transparent and accountable. The public sector values and employment principles of responsiveness, integrity, impartiality, accountability, respect and leadership set out in the Public Administration Act 2004 will apply to the Victorian Building Authority.

Registration and discipline powers

The Victorian Ombudsman raised concerns that the Building Practitioners Board could not guarantee that only competent, suitably qualified and experienced practitioners were registered to undertake building work in Victoria.

To assist the Building Practitioners Board in its assessment of applications for registration in the transition stage of these functions to the Victorian Building Authority, and in particular to make judgements on an applicant's 'good character', this bill proposes that all applications for registration be accompanied by an authorisation to undergo a police record check. This is a more robust measure than currently available and will enable the Building Practitioners Board to verify the character of the applicant so that only fit

and proper persons are registered as building practitioners in Victoria.

Plumbers will also need to provide an authorisation to undergo a police record check when applying to the Victorian Building Authority for licensing or registration. This introduces a consistency of registration and licensing requirements for builders and plumbers.

The bill also proposes additional discipline powers for the Building Practitioners Board in the short term, until its functions are incorporated into the Victorian Building Authority. The Building Practitioners Board even if it gives an adverse finding is currently unable to direct that a builder rectify or complete work. This means that the consumer's original complaint is often not resolved. This bill puts an end to this situation and gives the Building Practitioners Board power to order a builder to rectify or complete work, or to impose a condition or a limitation on the person's registration. For example, the Building Practitioners Board may decide to impose a condition on a registration of a builder such as requiring the builder to comply with their direction to complete specified work. This provision is a significant strengthening of the consumer protection provisions of the act.

Another critical provision of the bill is the amendment that practitioner appeals of Building Practitioners Board decisions will now be heard by VCAT. This brings the builders into line with the appeals system for plumbers and architects. It also streamlines the appeals system for building practitioners and provides a more independent process for reviewing decisions of the Building Practitioners Board and later the Victorian Building Authority.

Transitional provisions

The bill provides transitional arrangements to transfer all current activities of the Building Commission and the Plumbing Industry Commission to the Victorian Building Authority. This includes all rights, assets, liabilities, obligations, contracts and agreements.

The Building Commission and Plumbing Industry Commission are currently working on a transition plan including structural arrangements to ensure a smooth transition to the new governance arrangements.

Amendments to the Architects Act 1991

The government has already announced its intention for the Victorian Building Authority to be the single integrated regulator for builders, plumbers and architects. Further reforms to be brought to this Parliament will complete the government's proposal for implementing this reform. This bill starts the process of integration by aligning the functions of the Architects Registration Board of Victoria with the Victorian Building Authority.

It introduces a level of accountability to the minister that has until now been absent. The Architects Registration Board of Victoria will be required to advise the Minister for Planning on the carrying out of its functions under the Architects Act 1991 and any other matter that the minister requests.

The bill also puts in place simplified regulation-making powers in line with those in the Building Act and in other legislation. Regulations will now be made by the Governor in Council rather than the Architects Registration Board. This

should also assist in streamlining the administrative processes for the making of amendment regulations as the entire board will no longer be required to approve regulations. It also provides government with greater oversight of any proposed amendments.

Timetable for reform

The establishment of the Victorian Building Authority and its board, which is the first stage of the reform agenda, is expected to be implemented, subject to the passage of this bill, by 1 July 2013.

A further bill for the total package of reforms, including the abolition of the Building Practitioners Board, Building Appeals Board and Building Regulations Advisory Committee and the transfer of the functions of these bodies to the Victorian Building Authority, is planned to be brought before the Parliament in late 2013 to enable implementation of the reforms by July 2014.

This staged approach allows the new corporate governing body to be established and for operating structures to be established to support the further reforms. It will also enable the provision of regulatory guidance for the further reforms.

The government is also undertaking the necessary business impact assessments and developing the legislation. The government will continue to consult with builders and consumers on the implementation of the reform program.

Amendment to the Planning and Environment Amendment (General) Act 2013

The amendment to the Planning and Environment Amendment (General) Act 2013 (general act) is not related to the reform of the building regulatory system. The general act, among other things, makes changes to improve the process of referring applications to referral authorities and clarify the role of referral authorities. The minor changes to the general act will ensure that referral authorities are a party to VCAT reviews in appropriate circumstances.

