

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

**Thursday, 24 June 2010
(Extract from book 10)**

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

Standing Committee on Finance and Public Administration — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

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

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Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*): Mr Nardella and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr DAVID DAVIS

Deputy Leader of the Opposition:
Ms WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

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Mr DAMIAN DRUM

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Cootte, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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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
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Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles ³	Northern Metropolitan	ALP
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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Appointed 9 March 2010

³ Resigned 1 March 2010

⁴ Resigned 9 January 2009

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Thursday, 24 June 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Anticorruption: royal commission

To the Honourable the President and members of the Legislative Council of Victoria in Parliament assembled:

The petition of the undersigned citizens of the state of Victoria draws to the attention of the Legislative Council the need for a royal commission to investigate corruption with broad terms of reference to probe, encompass and expose the following:

1. Effective measures to combat corruption in this state.
2. Links between corrupt corporate and business interests, the legal system, financial institutions such as banks, insurance companies, superannuation etc., corrupt politicians, corrupt public servants, bureaucrats, corrupt policing and the criminal underworld.
3. Links between fraud and money laundering of illegally acquired money into property and legitimate business.
4. Effective measures to combat white collar crimes and institutional corruption.
5. Links between private-public partnerships, political/vested interests in Parliament and their impact on essential public services/infrastructure, community benefits and the public interest.
6. Conflict between public projects, commercial confidentiality, accountability, public tendering, contractual bribery, community and public interest.
7. Links between injustice, misconduct, exorbitant legal costs, judicial/lawyer self-interest, public office corruption, jurisdiction, nepotism, cronyism, collusion, conflict of interest, discrimination, human rights abuse and corporate tax evasion.
8. Links between legislation and ever-diminishing citizens rights in Victoria such as freedom of speech etc.
9. Links between loss of privacy, freedom of choice, thuggery and private security agencies.
10. Indictments, charges and all other relevant issues, considerations and remedies.

Your petitioners therefore as in duty bound will ever pray.

For Mr BARBER (Northern Metropolitan), by Ms Pennicuik (1577 signatures).

Laid on table.

Torquay: secondary college

To the Legislative Council of Victoria:

The petition of certain residents of Torquay and other persons draws to the attention of the Legislative Council the need for full secondary education in Torquay.

We, the undersigned petitioners, bring to the attention of the Legislative Council of Victoria the following:

1. With a population exceeding 14 500 Torquay is the only rural city in Victoria of this size without complete secondary education.
2. The current situation of exporting Torquay children to Geelong to complete their secondary education is unacceptable.
3. Any future plan to provide complete secondary education in Torquay should recognise a clear separation between primary and secondary school campuses.
4. The current Torquay College site on Grossmans Road is not preferred for full secondary college because:

Grossmans Road already suffers from traffic congestion;

Grossmans Road is already overcrowded with two schools, a kindergarten, and a maternal health-care centre;

Grossmans Road also accommodates the State Emergency Service, Country Fire Authority and Ambulance Victoria;

the possibility of students driving to school in year 12 should be considered;

the land available at Grossmans Road will not allow for full P-12 educational infrastructure and suitable sport and recreational facilities.

By Mr KOCH (Western Victoria) (574 signatures).

Laid on table.

Police: Neighbourhood Watch

To the members of the Legislative Council:

The petition of certain citizens of the state of Victoria brings to the attention of the Legislative Council our opposition to the misguided state government changes to the accessibility of crime statistics for Neighbourhood Watch.

The petitioners believe that availability of local crime statistics on a street-by-street basis is an essential component of the Neighbourhood Watch program.

Local crime statistics on a street-by-street basis foster ownership of the Neighbourhood Watch program by local communities and enable vigilance and support of community safety activities. We oppose the proposed change to crime statistics only being available on a postcode basis.

The petitioners therefore call on the Legislative Council to urge Premier John Brumby, the minister for police, Bob Cameron, and all local Labor MPs to reverse their decision which ends vital access of Neighbourhood Watch to street-by-street crime statistics, undermining the Neighbourhood Watch program and the ability of the community to support this important and respected program and community safety.

**By Mrs COOTE (Southern Metropolitan)
(3 signatures).**

Laid on table.

High-Anslow streets, Woodend: safety

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the community regarding the safety of the intersection of High Street and Anslow streets, Woodend.

Your petitioners therefore request that the state government provide support and funding for VicRoads to undertake a safety study of the intersection.

**By Mrs PETROVICH (Northern Victoria)
(122 signatures).**

Laid on table.

HEALTH PRACTITIONER REGULATION NATIONAL LAW

Regulation 42/2010

**Mr JENNINGS (Minister for Environment and
Climate Change), by leave, presented regulation.**

Laid on table.

ELECTORAL MATTERS COMMITTEE

Functions and administration of voting centres

**Mr P. DAVIS (Eastern Victoria) presented report,
including appendices, together with transcripts of
evidence.**

Laid on table.

Ordered that report be printed.

Mr P. DAVIS (Eastern Victoria) — I move:

That the Council take note of the report.

President, as is the way with the business of this house, in Ms Broad's absence I respond in a flexible way to

the exigencies of the circumstances. I was not anticipating tabling this report today, albeit that I am a member of the committee, but I will make some very brief comments — and I am sure Ms Broad will be delighted to make a contribution.

Firstly, I would like to note the work that the staff of the committee has contributed to the development of this report. A good deal of the report is informative — that is, it is essentially an information report. I am sure Ms Broad will speak to the recommendations. The issue for me is that members of Parliament and members of the community have expressed concern about the efficacy and operation of voting centres during previous elections. There are obviously reports after elections by the Victorian Electoral Commission and there are internal party and community comments about the way voting centres operate. We can all strive to improve accessibility to voting centres. That is essentially what the report deals with.

I recommend that all members read the report, because it provides a lot of useful information. I suggest that members who are engaged in the next election will be well informed if they take note of some of the background. I do not intend to say anything further, other than that there was a generally cooperative approach to this inquiry. Unlike some other inquiries the committee has undertaken, by virtue of its nature this one was without a good deal of controversy. I would like to thank my colleagues on the committee for their courteous participation.

Ms BROAD (Northern Victoria) — It gives me much pleasure to make some remarks on the Electoral Matters Committee's *Inquiry into Functions and Administration of Voting Centres* parliamentary report on what is a historic day in Australian politics.

I acknowledge the committee's chair, Robin Scott, the member for Preston in the Assembly; the deputy chair, Michael O'Brien, the member for Malvern in the Assembly; other members of the committee from the Assembly, Christine Campbell and Murray Thompson, the members for Pascoe Vale and Sandringham respectively; and Philip Davis and Adem Somyurek from this house. I thank them for their contributions. I acknowledge and thank the staff of the committee, including Mark Roberts, Lawrie Groom who is the research consultant, and Kate Woodland who is the administrative officer.

On 3 May the Electoral Matters Committee self-referenced an inquiry into the functions and administration of voting centres, including joint voting centres, giving consideration to issues of location,

accessibility, participation and transparency. The committee set for itself a tight timetable. The inquiry was advertised on 8 May. Due to the tight timetable the committee wrote to and invited stakeholders in the electoral process to make a submission to the inquiry. The committee did not conduct public hearings in light of the tight timetable, however the Victorian electoral commissioner and staff of the VEC (Victorian Electoral Commission) provided a briefing on its submission and other relevant matters. That evidence was recorded by Hansard and published on the committee's website.

This inquiry took place in a year of considerable interest in the conduct of elections in Australia and overseas — and that interest has been ratcheted up a few notches this morning! In view of these electoral activities, and particularly in light of the forthcoming Victorian election, the committee considered it was appropriate to conduct this inquiry into the functions and administration of voting centres and that such an inquiry would inform the public, electoral administrators, observers and the Parliament of improvements to voting processes that have been considered and planned since the 2006 state election and of those proposed to be implemented for the 2010 election. The committee was also interested in the views of the community and electoral stakeholders on the function and administration of voting centres so that Victoria could continue to be a world leader in the conduct of democratic elections.

The Victorian government, during the course of this inquiry, announced it proposed to introduce further electoral initiatives for the 2010 state election. On 10 June the Attorney-General introduced the Electoral Amendment (Electoral Participation) Bill 2010 in the Legislative Assembly. The purpose of the legislation is to amend the act to provide for increased electoral participation and improve the operation of the electoral act. The committee took some pride in noting that a number of the amendments in the bill relate to committee recommendations in its 2008–09 *Inquiry into Voter Participation and Informal Voting* and its 2009–10 *Inquiry into the Provisions in the Electoral Act 2002 (Vic) Relating to Misleading or Deceptive Political Advertising*.

The main issues raised in submissions to this Electoral Matters Committee inquiry and which were considered by the committee were the appointment functions and administration of voting centres, particularly early voting centres, mobile voting centres, joint voting centres, the location of voting centres, how locations are determined by the VEC, voter confusion, informal voting at joint voting centres, the accessibility of voting centres to electors, the participation of electors at voting

centres and the transparency of electoral arrangements. The committee received some 30 submissions. I thank all those people who made submissions and the Victorian electoral commissioner and his staff for the information they provided to the committee.

The committee has made 12 recommendations, which are set out at the start of the report. These recommendations relate to the matters which I have just outlined in terms of the issues raised in submissions to the inquiry and of course the term of reference that the committee set for itself, because this was a self-reference.

To go to the recommendations, recommendation 1 states:

The Parliament reviews the use and availability of early voting centres and the criteria that permit electors to vote at an early voting centre.

The committee received evidence which indicated that the trends are clearly in the direction of more and more electors making use of early voting centres. The legal requirements at present are somewhat restrictive, so the committee believed it was timely that it make a recommendation in the light of the very clear trends for the Parliament to review the use and availability of early voting centres and the criteria that govern how electors can make use of early voting centres.

The committee also recommended that the Victorian Electoral Commission undertake a review of the class of electors that is entitled to vote at particular mobile voting centres. The committee received a range of evidence about voting at mobile voting centres and the process by which determinations are made about the administration of mobile voting centres. The committee put forward this recommendation in the belief that it is in everyone's interests — electors, the locations of mobile voting centres and the electoral commission — for a review to be conducted which clearly sets out, and I might add here in my own view at the very least, a minimum set of administrative requirements that apply at mobile voting centres.

Recommendation 3 is in relation to joint voting centres. The recommendation is that the electoral commission only appoint joint voting centres when it is unable to secure other voting centres in an electoral district. There are a number of recommendations which go to joint voting centres in terms of their resourcing, organisation, staffing, signposting, giving prominence to the locations of election day voting centres and in the preparation of EasyVote cards giving prominence to election day voting centres rather than joint voting centres. There was a lot of evidence, and a lot of views

were put forward to the committee in relation to the matter of joint voting centres. I believe these recommendations respond very directly and are in line with the overwhelming majority of the submissions received by the committee on the matter of joint voting centres.

The committee has also recommended that the VEC, before appointing voting centres, consult with the public, including relevant non-government organisations, disability groups, local government, registered political parties, prospective candidates and MPs, and provide 21 days for the public to make suggestions and to respond to a draft list of voting centres. Many people have views about the most appropriate locations of voting centres. In addition evidence was provided to the committee which indicated that, particularly in relation to people with disabilities — people represented, for example, by organisations like Vision Australia — the location of voting centres can make a very great difference to their capacity to participate in our democratic processes at voting centres and that it is important to ensure that they are able to put forward their views before these matters are determined.

The committee has also recommended that the VEC establish as a key electoral performance indicator that, except in exceptional circumstances, voters should receive their ballot papers within 10 minutes of joining the queue at a voting centre and that there should also be suitable shelter at voting centres, not only for voters but also, wherever practical, to facilitate scrutineers and workers on behalf of candidates with the most reasonable conditions possible, including toilet facilities. These are very practical matters, but unfortunately in some instances such facilities have not been provided, and given that our election is at the end of November, this can be a great hardship for people who are doing their best to support our electoral processes.

The committee has also recommended that after the 2010 Victorian state election Parliament should review the counting, scrutineering, transparency and reporting of the process to electronically count votes at elections. Evidence was presented to the committee which reminded it that many of the provisions in the electoral act and regulations about these matters relate to the days of an entirely paper-based electoral process and are really no longer up to date in terms of our increasingly electronic approach to both counting votes and, for some voters, casting votes. The committee believes it is indeed timely that Parliament review these matters but that this should happen following the next

state election in light of the time remaining in this term of the Parliament.

Those are the main issues I wish to make remarks on in relation to the recommendations. I commend the report to Parliament.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal pursuant to section 65AB(2) of the Act.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 13 April 2010 and 23 June 2010.

Multicultural Affairs — Whole of Government Report, 2008–09.

Office of Police Integrity — Report on Update on conditions in Victoria Police cells, June 2010.

Parliamentary Committees Act 2003 — Government Response to the Electoral Matter Committee's Report on Voter Participation and Informal Voting.

Planning and Environment Act 1987 — Notice of Approval of the following amendment to a planning scheme:

Victoria Planning Provisions — Amendment VC62.

Statutory Rules under the following Acts of Parliament:

Livestock Disease Control Act 1994 — No. 39.

Motor Car Traders Act 1986 — No. 40.

Transport Act 1983 — No. 41.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos 39 and 40.

MEMBERS STATEMENTS

Member for Gippsland East: comments

Mr P. DAVIS (Eastern Victoria) — Recently the Independent Labor member for Gippsland East in the Assembly has been reflecting on surveys I have been undertaking — —

Mr Lenders — On a point of order, Acting President, I am proud to be a member of the Labor Party, but for a member of the Liberal Party to describe an Independent member of Parliament as a member of another political party is something that that member

would find offensive. I ask that you have Mr Davis withdraw that.

The ACTING PRESIDENT (Mr Elasmr) — Order! The Treasurer may have a point, but I do not think it is a real point of order.

Mr P. DAVIS — I thank the Treasurer for that interruption. He is a sensitive, precious little petal.

The Independent Labor member for Gippsland East has recently reflected upon surveys that I have been undertaking in eastern Victoria. In fact I have undertaken a number of surveys: firstly, in relation to law and order; secondly, in relation to biomass generation; and, probably more significantly, in relation to environmental flows in the Mitchell River and Gippsland Lakes.

I thought I should have a look at what the Independent member has been doing about surveys. He has his own survey going on his website, and I note that he has had a total of 15 respondents. I do not regard a survey with 15 respondents as a survey. I make the point that I have undertaken engagement with the community in East Gippsland and I have received something in the order of 4000 respondents.

It would seem to me that the Independent Labor member for Gippsland East is totally out of touch with his electorate if he can only generate 15 responses to a public survey on his website in a matter of weeks. The reality is that I have received 4000 responses to surveys which I have distributed in the East Gippsland region.

Rail: Shepparton line

Mr BARBER (Northern Metropolitan) — The Bracks and Brumby governments rightly deserve praise for their work to improve regional rail services. I can say this because I am a regular user of those services. However, as time has moved on the people of the City of Greater Shepparton are feeling like the poor cousins of the regional rail service. Again from my personal experience, I can say the services between Melbourne and Shepparton are both slow and inconvenient in relation to the times they depart and arrive.

I understand the City of Greater Shepparton has put its thoughts on this in writing in a letter to the Minister for Public Transport, noting that:

... compared with other regional cities ... three train services a day to and from Shepparton (only two on weekends), limits further growth and provides limitations to the surrounding regional areas of access to the health and education opportunities now provided in Shepparton.

Further, the current service arrives into Shepparton at 11.00 a.m. and this impacts on the ability of residents in the surrounding towns to access work, education and use the infrastructure in Shepparton.

The council's request is a very modest one, which is to introduce a sprinter between Seymour and Shepparton in the morning. It maintains that:

... Shepparton is a corridor of development that has not received the necessary passenger rail services to cater for current and anticipated population growth.

The ACTING PRESIDENT (Mr Elasmr) — Order! The member's time has expired.

Prime Minister: appointment

Ms BROAD (Northern Victoria) — It gives me a great deal of pleasure to congratulate the new leader of the Australian Labor Party and Prime Minister of Australia, Julia Gillard, on her election unopposed this morning by the federal parliamentary Labor Party caucus, together with the new Deputy Prime Minister, Wayne Swan. I have known Julia Gillard since the beginning of her political career, and I believe she is very well prepared to lead the nation. It is also a matter of great moment that she is the first female Prime Minister of Australia, and I believe she will lead the nation very well indeed.

I also express my sympathies to Kevin Rudd and his family. I have known Kevin Rudd from the early days of his political career also, and I believe he has led the nation to the best of his ability. I think the nation should express its thanks to Kevin Rudd for doing the very best job he was able to do in leading the nation.

City of Casey: councillor conduct

Mrs PEULICH (South Eastern Metropolitan) — I was most disturbed to read an article in this week's local newspapers entitled 'Anger over "backroom deal"' by Bridget Brady. It states:

A Casey councillor has accused some of his fellow civic leaders of giving in to their 'political masters' at Spring Street.

Springfield Ward councillor Sam Aziz said Labor-affiliated Casey councillors had struck a behind-the-scenes deal with the state government in nominating a figure of \$20.5 million as the least amount the council would accept from the government to assist with the Brookland Greens clean-up.

'Behind the scenes there is a bit of a delicate operation to try to persuade people to accept the offer. I sincerely hoped that those councillors would stand up for the ratepayers who elected them and not making the problem go away for their political masters at Spring Street,' Cr Aziz said.

It goes on to say:

‘The most disappointing thing is the motion passed actually put a cap on what the city can get’, he said. ‘Instead of my colleagues on council who are affiliated with the Labor Party pursuing the best deal for the ratepayers they represent, they have capitulated and gone and accepted the first offer which falls significantly short of what the city has asked for’, Cr Aziz said.

In a tight vote...

The council has indicated, during a sensitive period of negotiation, what they will roll over for, with a Labor-led majority supported, unfortunately, by the Greens councillor. Clearly Labor MPs, supported by Lynette Kelaher in Casey, are more than happy to short-change Casey residents —

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

Vietnam veterans: apology

Mr KAVANAGH (Western Victoria) — The triumph of Australia’s extreme left in Canberra today raises an item of unfinished national business. With Vietnam Veterans Day looming on 18 August, I call on the commonwealth to institute a national sorry day to apologise to Vietnam veterans for the disgraceful way they were treated after giving valiant service to Australia — directly to the defence of South Vietnam, and indirectly to the defence of Cambodia and Laos.

On their return from Vietnam, Australian soldiers were not paid the respect that their overwhelmingly honourable and often humanitarian service deserved. In fact they were often treated with derision and contempt, sometimes being returned home to Australia at night to avoid rabid demonstrators — the political predecessors to our new Prime Minister and her soul mates.

This was not because of the actions of the Vietnam veterans themselves, but because the cause for which they fought, rightly or wrongly, became unpopular. There is considerable opinion that this mistreatment has greatly contributed to post-traumatic stress disorder and other health problems that many Vietnam veterans have had to face in trying to re-establish happy lives.

Yesterday I spoke with a DLP member who is a Vietnam veteran; he is in terrible pain and physical agony from the wounds he received in the Vietnam War. What I am mainly talking about here, though, are the psychological difficulties and other associated obstacles that Vietnam veterans must face. There is reason to believe that a sincere national apology to Vietnam veterans might well, even at this late stage,

help those men who served Australia as well. I call for a one-off national sorry day on 18 August, or somewhere around that date, to express an apology to Australia’s Vietnam veterans — they deserve more from this country than they have received.

Parental leave: legislative reform

Ms PULFORD (Western Victoria) — I would like to take this opportunity to acknowledge the work done by both state and federal Labor governments in redressing the wage disparities experienced by many Australians but in particular women and working parents. Firstly, I wish to congratulate the federal government for fulfilling its election promise of introducing a national 18-week paid parental leave scheme. This historic reform acknowledges the important contribution made by women in the workforce and the need to give working parents options that best suit their needs. Importantly, parents will be able to transfer the leave so that couples will be able to make their own work and family choices. The paid parental leave scheme is a major victory for working families across all sectors, and it finally brings us into line with all but one of the Organisation for Economic Cooperation and Development countries. As a working mother, I thank the federal Labor government for making this scheme a reality.

Community sector: wages

Ms PULFORD — In addition, I wish to applaud the Premier, John Brumby, on the announcement at the weekend that the Victorian government will back Fair Work Australia’s decision on the pay claim for social and community sector workers. The workers, 82 per cent of them women, are paid up to 37 per cent less than those doing the same job in the public service and hospitals. Community sector workers care for the elderly, the disabled, domestic violence victims and children at risk. I think we can all agree that this is emotionally taxing labour that is crucial for the community. In particular I would like to acknowledge the role taken and support given to their members by the Australian Services Union assistant secretary Lisa Darmanin and the state secretary of the Health Services Union of Australia, Victoria No. 2 branch, Lloyd Williams.

Somerville Secondary College: years 11 and 12

Mr O’DONOHUE (Eastern Victoria) — I would like to congratulate Mr Dixon, the member for Nepean in the Assembly and shadow Minister for Education, and Mr Burgess, the member for Hastings in the Assembly, on their recent announcement that a

coalition government will extend the Somerville Secondary College to include years 11 and 12. Somerville has grown to a population of 14 000 people, and the community needs and deserves its own complete secondary college. This is something for which Mr Burgess and others in the coalition have agitated over many years. Despite that agitation, it took the coalition to make the announcement before, lo and behold, a couple of days later the Labor government flip-flopped and reversed its decision and yet again copied another Liberal policy. I congratulate Mr Burgess and Mr Dixon on showing leadership in this critical area and on delivering for the Somerville community its own secondary college all the way through to year 12. It is long overdue, and it is a great announcement for the Somerville community.

Australian Labor Party: female leaders

Mr O'DONOHUE — The change of Prime Minister today again demonstrates the power of the union movement over the Australian Labor Party. It is interesting to compare the role of women in the federal and Victorian parliamentary Labor parties. Currently 100 per cent of leadership positions in the Victorian parliamentary Labor Party are held by men and 100 per cent of the ministers in the Victorian upper house are men. Whilst there will be much crowing by and excitement among members in this place about Australia's first female Prime Minister, they should reflect on their own party room and the lack of women in positions of leadership in the Victorian government.

Lorne: swimming pool

Ms TIERNEY (Western Victoria) — It gives me great pleasure to advise the house of another excellent project in Western Victoria Region funded by the Brumby government's Regional Infrastructure Development Fund to the tune of \$758 000. The Lorne community will benefit from the \$858 000 project, which involves geexchange technology to heat the Lorne pool. The technology will allow for year-round use of the pool and its precinct by local communities and visitors to Lorne and the Great Ocean Road. This project will also demonstrate geexchange technology as an economically viable method for heating the public swimming pool.

The Lorne community has been extremely proactive in getting this project off the ground, working with the Great Ocean Road Coast Committee, the Surf Coast Shire and of course Regional Development Victoria. I congratulate the community on this hard work, but in particular I thank Mr Peter Spring for his tireless work and his constant phone calls to my electorate office. I

acknowledge also the significant financial contribution that the local community has made to this project, along with the Surf Coast Shire and the Great Ocean Road Coast Committee. This is just another great example of the government's commitment to supporting families and communities living and working in rural and regional Victoria. It is also a fantastic example of how alternative energies can be used in our public assets in regional Victoria.

Project Hope Horse Welfare Victoria

Mrs PETROVICH (Northern Victoria) — The issue I raise relates to the organisation known as Project Hope Horse Welfare Victoria. This organisation has provided assistance to a number of neglected and starving horses, particularly during our extended period of drought.

I raise this issue with some reservations but feel that there needs to be an investigation into the acquittal of funding provided to this group, as some of the moneys provided through funding appear not to have been expended appropriately. There are also governance issues around the disclosure of full financials, elected positions and the treatment and expulsion of some members.

Having been made aware that substantial grants have been provided to assist the volunteers in caring for neglected horses, this money does not appear to have been used appropriately. One executive member refers to 'secret grants' and breaches in confidentiality. An audit should be conducted on the financials and expenditure of grant money and an acquittal should be produced for Project Hope membership. Starving and neglected horses have been assisted by this group and the majority of members have acted with only the welfare of these horses in mind.

During the bushfire recovery many members worked tirelessly in the affected areas to ensure transport, fodder and assistance were given to our equine friends and their distressed owners. It is a shame that the great work of the majority can be undermined because of lack of governance and accountability.

Soccer: World Cup

Ms MIKAKOS (Northern Metropolitan) — Congratulations to the Socceroos on their 2:1 never-say-die victory over Serbia this morning. Obviously Australians are disappointed that the team will not have enough points to progress further in the competition, but we should be proud of the team's efforts. We should also be grateful for the fact that the

Socceroos have created a spirit of a great deal of interest in football in Australia. In fact at the moment it is the most popular junior sport in the country.

Swinburne TAFE: graduation ceremony

Ms MIKAKOS — On another matter, on 18 June I was very pleased to attend the Swinburne TAFE graduation ceremony and assist with presenting testamurs to students graduating from their certificate IV in local government (planning) and certificate IV in local government administration. The certificate was designed by Swinburne University to help improve the skills of administrative staff working in local government planning departments and, in doing so, improve the efficiency of the planning system in Victoria.

I congratulate Swinburne University on its commitment to delivering these courses and wish all the graduates well in their future endeavours.

Australian Institute of Building: awards

Ms MIKAKOS — On 18 June I attended the 2010 Australian Institute of Building Professional Excellence in Building Awards annual dinner.

These awards are designed to recognise excellence in management of the building and construction process. They demonstrate to clients a building professional's ability to engage construction teams with the highest professional and ethical standards. I congratulate all the winners who were recognised for their accomplishments in building and wish them well in their future endeavours.

I also take this opportunity to congratulate Ms Efy Karagiannis on being elected the first female Victorian president of the Australian Institute of Building.

Prime Minister: appointment

Ms MIKAKOS — There have been many firsts today. Congratulations to Julia Gillard on becoming the first female Australian Prime Minister — —

The ACTING PRESIDENT (Mr Elasmr) — Order! The member's time has expired.

Ukrainian Youth Association of Australia: 60th anniversary

Mr GUY (Northern Metropolitan) — I rise to make a few comments in my member's statement about the 60th anniversary of the Ukrainian Youth Association of Australia — *Спілки Української Молоді в Австралії*.

I went to its 60th anniversary celebrations in Australia on 12 and 13 June at the Ukrainian hall in Essendon.

CYM, as it is known, the Ukrainian youth movement, was founded, as I said, 60 years ago. It is a great repository for Ukrainian culture, language and dance for the Ukrainian community in Australia and for the younger members of the community. It is founded in loyalty to Australia, to ancestors' heritage back in the Ukraine, and to a good Christian heritage and upbringing.

On 13 June I joined reverend fathers and sisters from the Ukrainian churches as well as the member for Essendon in the Assembly, Judy Maddigan, and the federal member Laurie Ferguson at the celebratory lunch at the Ukrainian hall in Essendon, where we were entertained with a period of dance and song, as well as exhibitions before the lunch on the day, to celebrate the 60th anniversary of CYM. On the 12th, the Saturday night, we had a gala dinner to celebrate the magnificent anniversary of CYM in Australia.

I say congratulations to Jaroslav Duma, Peter Duma and those involved in CYM for a magnificent 60 years and a magnificent 60 years ahead. It is a magnificent organisation that has done so much to bring up terrific young people and terrific members and leaders of the Ukrainian community in Australia.

Danielle Charak and Hania Mayer

Ms HUPPERT (Southern Metropolitan) — On a number of occasions I have had the opportunity to comment in this house on the constructive role played in Victoria by those members of the community who have a refugee background. This week is Refugee Week, which presents an opportunity to celebrate this contribution as well as educate the broader community about the many challenges facing refugees arriving in Australia.

The Brumby Labor government has marked Refugee Week through the Victorian Refugee Recognition Record, which was established in 2004. This year 20 Victorians who have a refugee background were added to this record. I would like to pay tribute to two of those Victorians who are residents of the Southern Metropolitan Region and who have been volunteers for many years in the community.

Danielle Charak arrived in Australia in 1949, having spent two years as a young child separated from her family in Nazi-occupied Belgium. Danielle is a leading and respected educator in Yiddish culture and language, and she established Yiddish as a high school option at

Mount Scopus Memorial College. She was also instrumental in the creation of Yiddish courses at tertiary level at Deakin and Monash universities, and she is the chief examiner for Victorian certificate of education-level Yiddish. She is currently the chair of education at the National Council of Jewish Women of Australia.

Hania Mayer arrived in Melbourne in 1950, having survived imprisonment in both Auschwitz and Bergen-Belsen concentration camps. She has been an active volunteer at Vision Australia and the National Council of Jewish Women of Australia. She has been a board member of the NCJWA and ran a successful adult education lecture program. In her 88th year Hania still attends NCJWA functions and is an active participant in the weekly discussion group, Sage in Thyme.

I have known both of these remarkable women for many years, and they truly provide a great example of the contribution made by those of refugee backgrounds to our community.

Tarnagulla Caravan Park: firefighting equipment

Mr DRUM (Northern Victoria) — My members statement today has to do with Tarnagulla, a small town in central Victoria, and the pressure the local caravan park is under to upgrade its firefighting equipment. It has been put under this pressure by the Country Fire Authority; in fact the CFA has threatened to close down the privately owned caravan park if it cannot upgrade its firefighting equipment to provide a suitable pressure. If the caravan park in Tarnagulla is forced to close down, the little township will lose 12 full-time residents. The community can barely afford that, as there are only a handful of small businesses operating there at the moment. Every person who lives in Tarnagulla is a valued member of that community.

The work is apparently going to cost somewhere in the vicinity of \$60 000 to \$80 000. As I said, it is a privately owned caravan park, and the owner certainly cannot afford that sort of money. Tarnagulla is part of the shire of Loddon, and we know the Loddon shire is one of the poorest councils in Victoria. It certainly does not have \$60 000 to \$80 000 to invest in a private caravan park. When you look at the situation, I think you will agree that Regional Development Victoria has a role to play in this impasse. RDV has a responsibility not just to look at some of the larger communities but also some of the smaller communities, understanding that small communities are vital for Victoria as well. If RDV could investigate this issue and try to work out

how it can improve the water pressure and help with the firefighting ability — —

The ACTING PRESIDENT (Mr Elasmr) — Order! The member's time has expired.

Children: early childhood services

Mr EIDEH (Western Metropolitan) — On Friday, 11 June, I was very pleased to hear of more good news for families in my electorate, with the announcement of \$400 000 of funding to trial innovative projects to help encourage families in disadvantaged areas to access early childhood services. The Minister for Children and Early Childhood Development, Maxine Morand, announced that the Western Metropolitan Region would receive this generous grant as part of an innovation fund which includes 35 projects sharing \$2.6 million of Brumby Labor government funding. This project involves developing access to vital services for children aged zero to 8 years, connecting kindergarten staff to professional learning networks in the western suburbs and supporting early learning services for children aged zero to 3 years.

Components of this project will range from extra training for kindergarten and maternal and child health professionals to the formation of mobile children's services and to subsidised transport to kindergartens in remote areas. Through the creation of these innovative services all families in the western suburbs will find it easier to access early childhood services, helping to set the foundations for a child's social, emotional and cognitive development in the early years of that development. The Brumby Labor government has recognised the need for more accessible high quality education and care in the early years of childhood. Furthermore the government is taking action to support families with vital services and support, helping break the cycle of disadvantage where it is needed most.

Regional and rural Victoria: communication black spots

Mr HALL (Eastern Victoria) — I draw the attention of the Minister for Information and Communication Technology to a report I received from East Gippsland Shire Council on behalf of the High Country Councils Coalition, being the Alpine, Baw Baw, East Gippsland, Indigo, Mansfield, Towong and Wellington councils. This report identified and documented mobile telephone black spots within their municipalities. It also identified and documented broadband black spots after the rollout of the national broadband network. It also estimated indicative costs to address identified gaps.

The minister would be well aware of the importance of information and communications technology in country Victoria, and that there are many challenges ahead. If parts of country Victoria are going to participate equally in what modern communication technology can offer the rest of Victoria, they are going to need some extra special assistance in ensuring the infrastructure to do so is in place. I intend to convey a copy of this report to the Minister for Information and Communication Technology. The East Gippsland council has asked for my assistance in making representations to the state minister, and I will do so by way of this statement this morning and by sending the minister a copy so that he can look at ways in which the state government may assist these high country councils.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: *Access to Social Housing*

Ms LOVELL (Northern Victoria) — I rise to speak on the June 2010 report of the Auditor-General on access to social housing which was tabled in this house yesterday. I have to say it is a fairly disappointing report. Whilst it acknowledges that some of the social housing associations are meeting some of the targets in terms of construction and numbers of properties, it also notes that the government-subsidised housing provided by these housing associations is not going to those in greatest need. In fact it shows in appendix C that a couple with three children earning \$1742 a week — just over \$90 000 per year — would qualify for housing with an association. It shows that people on quite high incomes are being housed by this government's subsidised housing.

The Auditor-General also reported that the government's original target of having 50 per cent of the people housed by housing associations coming from the public housing waiting list has been watered down. The government is now only saying up to 50 per cent, and only 46 per cent of the applicants came from the public housing waiting list. The most disappointing thing of all was that the report noted that no families from segment 1 — those with highest need, those with disabilities or people at risk of homelessness — were housed by a housing association in 2008–09.

All of the applicants from the public housing waiting list came from segment 4, which is the wait-turn list; 17 per cent of them were referred by the Office of Housing; a large percentage of them were self-referrals. A concern was raised by the Auditor-General that some people are getting themselves on the public housing

waiting list just to get access to housing associations because they know they will be given priority.

The minister put out a quite extraordinary press release that had another go at me. I love it when the minister does that, because it shows he is concerned by my exposure of his failures in the housing portfolio. It also shows that the minister has a glass jaw. Every time the minister calls for our policy, which will be released in the run-up to the election, I know he has run out of ideas. This is an 11-year-old government; this is a tired government; it is a government devoid of ideas to solve Victoria's problems.

The housing crisis is of Labor's making. We have a crisis at all levels of housing; we have a crisis in home ownership; not enough homes are being built due to Labor's poor policies over the past 11 years. Labor's restrictive land release policies and higher development taxes have restricted the amount of housing being built. Not enough new homes are being built for the home ownership market. This in turn has put pressure on the private rental market.

We now see zero availability of private rental premises for low-income families; that in turn puts pressure on the public housing waiting list which has now grown to almost 40 000 families that are waiting to be housed by this government. It is a sad indictment of the failure of both the Minister for Housing and the Minister for Planning to deliver affordable housing policies and to deal with housing for the most vulnerable of all Victorians — that is, those at risk of homelessness, those with disabilities and those with special housing needs who may need to be housed closer to hospitals.

This Auditor-General's report has shown that Labor's policy for housing associations has not gone anywhere near where it should have so as to house the most vulnerable families in Victoria. Labor should reassess its policies and look at ways to assist those families.

Auditor-General: *Management of Concessions by the Department of Human Services*

Mr ELASMAR (Northern Metropolitan) I rise to speak on the Auditor-General's 2010 report to Parliament, *Management of Concessions by the Department of Human Services*.

On reading this report for the first time I became aware of the number of households in Victoria that survive on concessions — that is, 700 000 at a total cost in excess of \$1 billion each year. I know some of these households include the working poor. That is why the Australian Council of Trade Unions has put forward a

living wage case on behalf of poorly paid workers; in recent times the community sector workers case was run. This issue of the necessity for concessions is a critical part of the wage case argument used by its industrial advocates.

The Department of Human Services has responsibility for ensuring that all applicants for concessions — that is, those concessions which affect standard fees and charges for services on utilities, water, energy and housing — are allocated according to the quantum criteria set out by the DHS. However, there are some instances where inconsistencies have occurred and ineligible applicants have been granted concessions they are not entitled to. It is critically important that the concession system is managed in an effective and transparent manner. This will ensure the ongoing viability and sustainability of the concession entitlement scheme for those whom the scheme was originally intended.

There are 10 recommendations contained in the report by the Auditor-General, and they all make a lot of sense. They are worthy of our support and speedy implementation. The implementation of those administrative changes does not require massive amounts of money. The majority of the suggestions relate to strategic and forward planning, together with improved reporting mechanisms. This is purely housekeeping that ought to be implemented. Any loopholes in the system can and should be tightened.

The present eligibility requirements to receive concessions are: the applicant must hold either a current commonwealth pensioner concession card; a commonwealth health care card or a Department of Veterans' Affairs repatriation health care card, which is known as the gold card; in other words, all concessions are means tested, and this is right and proper.

Our ageing population and the dramatic increase of eligible applicants may place the concession scheme in financial jeopardy in the future unless the identified deficiencies highlighted in the report are tackled seriously. The current systems in the DHS will continue to provide benefits to individuals who are not entitled to receive them. Simply put, the Department of Human Services should update individual concession assessments on a continuing basis against the government's policy framework. The commonwealth government has laid down the criteria for concession eligibility, and Victoria cannot dictate the number of recipients only from what it pays out; there is an urgent need to review the current methods used by DHS, and proper and timely professional advice to the government is needed now.

With the utilities companies substantially raising their tariffs in the short term and immediate future, it is critical that adequate and proper systems that allow for sufficient up-to-date checking of eligibility requirements be implemented sooner rather than later. This will ensure that the concession scheme survives financially until such time as the government provides another set of criteria to the DHS. I commend the report.

Regional Development Victoria: report 2008–09

Mr P. DAVIS (Eastern Victoria) — I wish to make a statement on the annual report from Regional Development Victoria, which has certain responsibilities and objectives. RDV works closely with the Department of Innovation, Industry and Regional Development and other departments and is nominally involved in — or at least it claims to be — creating vibrant and dynamic regional communities and economies. In that context I refer to the government's recently announced regional blueprint. In fact this blueprint is more akin to a bit of Labor government propaganda, the like of which federal Labor members of Parliament have chosen to reject in rejecting Kevin Rudd as their leader and Prime Minister today. This is spin. I notice that the former ALP federal secretary, Gary Gray, who is now a federal member of Parliament, this morning said he wanted to see the government governing and not running out spin, which was an interesting observation because we see that at state level as well, and that is reflective of the view of the wider community.

In terms of a commitment the so-called Labor regional blueprint has been recycled a number of times. It has appeared in the last two statements of government intentions and, even though it has now been formally released by the Labor government, it is still a work in progress as at the time of the announcement, which was nothing more than a collection of media releases targeted at regions to try to spin a view that the government was actually going to do something in those areas. Each of those releases quoted the same global spending figures, so that there was no discernible information as to the nature of the local initiatives.

The title is in fact a misnomer. It is called *Ready for Tomorrow*. I would suggest that there is nothing ready about it apart from the fact that another Labor staffer has been busy writing press releases, some of which do not reflect the reality. It is not a strategy for the future development and delivery of services to country Victoria. It is a fragmented collection of programs and projects aggregated from a trawl around government

departments, including many proposals that have been previously announced.

For example, it refers to support for nature-based tourism. A nature-based tourism strategy was released late in 2008, but to date there has been no discernible activity in this area. There is supposedly a focus on regional Victoria, but by definition regional Victoria seems to be Geelong, Ballarat and Bendigo — Labor's much favoured provincial cities. Any benefits it might pretend to offer get thinner the further the distance from Melbourne, as in the case of East Gippsland, where there have been a few headline projects announced but nothing by way of enduring support for the development of the area or the welfare of communities.

Other examples include a \$6 million villages program, which is incredibly thinly spread. Given that there are 30 or more towns included in that program and that it is spread over five years, those towns receive a total of only \$200 000 each over five years, which by my arithmetic calculation is \$40 000 a year, and that is not enough to do any major initiative or project.

There is a minimal program for the elderly, and East Gippsland has been overlooked, despite having a population which is in fact statistically older than the rest of the state. East Gippsland is in dire need of an upgrade in public transport services. Because of the tyranny of distance and geographic issues, the area is significantly under-served in public transport and again it misses out badly.

I note this work is an effort by the Labor government to spin a story in regional Victoria. It is notionally a blueprint, but I do not know what it is a blueprint for other than a re-election policy gig that gives ministers and Labor members an opportunity to endlessly barrage the local media with press releases while continuing to do the same as they have been doing, which is basically nothing, in country Victoria.

Auditor-General: *Management of Major Rail Projects*

Mrs KRONBERG (Eastern Metropolitan) — I found the reading of the Auditor-General's report on the Management of Major Rail Projects particularly interesting, illuminating and, in summation, a document that should have the Minister for Public Transport shaking in his boots, because it is a very strong indictment of the poor practices of running a transport system in this state. The light shines on a fair degree of poor decision making and, frankly, we might even have to include the descriptor of ineptitude on behalf of the

Department of Transport under two successive public transport ministers in this state.

The Victorian Auditor-General has focused his attention on five particular projects, principally because what the audit wants to achieve is a comparative analysis on how they have actually overcome shortfalls that were identified in 2002 and how the game has been lifted since.

The particular identified weaknesses included such things as feasibility work that had completely underestimated costs — this is in 2002 — overestimated the benefits and inadequately assessed the risk. It is interesting to note that the Labor government seems to fall for its own spin, and this contagion just cascades through layers of government administration in this state.

The next identified weakness was the inadequacy to respond appropriately to emerging risks, so the government's idea of it being able to be in the risk-assessment business has completely derailed — pardon the pun!

The third identified weakness is that time and cost overruns meant that projected benefits were never achieved, and we have to applaud the Auditor-General for putting the problems of this government and the management of the public transport system, particularly the rail system in this state, in such a succinct fashion.

The Auditor-General has concluded that as there has been an improvement in the Department of Transport's ability to manage projects since 2002 — and I underscore the fact that that is over almost two full parliamentary terms of this government — there is no greater assurance that major projects are justified and that they actually provide value for money. The Victorian Auditor-General has found, however, that the level of assurance is still short of that needed, and this period of requirement for improvement spans the two terms. The Victorian Auditor-General is now expected to strengthen the work it undertakes in the development of final business cases.

Out of the five projects that have been highlighted, two are important to me as a member for the Eastern Metropolitan Region. The first one I would like to shine the light on is under the heading 'Audit scope and objectives' and relates to what the South Morang rail extension means to the people of Eltham, the problematic situation that prevails over the Eltham station and the potential for train stabling being foisted on the populace.

The South Morang rail extension involves duplicating the track between Keon Park and Epping, extending the duplicated track from Epping to South Morang and including selective works on the Hurstbridge line, budgeted at over \$650 million. It was developed between 2005 and 2009 and is due for completion in September 2013. That is proof positive that with any adjustments to the Hurstbridge line, the strategic intention of this government is not to improve passenger services on the Hurstbridge line but is in fact to provide clear air around the new construction and expansion of the Epping line to South Morang, which is what we have all known.

When we look at defining clear and measurable objectives — and this pertains to the Middleborough Road grade separation exercise — we see that the Middleborough Road project had 14 objectives, some of which were not reasons for the investment — —

The ACTING PRESIDENT (Mr Eideh) — Order! The member's time has expired.

Auditor-General: *Hazardous Waste Management*

Ms HARTLAND (Western Metropolitan) — I wish to speak today on the Auditor-General's report on hazardous waste management. I am going to keep my remarks very brief because I think the report sums it up, but in the conclusion is a paragraph I really do want to read out. The report states:

The EPA is not effectively regulating commerce and industry's management of hazardous waste. Its monitoring and inspection activities lack coherence, purpose and coordination. This, combined with poor business information because of the EPA's lack of data reliability, poor analysis and reporting and inadequate documentation of its rationale for decisions, means that there is neither sound compliance monitoring nor effective enforcement regimes.

As a consequence, there is little assurance that hazardous waste is stored and disposed of appropriately.

In the 20 years that I have been involved in issues around contaminated sites, toxic accidents et cetera, this is something I have always known about the Environment Protection Authority. I know, as do a number of community groups who have been active on this issue, that this report has vindicated many years of activity. Today I want to use a little bit of my time to thank some of the groups who have never let the government or the EPA get away with thinking that it was all right to keep disregarding their concerns and disregarding the safety of their communities. They are people from Tullamarine and Lyndhurst.

After this report was released the government did respond very appropriately and said that it would act on all the recommendations from the Auditor-General. I have said repeatedly that, for me, acting on the report and doing what should be done is very important, but words are not enough. I would really like to see action happen very quickly, and hopefully in 12 months time we will see a completely different culture at the EPA, because unless that happens and unless tough action is taken communities will still have no confidence in the EPA.

Auditor-General: *Access to Social Housing*

Ms BROAD (Northern Victoria) — I wish to make some remarks on the report of the Auditor-General on access to social housing. I welcome this report from the Auditor-General and thank him and his staff for the report. I note that, of course, the Brumby Labor government supports the Auditor-General and the reporting process. This is unlike the performance of the Liberal Party and The Nationals the last time they were in government.

The Auditor-General has made several recommendations in this report in relation to housing associations, and I wish to make some remarks about that. Hopefully members will be aware that Victoria has an undersupply of affordable housing for people on low incomes, and the Auditor-General makes reference to this. That is the reason that the Brumby Labor government in 2003 adopted the strategy for growth in housing for low-income Victorians to increase the supply of affordable housing. That was implemented through amendments to the Housing Act, and those amendments set the basis for the registrar to be established and for the registration and regulation of housing associations with the aim of delivering significant growth in social housing and achieving clear social objectives.

Two methods have been adopted by the Brumby Labor government to increase the supply of social housing owned by housing associations like the Rural Housing Network and Loddon Mallee Housing Association — the latter was the very first housing association established under this legislation put in place by the Brumby Labor government. They are just two examples of housing associations, and they are particularly active in my region of Northern Victoria.

The Brumby Labor government initially invested \$300 million over four years in the 2007–08 budget to build 1550 new dwellings, and that was to be augmented by a contribution of at least 25 per cent in total project costs from housing associations, effectively

increasing the investment by a further \$100 million. Since then the Brumby government has lifted the contribution to around \$500 million invested, and in addition to that the federal Labor government has invested a record \$1.167 billion from the economic stimulus package. That is expected to result in the delivery of close to 4000 new homes. This is indeed a very significant addition to affordable housing in Victoria as a result of this initiative by the Brumby Labor government.

I thank the housing associations for the significant commitment they have made to this initiative in terms of resources and to seeing this delivered.

The Auditor-General also makes observations on allocation policies for affordable housing that is owned and managed by housing associations. In the government's response to the Auditor-General's report this week the Minister for Housing, Richard Wynne, not only made it clear that the government accepts all the recommendations contained in the report but also reiterated the government's commitment to achieving a 50 per cent allocation policy to ensure that housing associations are achieving a mix of tenants — —

The ACTING PRESIDENT (Mr Eideh) — Order! The member's time has expired.

Rural and Regional Committee: regional centres of the future

Mr VOGELS (Western Victoria) — I will make a few comments on the government's response to the parliamentary Rural and Regional Committee's report on regional centres of the future. I find it interesting that a body to represent the interests of rural and regional Victoria, a decentralisation focus and a specific examination of disadvantage in the regions are all concepts about which the committee, of which I am a member, promoted and developed recommendations. The Labor members of the committee said in a minority report:

We oppose recommendation 1 that proposes the establishment of regional development commissions.

The government's response in the report which was tabled in the house a couple of weeks ago also opposed this recommendation.

Let us have a look at the committee's key recommendation 1, which Labor members so vehemently opposed. It says:

The committee recommends that the state government establish a regional development commission for each region of Victoria. These commissions should be established as

statutory authorities with annual budgets to implement strategic projects and provide services to their region.

Each commission would be overseen by a board consisting of ministerial appointees, local government representatives, as well as community leaders.

Each commission will have the following roles:

advocacy: to advocate to the Minister for Regional and Rural Development and the government on behalf of the regions in support of key regional programs and projects;

advice: provide advice to the Minister for Regional and Rural Development and the government on regional development matters;

watchdog: to act as a 'watchdog' with regard to the impact of government policy on rural and regional Victoria; and

implementation: to implement programs and projects in the regions.

The chairs of each of the regional development commissions would come together periodically to form a regional council chaired by the Minister for Regional and Rural Development. The council would meet to discuss regional issues of state importance and to provide advice to the Minister for Regional and Rural Development.

I will go back to the minority report. I reiterate what Labor members said in the report:

We oppose recommendation 1 that proposes the establishment of regional development commissions.

On the next page they go on to say:

Critically, as noted, there was no evidence to support this recommendation but there was evidence to the contrary. We strongly oppose this recommendation.

It is also interesting to have a look at what the Premier said last week. He announced that the government would establish a council of Victorian governments to be made up of regional city mayors plus representatives from rural councils and be chaired by the Premier. The only difference between this proposal and the recommendations we put forward was that our recommendation was that the commissions be chaired by the Minister for Regional and Rural Development. Labor is now saying that the body will be chaired by the Premier. That is okay; we do not mind. Our recommendation was a good, solid one, which is now being taken up by the government, and I commend it for that.

The committee's recommendation 24 was that:

... the state government undertake a review to identify the potential for decentralisation of agencies and government functions ...

During the committee's hearings we were basically not allowed to mention the word 'decentralisation' — it was taboo — but now the government is asking for a committee. In the government's response it was supported in principle, with lots of question marks. It said, 'We do not really support it but we might'. The Premier is now talking about the ongoing decentralisation strategy, although no particular agency has been targeted, to move the 400 jobs that were mentioned. It seems that will involve offering packages to various individuals in different departments.

Recommendation 23 proposes that the government revisits population growth targets to shift the emphasis so that there is a balance between rural and metropolitan areas. Again, the government's support was only lukewarm. However, all of a sudden the government now has a regional population strategy. While compiling the report we travelled to New Zealand, England et cetera and heard about rural proofing and the priority of rural proofing. Once again, this was dismissed by the Labor members of the committee. But now the Premier is talking about rural proofing for country Victorians. I can assure the witnesses who appeared before the committee that the coalition would adopt many more of the recommendations that were made following their evidence. The regional advisory group, with real funding being made available, which we have already announced, is a good example of that.

Department of Human Services: report 2008–09

Mrs COOTE (Southern Metropolitan) — I will not say I take pleasure in rising to speak on the 2008–09 report for the Department of Human Services, because I do not. It is interesting to see the Minister for Environment and Climate Change in the chamber because he was the Minister for Aged Care when I was shadowing him. I have to say he was very interested in Alzheimer's disease, and he did quite a lot about it. However, that this annual report has nothing in it about Alzheimer's. This is an indictment of the government. The minister should get onto his colleagues and tell them to follow up his good work by doing something about it, because it is appalling that they have not.

Lynette Moore, chief executive officer of Alzheimer's Australia, says in relation to an Access Economics report on new projections on dementia prevalence and incidence between 2010 and 2050 that:

I alert you to the release on Thursday, 20 May 2010, of three new Access Economics reports commissioned by Alzheimer's Australia Vic. They detail dementia prevalence and incidence in Victoria 2010–2050 for:

state electoral districts;

federal electorate divisions;

Department of Health regions, local government areas and statistical local areas.

I will also refer to a quote, which should have gone into this report, I might add, about what is actually happening in the Southern Metropolitan Region, which is my electorate. Lynette Moore goes on to say:

The key messages from these new reports are clear:

Dementia prevalence and incidence is rising alarmingly.

Governments are not yet doing enough to prioritise and fund dementia to address the current and future needs of families in Victoria:

to provide quality dementia care for all Australians, from all cultures and of all ages, regardless of where they live

reduce the prevalence of dementia in the future

The government spectacularly ignored this. There was no additional funding in the budget; there was no recognition of the work that Alzheimer's Australia does and in fact of this huge bubble that is coming down the tracks at a million miles per hour that we are going to have to deal with as a community. We have to start preplanning and putting sufficient funds into the forward estimates to make certain that there is sufficient funding to deal with people with Alzheimer's disease, because it come back to this community to support these people.

In a media release of 20 May under the heading 'No government response to massive increase in dementia', Alzheimer's Australia says:

The number of people with dementia in Victoria to hit 246 000 by 2050 — unless there are medical breakthroughs

Regions of Gippsland and north-west Melbourne will be hardest hit

643 per cent predicted increase in the number of people with dementia in the Melbourne LGA.

I am particularly concerned about some of the statistics in the Southern Metropolitan Region. For example, in the Assembly electorate of Sandringham the number of people living with dementia in at the moment is 859. By 2050 there will be 1896 — a 121 per cent increase. That is an extraordinary increase, and where is the money that should be put aside to deal with this issue? In the Assembly electorate of Prahran there are a lot of young people, and I am sure they are not thinking about dementia at all, but it will not surprise members in this chamber to know that in that electorate at the moment

there are 723 people with dementia and by 2050 there is predicted to be a 246 per cent increase.

It is likewise the case in Oakleigh, which has a slightly older demographic than Prahran. There are 858 people there at the moment with dementia, and by 2050 there will be a 154 per cent change. In Malvern there are 832 people with Alzheimer's disease now, and by 2050 there will be a 249 per cent change. In Kew 867 people have it now, and by 2050 there will be a 147 per cent increase. In Hawthorn there are 779 people now, and by 2050 there will be a 129 per cent increase. In Caulfield there will be a 128 per cent change by 2050. In Burwood there will be a 174 per cent change by 2050. In Brighton there will be a 199 per cent change by 2050. In Bentleigh there will be a 149 per cent change and in Albert Park a whopping 391 per cent change by 2050.

We need to have a forward-looking approach to Alzheimer's disease.

Victoria University: report 2009

Mr EIDEH (Western Metropolitan) — I rise to speak on the annual report of a great university in my electorate that is making positive strides in education — Victoria University. It is a university that is producing the leaders of tomorrow across a broad range of academic fields, a university that regards quality as inherent in education and a university that is actively pursuing partnerships with businesses such as the LeadWest organisation. I congratulate Professor Creamer on his great input together with local government and businesses such as Western Melbourne Tourism.

The university has established a new and exciting partnership with the world-acclaimed Le Cordon Bleu organisation to deliver a new direction in education in the culinary arts that will eventually set even *MasterChef* ablaze.

The university values research and its academic staff are making a great name for themselves, for the university and thus for Victoria. It is a university whose students and staff reflect the multicultural basis of our great state and are a credit to the Western Metropolitan Region, as I believe all my electorate colleagues would agree.

I wish to pay my respects to the chancellor, Mr George Pappas, the vice-chancellor, Professor Elizabeth Harman, and all the staff, whose professionalism towards their students is of the very highest of standards. They are a credit to the region and the state. I

must also pay due respect to Justice Frank Vincent, who has retired as chancellor; his leadership was inspirational. We thank him and wish him well in his retirement.

For any member with an interest in education, youth and the future of this state, this report is worth reading. The summary of achievements in 2009 alone is an outstanding success story across a very broad range of sectors, and I will seek leave to incorporate a copy of page 6 in *Hansard*. This list of achievements leaves me almost breathless at the range and scope of what the staff and the students have attained in the 2009 year alone, so much so that I wait with anticipation for the next annual report.

As I read through the research activities I found material about studies that I believe few of us in this house would be aware of, such is the degree of groundbreaking work for which Victoria University is fast becoming famous.

I wish to pay my respects to Senator Kim Carr, Minister for Innovation, Industry, Science and Research at the national level, who opened the university's exciting new postdoctoral program. This is a far cry from the original Footscray Technical School, which opened in 1916 and upon which the university was eventually based. Like that old school, the university is seeking to address key shortages in skills. Its string of successes is a credit to all concerned as well as to the Brumby and Rudd Labor governments, which have supported quality education and invested heavily in the future of our youth.

This government does not neglect the west, it does not neglect youth and it does not neglect education. It stands for quality educational choices, and Victoria University is a success story which is a great example of that.

Auditor-General: Hazardous Waste Management

Mrs PEULICH (South Eastern Metropolitan) — I wish to make some further remarks on the *Hazardous Waste Management* report published by the Victorian Auditor-General in June 2010, primarily because the area that I represent has a significant number of landfills and tips which have been very poorly managed, often to the great annoyance and detriment of the local communities.

Ms Hartland has read probably the most telling paragraphs, which appear on the first page of the report and which I had the great pleasure of reading out to

250 attendees at a meeting recently, convened by the Environment Protection Authority for objectors to the Hallam Road tip, which has not yet been licensed and about which a decision has yet to be made. This audit is damning of the EPA, and for the interest of those members who will receive a copy of the report I will read those paragraphs, which I think are telling.

In his conclusions, the Acting Auditor-General stated:

The EPA is not effectively regulating commerce and industry's management of hazardous waste. Its monitoring and inspection activities lack coherence, purpose and coordination. This, combined with poor business information because of the EPA's lack of data reliability, poor analysis and reporting and inadequate documentation of its rationale for decisions, means that there is neither sound compliance monitoring nor effective enforcement regimes.

As a consequence, there is little assurance that hazardous waste is stored and disposed of appropriately.