Conclusion

The building industry is a significant contributor to the Victorian economy. It is important that builders and consumers have confidence in the regulator and the regulatory regime to support Victoria's continued growth and productivity.

Consumers and industry have a right to expect a regulatory system that is held to account for delivering results and the outcomes they have invested in.

The government is committed to supporting the building industry through regulatory reform and by introducing new measures to ensure that the regulator is efficient, effective and responsive.

For the building industry to be effective, buildings need to be constructed within a strong regulatory framework that promotes safety, health and amenity. The regulatory framework needs to be efficient in issuing building and occupancy permits. It must be strong in administering and enforcing building and safety matters. It must properly monitor the performance of the system and determine any interventions that need to be implemented to provide

confidence and foster a strong and buoyant building sector to support Victoria's continued growth.

The development of the Victorian Building Authority will deliver on the coalition government's ongoing commitment to securing Victoria's economic future.

The Victorian Building Authority will be the single overarching body responsible for setting and enforcing building industry regulation. The Victorian Building Authority will provide a single point of governance for building practitioners, plumbers and over time architects.

These changes will deliver consistency of outcomes and best practice regulatory outcomes for Victoria. These changes establish a robust and accountable regulatory framework for the building system. They will also provide the sound basis from which the building system can be further reformed to support Victoria's continued growth and productivity.

I commend the bill to the house.

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

Debate adjourned until Thursday, 6 June.

**ENERGY LEGISLATION AMENDMENT
(FEED-IN TARIFFS AND OTHER
MATTERS) BILL 2013**

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; by leave, ordered to be read second time forthwith.

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 Act 2006 (charter act), I make this statement of compatibility with respect to the Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Bill 2013.

In my opinion, the Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Bill 2013, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purposes of this bill are to:

amend the Electricity Industry Act 2000 in relation to general renewable energy feed-in terms and conditions;

widen the scope of an existing offence relating to the installation of electrical equipment and to create a new offence relating to the carrying out of electrical equipment work under the Electricity Safety Act 1998;

create a new offence prohibiting building work at a premises that a person knows or should reasonably be expected to know will make a gas installation at the premises unsafe under the Gas Safety Act 1997;

amend the Energy Safe Victoria Act 2005 to allow Energy Safe Victoria to provide information it holds to the Australian Energy Regulator (AER) for the purposes of its functions and powers; and

amend the Victorian Energy Efficiency Target Act 2007 so that retailers that supply a small number of large customers are no longer exempt from energy efficiency targets.

Human rights issues

Right to privacy

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by a law that is accessible and precise. An interference with privacy will not be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought.

Clause 13 inserts a new section 7A in the Energy Safe Victoria Act 2005. New section 7A authorises Energy Safe Victoria to provide the AER with information (including information given in confidence) in its possession or control that is reasonably required by the AER to perform a function or duty or exercise a power under the National Electricity (Victoria) Law or the National Gas (Victoria) Law.

The AER has a duty to make distribution determinations for distribution network service providers pursuant to rules 6.2.4 and 6.11.1 of the National Electricity Rules. The main purpose of new section 7A is to facilitate the AER in making distribution determinations for Victorian distribution network service providers by permitting the AER to obtain relevant information from Energy Safe Victoria which may affect the distribution determination process.

The provision of information by Energy Safe Victoria to the AER may in certain circumstances incidentally contain personal information about customers and other persons. To the extent that new section 7A may engage the right to privacy by permitting the sharing of information, this will only be where it is reasonably required to enable the AER to carry out its functions, duties and powers under Victorian law. One of the main functions of the AER is the economic regulation of electricity distribution services provided by distribution network service providers. It is important that distribution determinations made by the AER are based on full and accurate information. In any event, the provision of information by Energy Safe Victoria pursuant to section 7A

remains subject to the charter act, and the collection, use and disclosure of information by the AER is subject to s 44AAF of the Competition and Consumer Act 2010 (cth). Accordingly, in my view the provision of information by Energy Safe Victoria to the AER which may contain personal information will be neither unlawful nor arbitrary.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Peter Hall, MLC
Minister for Higher Education and Skills

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 Energy Legislation Amendment (Feed-in Tariffs and Other Matters) Bill 2013 will amend various acts within the energy and resources portfolio.