The report goes on to talk about the fragmented databases, the absence of sufficient documentation to proceed with enforcement, about which the authority has a statutory obligation as a regulator under the Environment Protection Authority Act 1970, and the failure to deter offenders, who must be held accountable for their actions. This means that the situation in Victoria has deteriorated significantly.

I think first of all of the concrete crusher that was allowed to proceed in an inappropriate area too close to residences and schools. I am thinking of the tips run by Transpacific Industries Group Ltd at Heatherton — we call it Mount Heatherton — where there is a mound of dirt in excess of 200-foot high, which is in breach of its permit conditions but on which no appropriate action seems to have been taken. Dust from that mound is routinely spread across the nearby suburbs, including Dingley Village. I must confess I live there and regularly have to clean the bay window in my bathroom, which often has a quarter of a centimetre of dust on it. This is a standard experience for people who live in Dingley Village, as well as the smells, in particular those from other nearby tips. The smells have something to do with the temperature and the lack of any selling off of inputs into the electricity grid because of the low remuneration.

This is obviously a problem around Lyndhurst; it is a problem around Dingley. Yet the Environment Protection Authority seems to be taking no action. The other night 250 people heard that there have been a string of complaints made about the Lyndhurst facility and no action taken. Again, the reason is the documentation and therefore the failure of the EPA to take action against non-compliant entities. On page 11

under the heading 'Documenting decisions' of the report says:

As a regulator the EPA has considerable power. It can compel occupiers of any property that produces and discharges waste to provide it with information, undertake criminal prosecutions and issue penalty notices and make other orders.

Documenting decisions when the EPA exercises its power is essential. This provides accountability, transparency and facilitates consistency of decision making over time.

The EPA's documentation processes followed, and decisions made, about hazardous waste matters is inadequate. There is, therefore, a lack of accountability and diminished transparency.

It goes on to say:

While various units across the EPA may recommend enforcement action for non-compliant entities, the enforcement unit manager, in a quality control role, determines whether there is sufficient evidence for incidents to be reported to the enforcement review panel. Despite this role, we found that key enforcement documents submitted to the enforcement review panel, such as incident summary sheets, were often incomplete.

It is a debacle. What is most disconcerting is that a political figure has been selected to head this organisation — that is the husband of Maxine Morand, who is the member for Mount Waverley — a Labor friend. In order to rebuild the faith, trust and confidence of this organisation, this appointment should not have been allowed to proceed.

There are many issues on which this minister probably has the heart to want to make a difference, but I am not sure whether he is actually going to be able to effect the change. He needs to, otherwise his legacy will be very poor. I am sure that he would rather do much better —

The ACTING PRESIDENT (Mr Elasmarr) — Order! The member's time has expired.

Ombudsman: investigation into the probity of the Kew Residential Services and St Kilda Triangle developments

Ms PENNICUIK (Southern Metropolitan) — I would like to make a few brief remarks on the Ombudsman's investigation into the probity of the Kew Residential Services and St Kilda Triangle developments. I was a member of the Select Committee on Public Land Development, which held hearings and received submissions into these two very large projects, and which also tabled an extensive report in September 2008. The Legislative Council referred these matters to the Ombudsman on 3 December 2008, some 18 months ago. It is worth noting that that was the first

time that that section of the Ombudsman Act had been invoked by the Parliament. It needed to be, because there was so much community concern about the planning processes surrounding both of these projects — the development of the former Kew Residential Services into so-called prestige housing, and the proposal to foist a huge retail and entertainment development on the small site of the St Kilda Triangle which is on the St Kilda foreshore.

I have not had the opportunity to read the full 171 pages of this report, but I have looked at the executive summary and the conclusion sections on both of the projects. It is interesting that, as foreshadowed in the report of the Select Committee on Public Land Development, the common themes that the Ombudsman has identified are probity and process, the role of probity advisers and probity auditors, delays, conflict of interest — a big issue identified in both of the reports — public interest issues, transparency, the role of lobbyists, and poor record-keeping. These are the issues that were raised with the select committee and they are certainly concerns that many members of Parliament, including myself, had about the processes and in particular the secrecy surrounding these huge developments on public land.

We must remember that both of them are on public land, the contracts were not available in a timely way for the public to know what was going on, and in both cases large tracts of public land were being co-opted for purposes for which they were not set aside under the Crown Land (Reserves) Act. I reserve my right to speak again on this report once I have had the opportunity to read it in full. In respect of both of the developments, the Ombudsman said:

... the attention paid to significant matters associated with probity, such as conflict of interest and record management, was insufficient, particularly given the scale and complexity of these projects.

He also said:

... a number of people involved in the Kew and St Kilda Triangle projects did not display a sufficient understanding of probity. These issues could have been addressed by the exercise of proper processes and better management.

He also identified:

... a lack of clarity regarding the project management of development projects declared as having state significance. In both cases the evidence supports the view that the city of Port Phillip and the Department of Human Services lacked project management experience in large and complex projects and required ongoing advice and assistance.

These were all foreshadowed by submissions to, and in the final report of, the Select Committee on Public Land Development.

In particular the Ombudsman concurs with the point that I made about the St Kilda Triangle project. Even before I entered Parliament I pointed out that the problem was that the city of Port Phillip was the proponent, the planning authority and the committee of management for the site. The Ombudsman said:

The removal of third-party appeal rights, particularly in situations where one agency fulfils all of the above roles, is not ideal.

He went on to say:

... while this is permitted under legislation, such a conflict of duties requires careful and planned management if public confidence in planning matters is to be maintained.

I would further suggest that there is a need to look at whether this particular arrangement — —

The ACTING PRESIDENT (Mr Elasmr) — Order! The member's time has expired.

SUBORDINATE LEGISLATION AMENDMENT BILL

Introduction and first reading

For Mr LENDERS (Treasurer), Mr Jennings introduced a bill for an act to amend the Subordinate Legislation Act 1994 to extend the application of certain provisions of that act to legislative instruments, to make other amendments to that act, to consequentially amend other acts and for other purposes.

Read first time.

Mr JENNINGS (Minister for Environment and Climate Change) — By leave, I move:

That the second reading be made an order of the day for later this day.

Leave refused.

Ordered that second reading be made an order of the day for next day.

TOURIST AND HERITAGE RAILWAYS BILL

Introduction and first reading

For Hon. M. P. PAKULA (Minister for Public Transport), Mr Jennings introduced a bill for an act to enact a legislative scheme relating to tourist and heritage railway operators and for other purposes.

Read first time.

APPROPRIATION (2010/2011) BILL and BUDGET PAPERS 2010–11

Second reading

Debate resumed from 22 June; motion of Mr LENDERS (Treasurer) and Mr LENDERS's motion:

That the Council take note of the budget papers 2010–11.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to continue the debate on the 2010–11 budget. This is the last sitting week before the start of the new financial year, so the passage of the appropriation bill is gaining some urgency as time progresses. When the current Treasurer took over from the former Treasurer, now the Premier, John Brumby, he said he would be a safe pair of hands. As wise people often say, members should take note of what someone does, not what they say.

Mr Rich-Phillips, as the lead speaker for the coalition on the budget, outlined in detail the increased tax take by this government. As an example, he provided some illuminating figures on the average number of employees required before payroll tax is payable now compared with the rate in 1999, when the previous government lost office. Mr Rich-Phillips also provided some examples of deterioration in service delivery, notwithstanding the increased real tax by this government's take over the past decade.

Government members love to press 'replay' on the history button, but it is a selective history. When talking about the finances of this state, government members always start by saying that all the problems of the world were caused by the Kennett government. Members must remember that when the Kennett government came to power, Victoria was bankrupt — because of the absolute incompetence of the Cain and Kirner administrations. It took the Kennett government coming to power to restore Victoria's finances. Then, when the Bracks government came to power, it was

given a gift of a state that was well administered, the government of which had restored the public finances of Victoria, and it had money available to invest for the future.

Over the past decade government members have replayed a selective history of the Kennett government. They have paraded that government as the greatest evil in society and a terrible government for Victoria. The reality is that the current government has done very little to unwind the reforms of the Kennett era. The other day we even heard the Treasurer complain about the council amalgamations undertaken by the Kennett government. What has the government done to unwind those council amalgamations? Precious little!

When in opposition current government members complained and moaned about the privatisation of the public transport system and in government they have complained and moaned about it. When they had the opportunity to do something about it, what did they do? Nothing; they continued the policies of the previous government.

As I say, government members have a selective view of history. They love to tell a political story about the past, but the political story does not reflect the reality. That is the starting point for my contribution to this debate.

I repeat: the government was left a fiscal legacy or gift of good governance in this state. Over and above that it had the good economic management of the previous federal government, which delivered ever-increasing revenues and economic growth to Victoria. Sadly, the government has messed it up. It has wasted billions of dollars. From an analysis conducted by the opposition before the release of this year's budget, we calculate that the bungles by the government have cost Victorian taxpayers \$11 billion. They include the EastLink project, which had a budget cost of \$1.6 billion, but it blew out to \$3.7 billion. The desalination plant was first advertised as a \$3.1 billion project; now it will cost a minimum of \$4.5 billion.

The cost of the introduction of smart meters has gone from \$800 million to \$2.2 billion. The cost of the disastrous myki ticketing system, which has still not been completed or is still not in full operation, has blown out from \$494 million to \$1.4 billion. The M1 upgrade was originally estimated to cost \$1 billion; now it will cost \$1.4 billion. The cost of the Royal Children's Hospital has gone from \$850 million to \$1.1 billion.

As I have detailed to the house before, these cost blow-outs relate not just to major infrastructure

projects. In 2006, in Meeting Our Transport Challenges the government said it would deliver three new growth corridor stations for a total cost of \$60 million. Lo and behold, two years later with the Victorian transport plan the cost of those three stations, plus one other, had blown out from an average of \$20 million per station to a total cost of \$220 million, an average of \$55 million per station.

When I asked a question without notice of the Minister for Public Transport, he refused to answer on the specific cost blow-out from an average of \$20 million per station in 2006 under Meeting Our Transport Challenges to an average of \$55 million under the Victorian transport plan. It beggars belief that a new railway station would cost \$55 million. Sadly, that is the history of this government: its inability to manage projects and its inability to control costs.

I want to pick up a point made by Mr Atkinson in his contribution. I was listening to the radio before coming down to the chamber and I was interested to hear the Premier quoted as saying he wants to reopen the health agreement. Mr Atkinson eloquently outlined the debacle that is the health and hospital agreement for the Victorian taxpayer. It is not just the agreement; it is the precedent. The Treasurer has railed day after day, week after week, particularly when the coalition was in power at a federal level, about the vertical fiscal imbalance suffered by Victoria and there not being a broad enough taxation base for us to be independent of payments from the commonwealth and other bodies. He has a legitimate point.

The one taxation reform of the last generation that has given the Victorian government a growth tax was the introduction of the GST just over 10 years ago. The GST is a broadbased tax, it is a growth tax, and it has gone some way to redress the problem faced by the Victorian Treasury of having a limited taxation base and few broadbased taxes.

The Treasurer and the Premier made a great deal about resisting the health and hospital reform as advocated by the then Prime Minister, Kevin Rudd, and fully endorsed by the new Prime Minister, Julia Gillard. What a terrible precedent it sets. Signing away — is it 30 per cent or a third?; that seems to be a bone of contention in this debate — either 30 per cent or a third of Victoria's GST revenue sets a terrible precedent. What happens when the next supposed crisis comes along — for example, a crisis in road funding, a crisis in public transport funding or a crisis in some other form of funding such as education or police; you name it?

The federal government will come along and tell us it will solve all the problems in this area and take over their management and control, whether it be with the education system or police force funding. However, the federal government tells us that in return we must give away another 20 per cent or 30 per cent or 10 per cent of the only broadbased growth tax that Victoria has access to — that is, the GST.

The Treasurer has railed day after day, week after week in here saying, 'Woe is us, the Victorian government; we don't have financial independence because the states gave their income tax powers to the commonwealth during World War II. Isn't it terrible?'. Yet he has signed up to the federal government's health and hospital agreement, which was advocated by Kevin Rudd and was fully endorsed by Julia Gillard. In doing that he has signed away the only broadbased growth tax that Victoria has — the GST.

It is only a matter of time before another crisis evolves and another slab of the GST revenue will be assigned to Canberra, further restricting the taxation base of the state. It has set a terrible precedent and the damage from that will be seen into the future. I note this morning the Premier was calling for a renegotiation of that agreement. You have to ask the question: why did he sign up to it in the first place? Why did he not have the courage, like Premier Colin Barnett in Western Australia, to resist signing up to the agreement in the first place?

The Victorian Treasury very much relies on grants and payments from the commonwealth for its budget. Approximately 50 per cent comes from grants and payments from the commonwealth. We have asked questions in this place about the taxation reform proposed by the commonwealth. Given the reliance of the Victorian Treasury on revenue from the commonwealth, we have an important and close interest in the taxation measures announced by the commonwealth.

The mining tax, the new resource super-profits tax, has gained enormous publicity and has caused a great deal of concern around Australia. Countries such as Canada are gloating with glee about the super-profits tax proposed by the commonwealth government. It is a tax that introduces a substantial sovereign risk to Australia, for the first time in a long time. One of the great competitive advantages Australia has enjoyed until now in the exploitation of its natural resources is a stable political environment and the absence of sovereign risk. With the introduction of sovereign risk, the former Prime Minister and the current Prime Minister, with her

advocacy for the super-profits tax, have sold Australia down the river.

You would think that if the Victorian Treasurer has a safe pair of hands, as he likes to state, he would reject the super-profits tax and the concept of sovereign risk being introduced to Australia. Sovereign risk in Australia affects not just the commonwealth and Western Australia and Queensland, the two states that rely on mining the most, but has an effect on us all. It affects the perception of Australia as a place to invest.

That is why I was disappointed to read the Treasurer's press release of 2 May, which states:

Treasurer John Lenders said the reforms announced today —

with reference to the proposed tax changes —

would help Victorian businesses to become even more internationally competitive and help to create more Victorian jobs.

I fail to see how the super-profits tax will help Victorian businesses become internationally competitive, and I fail to see how it will help to create more jobs.

When pressed on this issue in the chamber the Treasurer said that only 1.7 per cent of our state's economy is in mining and:

We do not dig things out of the ground; we rely on our people and their skills for this economy to go forward.

What the Treasurer fails to acknowledge is that the super-profits tax, as it is currently drafted, will affect sandmining and a range of other industries that will impact on the cost of housing — and it is housing and population growth that are driving this economy. The Treasurer fails to understand the connection and impact of the super-profits tax.

The Minerals Council of Australia issued a press release on 1 June, which states:

The Victorian minerals industry is relatively small when compared to the powerhouses of Western Australia and Queensland but nevertheless generates about \$1.5 billion per annum in the state in addition to the contribution from the mining industry services sector and head offices of global mining companies located in Melbourne. The sector directly employs about 5000 people in Victoria and more than ... 5000 people indirectly. Minerals exploration expenditure is currently running at \$60 million per annum and capital expenditure in 2008–09 was almost \$1 billion.

In other words, 10 000 jobs are at risk because the Treasurer of Victoria signed up to Kevin Rudd's taxation reform, the cornerstone of which is the introduction of the super-profits tax. That is not the

action of a man who has a safe pair of hands; it is the action of a man who is playing politics and singing the tunes of Canberra rather than standing up for the people of Victoria and the Victorian economy. Yes, mining is not as important to the Victorian economy as it is to the economies of Queensland and Western Australia, but in my opinion 10 000 jobs are still very important.

Whilst the Treasurer always likes to downplay the role of mining in Victoria, we only have to walk a few hundred metres from this place to see the global headquarters of BHP Billiton, to see just how important the mining sector is currently to Victoria and what a historical role it has played in the development of Victoria, with Melbourne being the traditional location of head offices of so many mining companies.

We should be proud that BHP Billiton has gone on to become a global leader in mining. Former Prime Minister Kevin Rudd might dismiss mining companies as foreign-owned corporations, and he may wish to attack them. We should be proud of the history of head offices in Victoria, the leading one being BHP Billiton. We should be working with rather than against the mining industry. It is a great shame that the Victorian Treasurer has not had the courage to stand up to Canberra. It will be interesting to see whether his tune changes now that there has been a change in political leadership federally, but that does not change the fact that the Treasurer and the government have put their political positions ahead of the taxpayers, ahead of the Victorian economy — and for that they should be condemned.

I want to move to another issue. The Treasurer loves to quote debt levels of the Victorian economy in the 1950s and 1960s. When we in the opposition talk about the rising levels of debt for the Victorian economy, the Treasurer loves to respond with figures about the Bolte government and the levels that existed then. What the Treasurer fails to understand and what is completely absent from the Treasurer's and the government's discussion about the Victorian economy is the changing nature of the Victorian population.

There was recently a fantastic article in *The Economist* which referred to the 'demographic dividend' that India is about to enjoy as a result of a burgeoning workforce while, at the same time, it has very few older people it needs to take care of through the social security system. It is in what is referred to as the 'demographic sweet spot'. It has a growing population and an enormous growth in the number of workers, which will help drive productivity in its economy, which will help deliver economic growth, which hopefully will raise the living

standards of the Indian population. We have seen that occur throughout other parts of the world.

Australia enjoyed that demographic dividend, that demographic sweet spot during the 1950s, 1960s and 1970s — and, one might say, the 1980s. Whilst it is true that state government debt was higher back when the Bolte government was in power, it was also the time when the Victorian government enjoyed a growing population and it had few responsibilities for retired workers, the aged care system and the like.

That has now changed. We are on the cusp of the retirement of the baby boomer generation; we are on the cusp of seeing the baby boomers move from the productive component of their lives, where they contribute to the taxation base and to economic growth and productivity, to where they legitimately and rightly draw some of what they have contributed back through the social security system and in time back through the aged-care system. This is going to present a great challenge to the commonwealth and Victorian governments.

I commend the former government for having the foresight to see this challenge coming and instigating the intergenerational report, which has become a regular feature of the commonwealth Treasury reporting. As a result of some of the policies of the previous government we have seen a turnaround in Australia's demographic picture. We have seen a rising birthrate in recent years, which is now close to the replacement level of 2.1 children per woman, and high net immigration, which has also ameliorated some of the challenges presented by an ageing population.

Thank goodness those steps were taken, because we are seeing in Greece, Spain and some of the other Mediterranean and European countries, the real challenge that is presented when you have a plummeting birthrate, early retirement and a workforce that is retiring; we can see the challenge those changes place on a nation and a state's treasury. Those challenges in Victoria and Australia have been ameliorated to some degree, but that does not change the general trend — that we have an ageing population and an ageing workforce and will have more people who will draw down from the social security system at both the state and federal levels, putting pressure on the Treasury of Victoria. All that makes the comparison the Treasurer makes with previous eras, such as with the Bolte government, absolutely false. The Treasurer knows it, or if he does not, he should know it. One of the great challenges facing Victoria and Australia as we move forward is to pay for the retirement of the baby boomer generation.

The government's accruing of debt over the last decade of economic prosperity, over the last decade before that demographic challenge really kicks in, shows gross irresponsibility. Not only does it deliver to future generations the responsibility of paying for and caring for those who retire but it also delivers the responsibility of paying for and servicing the debt that the government has accrued during the period of largely uninterrupted economic growth during the course of the life of this government. That is something the Treasurer and the previous Treasurer, now Premier, should be held accountable for. It is a terrible legacy to leave to future generations and something about which they should be absolutely ashamed.

It is not only the opposition that questions the fiscal management of the Treasurer. Terry McCrann, in the *Herald Sun* of 10 June, wrote that shadow Treasurer Kim Wells:

... pinged John Lenders for — incorrectly — claiming that growth in state final demand is the same as growth in the Victorian economy.

He went on:

Whatever, Wells pinged him. That 'final demand' measures spending by Victorians. While 'state product' measures what we produce.

They are not the same thing.

He went on, with reference to the mining tax:

But it does not mean that our prosperity depends at the ... margin on what other Australians produce. Including, especially resource companies.

Mining doesn't just make miners rich, it's the foundation of every Australian's wellbeing. So if we damage it in outback WA and Queensland, we will hurt Victorians in the suburbs of Melbourne.

That clearly summarises the point I was making previously. It is very concerning. If the Treasurer of Victoria does not understand different measures of economic growth and output, you really have to wonder whether Victoria indeed is in a safe pair of hands.

One of the things the government has complained about — and indeed the Minister for Planning raised this last night in his contribution to another debate — is that the opposition does not release its policies. The opposition supposedly stands for nothing; it does not have a vision for Victoria and it has not detailed for the people of Victoria what it stands for. I thought, therefore, notwithstanding all the flip-flopping and all the copying on the part of the government when it comes to more police, the abolition of suspended sentences and the introduction of an anticorruption

commission, that I would check on the ALP website to see what it stands for.

The last policy announcement from the state Labor Party was about the 2006 state election. I ask Minister Pakula: what does state Labor stand for besides copying the excellent policies that have been released by the coalition? This is a double standard from the government. The government is flip-flopping all over the place, and there is an absolute vacuum when it comes to new policies that the Labor Party has thought up for itself.

There is a difference between the government and the ALP. I know government members have been in power a long time and think the government and the ALP are one and the same. However, there is actually a difference, and the ALP has come up with no policies — at least its website demonstrates this — since the last state election. This is indicative of a government that is tired, that is out of touch and that has run out of ideas.

I want to touch on a couple of local issues which I have raised in the house before; it is worth reiterating them. With the member for Gembrook, the Premier recently announced that together with the federal government the state government would pay \$56 million to duplicate 1 kilometre of road from Kangan Drive to High Street in Berwick. Disappointingly, the government is going to complete this project without addressing the fundamental cause of traffic problems in that area — that is, a failure to separate road from rail at Clyde Road.

As Minister Pakula, the minister at the table, would know, the demand for rail services on the Pakenham line is only going to increase as the population in that area grows. That will put more pressure on, with boom gates going down creating more traffic snarls, and the duplication of the road will not address that fundamental issue. It is a disgrace that the government is going to pay \$56 million to duplicate 1 kilometre of road without addressing the threshold problem of grade separation. This is just another example of the government's failure to deliver value for money for Victorian taxpayers.

I have previously mentioned the growth areas railway stations.

In 2006, with the member for Gembrook, the then responsible minister promised to build a new Country Fire Authority station at Warburton. The funding for that project was announced — I think it was in the 2007–08 state budget — yet here we are, after Black

Saturday, in the middle of 2010, nearly four years since that announcement was made, and still we do not have a site, let alone a new building for the Warburton CFA.

When is the government going to deliver on its promises for that local community? When is the government going to understand the need for this critical project? I congratulate Peter Ryan, the Leader of The Nationals in the Assembly, for coming to the station with me and Brad Battin, the Liberal candidate for Gembrook, to commit the coalition to delivering that project — where Labor has failed — when we form government after the coming election.

Another local issue of great concern is unemployment. The Treasurer took a Dorothy Dixier in question time recently about the new Bunnings store in Pakenham. That is a great project that will deliver local jobs in the Pakenham area. In his long answer to that question the Treasurer failed to mention that over the last 12 months the unemployment rate in Pakenham has risen by 2.1 per cent to 7.3 per cent, leaving 1240 people in Pakenham unemployed. We have seen similar growth in unemployment in parts of the Latrobe Valley and other parts of Eastern Victoria Region. So whilst there is job creation, and whilst that is a good thing, the results are patchy, and there are parts of Victoria and parts of my electorate that are missing out; they need government focus and attention.

Perhaps the greatest indictment of the Treasurer and the greatest sadness about this government's management and delivery of services has been detailed in two Ombudsman's reports, the first being the Ombudsman's *Own Motion Investigation into the Department of Human Services Child Protection Program*, released in November 2009, and the second being the Ombudsman's *Own Motion Investigation into Child Protection — Out of Home Care*, released in May 2010.

The Labor Party talks about caring for the most vulnerable in our society, and indeed all of us, regardless of political colour or flavour, should aim to protect the most vulnerable in our society. The protection of the most vulnerable in our society should be a cornerstone of any government and be one of the key tests of any government. It is a tragedy when children who are left with no choice but to be placed in state protection are horribly abused and neglected. The impacts on those poor children will be felt for many years. The litany of mistakes and failures and the consequences of them as detailed by the Ombudsman are a great tragedy and cause for sadness. For that the government should be condemned and the Treasurer should be condemned.

This budget, like the government's previous budgets, falls a long way short of the mark. It fails to deliver for the people of Victoria, and it fails to deliver value for money. The government has placed political expediency over the right thing being done for Victoria and Treasury. Leaving those issues aside, it has failed to deliver for the most vulnerable in our society.

The ACTING PRESIDENT (Mr Vogels) — Order! I call Mrs Peulich.

Mrs PEULICH (South Eastern Metropolitan) — I was not expecting that; I was expecting Mr O'Donohue to continue speaking until question time.

Hon. M. P. Pakula — You have got to be ready for anything.

Mrs PEULICH — You do. I join other members in making some remarks on what I think has been the worst possible budget and the worst possible year for this government as the wheels of its caravan rattle and progressively fall off. There have been so many debacles and disasters and so much waste that it is hard to contemplate that they have all occurred within a span of this one year. They have crossed so many portfolios. We have seen many debates unfold in this chamber which have not only signalled policy failures and breakdowns but exposed incompetent administration and an enormous waste of precious resources that would be better utilised and directed to areas of need which have not been met.

When I was first re-elected to the Victorian Parliament, and again when I was elected to this house in 2006, I spoke about how a government needed to be assessed on four important pillars of its performance: firstly, its capacity to build and maintain physical capital, being economic and community assets; secondly, its capacity to build social capital and deliver on services and supporting community development; thirdly, how competently and responsibly it manages the finances of the state without imposing punitive taxing and a revenue collection regime; and fourthly, the degree to which the government of the day is accountable and operates with integrity and honesty. This year, more than any other year, this government has failed to deliver on each of those fronts.

Despite very substantial amounts of money having been raised through debt in order to respond at a federal level to the global financial downturn and significant funds having been made available through the federal economic stimulus, the manner in which those funds have been deployed has led to serious mismanagement and a serious waste of opportunity rather than leaving

Victorians with a lasting legacy by focusing on delivering significant infrastructure projects that would hold this state and this country in good stead in the future.

I would have thought that with \$315 billion of federal debt there would have been a program of major infrastructure development, major roads, rail projects and the like. That is not to suggest there was not room for infrastructure spending to be directed to schools. But I think the time lines and maladministration of those programs have demonstrated that much of that money has been wasted. The secrecy surrounding that, given it is a state government-administered fund, leaves enormous doubt not only for the federal minister, who is the architect of this project, who today was elected as the Prime Minister, but also the state education minister — —

Mr Vogels — Not by the people!

Mrs PEULICH — Not by the people. There is doubt about not only the state education minister but, more importantly, the custodian of financial stewardship in this state, the Treasurer of Victoria, John Lenders. In this chamber I have asked for the Treasurer to release information about the maladministered projects and to provide a breakdown of the details of projects. It is the only state not to provide this. He claimed he had no jurisdiction over that matter because it was a federal government responsibility. Subsequently the federal Auditor-General said, 'No, we have provided the money, but it is actually the responsibility of the state administrations to make sure ratepayers and taxpayers are actually getting value for money.' Yet this Treasurer has failed to disclose a breakdown of those project details and give unquestionable assurances that 30 to 40 per cent of the Building the Education Revolution is not being routinely creamed off by the department, which is then able to blur and merge BER funded projects with projects the government should have had responsibility for and which it has failed to deliver since it was elected to office in 1999.

The target it set itself to renew or rebuild 500 schools up until 2014 is a very low target indeed; it only involves one-third of schools. If the Minister for Education were worth anything, she and this government would have made sure there was a regular maintenance program so that every school was able to receive funds to address their maintenance needs on a regular basis. This government has failed.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Health: federal government plan

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. I refer to the Premier's comments on 3AW earlier this morning regarding his desire to re-open the health-care agreement with the commonwealth and the related GST arrangements. Is it not a fact that in the unsatisfactory deal signed by a weak Premier around a month ago — the national health and hospitals agreement — the Brumby government sold out Victorian patients, particularly in the areas of preventive health, mental health and aged care, and that the Premier should never have settled for just 20 per cent of what he said was necessary?

Mr LENDERS (Treasurer) — I never cease to be amazed here. The answer to Mr David Davis is clearly no. It is truly interesting that the shadow Minister for Health will only ask questions in this place that are political and that talk down our systems.

Honourable members interjecting.

Mr LENDERS — Ms Lovell, when she is not defaming the Lord's prayer and smashing plates, says, 'This is Parliament'. I would hope that those opposite would have an understanding of the Westminster system of government in which an opposition is more than a group of juvenile, first-year undergraduates ripping down the world and would actually have a policy for something and a shadow health minister — —

Honourable members interjecting.

Mr D. Davis — On a point of order, Deputy President, the minister well knows that his task in question time is to answer questions, not to overtly attack the opposition, and I would suggest that that is an overt attack. He should answer what was a serious question about the GST and the health-care agreement that his government signed a month ago.

Mr Viney — On the point of order, Deputy President, I put to you in response to Mr Davis's point of order that the Treasurer was answering a question and, in answering the question, was subjected to interjections which called for a response.

The DEPUTY PRESIDENT — Order! I did not hear any interjections when Mr Davis was posing the question. In fact I thought question time got off to a remarkably quiet opening. I must say that the minister was testing my patience with some of the remarks he made, particularly his reference to Ms Lovell, and

further when he started to be quite critical of the opposition on issues that I thought were irrelevant to the question that was put. I would ask the minister in his answer to return to the substance of the question, and to that extent I uphold the point of order.

Mr LENDERS — Deputy President, Mr David Davis, in an overtly political manner, described the Premier as weak, and Ms Lovell in her interjection had a go at the government, so I will refer to a question from the Leader of the Opposition who asked me to comment on opposition policy yesterday.

He has now asked me to comment on a range of things. He has asked me to comment on his subjective opinion on a health-care agreement that I would venture to say he has not read, if he is up to his normal form. He has asked me to comment on his subjective opinion about a Premier who knows more about health, by being Premier, than the shadow health minister has ever shown he knows in his inglorious number of stints in that portfolio. He has offered a subjective opinion that ridicules — —

An honourable member interjected.

Mr LENDERS — He has offered a subjective opinion in attacking the government. Without offering a single skerrick of policy on how to improve the health system, he has offered a critical subjective opinion on his view that after two and a half days of consultation in a Council of Australian Governments (COAG) meeting which he was not at — —

The DEPUTY PRESIDENT — Order! The minister is also now testing me with tedious repetition. I ask him to answer the question.

Mr LENDERS — Deputy President, I bow to your judgement, but I am not sure. You say it is tedious — —

Honourable members interjecting.

Mr LENDERS — That is exactly my point. Nineteen members of this house are trying to listen. There are 19 members of this house who are trying — —

Mr Guy — Eighteen.

Mr LENDERS — One of your ranks, Mr Guy, might be as well. There are 19 members in this house trying to listen. Deputy President, you leave me in a difficult position. When people are interjecting — —

Mr O'Donohue interjected.

Mr LENDERS — Mr O’Donohue, Deputy President, may not respect your judgement. When members opposite are interjecting, I am in a difficult position. Do I just assume this side of the house is not entitled to hear my answer because bullies opposite are trying to shout me down or do I answer the question?

Mr D. Davis — On a point of order, Deputy President, the minister well knows his task is to answer questions, not overtly attack the opposition, and I would put it to you that that is an overt attack.

The DEPUTY PRESIDENT — Order! I am not going to rule on that point of order because I think I covered that previously, but I ask the minister to answer the question rather than entertaining debate and in my view trying to elicit interjections. I ask the Treasurer to go to the substance of the question.

Mr LENDERS — The Leader of the Opposition asked me in a subjective fashion whether I thought the Premier had delivered a good outcome for Victoria on the health agreement. The Premier of Victoria led the country. The Premier of Victoria’s intervention has meant that Victoria’s hospitals are now being funded 45 per cent by the commonwealth, not 41 per cent as they were being funded before the COAG agreement. The intervention of the Premier of Victoria has meant that more patients are being treated in emergency departments and there is more money available for preventive care, particularly as under this government there are more resources in the system to let more people be treated.

What we see through the actions of the Premier of Victoria is that we are treating more patients in hospitals, we are building more hospitals to treat those patients in and we have a level of service delivery that is better than it was before. There is more to be done, and I welcome the Premier taking any opportunity such as his intervention today to get even more resources out of the commonwealth than may previously have been the case.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the Treasurer for his answer and was appreciative that he finally got to the question. I therefore ask him in a very straightforward way: will the Premier and he as Treasurer now chase the 80 per cent they did not get in the first attempt at negotiation on Victoria’s behalf?

Mr LENDERS (Treasurer) — I thank the Leader of the Opposition for his supplementary question. Perhaps I did not hear the detail, but if he is saying the 80 per cent we did not get, I would be interested in his starting

point. Was the starting point March 1996, when the commonwealth paid 50 per cent of the cost of running hospitals in Victoria, or the intermediate point in November 2007, when the commonwealth was paying 40 per cent of the cost of running hospitals in Victoria? Deputy President, I am responding to the Leader of the Opposition’s question when he talked about 80 per cent. Under the leadership of this Premier and the federal Labor government we have gone from 40 per cent to 45 per cent of the cost of hospitals being funded by the commonwealth.

I would have thought the leadership shown by the Premier of Victoria has meant not only that the commonwealth is now paying a greater share of hospital funding in Victoria than previously but also that it is going up. We saw that under the previous federal government it went down at points of time the Leader of the Opposition did not define. Now we are seeing that it has gone from 40 per cent to 45 per cent, and more than that, we are actually seeing that not only is more money coming into hospitals in the state of Victoria under the leadership of Premier Brumby but also more is actually going into every other state and territory.

Beaches: renourishment program

Ms HUPPERT (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister advise the house how the Brumby Labor government is taking action to protect iconic beaches around Port Phillip Bay and Corio Bay?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Huppert for the opportunity to talk about the ongoing commitment of the Brumby government to make sure that we keep up with some of the challenges we are confronted with as a result of storms and the changing seasons affecting the migration of sand around our bays. Intense storm surges sometimes impact adversely on the quality of our beaches, the coastal cliffs and the area immediately around our beaches.

Victoria’s beaches are loved by Victorians and by people who come to Victoria. In any year there are more than 40 million visits to Port Phillip Bay alone. Safe access to beaches and waterways is an important part of people’s wellbeing and is part of their deep and meaningful commitment to recreational pursuits. Victorians have a keen interest in the quality of our marine systems and the quality of our beach life. That is something that lasts all year round.

One thing that I am particularly mindful of in my portfolio as Minister for the Environment and Climate Change is that there are some seasonal pressures, apart from just access and the number of people who are going down to our beaches. There are seasonal pressures in relation to tidal movements and, as a consequence, the sand movements around the bay. At various times of the year the prevailing patterns of the sea and the tides shift sand in a clockwise direction. Depending on where you are on the clock face, at some beaches sand will move north during one season and in the opposite season the sand will move south. That creates some pressures for a number of beaches around Victoria. For the last few years the Victorian government has committed significant resources to try to prevent that sand migration and to restore those beach values.

In recent times there have been beach renourishment programs at Mentone, Clifton Springs, North Aspendale, Mount Martha and Sandringham. In the next few months we will embark upon works at Altona, Rosebud, Rye, Blairgowrie and — yes, indeed — Portsea.

Recently I visited Elwood with the member for Albert Park in the other place, Martin Foley. I took the opportunity to announce an investment of \$6 million, which is in addition to the projects I have just outlined for beach renourishment at not only Portsea but also importantly at Portarlington, Clifton Springs and Eastern Beach on Corio Bay and along the further reaches of Port Phillip Bay at Elwood, Half Moon Bay and Portsea.

Significant work will be undertaken in those locations in the coming months, and \$6 million in total will be invested to support those projects so that we can restore the integrity of those beaches to give, as much as possible, safe access to beaches into this summer and beyond.

Mrs Coote — Will you be down there in your budgie smugglers?

Mr JENNINGS — Definitely not. My sense of self and my regard for self-promotion would prevent me from attending our seaside locations in attire that was, in any shape or form, provocative. I am happy to take well-attired winter walks along our beaches. Those are my best days at the beach. I know that many Victorians like to get down to the water and get themselves wet. I encourage safe access to those locations in the months and years to come through our significant undertakings in relation to beach renourishment.

Schools: building program

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Treasurer. Given that Julia Gillard was elected by Labor as Prime Minister today — and I wish her luck — and given that she was the architect of Labor's so-called Building the Education Revolution (BER) program, now under management by the Victorian government, I ask: so that Victorians can determine for themselves the competence of the management of this program in Victoria, will the Treasurer now publish a full list of all Victorian state government-managed programs under the BER, outlining the cost, the size of the project, the management fees paid or to be paid and the time or planned time for final completion of each project?

Mr LENDERS (Treasurer) — I answered that question in the house in the last sitting week.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I am disappointed that the Treasurer did not answer the question in the context of the new Prime Minister being at the helm. In the interests of giving her an opportunity to clear her involvement in this bungled BER program, and given reports that one-third of the \$2.5 billion allocated for Victorian government school BER funds is being wasted because of the government's scandalous mismanagement of this program, will the Treasurer now finally request the Victorian Auditor-General to investigate the Victorian-managed programs and give Julia Gillard the decent start she deserves as the Prime Minister of this country?

Mr LENDERS (Treasurer) — I answered the supplementary question as well as the substantive question in the last sitting week of Parliament.

Regional and rural Victoria: BushTender program

Ms BROAD (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister update the house on how the Brumby Labor government is supporting land-holders in my electorate of Northern Victoria Region to protect the landscape and biodiversity of this area in the face of ongoing climate change and drought?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Ms Broad for her question and her commitment to engaging with locally based issues in the Parliament of Victoria at this point in time, even though I know that her heart and her mind might

be somewhere else, given that her friend of many years standing has been elevated to the prime ministership of Australia today — something that will hopefully provide a sense of renewal and engagement with the Australian people. It is consistent with her longstanding commitment not only to personal loyalty but to affirmative action generally within the political process, which has culminated in this historic day of having the first woman being endorsed as the Prime Minister of Australia. It is a very exciting day for the nation.

Beyond that event today, I am glad Ms Broad has focused on something in my portfolio to give me the opportunity not only to make those comments but also to talk about the importance of our programs for environmental protection, community engagement and supporting land-holders to make wise and sensible decisions in the landscape to protect environmental values. That is what has been undertaken through the BushTender program since 2001. More than 22 000 hectares of land has been revived and restored, and environmental values have been brought back to private land-holdings across the Victorian landscape.

This week a raft of new initiatives undertaken by local land-holders has been supported by \$1.4 million from the Brumby government through the BushTender program. We will support 57 land-holders across north-central and north-west Victoria in the city of Greater Bendigo and parts of the Loddon, Central Goldfields, Mount Alexander, Hepburn, Macedon Ranges and Mitchell shires. These 57 land-holders have stepped up and said, ‘We want to protect environmental values on our properties. We want to do restorative work. We want to grow trees, protect habitat and shore up streamside protection on our properties. We want to maintain not only environmental values but also the productive use of that land’. The BushTender program has been very successful in providing financial support to land-holders to undertake that important work.

This week we announced funding of \$1.4 million to support 57 land-holders. More than 22 000 hectares of private land has had those values revived through this program. It is totally consistent with the approach of our government to support land-holders and communities in engaging with environmental pressures and restoring the productivity of private land-holdings across Victoria to achieve that balance between production and environmental protection — something we understand, are committed to doing and are supporting comprehensively this week through the BushTender program.

City of Brimbank: Ombudsman’s report

Mr FINN (Western Metropolitan) — I direct my question without notice to the Minister for Planning, Mr Madden. I refer him to the Ombudsman’s report into Brimbank City Council tabled in this Parliament last year — he may be aware of it! I also refer him to the questions he answered at the time on the matters surrounding that report, his involvement with individuals named in that report and the resolution reflecting a lack of confidence in him passed by this chamber last year. I note also that the minister sacked the disgraced Hakki Suleyman from his electorate office when the Ombudsman’s damning report was released, and we saw Mr Suleyman stripped of justice of the peace status. I ask the minister: has he met with or had contact with Mr Suleyman since he left his employment, or does the minister still accept, unlike his federal Labor parliamentary colleague, Senator Stephen Conroy, that Hakki Suleyman is not suitable for employment as an electorate officer or for holding high office in the Australian Labor Party?

Mr Viney — On a point of order, Deputy President, that question clearly does not relate to the minister’s administrative responsibilities in his function as Minister for Planning — —

Mr Finn — On the point of order, Deputy President — —

Mr Viney — I have not actually sat down.

Mr Finn — Well, you should!

Honourable members interjecting.

Mr Viney — The question is also out of order in asking the minister for an opinion.

Mr Finn — On the point of order, Deputy President, the minister has clearly referred to this matter in previous question times. In the preamble to my question I referred to those answers. On the basis that he has answered such questions in the past, I believe he should also answer the question asked of him today.

Mr D. Davis — On the point of order, Deputy President, last year there was a sequence of questions to Minister Madden on the involvement of his electorate officer, on the Brimbank report and on the matters surrounding it in great detail. He answered those questions from the first one through. This question follows directly from those questions and is a follow-on regarding those matters.

The DEPUTY PRESIDENT — Order! I intend to uphold Mr Viney's point of order. I have looked at the question and I find it hard to see how I could give Mr Finn an opportunity to retrieve his position by reframing the question in some way. My concern is that, whilst the minister might have answered questions about this matter last year, at that point in time they were relevant to his responsibilities and administration because the person who was mentioned in the question actually worked for the minister in his electorate office. We are now quite some months on — perhaps as much as 12 months — and the individual no longer works for the minister. I am not sure it is relevant to seek an opinion from the minister about the person's suitability for employment, or even to seek some indication of whether the minister might have had any contact with this person. I rule the question out of order and uphold the point of order that has been raised.

Mr D. Davis — On a point of order, Deputy President, just to assist you, a number of —

An honourable member — He has ruled.

Mr D. Davis — It is a point of clarification.

Honourable members interjecting.

Mr D. Davis — The nub of the question —

Mr Finn interjected.

The DEPUTY PRESIDENT — Order! Mr Finn's interjections are not helpful. I say to Mr Davis that I have given a fairly clear ruling. From my point of view, Mr Davis would really need to have a different point of order, because the ruling has been made. Is there a different point of order?

Mr D. Davis — No, it relates to it.

The DEPUTY PRESIDENT — It is a related point of order?

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I will hear Mr Davis's related point of order.

Mr D. Davis — On a point of order, Deputy President, among that set of questions last year was a series of questions that related to planning matters. They were squarely within the minister's portfolio and concerned the involvement of Mr Suleyman very directly in planning matters in the Brimbank City Council area.

Honourable members interjecting.

Mr D. Davis — I am explaining the point. The issue is whether the minister has had further contact with Mr Suleyman, because Mr Suleyman is being rehabilitated in his other capacities.

The DEPUTY PRESIDENT — Order! I regard that as totally pertinent to what I have already ruled on; therefore I am interested in Mr Davis's explanation, which he has put on the record. But the fact is that it is not a further point of order.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I understand Mr Madden used an unparliamentary term towards Mr Davis whilst he was making those remarks. I seek the retraction of that interjection and the remarks that he made.

Hon. J. M. Madden — My remarks were not directed to Mr Davis; they were directed to Mr Finn. I am happy to withdraw those remarks.

Mr Lenders — On a separate and very pertinent point of order, Deputy President, during the interchange between Mr Finn and Mr Viney, Mr Viney said he was still on his feet. Mrs Peulich then said she didn't notice. I find remarks regarding body size offensive and ask her to withdraw.

The DEPUTY PRESIDENT — Order! We are entering into the serious business of government here. The minister may have concerns, but the person to whom the remarks were made is also in the chamber and has an opportunity to seek that withdrawal if he finds the remarks offensive. In the circumstances, I will not pursue that. However, members should be careful in what they say by way of interjections, and I refer to both the issues that have just been raised in that respect.

Mrs Peulich — If the member took offence, I certainly withdraw the remark.

The DEPUTY PRESIDENT — Order! On the basis of the ruling, I am unable to see how Mr Finn can pursue a supplementary question.

Information and communications technology: national broadband network

Mr MURPHY (Northern Metropolitan) — My question is to the Minister for Information and Communication Technology, John Lenders. Can the minister update the house on any recently released reports which identified the demand for broadband among Victorians, demonstrating that Victoria's ICT sector will continue to grow through the rollout of the

national broadband network (NBN), and can he also advise the house on just how much Victorian households and businesses will benefit from the NBN?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Murphy for his question. Yesterday I released a report from Access Economics on the potential use of the national broadband system and high-speed broadband in Victoria. The short answer to Mr Murphy is that 13 per cent of Victorians would rapidly take up the faster service if it were made available to them, which is well over 200 000 Victorians. Over the longer period of time an even greater number of Victorians would take it up.

Why it is highly relevant, and I thank Mr Murphy for the question, is that there is a big debate over how much we should invest in critical infrastructure for Victoria's growth, for Australia's growth — infrastructure that not only helps the economy but also helps our citizens communicate with each other far more effectively and far more freely. High-speed broadband will do that.

I am delighted that the federal Minister for Broadband, Communications and the Digital Economy and the now former Prime Minister made the announcement just a few days ago of the agreement they have reached between the commonwealth government and Telstra, and the ongoing vision and commitment of federal Labor in partnership with state Labor to actually build on the national broadband network because of the opportunities it offers all Victorians.

The average small business in this state will save \$5000 a year in costs with high-speed broadband. That is a fact; we have done the research on that. The average family, particularly in regional Victoria, will have greater access to economic information, greater access to social networking, greater access to the services that our community expects in the 21st century — particularly Generation Y, but more than Generation Y going right up through the generations.

We all have case studies galore on where this happens, but I have recently had discussions with a couple of senior citizens, people in their 80s from a non-English-speaking background, who can use high-speed broadband and information to engage with their families on the other side of the world. Our families in regional Victoria, whose children or grandchildren may have gone to Melbourne and who are interested in the outcome of what their children or grandchildren are doing, can very cheaply and effectively be involved in it.

I was talking to a constituent the other day, whose brother is working in West Africa. Each day she is able to communicate with her brother by Skype and have a conversation going backwards and forwards from West Africa to Carnegie — a dialogue which is cheap, quick and efficient.

There are a range of things that high-speed broadband lets us do. We often focus on the economic, which is highly important, but there are also the social aspects of this which contribute so much to us being a global society, a connected society and a fairer society, and these are the sorts of things that make Victoria, Australia and indeed the world, better places to live, work and raise a family.

Rail: new timetables

Mrs COOTE (Southern Metropolitan) — My question today is for the Minister for Public Transport, Mr Pakula. I refer to the new Pakenham and Frankston line timetables that commenced on Sunday, 6 June. The Hawksburn station is among those stations suffering cuts to their morning train services at peak times. What representations did the member for Prahran in the Assembly, who is the cabinet secretary, make to the minister and why was the minister so unconvinced by any arguments put to him that he proceeded to make cuts to the number of trains serving this busy peak-hour station?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mrs Coote for her question.

Mr Leane interjected.

Hon. M. P. PAKULA — I think Mr Leane might be right; I think I did hear a very similar question from her a week or two ago. The member for Prahran, along with other members of Parliament whose electorates run along the Frankston, Pakenham and Cranbourne corridors, have made numerous representations to me about a whole range of public transport-related issues in those corridors.

But let me disabuse Mrs Coote of one notion: Mrs Coote describes the services to Hawksburn and along that line as being cut. The reality is, as I have explained to the house previously, the changes to the timetable at peak hour, in both the morning and evening peak times, on the Frankston, Cranbourne and Pakenham lines have led to more services on all those lines in the morning and evening peak times.

Having said that, as a result there has been a need to tweak the timetable to ensure that there are more standardised stopping patterns. With more express

services in some part, more direct services in some part and the need to disentangle the Frankston line on the one hand from the Pakenham and Cranbourne lines on the other, there has been a need to standardise stopping patterns, and that has impacted on a few stations.

But the consequence of having more peak-hour services is — this has overwhelmingly been the case in the anecdotal evidence I have heard since 6 June from commuters at all the stations along the line, whether they be at Hawksburn, Bentleigh, Moorabbin or any of the other stations — that when those trains stop at Hawksburn or the other stations they are less crowded. People have indicated to me that at various points, particularly down the line, they are getting a seat for the first time in a long time.

In fact I caught the 5.31 p.m. train from Flinders Street to Frankston last Thursday in the middle of the p.m. peak, and in my carriage at least everybody had a seat all the way to Frankston. The new services on those lines are a consequence of the investment the government has put in and the new rolling stock it has purchased. The outcome for commuters on the Frankston, Cranbourne and Pakenham lines is more regular services with less overcrowding.

Supplementary question

Mrs COOTE (Southern Metropolitan) — Minister, good heavens! We are not talking about going the wrong way, out of the city; we are talking about going into the city in the morning. I want to know whether the minister is going to take full responsibility for this debacle or whether he is going to spread it between himself and the cabinet secretary. Is the minister taking full responsibility for this confusion, or is he going to share it with the member for Prahran in the Assembly?

Hon. M. P. PAKULA (Minister for Public Transport) — I can understand why, for fairly transparent electoral reasons, Mrs Coote might want to fix upon the member for Prahran's responsibility for the public transport timetable. I can understand why she might seek to do that.

An honourable member interjected.

Hon. M. P. PAKULA — That is right. I would assume that, just as Mrs Coote had one in Southern Metropolitan Region, she might have a candidate for Prahran as well. I know that she is a very experienced and successful player of the internal party-political game, but let me say to Mrs Coote that responsibility for timetabling goes from the operator, to the Department of Transport, to the director of public transport and through to me.

Planning: cycling safety

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on the recent planning amendment that will improve the safety and ease of travel for cyclists across the state?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Tee's question. I know he has a great interest in cycling and planning. Of course he will have a great interest in this answer. I want to thank him very much for that question, because I know he has a great commitment to these things.

As a government we are committed to integrating our transport policy and our transport strategy into the management of the planning system to make sure that the departments are mutually conscious of what is being done in that space. It is important that that collaborative approach between government departments and ministers is reinforced, and we have reinforced that not only through Melbourne @ 5 Million and the Melbourne transport plan but more recently through amendment VC67, which we look forward to seeing progressed in some shape or form. But can I say that we are also conscious — whether it be in housing type, housing location or transport mode — of the need to provide a diverse array and to do so in a sustainable way that will deliver all of them well into the future.

One of the announcements I made recently, about which I was particularly enthusiastic, concerned amendment VC62. I know the title does not necessarily excite people, so I will describe what it does. It provides for greater incentive and direction for cycling in terms of the planning scheme. That is particularly important as we move towards a multicentred city — highlighted in Melbourne @ 5 Million and the Victorian transport plan. We need to provide different ways for people to get around the city, not only into the city. The new planning provisions in amendment VC62 mean that we are providing improvements in travel opportunities, safety and amenities for Victorian cyclists, and that is consistent with the Victorian cycling strategy.

It means that in new communities, and in redeveloped sites across the existing city, we will see cycling encouraged as part and parcel of the fabric of urban renewal or urban development by ensuring that greater priority is given to cycling, pedestrian access and connection to public transport. It means combining public transport with the ability to locate your bicycle in a cycling locker and so on. I know that the Minister for

Public Transport, Martin Pakula, has also mentioned this. It means that you would have the opportunity to be some distance from the city but be less car reliant than ever before. That provides a great incentive for people to use alternative forms of transport. It also improves the provisions of the Victorian planning scheme.

More importantly it provides an incentive for those who are developing and building new communities to make those communities vibrant and healthy by providing opportunities for people to use various forms of transport. We know that where people opt to use various forms of transport — whether it is walking to the destination, walking to public transport or cycling — at the end of the day not only are they less car reliant and therefore acting in a way that is probably better for the environment, but they are actually fitter and healthier, and as a consequence will have a greater life expectancy.

This might not be a headline act when it comes to planning provisions, but what it will do is make a significant difference in the course of development and redevelopment across Melbourne well into the future and make Victoria, and Melbourne in particular, an even better place to live, work and raise a family.

Rail: regional link

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Public Transport, Mr Pakula. Railway Place is a charming street with 100-year-old heritage homes and a priceless sense of history. It is near the cherished open space around the Maribyrnong River and the Newells Paddock wetland reserve, which provides a much-loved daily thoroughfare for the hundreds of locals, including dog walkers and cyclists, enjoying the river and parkland, heading to and from the Footscray station or travelling through to Kensington and beyond. As the name suggests, it runs along the railway line.

In April this year several Railway Place residents received letters demanding entry to their properties in connection with the regional rail link. When they began asking questions about the proposed route and its impact on their street, nobody could answer them, including the staff of the government’s new office set up in Footscray specifically to respond to rail link questions. Needless to say, this utter absence of information has caused an enormous amount of anxiety in this little street. The residents have even had their FOI request refused on the basis that, as cited, it would potentially create unnecessary public confusion, debate and alarm. I say that giving the information would help.

Given that this \$4.3 billion regional rail link is supposedly shovel ready, the platforms at Southern Cross station are built and the federal and state Labor governments have developed and signed off on the project, how can the Minister for Public Transport not have any detailed plans for the route through Footscray, which of course is in his own electorate, and when will he provide clear information to residents whose homes are on this line?

The DEPUTY PRESIDENT — Order! Just before the minister responds to that, a lady in the public gallery used a camera to take a photograph of proceedings. Unfortunately people are not permitted to take photographs while the Parliament is in session. People who might be keen to capture this magnificent chamber might be better to come back on another occasion, when it is not peopled.

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Hartland for her question. I know she has always been on the record in this place as being a strong supporter of public transport infrastructure — not such a strong supporter of road infrastructure — and I certainly hope that remains the case, because the regional rail link project is a fantastic project. As I have indicated in this Parliament on a number of occasions, by separating regional services from metropolitan services this project will improve travel times and reliability for not just regional services from Geelong, Bendigo and Ballarat but also metropolitan services that currently share the railway lines with those regional services.

It is a project which involves the construction of 50 kilometres of new track between Southern Cross and West Werribee. As I am sure members would appreciate, when you are constructing 50 kilometres of new track you would love to do all of it on Crown land or on VicTrack land and to do it in a way where there was zero acquisition of property, either commercial or residential — but with such a major project it is simply not likely to be the case that you can do that.

I note that Ms Hartland’s question follows very closely a media release put out today by residents of Railway Place, and I want to go to one particular paragraph in it. It says:

We want to know how come the rail project is supposedly ready to build, the platforms are under construction and various tenders are out, yet the minister ... maintains he has no plan for Footscray ...

To go to some of those questions, because they go to some of the matters raised by Ms Hartland as well, the assertion is that the project is ‘ready to build’. Some

construction is indeed occurring now, particularly at platforms 15 and 16 at Southern Cross, but that work is not impacted upon by any decision in regard to the alignment through Footscray. The work that is occurring at platforms 15 and 16 at Southern Cross would occur regardless of what alignment through Footscray is chosen.

The next suggestion is that ‘various tenders are out’. Some minor tenders are out, but the major tenders for the major works packages are not, and they are certainly not for the works through Footscray, which is a densely built area that has a large number of both commercial and residential properties. What that means is that the alignment through Footscray is extremely complex. It means that there are a number of options for that alignment. Those options are being examined in great detail by the regional rail link team, by the Department of Transport, by my office, by me and by government more generally.

When I and the team examine those options a number of things have to be taken into consideration: project time lines, project costs, the ability of the project to meet its ultimate objectives for the travelling public, what the disruption will be to the network during the construction process, engineering considerations, ultimate amenity considerations for the residents of Footscray and the surrounding areas, heritage considerations — as Ms Hartland has alluded to — and indeed minimising wherever possible the number of acquisitions, both commercial and residential.

I understand absolutely why residents of Railway Place, and indeed residents of any other part of Footscray or the surrounding areas, would like to know now or as soon as possible what the fate of their property is, but while those matters are being considered in detail it is not possible and it is not proper for me or anybody else to take aside one specific street or one specific group of residents amongst all those who are potentially affected and provide those particular property owners with a specific commitment in regard to their properties, a specific commitment that we will effectively excise one street or one group of property owners from consideration. If you were one of any of the other property owners around Footscray or the surrounding districts, you would rightfully be concerned if a specific street or a specific group of residents was excised and given that specific undertaking when all these other considerations are still ongoing.

I can assure Railway Place residents, Ms Hartland, this chamber more generally and all members of the community of that I am keenly aware of their aspirations and I am keenly appreciative of the desire of

the local community to maintain its heritage values, to maintain its properties wherever possible and to maintain local amenity. I have had numerous representations about this from the member for Footscray in the Assembly, Marsha Thomson, with one as recently as two days ago. All of that is playing a crucial and central role in the deliberations I have spoken about, and I look forward to making an announcement about all those matters in the coming weeks.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I thank the minister for that detailed response, but there is still the problem that people are being left in limbo, not knowing what is going to happen. I would really like the minister to outline to these residents what kind of time line there is. How long is it going to be before they know what is going to happen to their community?