Part 2 of the bill amends the Electricity Industry Act 2000 to implement aspects of the government's response to the Victorian Competition and Efficiency Commission's report *Power from the People — Inquiry into Distributed Generation*. The government response will improve the efficiency of feed-in tariff arrangements and assist in minimising barriers to distributed generation.

The Victorian Competition and Efficiency Commission's recommendations included establishing a new efficient and fair feed-in tariff that would be available to all small-scale, low-emissions or renewable energy distributed generation facilities. The inquiry found that continuing to provide above market premium feed-in tariffs for these facilities could lead to unnecessary increases in electricity prices for all Victorian consumers.

The bill implements the government response to this recommendation by providing for a new efficient and fair feed-in tariff rate. This efficient and fair rate will be set by the Essential Services Commission, based on the wholesale price of electricity and the distribution and transmission costs avoided through the supply of electricity from distributed generators.

The bill also allows for a wider range of small generation facilities to be eligible for the feed-in tariff scheme by removing existing restrictions on facility eligibility. This will allow new technologies to be assessed for inclusion in the scheme on a case-by-case basis.

An electricity customer with a small solar energy facility who receives a premium feed-in tariff and who chooses to increase the generating capacity of that facility after 31 December

2012 will no longer be eligible for that premium rate. While these customers may still be eligible for the new efficient and fair rate, if they were to continue to receive a premium rate, the costs for these schemes, ultimately borne by all Victorian electricity customers, could significantly increase.

The bill strengthens oversight of the feed-in tariff schemes by ensuring that feed-in tariff scheme terms and conditions may be referred to the Essential Services Commission at any time for assessment of whether they are fair and reasonable. This referral power is the main tool the government has to ensure compliance with the minimum requirement for retailers to provide fair and reasonable feed-in tariff offers. The Electricity Industry Act 2000 currently requires referrals to be made within a relatively short time and does not allow later referrals. The amendment ensures that customers are not disadvantaged merely because the terms and conditions offered by a retailer were not immediately referred for assessment.

I turn now to the other provisions of the bill.

Part 6 of the bill amends the Victorian Energy Efficiency Target Act 2007. Energy retailers participating in the scheme will now include retailers who meet an energy-use threshold, as an alternative to the existing 5000-customer threshold. This amendment addresses an existing anticompetitive market distortion where retailers with relatively few, but very large, customers are currently outside the scheme.

In order to align with the range of activities permitted under the New South Wales scheme, the bill will also expand the scope of the Energy Saver Incentive scheme by enabling project-based and public lighting activities to be eligible for the scheme.

The bill makes a number of other changes to improve energy safety in Victoria.

Part 3 of the bill amends the Electricity Safety Act 1998 to clarify that electrical installation work that will make an electrical installation or a building supplied with electricity unsafe is prohibited by the act.

Part 4 of the bill amends the Energy Safe Victoria Act 2005 to permit Energy Safe Victoria to provide information to the Australian Energy Regulator. This will facilitate appropriate assessment of network safety compliance costs by the economic regulator when determining network prices.

Finally, part 5 of the bill inserts a new offence provision into the Gas Safety Act 1997 to prohibit a person from carrying out building work that will make a gas installation, or a building supplied with gas, unsafe. This new offence mirrors an existing offence in the Electricity Safety Act 1998. The bill also confirms that the functions of Energy Safe Victoria include monitoring and enforcing compliance with the Gas Safety Act 1997 and regulations.

I commend the bill to the house.

Debate adjourned for Mr SCHEFFER (Eastern Victoria) on motion of Mr Leane.

Debate adjourned until Thursday, 6 June.

ADJOURNMENT

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the house do now adjourn.

Water: fluoridation

Ms PULFORD (Western Victoria) — The matter I wish to raise on the adjournment tonight relates to dental health and the issue of fluoridation. I listened with interest when the Minister for Health, Mr Davis, talked about *Victoria's Healthy Together Victoria — Action Plan for Oral Health Promotion 2013–17* in the house the other day. Members will be aware that around 90 per cent of Victoria's population currently have the benefit of the fluoridation of their water supplies, but this is something that a number of communities in regional Victoria — happily a diminishing number of communities in regional Victoria — do not have the benefit of. In my electorate of Western Victoria Region towns which have not yet received fluoridation for their water supply include Stawell, Ararat, Daylesford, Casterton, Apollo Bay, Camperdown and Maryborough. I note that the action plan for oral health promotion includes an allocation of \$3.6 million to build water fluoridation plants in regional Victoria.

The health benefits of fluoride are well documented, not just in primary dentistry but also in the secondary health benefits of having healthy teeth and gums, which include improved self-esteem and confidence, lower risk of heart disease, better memory and reduced risk of infection and inflammation in the body, not to mention awful toothache, pain and discomfort. I ask the Minister for Health for information as to the government's time frame for the introduction of fluoride to the communities in my electorate that do not have it.

Crown land: management

Mr BARBER (Northern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Environment and Climate Change, Mr Smith, and it relates to the position of voluntary committees and sometimes local councils that are responsible for the management of Crown land across the state through committee of management arrangements. By way of background, as the minister will well understand, some of the assets that are being managed by these groups are some of the most important community assets in that given area. They often include waterways and lakes, which means that in some country areas where there are not any municipal

swimming pools people go to the local swimming hole, which is a piece of Crown land that is managed by a local community group. In the borough of Queenscliffe 15 per cent of the municipality's total land area is Crown land which is being managed by one group or another, including the council.

In the Surf Coast shire the coastal strip experiences a huge influx of visitors at certain times of the year, including schoolies. That necessitates clean-up and security services, which can be very burdensome to provide. When I was out at Corangamite shire last week they told me about the crater lake behind Camperdown, which during the drought had become one of the few water bodies left in the area and had received a massive influx of visitors.

During the Kennett era a review was conducted on how these community groups could be supported. I understand the Department of Environment and Primary Industries, formerly the Department of Sustainability and Environment (DSE) produces a handy manual for committees of management, but in many places the issues require much more than just guidance. While it has been said that the department is the ultimate insurer, in many cases the insurance situation of those groups has not yet been tested, and of course those community groups can have extraordinary difficulties in their daily operations.

I ask the minister to commence a review of the sustainability of these arrangements through whichever process he might choose and that he allow the committees of management to participate.

Ford Australia: workforce retraining

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Higher Education and Skills. I rise in the light of the sad news that has affected all of us in Victoria, but particularly the members who represent western Victoria and Geelong, including Mr Koch, who has for a long time stood up for that important town, and since our election in 2013 has included Mr Ramsay and me. We were very saddened to hear about the tragic announcement last week that Ford will cease manufacturing in Australia in 2016.

I ask the minister to detail the measures that may be available in his skills and training portfolio for this company's workforce as they consider future opportunities. I note that the minister has been appointed to the Premier's Ford task force, which also includes the Premier and the Deputy Premier as well as the Minister for Manufacturing. The task force is

dedicated to ensuring that the people affected by Ford's decision are provided with every opportunity to take up new jobs and business opportunities. Training such as that provided by Gordon TAFE, which I believe is one of Victoria's most proactive TAFE institutions, can play a critical role in ensuring that displaced workers are able to transition to new employment. I note that Ford remains committed to its research and development work in Australia. The engineers and designers at Ford Australia's Melbourne design and engineering centre are global leaders in innovation, as evidenced by the design of models such as the Ford Ranger and Ford Territory, which have proved successful in other markets.

I also take this opportunity to rebut the suggestion made by the member for Lara in the other place. It is important that politicians take a bipartisan approach to such tragedies, but the member for Lara tried to score a cheap point directed at Mr Koch, Mr Ramsay and me, suggesting that Mr Koch and the government lacked concern for Ford. It was a ridiculous point.