Mr Lenders — He has already answered that.

Ms HARTLAND — No, he hasn’t.

Mr Lenders — He did.

Ms HARTLAND — He did not answer it. The minister did not answer the question, and I request that he give some kind of time line.

Hon. M. P. PAKULA (Minister for Public Transport) — First of all, I am not sure that that specific request was contained in Ms Hartland’s original question, so the suggestion that I did not answer one of her questions is, I think, incorrect. I answered her question in a quite detailed way.

In regard to Ms Hartland’s supplementary question, as I indicated, these are complex considerations. I cannot provide her or the house with a date for when this thing will be concluded, but what I can say is that we are at the pointy end of those considerations and I look forward to making an announcement in the coming weeks.

Rail: Kilmore East car park

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister update the house on any improvements being made to the Kilmore East station car park?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Darveniza for the question. Last week I had the pleasure of visiting the Kilmore

East station with the local member in the Assembly, the member for Seymour, Ben Hardman, to announce a \$225 000 Brumby Labor government-funded initiative to increase and improve commuter parking at Kilmore East station.

Mrs Petrovich interjected.

Hon. M. P. PAKULA — It is, as Mrs Petrovich knows, a very popular railway station. As a consequence, the announcement I made there last week was great news for local commuters, particularly those who combine a car trip with a train journey. That is particularly the case for those coming from Kilmore to Kilmore East over the hill and those who use a car to get to the station to come to Melbourne and other locations on the Seymour line.

Work has commenced on upgrade measures in and around the station. They include building 40 additional car spaces off the main road outside the station, a 100-metre path from the car park to the station, stairs and lighting from the car park to the station, 50 metres of security fencing, two disabled parking spaces; solar-powered lighting in the car park, a compacted crushed rock pavement in the car park and other landscaping, kerb and drainage works. All that work is expected to be completed by the end of next month.

Kilmore East station is popular with commuters. The station gateway project will improve access to the station for the growing population of Kilmore. As members might know, patronage on the Seymour line has grown by almost 18 per cent over the last four years, so it is important that other infrastructure keeps up with that patronage growth and demand.

It is yet another example of the fact that we are taking action to improve local transport connections to make catching public transport in regional areas easier and more convenient.

Sitting suspended 12.54 p.m. until 2.04 p.m.

APPROPRIATION (2010/2011) BILL and BUDGET PAPERS 2010–11

Second reading

Debate resumed.

Mrs PEULICH (South Eastern Metropolitan) — The downside of speaking for 5 minutes before question time and lunchtime is that it is hard to recall where one stopped. I am sure *Hansard* will connect a few dots. Before I resume my comments on the budget

I thought I might just use the contents of an SMS message I received which I thought would be a good commentary on the proceedings this morning. For those who got up early to watch Australia play in the World Cup this morning and beat Serbia 2:1, I received this SMS from my son: ‘One for you, Mum, for the budget. Gillard’s prime ministership is like Australia’s World Cup against Serbia. The team may have won, but sadly Australia is still down and out’.

Honourable members interjecting.

Mrs PEULICH — Thank you, Paul Peulich!

What we were talking about earlier — unfortunately the Treasurer is leaving the chamber — is the blurring of responsibilities between the state and federal governments. Funding has been skimmed off. There are no clear accountability guidelines. There is no distinct transparency or accountability, because we have Labor at virtually all levels. The local government level is mostly Labor dominated, and boy, does it resent it when from time to time a non-Labor person gets elected to a council that has been its stronghold! We see that, for example, on the Kingston council, to which my son was elected. Boy, is he being pursued by the Labor Party! There are FOI requests left, right and centre about his expenses, his donations and his notices of motion, all because he dares to question and take up matters on behalf of his community. All I can say is: credit to him — there should be more of that.

This government is demonstrating its absolute intolerance of dissent from anyone who does not kowtow and anyone who questions. Let me say, though, that there are more and more people questioning the performance of this government, its underlying principles and its lack of ethics in the way it undertakes business.

We were talking about the BER. Today I asked the Treasurer whether he would disclose information about the administration of the BER and provide a breakdown of the projects, the time lines and costings, because there have been complaints. Nineteen per cent of the complaints were identified by the chair of the task force set up by the now Prime Minister, Julia Gillard, to investigate allegations of robbing, wastage and mismanagement.

Neither the Minister for Education nor the Treasurer will disclose this information so we and school communities can satisfy ourselves regarding the schools’ perception that 30 to 40 per cent of the value of the money they should be allocated and have at their disposal is not being made available to them. The

Treasurer should release that information, as should the Minister for Education. I have suggested that the new Prime Minister deserves to have the opportunity of clearing her name in terms of her involvement in this bungled BER project.

There is an incredible and absolute abuse of school communities by Labor. Bronwyn Pike is still adamant — she has swallowed the entire washing machine, let alone the spin cycle! — that the Labor government does not force schools to close or merge, despite the fact we have compiled a list of, I think, 180 schools which have been closed or merged by Labor since it won government in 1999. She still refuses to concede that the government often uses standover tactics in order to achieve these outcomes. The latest one was reported in an article on page 11 of the *Age* today about the Minister for Education meeting with two schools in Melbourne's north. It states::

Thomastown Secondary College's school council has withdrawn its support for the amalgamation with Peter Lalor Secondary College because of concerns over a lack of state government funding.

Thomastown's school council also claims it was bullied and intimidated by energy minister Peter Bachelor's office over the school merger, despite the state government repeatedly claiming any decision to merge was made by school councils.

I hear this all too often. The article then says:

A spokesman for Ms Pike said the meeting would be held to discuss the schools' differences. 'This reinforces the government's policy of no forced mergers of schools,' he said.

Further on, the article says:

The *Age* yesterday revealed Mr Bachelor's electorate officer, Maureen Corrigan, wrote a threatening email to Mr Burke warning the school was 'definitely in jeopardy of losing the funding' unless it agreed to the merger.

This is a very common story; it is one that has been reported often — —

Mrs Petrovich — Golden Square Secondary College.

Mrs PEULICH — Yes, Golden Square Secondary College in Bendigo. The principal at Maralinga Primary School was told either he bring to fruition a school council resolution to merge within 48 hours or he would not have his job. These reports are commonplace. This is threatening; this is intimidation; this is deception.

Then the government has the audacity — and Ms Munt, the member for Mordialloc in the Assembly, did this to children at Moorabbin Primary School on Worthing

Road — to get schoolchildren to take home Brumby propaganda in their schoolbags. It is an absolute hypocrisy that is totally unacceptable. The government uses school facilities in order to hold community cabinet meetings but does not pay the schools a cent. It is intruding on the education that schools are committed to delivering. In many instances schools are too frightened to negotiate, say no or ask for payment for the community cabinet's use of those facilities. There are lies told.

The federal member for Isaacs, Mark Dreyfus, had the audacity to go to Mordialloc College, which had already signed tenders for its BER developments, to say, 'If Tony Abbott gets elected, the school will miss out on its buildings'. The school principal, who is a very good principal and a good school councillor — I have served on that school council — said, 'The contracts have been signed; the safety fences are up; we are beginning work', yet Mark Dreyfus still wanted a photo opportunity with schoolchildren. It is a deplorable misuse of government members' powers; it is a deplorable misuse of money and resources; it is bullying; it is a loss and a waste of an opportunity.

We saw similar things happening with social housing when people were being shoehorned into inappropriate places. Yesterday we saw the tabling of an Auditor-General's report on access to social housing. I commend Ms Wendy Lovell, the Deputy Leader of the Opposition in this house, for making an outstanding statement today about how this government has presided over the diminished access to housing, including in the private sector, in terms of purchasing properties and rental properties. Therefore there is a ballooning need for public housing and social housing.

We heard yesterday — and this is a time bomb — that a lot of property has been handed over to housing associations but there are inadequate financial mechanisms for the management of those finances. But housing associations which are taking advantage of BER funding are often borrowing by using the constructions of these new buildings and setting up a debt and a repayment scheme they may not be able to honour or maintain predicated on a 25 per cent rental income that comes from public and, in particular, social housing tenants. Clearly these are financial time bombs.

These are the commitments that housing associations may not be in a position to honour. The question here is: who will underwrite them when they begin to go bust? When I asked the question whether there was any scheme or mechanism to prevent housing associations from selling off apartments or units of these multistorey BER-funded social housing buildings, the answer was

that there was not. As they struggle to maintain their liquidity and pay off their financial debt, what is there to stop them from flogging off taxpayer-funded assets which should be important additions to our public and social housing stock? Nothing!

In addition to that, according to the answer I received at yesterday's briefing, there was no independent audit or reporting of the tenants in the housing association accommodation, and the associations are not obligated necessarily to take people from the public housing list.

People who could potentially earn \$80 000 or \$90 000 are taking up accommodation in the social housing that is now proliferating because this government has failed to provide affordable housing and affordable rental homes in the private sector — in particular, because of its obscene levels of land tax and levels of stamp duty. People who ordinarily might have one or two or three properties that they rent out, self-funded retirees, are having to sell off a property just to pay the land tax bill — and then you wonder why there are not enough vacancies in the rentals!

We have here in Victoria a situation where a mother and her two children sleep in a car — the Minister for Planning is laughing rather than listening and learning something. We have a mother with two children sleeping in a car while we have people earning \$80 000 or \$90 000 living in the government's social housing over which there is no adequate review or oversight. It is an absolute disgrace. It is an absolute misuse of taxpayers money. It is a shambles, and it is a financial time bomb waiting to explode.

Hon. J. M. Madden interjected.

Mrs PEULICH — You are out of your place, Minister.

The DEPUTY PRESIDENT — Order! The minister is not in his place. This is not questions and answers or tic-tac-toe. Mrs Peulich is making a speech. I think she is quite capable of doing it without assistance.

Mrs PEULICH — The point I was making, Deputy President, is about the blurred responsibility and the failure to be open and accountable, which is one of the pillars that I use for assessing the performance of this government — and it is a mega fail in an area where it should really be leaving a lasting legacy for the community. By spending taxpayer funds, provided through the federal economic stimulus, the government is wasting them; it is squandering those funds.

Hon. J. M. Madden interjected.

Mrs PEULICH — Mr Madden, you may come from a privileged background, but I assure you that I lived in public housing. I know what it is about. You would not have a clue. You have never had a grain of dirt under your fingernails. You live a privileged life. You have a chauffeur and a car, and you sit there and laugh and you show no concern for the working class. If you did, I would take my hat off to you.

Hon. J. M. Madden interjected.

The DEPUTY PRESIDENT — Order! Minister!

Mrs PEULICH — If you did, you would give a hoot, which you do not.

Hon. J. M. Madden interjected.

The DEPUTY PRESIDENT — Order! The minister, apart from anything else, is haranguing. He is not even interjecting. It is not acceptable. I also say to Mrs Peulich that the minister might be persuaded to accept my direction if she were perhaps directing her remarks through the Chair and not encouraging him by flailing him with all sorts of comments, so I ask her to direct her remarks through the Chair and I ask the minister to desist.

Mrs PEULICH — Thank you, Deputy President. The lack of financial accountability is what I was making a comment on, in particular. We have a substantial alliance between the Socialist Left and half of the old Labor Unity — with the old National Union of Workers out in the cold — holding power from federal to state and local government. You have virtually had this vertical integration of party political protection and a blurring and loss of accountability from the federal government right down.

One of the clerks is frowning. The reality is that many of these things are politically manipulated, motivated and orchestrated, and they are often worked out to the smallest detail.

Hon. J. M. Madden interjected.

Mrs PEULICH — Mr Madden, I think the Clerk had only caught a little snippet. Mr Madden has made the cherry picking of rules into an art form, and when people do not know which rules to apply, when people's rights and the processes are casually discarded or curtailed — —

Hon. J. M. Madden — On a point of order, Deputy President, I refer to the comment that Mrs Peulich made about the clerks. On their behalf, I would ask Mrs Peulich — or perhaps you could direct her,

because I am not quite sure what happens with the clerks — to withdraw. I think it is grossly unfair to make comments about the clerks in this chamber, and she might even consider as a courtesy, if not under your direction, withdrawing those remarks about the clerks.

The DEPUTY PRESIDENT — Order! This is a serious debate, and that point of order was not raised in the context of a serious debate. The President has ruled before on frivolous points of order, and I daresay the minister skirted very close on that one. I also observe that some of the remarks made more recently have, from my point of view, strayed from the budget. It has not been apparent to me that they relate to the budget, so Mrs Peulich might take that into account when continuing. I know she is being distracted, but I ask that she take that into account.

Mrs PEULICH — Thank you, Deputy President. I was commenting on the pillars of performance that need to be assessed by government at any time concerning appropriation, including the extent to which the government adds to physical capital, the extent to which it adds to social capital, the extent to which it delivers responsible financial management for the state and for taxpayers without a punitive taxing regime, and the extent to which it can administer and govern with integrity and honesty. They are the four pillars, and all of that blends into the whole. What I was alluding to is this new way of doing business, this blurring of responsibilities across the different levels of government.

In addition to that we have a range of other poor practices that are certainly a form of corruption — I do not mean corruption in terms of a criminal act; I mean corruption of process. One was exposed yesterday by the Auditor-General in another scathing report, and there has been an absolute string of scathing reports, in which the Auditor-General, Des Pearson, condemned government departments for tender splitting — that is, issuing several contracts at the one time for the one job so that each contract had a value below the threshold at which the documents are required to be made public. That to me is a very serious breach. That to me is equivalent to some form of corruption, because it clearly evades the public scrutiny that is required and makes it impossible to judge value for money and probity in the administration of tenders worth millions or billions of dollars.

The Auditor-General's investigation was of 43 contracts ranging in value from just over \$10 million to nearly \$500 million, whose contents had not been made public as required under the disclosure policy of the Bracks and Brumby governments. It is a scathing

report. It is a very serious problem, and the inadequate disclosure of contracts with the private sector, I believe, contributes seriously to a culture where someone may gain advantage at the expense of the taxpayer, at the expense of others and at the expense of the community. We saw that with the BER, we are seeing it with the social housing and we see it as a routine part of business as usual for this government. That is where so much waste has occurred, and that is why we have seen so little return to the community. On improving our ability to meet the health needs of Victorians we heard Mr Davis talk about the capitulation, the rolling over by handing back over 30 per cent-plus of the GST in order to meet the federal government's requirement that it take over certain responsibilities in the health portfolio. This government adopted the reforms the Kennett government had implemented, which the Kennett government was castigated for and criticised about ad nauseam.

In addition to that we have seen various forms of this house abused. We see question time abused. When I was a member of the Kennett government, during the adjournment every single minister was present in the lower house and they answered every single question in turn. There has been a diminution of the power of the people and the power of the people's representatives, and as a result of that we have seen example after example of waste.

I have spoken about the BER. I have spoken about the social housing. We have seen the ultranet, an online network that was supposed to give parents round-the-clock access to children's lessons, homework, results and attendance. The Minister for Education promised before the 2006 election that this would be delivered in the original budget, but a fairly recent letter from the education department asks principals to make contributions of \$5000 to ensure that schools are ready to receive the ultranet.

We have seen other financial debacles — for example, the smart meters debacle and the amount of money that has been squandered yet again by the Minister for Energy and Resources, Peter Batchelor. The Essential Services Commission released an issues paper on this particular regulatory regime. Whilst the concept may not have been a bad one, the implementation has been appalling. The *Age* reported that the rollout of the smart meters would have cost \$500 million more than the government first thought. Mr Batchelor told the Public Accounts and Estimates Committee that smart meters would now cost about \$1.6 billion over 20 years. He said he would hope to later release a cost-benefit study. Clearly we should have started with that.

The mismanagement of water in this state has left us unprepared for the drought we are experiencing. We are now fortunate to have more water-accumulating reservoirs. The government is being politically expedient by diminishing the water restrictions. Many people believe that is premature.

We have seen the total mismanagement of the liquor licensing regime. Many communities, hoteliers and businesses have been greatly affected as a result of a failed attempt by this government to come to terms with the increases in antisocial behaviour in the CBD. The government has used this as an excuse to impose a heavy revenue-raising regime across the board. I know hoteliers who have decided they are going to get out of the business and many businesses and small pubs whose livelihoods have been threatened.

I refer to the auction of gaming machines by the Minister for Gaming, Tony Robinson. The incompetence of this minister beggars belief. The option of most of the 10-year licences to operate Victoria's 27 500 machines, excluding Crown Casino, concluded with pubs and clubs paying a combined \$981 million, when the expected revenue was somewhere between \$2.5 billion and \$3 billion. The average price paid was obviously much less than expected. If the opposition had not assisted clubs to secure some of those pre-auction machines, one can only speculate on what further devastating effects there would have been.

In the meantime very little has been done in the area of small business. As I said earlier, the cooperative relations between the state and federal governments are proving to be a problem. As a result there has been a lack of accountability. A number of those programs are being exposed. The pink batts debacle, whilst it was a federal program, is yet another example of a wasteful, poorly administered program. There are of course statewide implications insofar as there are actually people in my electorate who have lost homes as a result of the program. The question was asked here about what the government could do to establish the number of people who were exposed to potentially live roofs. This government and the Minister for Planning, Justin Madden, who is in charge of the Building Act, said nothing. It was a federal government program and he just batted it away. That lack of accountability is costing not only money, it is also costing lives.

Public-private partnerships (PPP) need to be closely scrutinised. Unfortunately there is a growing culture of propping up Labor mates. This government has shown its lack of skills when transferring the risk factors, with some poor outcomes for Victorians.

According to the budget papers tabled on 4 March 2010, the Treasurer, John Lenders, said that there were now \$10 billion worth of public-private partnerships on Victoria's books as liabilities. Some \$5 billion of these liabilities — about \$4 billion relating to the Wonthaggi desalination plant and about \$1 billion relating to the Royal Children's Hospital — were added in the 2011–12 financial year.

The concerns that have been raised about public-private partnerships relate to their administration and the lack of probity. The economic implications of granting greater power to corporate players can create concerns over access inequality, environmental concerns, increased public risk and inappropriate application of public-private participation. In its dealings with the private sector the Labor government has been unable to minimise exposure. In commissioning the public-private partnerships project it has been unable to spread that risk or move it from the public sector to the private sector. In light of all this the benefits of the PPP projects are then to be questioned.

Public accountability and transparency are not this government's strong point. That is why the opposition has continuously called for the establishment of a broadbased anticorruption commission. Eventually Premier Brumby, following the Proust report and debacle after debacle and most recently the collapse of a number of high-profile cases involving policemen and former policemen, has had to capitulate. It is a very complex regime with too many firewalls and clearly it is not going to achieve what this state needs.

In the context of the corruption that is potentially rife in this state, given the secrecy, we have seen the government's reluctance to hand over documents, we have seen it moving away from the principles of freedom of information, we have seen its lack of accountability to the people of Victoria and we have seen an overuse of commercial-in-confidence clauses in the privatisation project. All of the above impact on accountability and transparency and are used as an avenue to hide possible corruption — if not corruption in a criminal sense, certainly of due process. By limiting or making secret information that was once available to public stakeholders, government decisions have now opened the floodgates for corruption.

This is the method of operation of this government in every regard. For example, in relation to the Stevensons Road landfill debacle the government was using its Labor mates on the Casey City Council to force its hand to control its negotiations and to coerce the council into accepting a deal that severely

short-changes that community, which is the second fastest growing municipality in the nation, is starved of adequate infrastructure funds and does not have enough funds to meet the growing needs of the community. Yet the government is trying to short-change the people of this community by using its influence with its council mates to get that council to accept a lesser amount than it should. That is deplorable and I certainly hope that coercion has not been used. If coercion and undue influence have been used, these are the sorts of things that a future anticorruption commission may need to visit. This will not be firewalled forever.

There are so many areas of failure, but it would be remiss of me not to mention the bushfires, which saw many people lose their lives or their loved ones. There was massive loss of property and devastation of flora and fauna. We have heard pathetic explanations through the royal commission. There was in particular the exposé that nobody was in charge on the day, when there had been ample evidence — including warnings issued by the government and the Premier — that it would be the worst day in Victoria's history. Despite that, the Chief Commissioner of Police was not available on the day. She had her hair cut, had dinner with her mates and discussed things with her biographer. She should not be in the position she is in now; she should have been disposed of immediately. It is absolutely disgraceful.

Even I, who had no relationship with the bushfire tragedy, opened my electorate office the next day so I could field inquiries from concerned members of the community. We also found that the police minister himself was not at hand. That was an absolute abrogation of moral responsibility, if nothing else. Clearly Displan is in disarray.

We have a high-taxing, high-spending government and high debt, which is growing. I think the interest bill will rise to about \$2.2 billion per year from 2013, which will mean we will not be able to pay for a range of services we ought to be able to afford. In this state we have fiscal irresponsibility, concerns about corruption, diminution of democracy, people who lack the moral fortitude to fulfil their obligations, and services that are bursting at the seams. All up the assessment of the government's performance in Victoria is very poor. Eleven years is far too long; the government's time is running out. I hope we will be in a position to rebuild a state that Victorians deserve from the state they have been given by this government, which is so contemptuous of them and their needs.

The number of projects that have not been funded in the budget is phenomenal. The Dingley bypass was

promised in 1999, but the Kingston leg of it has still not been funded — it is nowhere to be seen. The member for Carrum in the Assembly, Jenny Lindell, who is now the Speaker, promised that the Mornington Peninsula Freeway extension would be built by 2009; it is no longer even in the transport plan.

The cost of water, electricity and gas is skyrocketing. As I said, water management has been an issue. Law and order is a huge concern across Casey, Monash, Frankston, Greater Dandenong and Kingston. Whilst we have people going on expensive trips, not honouring their moral responsibilities and not doing their jobs, the crooks are out of control in our communities, and they are targeting the most vulnerable everywhere. In addition, local government has not fared well at all.

I look forward to being part of a government that restores integrity and decency to the government of Victoria, provides a plan for the development of the infrastructure that the state deserves — it is a question not just of the money being allocated but of services being delivered efficiently and well — and addresses the issues of corruption, in particular corruption of due process, which has been symptomatic of Labor governments at every level we could possibly consider. I conclude my remarks there.

Mr FINN (Western Metropolitan) — I do not intend to speak on the budget for very long, because quite frankly I do not think the budget deserves it. What we have seen with this budget is more of the same: no vision and no hope for Victoria or Victorians. This is a boring budget from a boring government that is bored with being in government. After 11 years I suppose that is not surprising. The good news is that it has only a few months left. By Christmas it will be gone and Victorians will as one rejoice in the new government that will take some interest in what is necessary to make Victoria the great place it should be. The bottom line is that it is time this government moved on. If it does not move on voluntarily, the electorate will move it on. I have no doubt that come 27 November this year that is exactly what will happen.

After almost 11 years in power, the government continues to show absolutely no respect for the taxpayer or for the taxpayer dollar. It is a bit like the federal government, the former Rudd government, as it was until a few hours ago. It spends money like it is going out of fashion. We have seen federally with the home insulation program and the Building the Education Revolution program, the latter of which was under the stewardship of the new Prime Minister, what disasters Australian taxpayers money has been used to fund. This is typical of what we can expect from the

Labor Party whenever it reaches government at any level in this country.

It must break the hearts of people like former Prime Minister John Howard and former federal Treasurer Peter Costello to see what has happened federally, where a \$28 billion surplus or thereabouts has been turned into an around \$150 billion deficit. That is desperate. It reflects the attitude of the Labor Party, wherever it may be in government, towards taxpayers money. Unfortunately that attitude, so prevalent in Canberra, has also been prevalent here at the state level for almost 11 years.

That is the basic difference between the Labor Party and those of us on the conservative side of politics in this country: on this side of the house we believe that those who work hard for their money have a right to keep it — or as much of it as is possible. The Labor Party, indeed federally the socialists these days, has absolutely no compunction about reaching into people's pockets, about emptying their wallets, about tipping them upside down and shaking them until every cent falls from their pockets, and taking it and spending it at will. They have absolutely no concern and no worry about that at all.

There is a significant difference between those on this side of the house and those in government on attitude towards taxpayers and towards the right of taxpayers to keep as much of their own money as possible.

What we have in this state is a government that never tires of spending other people's money. In fact it has to be said that it has never seen a dollar that it did not want to spend, as long as it was not its own. I suppose the ultimate description of socialists is those who want to spend money until they run out, and as long as it is not their own, they will keep spending it.

That is very much the concern of many Victorians today as a result of what this government has done, because what you will never see from this Brumby government — and never saw from the Bracks government previously — is value for money. Members opposite will get up in this house and lecture us at very great length about how much they have spent on particular projects. They will tell us about the hundreds or thousands of millions of dollars they have spent on police or hospitals or ambulances or any number of services throughout the state, but they never tell us about outcomes. I think I know why: because, generally speaking, the outcomes are lousy. They are very bad outcomes.

Mrs Kronberg interjected.

Mr FINN — Indeed, as Mrs Kronberg says, they have stuffed up. Labor has stuffed up again and again, and that is what we see too often. For evidence of that we only have to look at myki, which surely has to go down in the annals of this state as one of the greatest, if not the greatest, financial disasters that any Victorian government has ever perpetrated.

I wonder at this moment, as I have before, exactly where we are in terms of spending on myki; we must have reached \$1.5 billion by now. I know certainly out in the western suburbs we could do with that \$1.5 billion. We could spend that \$1.5 billion on services that people could actually use. As I have said in this house before, we have spent hundreds or thousands of millions of dollars on this particular scheme, and at this point in time we cannot even get a myki tram ticket to travel down Bourke Street. That is where this government has its priorities: they are about spending, not about the actual outcomes.

I do not know about other members — and I might survey them later — but I like to get value for money. On those very rare occasions when I go shopping I like to get value for money. That is not something that this government is even mildly concerned about. It just does not seem to enter into the equation at all. Over recent months we have seen the latest foray of this government into a project called smart meters. I fear to think where that is going to end, because I think these smart meters have the potential to be an even greater financial disaster than myki.

Given the fact that Peter Batchelor, the Minister for Energy and Resources, is in charge of smart meters pretty much convinces me that it will be a total, unmitigated disaster. As we know, Mr Batchelor's stewardship of anything turns to disaster pretty quickly. He has the runs on the board on that score; his success rate is zilch.

In fact I think Mr Batchelor was the one who started myki when he was transport minister, if my recollection is correct. This government will get up and beat its breast, it will tell us how much money it has spent — it has spent hundreds of millions on this and on that. But the government will not tell you what it got for the money — and that is the important part.

Sure, we want to know how much the government has spent. The Victorian public needs to know how much has been spent, but what we really need to know more than anything else is what we got for the money. What did we get for the \$200 million or the \$300 million? That is the important part, and unfortunately that is always the part that this government is not even mildly

interested in. It does not care; it is not their money; it is not an issue; it does not know. That is the attitude of the Brumby government.

It is very sad when I see so many problems and the priorities of a government that could do so much if only it set its mind in the right direction. Unfortunately we have a government in this state that is far too busy playing games — and it happens not just in this state: we saw it federally overnight. As the federal opposition leader, Mr Abbott, said in Parliament today, the Prime Minister had a midnight knock on the door; he was taken out and executed as a part of the thuggery that passes as normal politics within the ALP. This is going on all over the place.

There is one word, I suppose, out my way, in my electorate, that sums that all up — that is, Brimbank. You only have to mention Brimbank and people know exactly what you are talking about. It is all about the worst things in politics. It is about the sort of corruption that we normally associate with the ALP in New South Wales. That is something that the ALP and this government should address as a matter of priority. They have to clean their act up, because if they do not, they will stand condemned as a group of individuals who have stood by and allowed this to happen — if not been involved in it themselves.

I do not wish to revisit the Brimbank issue and the corruption of the Brimbank council at any great length in this particular debate. But it has to be said that, whilst people cannot find a hospital bed, cannot get an ambulance and cannot find a policeman when they need one, a lot of money is going into places like Brimbank for the ALP to use as its personal play toy in its own games, in its own political party. That is intolerable; that is something this Parliament should not have to put up with. It is something that the community should not have to put up with.

One would hope — probably hoping against hope, I would suggest — that the ALP will come to its senses and will see that its priorities are all wrong in this regard. The ALP should stop playing its games and put the needs of Victorians before all else. That is what we need in this government; that is the change in priorities that we need in this government, but I shall not be holding my breath, I can assure members.