I was exercising my public duties at a Public Accounts and Estimates Committee hearing when the Ford announcement was made. I am not sure what the member for Lara did for Ford in his 11 years in government. His was an outrageous suggestion because Mr Koch has been heavily involved with the Premier and with Ford workers. It is the sort of cheap political point that ought not be made, and I do not wish to do such a thing. I wish to take a bipartisan, multigovernment approach to this important issue. I suggest that the establishment of the Premier's Ford task force and the immediate provision of \$11 million, including \$2 million to support vehicle component manufacturers, is a strong indication of the Napthine-Ryan government's propensity to take action.

I invite the member for Lara to work with government members in the spirit of bipartisanship to ensure the best outcomes for Ford and Geelong. I look forward to his correcting the record as to my whereabouts on that day. We are confident in the strength and resilience of the people in the Ford workforce, and I look forward to working with the minister on this important matter.

Feral goats: control

Mr LENDERS (Southern Metropolitan) — This afternoon in my contribution to the budget debate I referred to an emerging issue in Victoria that is increasingly known as, and now has its own hashtag, as Goatgate. The matter I raise tonight is for the Minister for State Development, Peter Ryan and there is logic to this. Goatgate is the rather amazing contractual bungle

in East Gippsland. After the former Department of Primary Industries cut its number of doggers, Parks Victoria then outsourced the task of hunting down 60 feral goats north of Orbost to a New Zealand company for a contracted amount of \$42 000.

I raise the matter for the Minister for State Development in his role as one of the two ministers responsible for the Victorian procurement policy, which is defined in the Victorian Industry Participation Policy Act 2003. That is why I am referring this to Minister Ryan, who also happens to be one of the local members and therefore may have an interest in this. What has happened in Goatgate is that we have seen — —

Mr Finn interjected.

Mr LENDERS — Yes, Goatgate. Watch this space, Mr Finn. With Goatgate we have seen \$42 000 of taxpayers money contracted to a Kiwi firm to hunt 60 goats, but it managed to hunt down only 23 of the goats at a cost of \$1837 a goat. The action I seek from the minister is a clear report to the sporting shooters and small businesses of East Gippsland as to why they were not good enough to get the lucrative work of hunting these 23 goats at \$1837 each and why under the Victorian procurement policy this went to a New Zealand firm. I mean no disrespect to the New Zealand firm. It might be very good at hunting possums in New Zealand, but I do not think it is necessarily that good at hunting feral goats in Gippsland East.

The action I seek from the minister is a report to those sporting shooters, small businesses and farmers in Gippsland East as to why the Victorian procurement policy did not award this contract to Gippsland East goat hunters.

Western Highway: Bacchus Marsh link

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Roads, Terry Mulder. The matter I raise is borne out of frustration about what should be a good news story.

In the Bacchus Marsh region the \$200 million Western Highway-Anthonys Cutting realignment project, jointly funded by the federal and Victorian governments, was an important realignment for the Western Highway, but the previous state government wimped out on the hard part — following through on the Bacchus Marsh connections. The last piece of this project, known as the Bacchus Marsh freeway link connection, is where the wheels have fallen off. The Bacchus Marsh community wants an option that takes heavy traffic away from the

town centre so connections from the Western Highway to the Geelong Road can be diverted from schools and town businesses. VicRoads has provided a suite of options to the government, and the government has consulted with the Moorabool Shire Council and the Bacchus Marsh community. Neither stakeholder could find consensus, so the government was left to find the most feasible and supported option.

Whilst the Woolpack Road option was the most preferred, it came with difficulties — removal of a few elm trees that were part of the Bacchus Marsh Avenue of Honour. So suddenly we have not only the Minister for Roads, through VicRoads, and the Shire of Moorabool, but also Heritage Victoria, the Minister for Planning, the Minister for Veterans' Affairs, the local RSL sub-branch, the Victorian RSL, a new bunch of councillors on the Moorabool Shire Council, family members of those commemorated by the avenue of honour trees, VicRoads staff, a ratepayers association, the Bacchus Marsh small business association, six local members from both sides of Parliament and the Bacchus Marsh community all involved in trying to solve the problem of how to best proceed to meet all of the stakeholders' expectations.

The Gillard federal government, through the Minister for Regional Services, Local Communities and Territories, Catherine King, has now muddied the waters by recently announcing a \$6 million grant for a specific north-west connection known as Halletts Way. There is the general consensus of a proposed eastern interchange with the Western Highway and an upgrade to Woolpack Road to allow safe carriageway to the Bacchus Marsh-Geelong Road. So here we are stuck in the middle, both figuratively and physically, and the Bacchus Marsh community is none the wiser.