I mentioned before that myki is now up to about \$1.5 billion of expenditure. I wondered aloud what we in the western suburbs could do or could buy with that \$1.5 billion — as well as the money spent on smart meters and on so many other programs this government has put into place that have blown up in its face.

Every day I think of the West Gate Freeway. Those who use the West Gate Freeway regularly, and I look around this chamber and do not see too many who do; Mr Koch would probably be a frequent user of it — he must be! He just shook his head and rolled his eyes; he knows exactly what I am talking about. He knows what the West Gate Freeway is like.

Mr Koch — I try to get over it.

Mr FINN — As Mr Koch says, he tries to get over the West Gate. That is the problem. This is the main gateway to Melbourne from not just the western suburbs but from western Victoria — from Warrnambool, Colac and Geelong. Geelong is the second biggest city in Victoria. Many thousands of people who come to Melbourne every day have to use the bridge and the freeway, and it is just not up to it. What do we get from this government? It is going to put some fairy lights on the side of the bridge. That is sensational! It puts a couple of flags up for us to have a look at while we are stuck in the traffic. That is very helpful.

Mr Koch — They closed the lane on us.

Mr FINN — The government loves to close lanes. Do not get me started on VicRoads or we will be here all day and all night. The problem is that this government once again shows that it just does not care about the western suburbs, or indeed the west of the state, by its attitude to the West Gate Bridge and the West Gate Freeway. Every day the gridlock is getting further back. We had it back to Kororoit Creek Road a few years ago. Now it is back to Point Cook. Do we want it to go to Little River, to Lara, to Geelong? How bad does this traffic have to get before this government will actually do something? Does this government have any idea of what it is doing to the lives of thousands of Victorians as a result of it ignoring the problems on the West Gate? The West Gate is a sore that is not being addressed by the government, and that is a disgrace. The sooner this government realises that the West Gate has become a symbol of its neglect then maybe, just maybe, it might do something about it. Again, I will not be holding my breath.

Mr Koch — Do not hold your breath.

Mr FINN — I will not be holding my breath, Mr Koch, I can assure you. This is not quite on the same scale as the West Gate, but there is also an issue in Werribee that has been ongoing for some time; Mr Koch might be aware of this as well. It is the Cottrell Street issue at the railway gates and the bridge. This has been a matter of enormous fury — I think that

would be the word to describe it — for thousands of people who live in Werribee, Wyndham Vale and surrounds.

Wyndham, depending on which day it is, could possibly be the fastest growing municipality in Australia. There are thousands of families moving to the city of Wyndham. If you speak to Mr Madden, in one breath he will tell you what a wonderful job the government is doing in opening up the Wyndham area to thousands of families who wish to move there, which is what it is doing. What he will not tell you is that the government is not providing the services and the infrastructure that these people need for a decent standard of living, and the Cottrell Street debacle is a classic example of what I am talking about.

Can I be so bold as to actually offer a suggestion that would not cost as much as might otherwise be the case. I suggest the government could extend the electrification of the railway line from Werribee to the racecourse. If it electrified the line to the racecourse, the racecourse could become one big car park where people could park and get the train. It would take the traffic out of Werribee and away from Cottrell Street. Perhaps we will not then need to pour the money into Cottrell Street that is currently needed. The increasing numbers of people coming into Werribee and the surrounding areas — the city of Wyndham — will have a decent rail service. That is just a thought.

Mr Koch — We have not got enough trains.

Mr FINN — Mr Koch says we have not got enough trains. I know we do not have enough trains. Those of us who have stood on the station platforms of Hoppers Crossing, Werribee or Laverton — any of those stations along there — will know just how hard pressed, literally, one is to get onto those trains. You get to about 7 o'clock in the morning and you need those fat Japanese blokes to come along and push you onto a train. Perhaps that is something that the government might like to consider. I hope the government will take the extension of the electrification to the Werribee racecourse into serious consideration. That would be a solution, or at least a major part of a solution, to a problem that has been ongoing in Werribee for a very long time.

For quite some time I have been very critical of the standard of health services in the western suburbs of Melbourne. Footscray hospital, I believe, is a disgrace. I do not believe anybody on the other side of Melbourne would tolerate for 1 minute the standard of service or the physical state of the Footscray hospital; it just would not be tolerated. We should not be expected to

put up with this just because we are in the western suburbs, just because we are on our side of Melbourne. We should not be expected to put up with waiting around on trolleys for hours, perhaps even days, with major injuries. We should not be expected to put up with hospital buildings which are in an appalling state. Their condition is almost Third World in some instances. We should not have to put up with that.

What we need in the western suburbs is again the sort of resources, the sort of funding, that people in the eastern suburbs have come to expect. I do not think that is unreasonable. I do not think that is an unfair way to look at things. Just because we live on our side of Melbourne does not mean that we should miss out on what people on the other side get. Health services are crucial to the sort of issue that I am talking about. In particular we are urgently in need of greater paediatric services in the west. At the moment there are very limited paediatric services and paediatric surgery options at the Sunshine Hospital. Many instances have been brought to my attention of late where children who were injured or who are ill have been taken to the Sunshine Hospital, only to then be put in an ambulance and shuttled off to the Royal Children's because the Sunshine Hospital just does not have the ability to cope. That is just not good enough.

Again there are areas as far out as Melton, Caroline Springs, Werribee and Tarneit — right through there — that are growing by the day. These areas are growing because families are moving there, and families by their very definition bring children. If the health services are not there, kids are still going to get sick. If the health services are not there, then we have a real problem on our hands. This government just does not seem to care about that.

Just recently we heard — I think it was in the budget — that the Monash Medical Centre out in the eastern suburbs had been given many millions of dollars for what is basically a new children's hospital. Good luck to it for that, but we want the same in the west. We are not going to tolerate missing out any more. We have been ignored and neglected for too long. Enough! We will not put up with it any longer.

That is the message I bring to this house today. I hope Minister Madden is listening. I am hoping he will get that message through his thick scone: that we are not going to put up with being neglected any more. For the benefit of the record, as I talk about this government neglecting the western suburbs, Minister Madden is over there chortling away like the clown he is.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Mr Finn — —

Mr FINN — I withdraw, Mr Acting President. It does not change the fact of the matter, but I withdraw nonetheless.

The ACTING PRESIDENT (Mr Elasmarr) — Order! I ask Mr Finn to withdraw politely and not qualify what he says.

Mr FINN — I withdraw. People can draw their own conclusions — in fact many already have.

It is extremely important for so many families in the west of Melbourne that we get proper health services for our children. It is not asking too much, is it, to expect proper and decent health care for our kids?

Mr Koch — Fundamental.

Mr FINN — It is fundamental, as Mr Koch says. That is what we want, that is what we need and that is what we are demanding. I am hoping, as the Treasurer enters the house, that he has heard what I have said here today and that he is listening to what I am saying about the need for the people of the western suburbs to receive the same treatment as those on the other side of Melbourne.

In the area of education, over the past few years I have been to a number of schools that I have to say were in pretty poor shape. Some of them were an absolute disgrace. I remember visiting Werribee Secondary College earlier this year or last year. It was like going back in time. I felt as if I had stepped into a time machine and gone back six or seven decades. Many of the school buildings were literally falling down and many of them were being held up with sticks. It is just appalling the way this government has treated many of the schools in the western suburbs.

We heard last week about the office of the Minister for Energy and Resources, Peter Batchelor, so members know what happens to anybody who complains. Government members, with their Gestapo-like tactics, come down on you like a tonne of bricks. They will bully you, they will harass you and they will intimidate you, because that is the Labor way. That is the only way they know. They do not want anybody standing up for themselves. They do not want people saying, 'Hey, we want what is rightfully ours'. If anybody — any school principal or any school community — stands up and fights for what is rightfully theirs, God help them, as far as this government is concerned. As I say, that is the Labor way. It always has been, and I reckon there is a fair chance it always will be.

There are so many principals who are annoyed and distressed by the physical state of the schools they work in, but they cannot say anything because they know what will come their way if they do.

Mr Koch — Julia will fix it.

Mr FINN — Julia will not be there long enough to fix anything, let me tell you. I hope, Mr Koch, that the new Prime Minister enjoys today, because it might be her only day in Parliament as Prime Minister. If she calls the election for the end of August, it just might be her only day as Prime Minister in the Parliament. We can certainly look forward to that, anyway.

As I said, we have heard all the noise from both federal and state Labor Party members about all the money they have spent on education. I would like to know where it has gone. It certainly has not gone into the western suburbs, but that is again not something that we should be entirely surprised about. I well remember that when we came to government back in 1992 there was a \$600 million black hole in school maintenance that the Kirner government had left us.

I remember visiting schools. One was a school that I again represent now, the Gladstone Park Secondary College. I have related this if not to this house, certainly to another one in years gone by. It is not a small school; it is a fairly substantial school with a large school population. I recall going to that school and putting my foot through the floor and my hand through the walls and being shown the roof where wires were dangling down — hopefully they were not live, but they might have been. I do not know; I did not find out. I certainly was not game enough to check it out myself. That was what the Kirner government left us, and that sort of thing is exactly what the Brumby government will leave us in November. It is not good enough for a government whose members beat their chests and puff themselves out and say, 'Oh, we're so good. We put education and schools first and foremost'. It puts the lie to that, because we on this side know that is not so at all — and they prove that every day.

Just recently I have raised the need for an autism-specific secondary school in the western suburbs. In the budget there is an announcement by the Treasurer that there will be funding for an autism-specific secondary school in the east — it could be in Warrandyte. It is to be out that way. I get a bit lost when I get into the eastern suburbs, I have to say.

Mrs Petrovich — You're a westie at heart.

Mr FINN — I am a fair westie, Mrs Petrovich, I have to say. That school will be out in the eastern

suburbs. The bottom line is that the people of the eastern suburbs who have the misfortune to have children with autism will be getting a secondary school for the eastern suburbs.

Hon. M. P. Pakula — Ferntree Gully.

Mr FINN — Ferntree Gully, is it? I thank the minister for his assistance. I knew it was out there somewhere.

The bottom line is, though, that we in the western suburbs have the Western Autistic School, which provides four years of education. Once the four years are up, the kids are kicked out and the parents have to work it out themselves. That is just not good enough. I am not speaking through self-interest — I want to make that very clear — because my son goes to the Northern School for Autism, and that is a P–12 school. My little bloke is right as far as education goes, although there are other issues that I might relate at another stage.

In the western suburbs kids with autism have four years of education. That is just outrageous and appalling. We need an autism-specific secondary school in the western suburbs as a matter of urgency. We do not need it just today; we needed it last year. As I related to this house just a few weeks ago, lately I have spoken to parents — and here we are coming to the end of June — who do not know which school their children will be at next year. I know where my other children will be. My eldest girl is moving to a secondary school next year; I know where she will be. I think by the end of June every other member who is a parent would know where their children will be next year for secondary education, but not the parents of children with autism in the western suburbs. If it is not bad enough for parents to be faced with the problem of having a child — or children, quite often — with autism, this is an added problem thrown in. There is a lack of educational facilities for them to go to.

If we are fair dinkum about caring for people, this has to be rectified. Autism is not going to go away. Autism is growing in numbers; every year it is growing in numbers, for whatever reason. That is one of the big problems with autism. We just do not know what causes it. We have no idea what causes it.

Unfortunately that does not change the fact that it is growing in prevalence in the community. In places in the western suburbs where quite often, to be frank, a lot of parents do not have the physical resources to provide the sorts of services their children really need, they are facing the neglect of not having a secondary school at all. In fact they are faced with the prospect of their children being put into a school for four years and then

being turfed out and told to go to either a mainstream school, which in many cases — certainly it would be the case with my son, if he were in that situation — would not be an option, or to a special school, which in most instances is just not appropriate.

If the government were fair dinkum about social justice and looking after those in the community who really need to be looked after, it would provide an autism-specific secondary school for the western suburbs, and it would do it soon. In fact it would do it now. As I said in this house a couple of weeks ago, it is not something that we want; it is something that we need, and we need it desperately. I am hopeful that this government will take it on board and do something about it.

I want to make some brief comments about policing and law and order, particularly as they pertain to the western suburbs. I am not sure who I should feel more sorry for: members of the community who actually need a police officer after an incident or to prevent a crime from occurring or police who are working in extraordinary and intolerable conditions — in conditions that neither you nor I nor anybody else in this building would put up with. From time to time we all have a whinge about various things such as our offices in this building and so forth, but they are almost palatial compared to some of the places police are forced to work in. Once again, I have to mention the Sunshine police station, which is horrendous; it is absolutely horrific. How anybody could expect people — —

Mrs Petrovich interjected.

Mr FINN — Yes, how anybody can expect people to work in such conditions, I do not know. The police at Sunshine are stressed, overworked and understaffed — all the things you would not want people to be — yet they go on and do the best job they possibly can. They are totally committed to protecting members of the community who need their protection. I take my hat off to those men and women of the Victorian police force on the front line who are out there protecting us. But they should not be subjected to the sorts of conditions they are subjected to by this government.

For at least a decade now the police in Werribee have been put under enormous stress as a result of being way understaffed. As I mentioned, the city of Wyndham is one of the fastest growing communities in Australia, but there is not the same degree of growth in police numbers. People are coming from everywhere into Wyndham, but the same number of police are expected to man the beat. Whilst we have a new Wyndham

North police station — and that is a very nice police station — sadly, we do not have the police to keep it open for as long as it should be. I understand that this week the Werribee station has been closed for three days, without explanation. I do not know what is going on there. Perhaps we will find out at some stage. But that is the story of Werribee.

Mr Koch — There are too many officers. They can't fit them in!

Mr FINN — I have been to the Werribee station, and I do not think there are too many offices. They are pretty cramped there, I have to say. It is a pretty shocking place to be. The situation at Werribee with the lack of police has been ongoing for a long time. The government knows about it, but it does not care. It says, 'It's Werribee, don't worry about it. They'll vote for us anyway'. That is the government's attitude. It says, 'The western suburbs, don't worry about them. They'll vote for us anyway'. I am hopeful that will change very soon.

We have seen the problems with policing in Footscray, and they are ongoing. We have had the police station at Williamstown closed overnight because the police at Footscray need more officers. They pull them out of Williamstown and put them into Footscray, and then they pull them out of Footscray and put them into Werribee. We do not want musical-chair police officers. We want new police officers. We want police officers who will protect us and who are able to do the job they need to do. They need the resources and the authority to do their job. It is pretty basic. Any government that is worth its salt should provide to the police in this state the resources and the authority to do their job.

Irrespective of what is going on in the western suburbs, what Victoria Police needs more than anything else is some leadership. It has not had any decent leadership now for a very long time. We now have a police commissioner — son of Christine, Simon Overland — who perhaps knows even less about policing than his predecessor. You would not have thought that was possible; a lot of people certainly did not think that was possible. But from my conversations with a good number of police officers, that is the case. He has not got a clue what he is doing. We have a police minister who would have to be the worst police minister in the history of this state. He is so hands off he might as well have no arms! He just does not know what he is doing.

Mrs Petrovich interjected.

Mr FINN — He could be armless! He is just hopeless. When you go out and speak to the police on the front line and mention Bob Cameron's name, they just shake their heads and say, 'What have we done to deserve him?'. It is a very good question. We have had Christine Nixon for a decade, so we all know what she is like, and we now have Simon Overland, who knows even less about policing than she did. We also have Bob Cameron, who just walks around in a daze and does not have a clue what is going on; he has no idea! They do not call him Sideshow Bob for nothing. He has absolutely no idea what is going on. That is of concern not just to police officers throughout the state but also to everybody who is worried about law and order in Victoria.

The ACTING PRESIDENT (Mr Somyurek) — Order! I say to Mr Finn that referring to the minister as Sideshow Bob is clearly out of order and I ask him to withdraw.

Mr FINN — I do apologise, Acting President. I was not actually referring to him. I was referring to others who call him that on a daily basis.

The ACTING PRESIDENT (Mr Somyurek) — Order! Will Mr Finn withdraw?

Mr FINN — On behalf of every police officer in Victoria, I withdraw.

The ACTING PRESIDENT (Mr Somyurek) — Order! Mr Finn has to withdraw.

Mr FINN — I withdraw.

Mrs Petrovich — They might not.

Mr FINN — Mrs Petrovich is spot on the money. I am sure they would not. I said I would not speak for long, and I may have got that wrong.

We really need something in Victoria Police which will restore the values that Victoria Police once had. I have said this before, I will say it now and I will no doubt say it again and again: when I was growing up, Victoria Police was held in high esteem. It disturbs and distresses me enormously when I see opinion polls showing that the majority of Victorians no longer have faith in Victoria Police. We need to restore the values that Victoria Police once held and stood for. We need to give police officers the authority, the respect and the resources to do their job. That is most important.

I will finish with a simple message to the government on behalf of the people of the western suburbs of Melbourne: we want our share. We pay taxes, too, in

the western suburbs of Melbourne. We work, we pay our tax, we want our fair share. We are sick to death of budget after budget where all the goodies go to the eastern suburbs, the south-eastern suburbs or over the other side of town. Enough is enough. We want our share.

This budget has failed the western suburbs yet again — the western suburbs that put Labor back every election. The western suburbs is just taken for granted. That is the problem. The Labor government says, ‘They are going to vote for us anyway. We do not have to give them a cent’. So it does not. However, after speaking to a lot of people out in the west over the last couple of years, I think that might be coming to an end — not too soon, I might say. The people of the western suburbs are finally realising that as long as they continue to vote Labor without question, they will continue to get nothing from this government and from the Labor Party generally. They realise that John Brumby does not care about the western suburbs. Nobody in the Labor Party cares about the western suburbs. Nobody in the Labor Party has ever cared about the western suburbs, and quite frankly people in the western suburbs have had enough. Come 27 November we are going to see a different attitude from a lot of people in the western suburbs. That 13 per cent swing in Altona earlier this year might be the start of things to come.

We might see this government, courtesy of the people of the western suburbs, go the same way Kevin Rudd has just gone. The people of the western suburbs deserve and need a fair go. I am committed to ensuring that they get that. I am committed to ensuring that their voice is heard. I am committed to ensuring that as long as this government is over there, it will be reminded of the neglect it has inflicted upon the people of the western suburbs of Melbourne.

Debate interrupted.

PLANNING: AMENDMENT VC67

The DEPUTY PRESIDENT — Order! I appreciate the fact that that was one of Mr Finn’s short contributions, as he said at the outset. The longer version might have taken quite a bit of time.

I wish to table a document in respect of matters that arose in the house on Tuesday last. Members will recall that the Minister for Planning moved a motion of which he had given previous notice for the formal adoption of amendment VC67 and sought ratification of that amendment to the Victorian planning provisions. After he gave that notice Mr Guy sought to move an

amendment, and at that time the President indicated that he would seek advice in respect of that matter and the validity of the amendment in the context of the house’s ability to deal with that proposition.

Therefore on behalf of the President I now table for the information of members a copy of an advice from Ms Rowena Armstrong, QC, regarding the capacity of the council to part ratify amendment VC67 to the Victorian planning provisions, which was the substance of Mr Guy’s amendment to the minister’s motion. I therefore now ask that copies of the advice from Ms Armstrong be circulated to members. I indicate that there will not be any debate on this matter forthwith, and suggest that the President will give a ruling on the matter when the debate on the motion to ratify amendment VC67 resumes at a later date in this house. In the meantime members will have had an opportunity to peruse the advice and form an opinion upon it.

Mr D. Davis — On a point of order, Deputy President, further to the advice, I, like other members of the chamber, will peruse this more closely, and I appreciate that opportunity. However, on my first examination of it I want to refer to the section headed ‘The question’. Let me quote this to explain my point of order:

There are two issues behind the question, first, whether the amendment to the motion is in order and, secondly — —

Mr Viney interjected.

Mr D. Davis — No, I am trying to understand this.

Mr Viney interjected.

The DEPUTY PRESIDENT — Order! I am taking it Mr Davis has a point of order, and I am not having discussion across the table. Irrespective of what agreements have been reached, I have indicated that the debate on this matter will be at a later date, so I will deal only with the point of order.

Mr D. Davis — Just let me read this, because I just want to indicate that the advice may need a deeper point to it.

... secondly, whether ratification of a planning scheme amendment in part only would constitute a ratification within the meaning of the Planning and Environment Act 1987, of that part of the amendment.

When the points of order were raised at the time, there was an additional point which concerned the breadth of the minister’s motion itself. I do not expect you, Deputy President, to give any further detail now. I want to make the point that it seems to miss that point.

The DEPUTY PRESIDENT — Order! I understand that. Can I suggest to Mr Davis that it is within the ability of the house to address that matter by way of debate, but in fact what this advice actually does, albeit silently perhaps, is address that issue as well in so much as it establishes whether or not the amendment to the motion is in order. It accepts that the minister has moved a motion. It is up to the house to debate and reject the motion entirely. But what this advice is saying is that you cannot compartmentalise the motion that the minister has moved; you cannot in part ratify it. To that extent, whilst Mr Davis may not see an explicit statement with regard to the breadth of the minister's original motion and the proposition brought to this house, the fact is that it is implicitly covered by this advice.

I might also reiterate comments made by the Chair the other day, which were also consistent with advice given to me this afternoon — that is, the Chair is not in a position to make a determination as to the legality or otherwise or indeed the breadth of a motion in terms of the contents of the amendment presented to the house. The Chair can really form a view only about what the Parliament can or cannot do in relation to a ratification motion moved under section 46AH of the Planning and Environment Act 1987.

It was in this regard that the President sought further advice; that advice is now tabled. As I said, the President will make a further ruling at such time as the debate comes back before the house.

APPROPRIATION (2010/2011) BILL and BUDGET PAPERS 2010–11

Second reading

Debate resumed.

Mr KAVANAGH (Western Victoria) — I rise to make a few comments on the state budget, but I would like to express the reservation that, I guess like most of us here, I do not have particular expertise in reading these documents. Quite often documents do not always tell the full story, as has been shown in Greece lately, although I do not accuse the government at all of activities similar to what was being done in Greece up until a couple of months ago. But it is quite difficult to read these documents and come to terms with what is in them.

I would like to emphasise a point that was made by you, Deputy President, in the last week of sitting — and I think Mr O'Donohue made a similar point today —

which was to question the lack of detail in the health funding agreement that the state has entered into with the commonwealth. As somebody said today, the importance of that is partly in the precedent it sets.

What seems to have happened is that the commonwealth has largely taken over responsibilities for funding part of our health system and has done so by removing a very large part of Victoria's entitlement to GST revenue, which as has been pointed out is just about the only element of revenue likely to increase in the future. I think this agreement and the consequences deserve careful explanation, which has not really been given to us yet.

I might add that it struck me as outrageous that the commonwealth should advertise what brilliant health reforms it had made, spending a lot of money on the advertising to do so, when really what it had done was to complicate health funding. If that is reform, we are not going to get very far, because it was probably a backward step, if anything, it seems to me. To call that a bold reform just seems to indicate how pathetic the federal government is in certain respects.

I cannot really come to a conclusion about Victoria's debt levels. They seem to be a matter of disagreement in this house. Again it is hard to get a handle — to get any sort of objective measure — on whether Victoria is terribly in debt and about to go broke, as one side alleges, or whether we are flying through with no problems at all, as the other side of the house claims.

Ms Pennicuik interjected.

Mr KAVANAGH — It is a bit of a worry, but it is a little bit beyond a single member to be able to come to conclusions about that. I will note, however, that the Auditor-General has expressed reservations — to put it mildly — about some of the financial practices that are going on in Victoria. I think some of those reservations have only recently been expressed but will no doubt be referred to in future debate in this house.

Generally speaking, this is a high-spending government, and it devotes a lot of expenditure to services. As some other members have noted, however, there is not very much explanation or defence of the quality or value of those services. As I have said before, the fact that the government is spending a lot of money does not really reflect particularly well on the government unless it is getting good money for that value. If it is spending a lot of money but not getting value from it, then in a way the government stands doubly condemned. If it were not spending all that money and was providing low-class services, at least

we would not be spending as much; it would not be such an imposition on Victorian taxpayers.

Of course nobody likes taxes. I do not like paying them, and I guess nobody else does. However, the high level of services does demand high levels of taxation. Three kinds of taxes in Victoria continue to bother me. One is stamp duty — and I know there are big exemptions for some first home buyers, which I believe is a good thing. Contrary to the position often put by the Greens, I think we should be helping families wherever possible to buy homes. However, stamp duty in Victoria for subsequent homes really is a gigantic burden.

I have had people say to me, ‘I didn’t know these charges were actually imposed on people. I had heard you had to pay \$10 000 or \$20 000 when you bought a house, but I didn’t know you really had to pay it’. Such people are now up for \$25 000 or \$30 000 on top of the purchase price of a home. I do not know what the average would now be in Victoria; it would probably be more than \$30 000 on an average home.

Land tax is insidious if it is not related to the amount of money you can make out of a piece of land. If you are charging people thousands of dollars in land tax a year, yet they are not even able to make that much money out of a piece of land, then obviously that is going to have very harmful effects. Land tax should be moderated so that it is only a proportion of the income a person can receive from a piece of land and certainly never beyond the amount of income they can receive from it.

It seems to me that the worst tax in Victoria is payroll tax. To tax people for employing others is a bizarre and completely counterproductive exercise when we have significant rates of unemployment. I urge the government to address that issue in future and to cut payroll tax as much as possible, if not absolutely eliminating it.

On the basis of former experience I am concerned about the government’s potential regarding government advertising. We are in an election year. We have seen in past election years this government going all out, with huge amounts of money being spent on television ads. Hopefully that may change because people are now wising up to television ads. Every time the federal government ads about the mining tax come on television I think the government has just lost more votes, because the ads are so bad and so obviously inappropriate that they have cost the government political support. Perhaps all that commonwealth money being spent on political ads is one of the reasons the events of this morning happened. Those are just some very general comments about the budget.

I would like to refer more specifically to projects in western Victoria that local councils in that area have asked me to talk about in the Parliament and to urge the government to fund. Firstly, over recent years the Geelong waterfront has been beautified and enormously improved. It really is a beautiful part of the bay and of Victoria. Greater Geelong City Council is seeking funding for a Yarra Street pier and Fisherman’s Basin redevelopment. That will improve even further the livability of Geelong, attract even more visitors to the waterfront and increase economic benefits throughout the Geelong area, including, for example, improving the Audi Victoria Week regatta that is held in Geelong annually. This is a significant project with a range of benefits for the people of Geelong, and I urge the government to consider helping to fund the Yarra Street pier and Fisherman’s Basin development. Perhaps I should declare an interest, as my electorate office is very near Yarra Street pier, but that is not my motivation here.

Geelong is Victoria’s largest regional city, and that is why the City of Greater Geelong has a large range of projects for which it is seeking funding, including the development of a mineral springs spa, utilising the water of Corio Bay — apparently the mineral springs are underneath Corio Bay; the extension of the Geelong Ring Road to the Bellarine Peninsula; and the development of transport links to create a national transport and logistics precinct. These are all very worthwhile projects which would have economic and other benefits throughout the region.

Additionally the Borough of Queenscliff — perhaps we do not need to say ‘Queenscliff’, because it might be the only borough in Victoria — —

Honourable members interjecting.

Mr KAVANAGH — No? There are a few of them. The Borough of Queenscliff has asked me to ask the government for help with one of its projects, which is on a pretty modest scale. It is to develop a community centre to address the needs of the Queenscliff neighbourhood house. The project would have three elements: firstly, transferring the ownership of the old MICFIE building to council; secondly, relocating the building to a former high school site; and thirdly, upgrading the building.

I have had a lot of requests to mention projects in Parliament, but I will refer to one in the shire of Glenelg. Glenelg Shire Council also has a large number of projects in mind that would have implications not just for Glenelg or Portland and around that area but for the whole state. They would have statewide

significance partly because the port of Portland is important. In our recent discussion regarding Port Phillip and Hastings I regret that I did not mention Portland port, because it is huge and has gigantic potential.

The largest project for Glenelg shire is a green triangle region plan, which would create a massive 5400 jobs in its construction and many ongoing jobs, including 1000 ongoing jobs in the blue gum timber industry alone as well as jobs in many other industries. Critical elements of this plan include rail and road network enhancements, regulatory reform, skills training and community development. Among the 10 most important projects for Glenelg Shire Council are the Portland Bay coastal infrastructure plan, the Casterton child and family complex, the Portland airport redevelopment project and Anderson Point rehabilitation. I ask the government to consider all these projects, which would add greatly to many aspects of life in western Victoria.

In short, I ask the government to work towards reducing the tax burden on Victorians, particularly the burden of payroll tax; to look for value for its expenditure and make it a higher priority; to exercise restraint when it comes to government advertising; to exercise caution when spending money on promoting itself at taxpayers' expense; and to give full consideration to the range of projects I have outlined today. These projects could do much to make western Victoria an even better place to do business, seek employment and holiday in.

Mrs KRONBERG (Eastern Metropolitan) — With the passing of a few weeks since the budget was handed down, after the initial flurry of spin some of the grim realities of this budget have really settled down, so now we can examine all of the points about which people are either frustrated, disappointed or feel thoroughly let down — and, in some cases I daresay, hurt and possibly panic-stricken as well.

I believe it is important to put some numbers at the beginning of my contribution and note that the increasing tax burden continues to do so, and in the forward estimates the stamp duty haul from this government will be an increase of \$555 million, that the grab for land tax, the burden on Victoria's landowners and businesses, will be increased by an estimated \$580 million. It is also worth noting that with the debt increase now, Victorians will be paying \$3.2 billion in interest every year; by 2014 the total public sector net debt will increase to \$ 31.7 billion in interest payments.

This burden for Victorians, on top of the crushing burden imposed by former Prime Minister Rudd — and let us hope that there is some enlightenment and sense of responsibility for the increasing burden of sovereign debt with the new Prime Minister, once to the Left and now the darling of the Right, who clearly finds herself as the Prime Minister because she has pursued self-interest like her predecessor — frankly would have funded a lot of hospitals, a lot of schools, improved the road system and obviously given us more police.

It is important because some of the things that have been missing for the people in Eastern Metropolitan Region include most notably issues such as the provisioning for the duplication of the Hurstbridge line, thus providing improved services for people living along that line and taking in areas such as Montmorency and Eltham, and beyond that through to Diamond Creek, Wattle Glen and Hurstbridge.

I remember coming across a report where there was so much chest-thumping about new track being laid down and of course the normal smoke-and-mirrors that one would expect from this government as far as what it is really doing to improve the safety on tracks.

We all know that the signalling systems are antiquated and run down, and the replacement and upgrade of those signalling systems is of critical importance to the safety of the travelling public.

We also notice that when there was, as I said, lots of chest-thumping about the replacement of timber sleepers with concrete sleepers and the accompanying ballast that would go with that, we found that only one in four sleepers was being replaced except on the parts of the track that had bends in it, so people are aghast to think that only one in four railway sleepers is being replaced by concrete ones. In my electorate people are looking — and they are still quite nonplussed about this — for the Ringwood station redevelopment.

There was the classic occasion back in February 2007 when the Minister for Planning came out and launched what we call the four flags ceremony. This was the announcement that there was going to be a media campaign to announce the redevelopment of Ringwood station. The people of Ringwood and the travelling public along the Lilydale and Belgrave lines are still waiting for Ringwood station to be improved. It is interesting that the forecast improvement for that station is basically only a facade. The actual workings — the ramps and the facilities on the platform and conditions for the travelling public and so forth — are not going to be touched at all, so it is just going to be like a glossy Hollywood set wrapped around the station.

Another thing that is really important is that there was no provision for sound attenuation barriers to protect the lifestyle of the frail aged living in the Judge Book retirement village, and I understand that the government would not want to institute sound attenuation barriers between a residential block for the frail aged and an increasingly busy train line, because that would create a really uncomfortable precedent for them. Goodness me, they would have to protect the frail aged and residents from such noises all over the place, and that would be just shocking, wouldn't it!

I would be interested to know what the Minister for Public Transport is going to do in terms of a possible contingent liability that seems to be brewing in Eltham — that is, the fact that many of the residents adjacent to the railway track are complaining of their flyscreens filling up with metal filings that are actually sheared off the tracks when the trains run over them, so this suspended particulate matter is going to be a very serious problem and a serious public health issue.

In the seat of Eltham we have a really sad case of the pressure that the school council and the school community of the Montmorency Primary School was put under — and we all know the bullyboy tactics that this government brings to bear when it wants school amalgamations to go through. We know it ramps up by replacing school principals and bringing in more compliant school principals who will expedite such things as forced amalgamations. It reminds me of the forced collectivisation of the Stalinist era.

The school council of the Montmorency Primary School withstood this, and now, when they have sought some improvement for the school buildings and the precinct, their local member told them that they should go across the road to the Montmorency RSL and see if the members of the RSL would put a lick of paint on the school for them. That tells you a lot about the member for Eltham, Steve Herbert, who is the Parliamentary Secretary for Education, and his commitment to school communities in his electorate.

Of course some money was coming from the Building the Education Revolution funding that fell a long way short of neighbouring schools. The Montmorency Primary School received about \$850 000 from the federal government but got nothing from the state government, apart from a derisive off-the-cuff comment from the state member, who said, 'Ask the RSL to put on a lick of paint for you'.

While we are talking about billions, once upon a time everybody used to talk in terms of millions, and that was pretty hard for everybody to imagine and to

imagine \$1 million, but now this government has a forecast debt burden and interest burden of \$31.7 billion by 2014, so I thought it was a good idea to share some information with the house. I cannot give a formal reference to it because it came to me in an email yesterday, but I think it is worth sharing.

The email gives us an idea of how long it would take for 1 billion seconds to have elapsed. It says that a billion seconds ago it was 1959; a billion minutes ago Jesus Christ was alive; a billion hours ago our ancestors were living in the Stone Age; a billion days ago no-one walked on the earth with two feet; and a billion dollars ago was only 8 hours and 20 minutes in this country, considering the rate of spending of our federal government. God help us! This is especially true under our new Prime Minister, a member of the gang of four!

I have some more interesting figures relating to the gang of four. For the purposes of aggregation two other members of the federal government have been included in these figures. The top six members of the former Rudd government's pointy end of cabinet had a collective work experience of 181 years before coming to Parliament. But only 13 of the 181 years have been spent in the private sector. Of those 13 years, 11 years were spent as trade union lawyers. So of the total working lives of the people who are running the federal government only two years were actually spent in the private sector. No wonder members of the federal government cannot run a program to save themselves. I think the attitude of members of the federal government is not so far removed from what goes on in this state and the experience that is on offer to the people of Victoria. These members, with their 181 years of experience between them, have spent no time running their own business or starting their own business. None of them has spent time as a director of a family company and none of them has held a senior position — —

The ACTING PRESIDENT (Ms Pennicuik) — Order! I remind Mrs Kronberg that we are on the topic of the federal budget — —

An honourable member interjected.

The ACTING PRESIDENT (Ms Pennicuik) — Sorry, I mean the state budget. Mrs Kronberg had persuaded me that we were talking about the federal budget. I return Mrs Kronberg to the topic we are discussing.

Mrs KRONBERG — I am happy to do that because I was starting to hyperventilate as I made those points. It is really important just to round this up by

saying that these six people had no experience in corporate or business restructuring, no experience working in or with a bank, no experience in capital markets, no experience with a stockbroking firm and no experience negotiating debt facilities with a bank. They have spent no time running a small business, no time at the World Bank, the International Monetary Fund or the Organisation for Economic Cooperation and Development. They have spent no time working in Treasury and Finance. According to the Labor Party, that is the standard as to how to become a member of Parliament.

I now turn to one of the saddest stories in the whole of Melbourne at the moment. It goes to the heart of how this government operates. I underscore the pleading of a member for Western Metropolitan Region, my erstwhile colleague Bernie Finn. This government is incapable of governing for all Victorians. It loves to play the politics of envy. This is central to the mindset that prevails.

The government will not provide the funding to build the Box Hill Hospital. In 2006, before the election, voters were promised that there would be \$650 million pledged to rebuild the Box Hill Hospital. It might have been a slip but the Minister for Gaming, Tony Robinson, later announced that the government was prepared to spend \$850 million on the Box Hill Hospital. That was in 2008, and it was a pledge for the redevelopment of the hospital within 12 months. When we got to 2009, what did we see? The news was that Premier Brumby had committed to funding the entire bill for the rebuild of the hospital, which was that magic figure of \$1 billion. Think of where you would be 1 billion seconds ago or 1 billion minutes ago. What did the people of Melbourne's east actually get? They got a pared-down version. The government is going to rebuild one block of an entire hospital campus; \$407.5 million has been allocated for this and that is very feeble. It is awful. The government is sneering at the people of the east because so many of the suburbs that form the catchment for the Box Hill Hospital are represented by some of the most fantastic Victorians imaginable, the members of the Liberal Party who represent the people of the eastern suburbs of Melbourne.

I would like to shine a light for the people who largely cannot speak for themselves. I speak of the question of funding for people with disabilities, and one thing that has absolutely tugged at my heartstrings the whole time that I have been a member of Parliament is the paucity of funding for shared supported accommodation and what that lack of funding actually does for families, for people suffering from a disability and their carers. We

see that there has been a cost pricing adjustment of something like \$22 million allocated just to keep up with the increasing costs of providing accommodation services, but that of course falls a long way short of what is really required. Much of that \$22 million over four years will be spent up front, so we do not really know what it will be like in the out years.

There will probably be another example of a dearth of funding in the third and fourth years of the program. This flies in the face of a review that the Department of Human Services itself commissioned from PricewaterhouseCoopers — the Price review of out-of-home disability services. This is referred to in a prominent article on the National Disability Services website for anybody to take on board. There is a huge gap there.

How many people are left waiting on the priority waiting list for shared supported accommodation? We see that the government has provided enough funding for 20 people to receive that service. It has provided funding for 20 people, but there are 1292 people on the urgent priority waiting list. What about the remaining 1272, who have been completely disregarded and, I say, treated with contempt by this government? It brings me to tears.

When we start discussing debt and how the government can with alacrity accommodate the interest burden that goes with it, we have to look no further to see what happens with economies when they are in freefall and socialist governments have to buy votes term after term — not stoking the engine room of the economy, but just spending, spending, spending — than the situation in Greece, with a 149 per cent ratio of debt to gross domestic product. About 10 days ago ratings agency Moody's Investors Service relegated Greece to junk status — —

Hon. M. P. Pakula — A 149 per cent ratio — what is Victoria's? About 5 per cent.

Mrs KRONBERG — I am talking about a socialist government that swamped its taxpayers with a debt burden. If we continue in this way under the federal Gillard government and the Brumby government, what a terrifying prospect we face. Look at the seismic shock that the debt burden, indolence and rampant socialism caused in Greece, the shockwaves through Spain and the potential meltdown of the European Union. Before the British election I said to everybody who would listen to me, 'Pray that David Cameron gets elected, because the UK is next'.

Ms HUPPERT (Southern Metropolitan) — I am delighted to rise to make a few comments in support of what is a wonderful budget. I congratulate the Treasurer on delivering this budget, which provides jobs, jobs and more jobs for Victoria in the current volatile economic climate in a world that has yet to fully recover from the global financial crisis. It is clear from what is happening in countries around the world that economies across the world are still under pressure, but despite these difficult times the Treasurer has delivered a budget that has maintained the state's AAA credit rating.

In last year's budget the Treasurer committed to creating 35 000 additional jobs for Victorians, and we as a government have overwhelmingly exceeded this target with nearly 100 000 jobs created during the last financial year, 92 per cent of them being full-time positions.

The importance of job creation is lost on those opposite, who at every opportunity talk down the performance of the Victorian economy, putting Victorian jobs at risk. It is important to members of the community that they have the dignity of employment — the dignity of the opportunity to work and receive fair remuneration for their labour — and that is at the heart of this year's budget. It is a Labor budget that has at its forefront the people of Victoria and their right to work. However, that is not of interest to those opposite. When you look at the contributions made by opposition members both in this house and in the Assembly, you will see very few mentions of jobs, because this is not something that is at the forefront of their minds.

We are proud of our record of creating working opportunities for Victorians, and the budget will continue our strongly held belief that everyone has the right to enter the workforce, continue working and move between jobs.

The government is about sustainable economic development. The budget handed down and recent announcements by the Minister for Environment and Climate Change, Mr Jennings, seek to reverse the trend of climate change in Victoria by finding alternatives to fossil fuels. I was recently delighted to attend the launch of a government-funded initiative at Swinburne University, which is a partnership between the university and Suntech Power Holdings to develop solar cells that are significantly more efficient in operation and cheaper to manufacture. This is one of many examples of the work this government is doing to foster alternative energy sources and combat climate change for the Victorians of the future. Do members opposite have any suggestions for policies in this area?

They do not. Do they have any proposals for how to grow the Victorian economy and create jobs in an uncertain world? They do not; of course the answer is no.

One of many things Victorians dream about is the possibility of owning their own homes; it is the great Australian dream. This budget provides more opportunities for Victorians to own their own homes through the first home owners bonus, which is targeted at new homes constructed both in Melbourne and, more importantly, in regional areas. Increasing the supply of housing will make housing more affordable. However, members of the opposition clearly are not interested in housing affordability, as was evidenced by their decision this week to vote against the ratification of amendment VC67, which would have had the effect of making land available for 13 400 new homes. That is yet another example of how opposition policies do nothing to provide the basic things that Victorians want — jobs and homes.

I turn my attention now to a few remarks made by previous speakers in relation to the budget. We heard Mrs Kronberg earlier today talk about the politics of envy. I have reviewed the comments made by the member for Brighton in the lower house, Ms Asher, in relation to the budget. She also talked about the politics of envy in relation to Brighton Secondary College.

Hon. M. P. Pakula — My mum taught there for 30 years.

Ms HUPPERT — I am glad to hear, Minister, that your mother taught there.

Ms Asher said there is no doubt that there has been no money provided to that school because it is located in a suburb which brings out all the class envy that shows the worst of the Labor Party. I find her remarks misleading. They have been repeated —

The ACTING PRESIDENT (Ms Pennicuik) — Order! I hope Ms Huppert is not quoting verbatim from what Ms Asher said.

Ms HUPPERT — Thank you, Acting President. No, I was referring to her references to class envy. I grew up in Brighton, so I do not see how I can be considered to be of that cohort, and I think there are many other representatives of the area here, so I do not think class envy is an appropriate thing to be talking about.

I have visited Brighton Secondary College, as have many of my colleagues on this side of the house. Earlier this year the college was invited to join the Building

Futures program, and the school community is looking forward to developing a master plan for its school. When that has been completed, I am sure it will, in turn, receive appropriate funding.

As members would know, in 2006 the government committed to rebuilding or refurbishing every government school by 2016, including 500 schools between 2006 and 2010. There are 1600 state government schools in Victoria, so there are a lot to be refurbished. By the end of this year the state government will have redeveloped 553 of those schools, 53 ahead of target. Brighton Secondary College is one of the schools that will be redeveloped, hopefully in the near future.

I would also like to point out a number of other initiatives announced in the budget for the Southern Metropolitan Region — Brighton and places nearby. Moorabbin Primary School has received funding for building upgrades. Six new premium stations have been announced in the Southern Metropolitan Region, and I congratulate the Minister for Public Transport, who is sitting here in the chamber, on the announcement that there will be in total 20 new premium stations in Melbourne and 6 in the Southern Metropolitan Region on the Sandringham, Cranbourne and Pakenham lines. There have been grants to preschools for facility upgrades, lifesaving club grants to be used for recurrent funding, and capital funding for the upgrade of Holmesglen TAFE.

More importantly, the residents of the Southern Metropolitan Region want their government to be one which has a plan and a policy in place to protect their jobs and livelihoods and to provide an environment that is sustainable into the future for the benefit of their children and their children's children.

The Victorian economy is performing well, but the dangers posed by the global financial crisis are not over, and this is reflected in the budget. We have a budget that is aimed at continuing growth and jobs growth, and the result of this policy is a state final demand of 6.4 per cent for the past financial year, which is better than the Australian average of 4.4 per cent.

Highlights of this budget include a \$4 billion investment in health, a \$1.9 billion investment in Victorian schools and the continual rollout of further capital works in the transport plan. The budget also includes the increase in police numbers with 1966 additional front-line police.

I am proud to be a Victorian who welcomes the decisions made by people from interstate and overseas to come and live in Victoria. This is due to our success in leading the country on many economic indicators. People are voting with their feet and creating the success story we have. We have a leadership team that is committed to protecting Victorian jobs now and into the future, a team that has delivered budgets which have maintained our AAA credit rating and maintained operating surpluses. I am very proud to be part of a government that has delivered these achievements for Victoria. I commend the budget to the house.

Mrs PETROVICH (Northern Victoria) — I rise to speak on the budget, which was delivered some weeks ago and, like several budgets before it, registered hardly a blip on the community radar. The credibility of the current government is shot, particularly in the northern region. Traditionally Labor governments are big spenders. They stimulate the economy using other people's money, which at some stage in the future has to be paid back. Traditionally at the end of their terms of government we see little outcome, large debts and a deficit which has to be redressed through increased taxes. It is all predictable stuff, is it not?

In the light of this tradition, there were no surprises in the budget. Eleven years on there is a string of failed, overbudget projects which either performed badly or did not work at all. The new Minister for Public Transport is valiantly endeavouring to rectify years of neglect, mismanagement and miscreation of failed schemes, and I feel very sorry for him. He has been lumbered with a donkey of a portfolio, and he is making the best of a very bad lot. He may not want my pity, but he has it.

We can see members opposite cringing at the discussion about matters to do with transport; I can see them squirming in their seats now. Myki is the example we love to talk about. There was that great moment in time when the previous Minister for Public Transport attempted to run a ticket through that machine and the whole thing fell off the wall. It is a visual that epitomises that program. A ticketing system could have been developed from other systems that worked in other countries. We all know about the Oyster system and the Octopus system, but these guys had to be a little bit cleverer, and we have spent over \$1 billion on a system that does not work.

We have spent over \$1 billion on a fast rail system, which is currently having to be revamped in various areas because we still have that bottleneck and the issue of the single track through North Melbourne, which creates havoc for people who live within commuting

distance in areas that I represent such as Bendigo, the Macedon Ranges and Sunbury. Trains consistently run late on the Seymour and Bendigo lines.

We have recently seen \$1 billion lost on the pokies auction, and that is just pure mismanagement.

I am sure all these things have been burnt into the community's voting memory, as have the recent cash grabs, which as of this morning are going to be fixed. All will be well because we have a brand-new Prime Minister. Those cash grabs by the federal and state governments, which have been evidenced through initiatives such as the GAIC (growth areas infrastructure contribution) tax, which was introduced by the Minister for Planning, who is in the chamber today but was not here throughout that debate. That was a cash grab for the community's hard-earned money to fill a black hole in the budget.

That gem of a tax, the resource rent tax, is one of the icons which the Brumby and former Rudd Labor governments will be remembered for. We now have the first female Prime Minister of Australia. She may have a very short reign, but she should also be kept on a very short rein because she has been instrumental in many of the failures of the former Rudd government. It should be remembered that she has been a member of that gang of four and has probably spent more time acting as the Prime Minister —

The ACTING PRESIDENT (Ms Huppert) — Order! Once again I remind speakers that this afternoon we are speaking about the state budget, and I ask that Mrs Petrovich get back to the topic.

Mrs PETROVICH — I will return to the main theme. I had to mention that because it was something that was very dear to my heart. But these cash grants and this mismanagement are part of Labor's overall mismanagement and its modus operandi. We have seen — and I say this with some sarcasm — outstanding achievements in water infrastructure, the north–south pipeline and the desalination plant, which have been done on the hop. This government denied that there was a drought up until November 2005. They then had to make some very hurried decisions which have caused country communities an enormous amount of heartache.

The way the government has done this is by condemning Liberal policy. In our previous policy direction we determined that a small, moderately placed desalination plant would be an alternative mechanism for providing water to Victoria. We also looked at the Erskine pipeline, which was a much more moderate

approach to providing water to Bendigo. But in their haste to deny our policies and condemn the Leader of the Opposition in the other place, Ted Baillieu, and the Liberal Party, they tripped over themselves, and before the cock had crowed three times they had adopted our policy, just as they have adopted 63 others.

Ms Lovell — They want more.

Mrs PETROVICH — We are up to 64, Ms Lovell?

Ms Lovell — No, they want more.

Mrs PETROVICH — They want more. We are working on that. We have policies; our policies are so good that other people want to use them. Imitation is the highest form of flattery.

Unfortunately when the current Labor government came up with its plans to solve the water issues for a drought that had been going on for 10 years — it had not figured that out until very late in the piece — it was done at the expense of communities and landowners. Those communities have been ridden roughshod over; they have been called liars and quasi terrorists. They have been threatened with court action if they protested.

The government's modus operandi is currently no consultation, no plans, no environment effects statement — just to bulldoze through communities and people's properties, and disregard any sort of process. We have seen that in planning. We have seen that in the environment. We have seen it in infrastructure of all types. That might work in China, because they do not have democracy. But we have democracy here — or we did have, prior to the last 10 years.

I read with interest the budget responses from Minister Cameron, Minister Allan, and the members for Macedon and Seymour. They talked about a whole lot of other things, but they did not say an enormous amount about their own electorates — they were pretty light on. They made very sparse contributions in relation to their own areas. The announcement about the Bendigo hospital was timely, but in light of that we can have very little faith in Ms Allan's approach towards providing good quality health care to the Bendigo community and the larger region. Her announcement of a \$50 million, 8-bed ward, which was open for just over a month and then closed, does not give that community a whole lot of faith that the delivery of this new hospital will be on time, on budget or even that it will actually occur at all.

In Macedon we had an announcement of the electrification of a rail project, which the community of Sunbury particularly does not want — that was

evidenced by petitions, responses to surveys and about 500 people turning up at very short notice for a consultation put on by the ratepayers association because the local member and VicTrack had not seen fit to actually talk to the community about what they were proposing. Regardless of this brief consultation, the community is still unhappy about it. They actually like to be on the rural rail system. They like the fact that they have conductors; they feel safe with that.

There was an announcement of some Landcare money in Woodend. I am pleased that Minister Jennings has actually been to Woodend, although I did not get a guernsey to attend the function at which that announcement was made, even though I am a member of the Woodend Landcare group. I did not know he was in town. I would have put the kettle on and we could have had a cup of tea; I could have shown him some of the great things that that group has done.

Mrs Peulich — The respect agenda.

Mrs PETROVICH — There was no respect in that, Mrs Peulich. What we have failed to acknowledge is that now we are doing this great swapping and changing of responsibilities, this muddying of the waters. The reason that we have made an announcement on Landcare is because the federal Labor government has actually chopped the funding for it in last year's budget, so we have actually had many unfunded Landcare projects out there. Whether this will be ongoing remains to be seen.

One of the issues across Northern Victoria Region that has been raised by me is the lack of funding for school maintenance. There seems to be an enormous shortfall in the provision of proper maintenance for our schools. It is all right talking about rebuilding them by 2016. We have seen so many consolidations and demolitions of schools and process, where the director of the area comes in and says, 'If you do not comply and approve the amalgamation, you will not get any funding; you will be the odd man out and everybody will hate you. Your teachers will lose their jobs'. Parents are being told to be quiet. I just cannot believe that we are living in the state of Victoria and that sort of culture is allowed and accepted as something that occurs as part of a process.

The Mitchell shire has been an interesting case study, with Minister Pallas not announcing a bypass of Wallan and Kilmore, as the community had wanted —

Mr Barber interjected.

Mrs PETROVICH — They are just putting a link road through, now. They are just giving them

something that they do not want. The road will go past the schools and the emergency services precinct. It seems like a quick fix but I do not think it is going to win them any friends. That community has been lobbying for a very long time for some proper planning around infrastructure for that rapidly growing corridor and to be able to get those heavy vehicles out of those beautiful historic towns, such as Kyneton with its streetscape.

The people there cannot enjoy their town and its facilities. They do not enjoy shopping locally because about every 2 minutes a B-double rolls through. I have to say that the children in that area probably do not have very good road sense, because their parents certainly would not let them cross the main road on their own.

Mr Barber — Not like in Mr Madden's suburbs, where they all get to play street cricket.

Mrs PETROVICH — That is right, in the leafy suburbs.

Mr Barber interjected.

Mrs PETROVICH — You would be dodging trucks, not just cricket balls, in Kilmore, I can tell you, Mr Barber.

Over consecutive budgets we have had announcements of a super-school for Seymour and a 7–12 school for Wallan. The Wallan Secondary College has children coming to it now. Those parents took a leap of faith to enrol their kids in a new school on a greenfield site. For some time now the children have been attending school but they cannot access the courses that they would like to, because the school is not finished. The fourth stage of the funding has not come through.

Quite frankly, I can see the same thing happening with the new Seymour Technical High School. When I look at the plans for that I have to say it looks fabulous. I want that school to be a success and to provide everything that that community needs. It incorporates a special school and a number of primary and secondary applications. It has the unique capacity to provide technical courses as well, which is fantastic. We all know that former Premier Joan Kirner got rid of all the technical aspects in our schools, and that has been a travesty. Already, before the work is started, the budget for the school has been cut back, which is extraordinary.

Another issue I have with the current regime is that government members have had no vision. They have been in government for 11 years, they have had rivers of gold, through GST money and the war chest that was

provided by the Kennett government, which had reined in spending and done severe management of money. People forget why that occurred, which was because this state was broke. It is getting pretty close to the same situation that we had with the Cain and Kirner governments. We are up to the same level of debt as we had under their regimes, and that is very sad when there were resources there. We hear about all the money that has been splashed around by the current government but there has been very little outcome for that spending.

I would like to quote from a piece which relates to the City of Hume:

Hume chief executive, Dominic Isola ... warned that, based on the present average annual rate of spending on such projects, the council faced a \$15 million shortfall.

I could go through a variety of clippings from areas across Northern Victoria Region. This is interesting because the Hume City Council takes in a fair chunk of the western suburbs and has poor little Sunbury sitting out there — and that community seems to miss out a fair bit.

Mr Barber — It's nice and quiet out there, though. They like it quiet out at Sunbury.

Mrs PETROVICH — It is not that quiet anymore, I have to tell you. The growth has been pushed through to there, and this government believes that Sunbury is part of Melbourne. Community members there do not believe it is part of Melbourne; they would like a quieter life. Looking at the growth that has gone through to there, there has been very little planning for infrastructure and how that community will develop. I see that in areas on that edge and the other way, in another area that I work in quite a lot — through Beveridge, Wallan and Kilmore.

The communities in those growth corridors have had insufficient energy put into planning for their futures. I am talking about social and economic infrastructure but also about making them decent places to live in. They have some fantastic natural characteristics, including water catchment areas. There has been very little vision about how those places are to develop. In the 1970s we saw a little satellite town developed out at Melton, which grew like the clappers, with no social or other infrastructure. That was an issue in chaos for a while, because there were not the facilities there to support the growth of that community. It is a great example of what can go wrong. The community has now come out of that but a lot of work has been put in there.

A government needs to keep pace with growth. If the roads, rail and education facilities are not put in, those

areas will struggle. Melton is still struggling, and we are creating the same scenario for places such as Sunbury, Macedon Ranges, Riddells Creek and Beveridge-Wallan-Kilmore.

This week there has been a bit of a splash, with the regional blueprint funding of \$631 million. The Minister for Regional and Rural Development has talked about the creation of opportunities for education in rural and regional Victoria. I am really quite gobsmacked at that. In the time that Minister Allan has held that ministry, we have seen Victoria University at Sunbury shut down again, after very little consultation with those students and the other people in the community who were using that facility. The university was actually run down to billyo, with the courses that people wanted to take not offered. We have seen a hike in tertiary fees and various courses closed at the TAFEs across the Sunraysia region. I am a little bemused by the reference to this great push. I do not know when the penny dropped for Ms Allan that kids and families and perhaps even mature age students need those opportunities to get a proper education in their own communities and place.

I could go on to talk about hospital waiting lists and the underfunding of a whole range of aspects of health care. Recent cases of disgraceful treatment of Victorians in Bendigo, Maryborough, Castlemaine and Kyneton are about hospitals pretending to be something that they are not because of underfunding. Waiting list behind waiting list seems to be something that this government has accepted without a glitch. I believe it is part of a bad culture. We saw the HealthSMART IT system debacle, which just seems to have been accepted by people. There has been a lack of support for our rural ambulance officers and improper training for our MICA (mobile intensive care ambulance) service officers.