The action I seek is for the Minister for Roads to discuss with stakeholders the impact of the federal government's funding announcement on the project and to investigate how to progress the missing middle link to this war-torn project in a way that satisfies the majority of stakeholders given the recent federal government announcement.

Healesville and District Hospital: services

Mr TEE (Eastern Metropolitan) — The matter I raise tonight is for the Minister for Health, and it follows a letter I received from Yarra Ranges Shire Council — the shire of Yarra Ranges is in my electorate — expressing concern that Healesville does not have access to health services commensurate with local needs.

The letter describes Healesville as having high rates of diabetes, mental health problems and alcohol use, and expresses concern about the number of older residents in the area. It identifies long ambulance waiting times and suggests that Healesville is forecast to have one of the highest rates of hospital admissions in the east by 2021, yet there is no emergency department in the municipality. Residents are required to travel to the Box Hill, Angliss and Maroondah hospitals, which are at least an hour away from Healesville, and there is poor public transport connectivity. There is concern in the health space about recent cuts to health promotion services, which were working to address the ever-escalating rate of diabetes. The council is concerned that the cuts have reduced the capacity for Eastern Health to have prevention on its radar.

What the council seeks is financial support to develop a business plan for Healesville hospital and to identify the service gaps so that they can make a request for additional funding. What I am asking from the minister are some details about whether the area has the health services it requires and an explanation of why these cuts to health promotion services were made and an explanation of how those services will now be provided, because the council is concerned about what it says is a lack of access to services and the need for health data. My request from the minister is that he provide evidence as to whether this area is indeed disadvantaged relative to other areas in the east and to consider the request for funding so a detailed business plan can be developed and a needs assessment can be made.

Rail: St Albans level crossing

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Public Transport. It concerns the ongoing issue of the St Albans railway crossing in the western suburbs and the solution to this particular problem. As Mr Melhem said yesterday, this should be a matter that both sides of politics agree on, and it should be resolved as quickly as possible. I will not go through the history of this issue, but it goes back some decades. Needless to say, lives have been lost at this railway crossing. I am confident that we as a government will begin work on the project within the next 12 months, so that is something we will be looking forward to very much indeed.

The matter I wish to raise with the minister tonight has had some confusion surrounding it in recent times following the intrusion of the federal member for Maribyrnong, Bill Shorten, who has on a number of occasions now made some suggestions that federal funding would be available for this project, only to back

away at a significant rate of knots when he has been called on it. Following a recent visit to the — —

The PRESIDENT — Order! Can Mr Finn assure me that he has not raised this same matter previously on the adjournment debate?

Mr FINN — It is similar, but it is different.

The PRESIDENT — Order! So long as I am assured it is a different matter.

Mr FINN — Yes, it is.

The federal Minister for Infrastructure and Transport, Anthony Albanese, visited recently and said that he would write to the Prime Minister. He gave the local community some hope that money would be coming from the federal government for this project, but when the federal budget came out there was not a cracker. Again, that belief that federal government funds would be coming was ill founded.

The belief is being promoted as part of an ongoing campaign of misinformation and what I believe is clearly an attempt to mislead and confuse local people. We should not get it wrong. I have no doubt we are very happy to accept federal money for this project if — and it is a very large ‘if’ — that ever becomes available.

The reason I raise this matter tonight is to ask the minister to clarify for the benefit of the St Albans community and the surrounding areas the exact facts surrounding the funding of this project, particularly if the federal government has offered any funding, and what is or would be the Victorian state government’s attitude if such funding was offered. I also ask the minister to reassure the local communities that if the federal government will not come to the party, then the Victorian government will indeed go it alone with this project.

Panch Health Service: dialysis unit

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is directed to the Minister for Health. I seek his intervention to delay the closure of the Panch Health Service dialysis unit in Preston until an impact assessment is made. This matter was first raised by the member for Preston in the Assembly during the last sitting week, and I commend him for doing so. He wrote a letter to the Minister for Health, as well as the CEO of the Panch Health Service. He raised concerns about the impact of the closure of the dialysis unit on patients and at the reduction in health services in Preston and the surrounding suburbs. It comes as no

surprise that the Liberal government does not take the needs of patients in the northern suburbs seriously. Last time it was in government it sold off PANCH, a hospital that was so vital for patients in the north. Recognising the needs of those patients, Labor opened the Panch Health Service in Preston, and now we see the Liberal government dismantling it bit by bit.

There are currently 22 patients who rely on the service to manage their renal failure. Many of the remaining 22 patients are local residents who are in their senior years. Some are not English speakers and many suffer from additional serious health conditions. I am aware of at least one patient who is suffering from cancer and, along with the long hours on dialysis, is also undergoing chemotherapy treatment at the Peter McCallum Cancer Centre. Vulnerable patients already suffering with ailing health will now be expected to travel further to another facility for their dialysis. The shared experiences on dialysis and the relationships that patients have built with each other and with the staff who care for them has eased some of the pain they are suffering. This small mercy will now be ripped away from them.

The decision for the closure has been hurriedly foisted on vulnerable patients without a skerrick of consideration for their needs. There was no impact statement and not enough consultation with stakeholders. It was just a quick decision that has ignored the needs of those who matter most — the patients. I urgently call on the minister to delay the movement of patients from the Panch dialysis service at least until an impact assessment is made.

Volunteers: community service awards

Mrs PEULICH (South Eastern Metropolitan) — The matter I raise is for the attention of the Minister for Community Services, more in her capacity as a person who has some oversight or coordinating role of volunteers. Every portfolio has volunteers, and we could not deliver many of the services to the community without our volunteers, so acknowledgement of volunteers is an important part of capacity building in our community. Many members of Parliament like to show their support of volunteers and volunteer agencies. Whether they be in the arts or education, disability services, sport and recreation, emergency services, health care, migrant support or aged services, they all have a volunteer base.

Recently we celebrated National Volunteer Week, and whilst that is the nationally designated week, most of our local communities have found some way to try to give recognition to volunteers. Some communities and

local governments do it exceptionally well, but regrettably some do it negligibly, if at all. There are other times when volunteers are recognised, such as on Australia Day and at other special events. I request that the minister work with some of the other portfolio areas to see whether some resource can be developed that local governments and communities can use to consider how our volunteers can be given the appropriate level of recognition.

I had the pleasure of attending the City of Casey volunteer awards on Friday, 17 May, at the Balla Balla Community Centre, and it was very well done. It is a big night and everyone turns up. There are lots of nominees, and it is a tribute to all the strengths and the activists in the community. It is an honour to be nominated, let alone to receive an award. The award recipients are given enormous recognition.

In this instance, 2013 awards included Colin Booth, for service to the Country Fire Authority, Narre Warren brigade; Judy Davis, a very important person from Cranbourne, for implementing innovative community networking; Barry Mentha, for services to the Cranbourne senior citizens community; the Casey Young Volunteer Award 2013 went to Jessica Schuyler; the Casey Volunteering Pair Award 2013 went to Yvonne Hempston and Coral Saggars; the Casey Volunteer Group Award 2013 went to Neighbourhood Watch Casey; and lastly, the Casey Volunteer Organisation Award 2013 went to the Victorian Immigrant and Refugee Women's Coalition Inc. I congratulate all the recipients and thank them for all the work they do.

I ask the minister to work with her ministerial colleagues to give some consideration to how we can better develop resources to assist our local communities and local government to more robustly thank volunteers and recognise the work that is undertaken by volunteers, especially during important weeks such as National Volunteer Week. I commend the City of Casey for doing an exceptional job and exhibiting best practice in terms of that sort of event. I lament the fact that many other councils do nothing.

Lower Murray Water: board representation

Ms BROAD (Northern Victoria) — My adjournment item is for the Minister for Water, Mr Walsh. Back in 2009 Mr Walsh made a promise to Sunraysia irrigators to allow them to elect half of the board members of Lower Murray Water. Sunraysia irrigators who met with me informed me that in the presence of the member for Mildura in the other place, Mr Crisp, and the federal member for Mallee,

Mr Forrest, Mr Walsh promised that if local irrigators supported Mr Crisp's re-election in 2010, the coalition would allow irrigators to elect half of the board members of Lower Murray Water and Victoria's other rural water authorities.

As far as I know Sunraysia irrigators kept their end of the bargain; however, Mr Walsh has certainly not kept his. Sunraysia irrigators believe they have been used and utterly betrayed, and they are extremely angry. They believe that the Naphthine government and Mr Walsh should keep their promise on this matter. They also want the government to know that they are far from satisfied with the performance of Lower Murray Water and that the reasons for seeking representation on the board have not changed.

As one of their elected representatives in this place — at least one who is prepared to speak up on behalf of Sunraysia irrigators — I call on the government and Mr Walsh to keep the promise he made in the presence of Mr Crisp and the federal member for Mallee. He should keep his end of the bargain and give Sunraysia irrigators representation not only on the board of Lower Murray Water but on all four rural water bodies, as promised prior to the 2010 state election.

Mildura Base Hospital: future

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Health, David Davis. In light of recent comments around Mildura Base Hospital and the government's budget commitments for \$5 million and mental health programs for the hospital, I ask that the minister meet with relevant community groups and report progress on negotiations.

Ford Australia: plant closures

Mr SOMYUREK (South Eastern Metropolitan) — I ask the Minister for Manufacturing what steps he took while he was in Detroit — in fact, before he was in Detroit — to ensure that Ford would not close its manufacturing facilities in Victoria.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Ms Pulford raised a matter for the Minister for Health in respect of dental health, and I will pass that matter on.

Mr Barber raised a matter for the Minister for Environment and Climate Change in respect of committees of management and the important issue of

their governance obligations. I will pass that on to the minister.

Mr O'Brien raised a matter for the Minister for Higher Education and Skills with respect to training programs associated with the Ford decision around its manufacturing in Geelong and Broadmeadows.

Mr Lenders raised an interesting matter for the Minister for State Development with respect to the culling of feral goats. I guess if I were the leader of the Labor Party, I would probably have a particular interest in the culling of feral goats as well.

Mr Ramsay raised a matter for the Minister for Roads with respect to a concern in Bacchus Marsh.

Mr Tee raised a matter for the Minister for Health with respect to health services in Healesville.

Mr Finn raised a matter for the Minister for Public Transport with respect to the St Albans railway crossing.

Ms Mikakos raised a matter for the Minister for Health with respect to health services in Preston.

Mrs Peulich raised a matter for the Minister for Community Services with respect to the recognition of volunteers in our community. I commend Mrs Peulich on raising that issue and highlighting the work the City of Casey does in recognising volunteers. That is a particularly important issue for our community, and I will pass that matter on to the Minister for Community Services.

Ms Broad raised a matter for the Minister for Water with respect to Lower Murray Water. I can tell Ms Broad that this government and Minister Walsh keep their promises, and I am sure that promises Mr Walsh has made, he will deliver.

Mrs Petrovich raised a matter for the Minister for Health with respect to Mildura Base Hospital, and I will pass that on to the minister.

Mr Somyurek raised a matter for the Minister for Manufacturing. It was an interesting comment from Mr Somyurek given everything that has transpired with the Ford announcement this week and the acknowledgement by his own leader that it was not within the power of the Victorian government to change Ford's decision on manufacturing in Australia, but I will pass that matter on to the Minister for Manufacturing.

Finally, I have a written response to one adjournment matter raised by Mr Leane.

Mr Ondarchie — On a point of order, President, in relation to Mr Somyurek's adjournment matter tonight in which he asked the minister to advise on his meeting with Ford in Detroit. In fact General Motors headquarters is in Detroit; Ford's headquarters is in Dearborn, Michigan. The member does not even know where the Ford headquarters are.

The PRESIDENT — Order! That information might be helpful to the member, but it is certainly not a point of order.

I take this opportunity to invite everybody to Mr Tricarico's place this evening. He is celebrating a birthday, and I am sure he would be keen to entertain his good friends from the Parliament on this occasion. Happy birthday, Mr Tricarico.

The house stands adjourned.

House adjourned 4.49 p.m. until Tuesday, 11 June.