As a Victorian I have to say that I am disgusted with the management of our health-care system. I am also disgusted about another issue that is close to my heart — that is, the management of Displan. We have seen the debacles of Black Saturday and the Kerang rail disaster, and in both instances no-one seems to have been in charge. Victorian lives were lost. In the case of the Kerang disaster we had an incompetent minister who cried crocodile tears, and in the case of Black Saturday we had a police minister who was not in touch with his commanding officer. If he had been, he would have known that she was not on the job either. The Chief Commissioner of Police had left her post and she did not take contemporaneous notes; she was so disconnected to what was going on that she did not even ring the minister to inform him or brief him along

the way. If she did not ring him, why did he not ring her? Is there such a disconnect from the chain of command? If any other police officer in the state of Victoria had conducted themselves in that way — that is, left their post, not kept contemporaneous notes, not followed chain of command and not appointed somebody to replace them when they took leave — they would have been sacked. The chief commissioner — —

Mr Leane — What are you yelling at Bruce for?

Mrs PETROVICH — I would never yell at the Deputy President. The chief commissioner would have been the first to do it. She loved a damn good witch-hunt. Then, just as a bit of a reward, she was put in charge of the recovery program. I have spoken many times on that.

Unfortunately for Victorians this jobs-for-the-girls-and-boys approach has had a huge impact on the lives of people in need, and it seems to be just accepted that that is okay. Where is the accountability for incompetent behaviour? Where is the appropriateness of chain of command? Where are the levels of responsibility for ministers and other high-ranking officials in the state of Victoria?

We talk about police numbers. They are at an all-time low. Regardless of what the police statistics say, people are not reporting violent crime because they know that when they report violent crime the coppers do not come because there are not enough of them. You can only imagine the stress that that places on somebody who has signed up to protect the community and part of whose primary focus is to prevent crime and to assist members of the community and victims of crime. They know that sometimes when they get a call they cannot attend because they have insufficient numbers, or the van is tied up somewhere else, particularly in regional and rural Victoria.

Police numbers are at an all-time low. The Liberal Party has said this continually to the government throughout this term, yet the Minister for Police and Emergency Services, Bob Cameron, has denied the need for an increase in police and that there is any problem. We have committed to another 2640 police and protective services officers. On that issue the government is also coming second, and in this game it is no good coming second. I think the community knows that. It has continued to meddle in policing in a most inappropriate way. The separation of powers has certainly not been observed, as is evidenced, if you look closely enough, in the way announcements are

endorsed by the government and by the chief commissioner.

I will hurry up and finish, although I could talk for a lot longer on a range of things. I will conclude with some issues about neighbourhood safer places which I am annoyed about. An incredible lack of attention has been placed on the importance of a place of last resort and the neighbourhood safer places program, which was given to local governments to enforce. A media release of 4 May from the Municipal Association of Victoria (MAV) reports that its president, Cr Bill McArthur, said:

While a total of \$500 000 was allocated to assist local government to deliver neighbourhood safer places ... in bushfire risk areas, the funds won't cover costs for this state-imposed obligation.

A critical concern is the maintenance of vegetation around — neighbourhood safer places —

to meet strict radiant heat and defensible space criteria after the winter growth. Estimated to be as high as \$40 000 per site in some rural areas, it is simply cost-prohibitive for many communities.

There is an issue at Mitchell Shire Council, which is still in the process of finalising neighbourhood safer places for its municipality. That shire was one of the worst hit on Black Saturday, and it would have appeared to be crucial to ensure that people had confidence in the neighbourhood safer places program. Last fire season we were lucky that we did not need to use neighbourhood safer places. But that was not a given. What has been provided in this year's budget, less than \$10 000 per neighbourhood safer place — that is looking at what has already been designated — is simply pitiful, particularly when we have heard from the head of the MAV that at least \$40 000 is needed to maintain them, let alone build them and get them ready.

That is just another cost shift and another cause for people's rates to increase. We need to be very careful of trusting anything this government says and very suspicious of any of the promises it has made. The community knows that. I doubt that anything I have said today will resonate anywhere except this room. But the community knows what is right, and I believe I have articulated what they are thinking.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak briefly on the cognate debate on the Appropriation (2010/2011) Bill and the budget papers 2010–11. It seems a long time ago that the Treasurer, whom I notice is just leaving the chamber, presented the budget in the lower house, on 4 May. I think it was Mrs Coote who made the comment that it seems like an

age ago that that happened. In the two weeks following the presentation of the budget my colleagues on the Public Accounts and Estimates Committee spent nine gruelling days with the ministers going through — —

Ms Huppert — It was fun this year!

Ms PENNICUIK — It was fun, Ms Huppert, going through the budget estimates in a great amount of detail. Members can familiarise themselves with the questions that were asked by committee members by looking through the report on the 2010–11 budget estimates, parts 1 and 2.

I do not intend to spend this time going through the budget in any level of detail, but will make some general comments about it. If one looks at schedule 1 to the Appropriation (2010/2011) Bill, which is the departmental estimates summary and breakdown of allocations to departments, one notices that every department is receiving slightly more funding than they did in the previous budget year, except the Department of Sustainability and Environment, which is receiving less money than it did in the previous year.

The budget is not a startling or groundbreaking budget. As my colleague Mr Barber commented, it is a budget which sank like a stone. On the day the budget was read in the lower house, when we were all invited over to listen to the Treasurer's speech, one well-known journalist asked me what colour I thought the budget was, and I described it as a beige budget. It is really a budget that does more of the same in terms of the direction this government is taking us. It does not move us in any startling new direction. It does not have an increased focus on sustainability or on the need to reduce our environmental impacts, particularly our carbon emissions, Victoria being the highest per capita carbon emitter of any comparable economy in the world.

If you look at page 23 of the budget overview paper, you will see in a section entitled 'Sustainability and the environment' there is an overview of what the government is spending on initiatives to reduce our carbon emissions. They add up to somewhat under 1 per cent of the expenditure of the budget on so-called jobs for the future economy or green jobs. They are things like green plumbing initiatives, solar hubs, green skills and support for the development of low-emission industries. There is \$7.4 million in support for the development of low-emission industries — 0.001 per cent of the budget is being spent on that area.

These are good initiatives, but they are so minuscule in terms of the whole budget that they do not even cause a

blip on the radar. In the 21st century, and with everything we know, even in the absence of a federal carbon tax or of any sort of emission trading scheme, there is a lot that can be done by state governments. The state government should be turning its mind to closing down the Hazelwood power station, which is definitely the dirtiest in the Southern Hemisphere and arguably in the world. That should be the sort of thing the government focuses on in its budget — reducing carbon emissions from coal-fired stations and increasing energy efficiency and renewable energy.

The Greens are the first to say that over its 10 years the government has moved some way to undo the damage done by the Kennett government in terms of schools, health, police et cetera. It is also true to say it has not planned ahead in any coherent way. The population is growing and, as I said, the government has not planned ahead or even implemented its plans — for example, the review of Melbourne 2030 which was done by the group the government set up to audit Melbourne 2030 said the plan was in principle good but that no resources or infrastructure had been assigned to it to assist in its actual implementation.

Though the population has grown, the values and assumptions that underpin the budget have not moved to make sure that the infrastructure we need is being put in place. The government is therefore always playing catch-up. We know that everywhere we look infrastructure is straining at the seams in terms of education, transport and health. While we are the first to say that the government has undone a lot of the damage done by the previous government, it cannot blame any of its woes now on that previous government. It has had a lot of time to do better than it is doing in terms of these big picture and big ticket items.

For example, the government is always saying education is its no 1 priority, but Victoria continues to be the lowest spending state in Australia in terms of education. That is not acceptable when we have schools across the state in need of repair. Despite the government's protestations that it is spending all this money on school repairs, maintenance and rebuilding, it is still a catch-up program, because the government has spent a long time doing nothing about it. While that is the case the government cannot say education is its no. 1 priority. There are many needs in the public education sector that are crying out to be attended to. Victoria should not continue to be the lowest spending state in Australia in education.

In terms of the Victorian transport plan — the \$38 billion plan we are always hearing about — so far less than a quarter of that is funded in the out years; up

to 2014 only a quarter of the funding appears in the budget papers. I draw people's attention to budget paper 3 and to appendix E, where under the heading 'Victorian transport plan' there is a lot of empty space; no funding has been attached to it. There is a plan, but there is no funding, and a lot of those things in that plan are not necessarily going to come to pass, unless there is commonwealth funding for them.

From our point of view the transport plan is far too skewed towards roads, and nowhere near enough attention is paid to public transport. There are a couple of initiatives, but there needs to be a massive injection of funding and resources into the public transport system as well as a moratorium on any more urban freeways.

An honourable member interjected.

Ms PENNICUIK — The government says about \$769 million will be spent on Peninsula Link; that was not able to attract any federal funding. It is a piece of roadway we do not need. That amount of money could have made a real difference to public transport in the Frankston area and on the Mornington Peninsula, areas which are crying out for it. This is not a budget to set the state or the world on fire.

I want to turn to the issue of transparency in relation to public appropriations and expenditure. I raised these questions with the Treasurer and Premier during the Public Accounts and Estimates Committee hearings. In the week prior to the tabling of the budget, the Auditor-General released a report about performance reporting by departments where he examined the performance of departments and the development and reporting of performance indicators on the achievement of departments' objectives, particularly the outcomes and impacts of programs and services. In his conclusion, he says:

There is a considerable gap between Victoria and the acknowledged better practice jurisdictions of New Zealand, Canada, United Kingdom and Western Australia in reporting the extent of achievement of intended departmental objectives and the contribution to government desired outcomes. Despite the progress in other jurisdictions, the focus of performance reporting in Victoria has largely remained on output ... measures.

Overall, there is a lack of effective outcomes performance reporting across the departments, and the standard of reporting varies considerably. Only a few departments were able to demonstrate the extent to which objectives had been met. While departments are responsible for improving the standard of performance reporting, stronger central agency leadership is needed to drive the reporting standard to minimum satisfactory levels.

While other jurisdictions have made considerable advances in outcomes performance reporting over the last decade, Victoria has made little demonstrable on the ground progress.

I asked the Premier and the Treasurer, who is in the chamber — I thought he had left, but he is back again — about that issue. Members can turn to appendix 2, transcripts of evidence, page O11, to read his answer; he acknowledged the Auditor-General was correct and that departmental reporting was not up to scratch. He accepted those findings and was considering implementing the recommendations. That is just one area where we lack full transparency and accountability in terms of the Victorian budget.

This week the Auditor-General tabled in Parliament another report entitled *Managing the Requirements for Disclosing Private Sector Contracts*. Under the Financial Management Act there is a requirement to disclose summarised details of contracts worth over \$100 000 and the full text of all contracts worth over \$10 million unless there are genuinely confidential bases, confidential information or trade secrets involved. He found generally there was compliance with smaller contracts — that is, the ones worth above \$100 000 — but he says:

However, levels of non-compliance with the requirement to publish the text of contracts where they exceed \$10 million are higher, and reflect systemic breakdowns in disclosure and reporting controls that diminish transparency.

One consequence is that the relevant statements of compliance made by secretaries in their departmental annual reports have not been accurate, raising questions also about the effectiveness of the internal processes they use to support this certification.

There is also confusion about aspects of the disclosure requirements, including disagreement about which agencies need to comply. Consequently, there are inconsistent reporting practices that diminish transparency further.

When you put these two reports together, you find departments are not reporting on outputs and outcomes according to their requirements. That is the information that was supplied to the Public Accounts and Estimates Committee because of its job of scrutinising the budget estimates. The committee relies on information coming from departments in that way. This report regarding private sector contracts is quite concerning because of what the Auditor-General says regarding the level of non-compliance with contracts. More contracts with the private sector are being entered into by government. The ability of the public, including the Auditor-General — and yesterday my colleague Mr Barber in his contribution to the debate on the bulk water disallowance motion went to some lengths to explain the Auditor-General's finding on the NVIRP (Northern Victorian Irrigation Renewal Project) — —

Mr Barber interjected.

Ms PENNICUIK — It is a debacle, Mr Barber. When you add all of these things together, you see the public of Victoria and even members of Parliament are relying on information coming from government departments and transparency of government contracts with the private sector, which the Auditor-General tells us is not there. When members of Parliament, including members of the Public Accounts and Estimates Committee, cannot get to the bottom of where the money is going, how can the people of Victoria be expected to?

When the budget reports were tabled, I made remarks about the shortcomings of that process, given that the committee is government controlled. So the chair steers the committee in a particular way; short times are available for speaking to ministers; the hearings are divided up in a siloed way regarding the ministers' different portfolios. Because of the way the ability to ask questions is rotated from member to member, you can end up not even getting a chance to ask a minister about a portfolio in which you have a particular interest and for which you have particular questions prepared. There is a need for a lot of improvement in terms of the process that goes on in the Public Accounts and Estimates Committee hearings. There needs to be more time for all members of Parliament, particularly from the upper house, to scrutinise the budget.

At the end of this second-reading debate — and I note that I am the last speaker, so the timing of the end of the second reading will be up to me — we will be going into committee, and I see the Treasurer is getting very excited about the prospect of a few hours in committee this evening.

Mr Lenders interjected.

Ms PENNICUIK — He wants a few days! It is interesting the Treasurer says that because perhaps what we need is to spend more time in the chamber so that all members can be involved in some sort of scrutiny of the budget. The process we have in place at the moment of two weeks of intensive budget estimates hearings means members of the Public Accounts and Estimates Committee become familiar with the detail of the budget, but I do not know that other members necessarily do. While the committee reports on the budget estimates are comprehensive in the fact that there is a lot of content in them, there is not necessarily the level of scrutiny that there could be.

It is also important to say that the budget papers themselves can be quite mysterious to many lay people

and to many members of Parliament. It has taken me two years as a member of the Public Accounts and Estimates Committee to really get my head around how the budget papers work. It should not be that way. It should be very easy for any member of the public to find their way through those budget papers and to have something presented to them that clearly says, 'This is where your money is coming from and this is where it is going to'. Those things are not easy for ordinary members of the public to get their heads around — but they should be.

The theme of what I am saying is that nothing in the budget addresses the particularly pressing need to turn this economy around from a dirty brown one that relies on coal, that builds more roads for more cars and that under the new planning scheme amendment that we are not allowed to mention, VC67, is going to swallow up prime farmland and pave it over for more houses. It does not look at a real vision for a sustainable 21st century Melbourne or for its regional centres, which is something we could have. That is not the vision that is ahead of us. It is not reflected in the budget.

Another theme running through my contribution is that we need much more transparency in where public moneys are expended, particularly when they are expended through public-private partnerships. Those expenditures are opaque; it is not clear to the public where their money and their assets are in terms of those expenditure arrangements. With those comments I end my contribution.

Mr LENDERS (Treasurer) — I am pleased to rise in reply, although I find it is unusual to have moved the second-reading speech in the Assembly 52 days ago and then to be summing up in the Council today. I know we will have a long committee stage going forward, but the comments I will make in addition to the second-reading speech which outlines the budget are an assessment of some of the speeches that have been made over the last 52 days in both houses, but obviously I will refer primarily to those in this house.

The budget is a document of balances. It is a document which has a series of plans for the state of Victoria going into the future, and whether they be the plans in water, the plans in schools, the plans in transport, the plans in health, they are all plans and they can be reflected in the budget papers. The infrastructure paper in the budget outlines how these are going year by year, as reported there, but ultimately there is a series of parts that make a whole, which is a vision for Victoria going forward. That deals with growth, with boosting productivity and with delivering better services.

For much of the debate a lot of individual members have missed the concept of a budget as a whole, a budget as a plan. Quite often during this debate members, understandably, have argued with some passion for individual projects. I could document numerous members who have called for more funding of individual programs — whether it be output measures or whether it be capital projects in their electorates. Some members have passionately advocated for cuts to taxes; some members have passionately advocated for lower debt levels; some members have passionately advocated against certain items. However, in that process they have lost the plot in that a budget is not about multiple people putting in a bid for their particular area and then being critical of the macro budget which actually attempts to deliver those things.

A number of opposition members, for example, have run on a very strong theme that there is too much debt. Debt is going down in actual dollar terms at the end of the forward estimates years, and is going down as a percentage of the state economy; and yet they will argue that we need to spend more money on individual infrastructure projects. In particular I refer to the shadow Treasurer in the Assembly who talked about getting rid of a raft of taxes without any concept of what it is to be replaced by. If the approach is to get rid of the raft of taxes and operate a budget deficit and growing debt, that is a legitimate political debate for a political party to run, but it cannot be run consistently with a debt reduction strategy or budget surplus.

I refer to a number of instances where opposition members have said that they will use part of the surplus to fund something or other. The surplus is today's investment in tomorrow's capital projects, so anyone who wants to use part of the surplus has to be quite transparent. Are they going to scale back the Box Hill Hospital? Are they going to scale back the Bendigo hospital? Are they going to scale back the regional rail link project? They are the sorts of choices that governments make. They are choices that those who seek to be in government need to make.

Without spending much more time on summing up the debate, I would say to anybody who has read this budget presentation and followed it closely — and there are people out there who do — that they should understand the need for there to be a holistic balance, and that that balance allows us to deliver the regional blueprint and other plans. That needs to be understood by members of Parliament who want to form a view on how these things balance, and I would think Mr Rich-Phillips would understand it, as would other members of the Public Accounts and Estimates

Committee from the opposition or non-government side. I know government members understand that that is a requirement and have expressed strong views in their budget addresses on that need for a holistic balance.

I commend the budget to the house with a great deal of pride. It is a great document to take Victoria forward. I look forward to a vigorous committee stage — for however long it takes. I commend the bill to the house.

APPROPRIATION (2010/2011) BILL

Second reading

Motion agreed to.

Read second time.

Ordered to be committed later this day.

BUDGET PAPERS 2010–11

The ACTING PRESIDENT (Mr Eideh) —
Order! The question is:

That the Council take note of the budget papers 2010–11.

Question agreed to.

PUBLIC FINANCE AND ACCOUNTABILITY BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of Mr LENDERS
(Treasurer).**

Statement of compatibility

**Mr LENDERS (Treasurer) tabled following
statement in accordance with Charter of Human
Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Public Finance and Accountability Bill 2009 (the bill).

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

Overview of the bill

The purpose of the bill is to enact a cohesive framework for public finance and financial management in Victoria that supports effective government resource allocation and promotes transparent accountability for performance to Parliament. The bill creates an act to replace the Financial Management Act 1994, the Borrowing and Investment Powers Act 1987, the Monetary Units Act 2004 and the Public Authorities (Dividends) Act 1983. The bill will also amend the Constitution Act 1975, the Administrative Arrangements Act 1983 and other related legislation.

The main features of the bill include:

- (a) the establishment of a differential framework to better account for the range of captured public entities and their differing sizes, complexities and risk profiles;
- (b) the provision for government's intended outcomes and associated outputs to be the determinants for the whole of cycle planning, resource allocation, resource management and reporting;
- (c) requirements that all government reporting is clear, accurate, timely and accessible for users;
- (d) more effective procurement governance that focuses on the probity of high-risk procurement activities of all public entities;
- (e) an extension of the scope of borrowing and investment powers to all public entities, centralising their application through the Treasury Corporation of Victoria; and
- (f) clarification of the responsibilities of department heads, accountable officers and public entities in relation to each other, executive government and Parliament.

Human rights issues

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

The bill engages two human rights protected by the charter.

Section 20 — Property rights

Section 20 provides that a person must not be deprived of his or her property except in accordance with law. This right to property is relevant to clause 64 of the bill.

The proposed amendment in clause 64 relates to the insertion of section 338A into the Land Act 1958. The section exists as current legislation under section 54N of the Financial Management Act 1994. It allows the minister for finance to purchase by agreement or compulsorily acquire any land required for the construction, completion or extension of any public works, or for any related purpose. Any compulsory acquisition of land is subject to the Land Acquisition and Compensation Act 1986 (land acquisition act).

The minister for finance is a public authority under section 4(1)(f) of the charter and therefore bound to act compatibly with the charter. The charter allows deprivation of property 'in accordance with law'. A deprivation of property

will be in accordance with law when it conforms with a set of procedures established by law and is not arbitrary.

Deprivation of property under the proposed amendment must follow the set of procedures established by the land acquisition act. The deprivation of land occurs under a power that is confined to situations where the land is needed for public works. The power to acquire land is not arbitrary as the land acquisition act sets out clear and accessible procedures for acquiring land and determining the amount of compensation payable. The titleholder must be notified of the minister's intention to acquire land and has the right to have any dispute arising out of the acquisition determined judicially.

Therefore, the amendment under clause 64 provides for deprivation of property in accordance with law and does not limit the right in section 20 of the charter.

Section 15 — Freedom of expression

Section 15 of the charter establishes a right for an individual to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria, whether orally, in writing, by way of art, in print or other medium. The right to freedom of expression also encompasses the right not to express.

This right is relevant to clause 6 of schedule 1 of the bill. The clause is identical to current section 54I of the Financial Management Act 1994, relating to the Victorian Government Procurement Board. The clause prohibits current and former members of the State Procurement Board from improperly using information acquired in the course of their duties to obtain any pecuniary or other advantage for themselves or others. Improper use of information may occur through the communication or expression of that information. In this way, the clause limits the right of freedom of expression.

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

Freedom of expression

(a) the nature of the right being limited

Freedom of expression, including the right not to express, is an important right central to a democratic society.

(b) the importance of the purpose of the limitation

The limitation on board members' use of information is commonly applied to persons undertaking public duties and performing public administration functions. By prohibiting board members from taking improper advantage of the information they receive in the course of their duties, those providing the information can do so freely without any fear that the information might be used to profit board members or others. The information that the board members receive in the course of their duties may be commercially sensitive and is provided to members by public bodies in the knowledge that it will not be used for any purpose except the performance of board functions.

The purpose of the limitation on the improper use of board information is to ensure the integrity and independence of the board's activities in fulfilling its statutory functions to advise and report to the minister, and review and monitor procurement activities and complaints (as stated under clause 16 of the bill). The limitation encourages the full and appropriate provision of information to the board and assists

to uphold the reputation and positive public perception of board members.

(c) the nature and extent of the limitation

The right to freedom of expression will be limited only to the extent that a current or former board member is compelled not to use information improperly, in order to obtain directly or indirectly a pecuniary or other advantage for himself or herself or for any other person. It does not impose a prohibition on the expression of information in any other circumstances.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose to ensure there is integrity in the processes employed by the State Procurement Board and that board members do not misuse information obtained in the course of fulfilling their duties.

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

There are no less restrictive means reasonably available to achieve the intended purposes.

(f) any other relevant factors

There are no other relevant factors to be considered.

For the above reasons the proposed limitation on the right to freedom of expression is considered 'reasonable' pursuant to section 7(2) of the charter.

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the charter of rights and responsibilities.

John Lenders, MP
Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

When this government came to office in 1999, we embarked on an ambitious program of reforming Victoria's fundamental legislation.

In the first stage of this program, we amended the Constitution Act 1975, substantially improving governance and strengthening democracy in Victoria. We introduced coinciding terms for both houses of Parliament, fixed four-year terms and a system of proportional representation for the upper house, and the protection of a referendum for core provisions of the constitution. And we entrenched the independence of the electoral commissioner and the Ombudsman as independent officers of Parliament, following

our earlier restoration of the independence of the Auditor-General.

In 2004, we introduced the Public Administration Act 2004, which re-established merit and equity in public sector governance, and established the State Services Authority to help improve the delivery and integration of government services, and strengthen the professionalism and adaptability of the public sector.

With this Public Finance and Accountability Bill, we are delivering the final component of our fundamental public sector legislation reform package, strengthening government accountability to Parliament and the public by modernising the state's principal financial and resource management legislation.

This bill confirms the government's reputation as an administration that is focused on forward-looking, substantive reform that serves the long-term public interest.

Through concerted effort over many years, Victoria has already led the way in developing and implementing most of the hallmarks of best practice public finance including: the provision of forward estimates, accrual budgeting and accounting, and performance and output reporting, thus enabling heightened transparency and accountability.

Nevertheless, the government believes it is imperative we now seize this opportunity to introduce a series of additional, significant improvements into our public finance system.

This bill will ensure that Victoria remains at the forefront of public sector financial and resource management both within Australia and across the world.

The case for reform

Victoria embarks on this reform from a position of great strength.

Our principal public finance legislation, the Financial Management Act 1994 (the FMA), was an important advance in public financial administration. After a focus on program budgeting was established by the state government in the 1980s, the FMA introduced features such as:

- accrual accounting and, subsequently, accrual budgeting (in 1997);
- output management (also in 1997);
- reporting for output performance and reports of operations;
- budget flexibility measures; and
- auditing of departments and public bodies.

The act was leading edge at the time and in many respects it is still best practice. However, the pace of development in public financial and resource management throughout advanced economies has been beyond what the FMA can keep up with. It is now too reliant on complex procedures rather than clear, fundamental principles, providing for prescriptive administrative procedures rather than principles of financial management that should be followed. It confines public bodies of vastly different size, risk profile and importance to a 'one-size-fits-all' governance approach.

Finally, and most significantly, the FMA does not provide for a focus on outcomes.

Another important function this legislation will perform will be to rationalise Victoria's public finance legislation from disparate acts into one fundamental, comprehensible and purpose-built act.

The government shares the view of the Public Accounts and Estimates Committee that there is 'an opportunity for it to build on past achievements and adopt a leading-edge resource management and accountability framework'. In preparing this bill, the government has carefully considered the findings of the committee's 85th report entitled *New Directions in Accountability*, tabled in June of this year, on Victoria's public finance practices and legislation. I would like to take this opportunity to acknowledge the beneficial cross-party contribution made to the development of the bill. The vast majority of the committee's findings are broadly similar to the reforms proposed in this bill.

Consultation on reform

Given the extent of change that the bill represents, the government has undertaken a comprehensive program of consultation with Parliament, interested stakeholders and the public. This consultation has been integral to shaping the bill.

The consultation process commenced with the issue of a discussion paper on the state's public finance practices and legislation, inviting public comment on potential reform. The paper prompted submissions from public bodies, professional organisations (including the professional accounting associations and the Australian Accounting Standards Board) and the Victorian Auditor-General's Office. These responses were the starting point of productive, extensive dialogue.

The government also established a project board to guide the development of the policy. I would like to acknowledge former Minister for Finance, the Honourable Roger Hallam, for his constructive and diligent commitment to the project as a member of this project board.

The benefits of reform and the Public Finance and Accountability Bill

I will turn now to the most important innovations and benefits of the bill.

Principles-based legislation

First and foremost, the bill is principles based. As I stated previously, one of the drawbacks of Victoria's current public finance system, and the FMA in particular, is its reliance on complex, prescriptive, technical procedure.

This legislation establishes the essential principles for good and effective resource and financial management.

Such an approach enables legislation to evolve and therefore remain relevant and useful for a generation. By authorising ministers to set regulations and directions the legislation allows government to customise public finance requirements to the needs of different users over time, while providing Parliament and the community with full transparency and accountability.

This is legislation that clearly articulates the principles of financial reporting that will have to be observed by all public

bodies. But, crucially, and unlike the FMA, it gives the government the ability to adjust the methods and processes for achievement of these principles over time. As the legislation is clearer and simpler, this bill will bring about greater public sector compliance and accountability and, with it, improved governance and oversight.

Clear principles of public finance and accountability for all

The bill establishes clear, guiding principles of public finance and accountability, which will apply across government, strengthening the principles of sound financial management that were inserted into the FMA by this government in 2000. It also clarifies the responsibilities and powers of ministers, departments and public bodies, delineating clear lines of accountability for various functions.

The outcomes-output framework

Outcomes are the desired impacts that the government's outputs, activities or investments have on the community. One of the primary objectives of the bill is to make outcomes and associated outputs the basis for the whole of the cycle of planning, resource allocation, resource management and reporting.

The government will be required to publish a statement of its intended outcomes. And each year an accompanying statement of outputs will describe how each department's outputs, activities and investments will contribute to the achievement of those outcomes. Finally, the government will publish an outcomes progress report, specifying progress on these intended outcomes in each subsequent financial year.

The outcome reporting instituted by this bill will not obviate the government's longstanding commitment to outcome reporting in *Growing Victoria Together* annual progress reports. Future governments may choose to meet the outcome reporting requirements of this bill through GVT, or a new mechanism, or both.

This move towards formalising an outcome-output framework for appropriations by the Parliament has several benefits. It ensures that outcomes are the focus of government's planning, resource allocation, management and accountability.

The allocation of appropriations to departments for contributions to specified outcomes will also increase Parliament's control over the application of appropriations. Parliament will have a clearer understanding of what outcomes the government is trying to achieve and provide a stronger basis to evaluate government's financial and non-financial performance.

This outcomes approach will also bring the state's reporting framework into closer alignment with the 2008 COAG intergovernmental agreement on federal financial arrangements. The intergovernmental agreement instituted simpler, standardised and more transparent performance reporting by all jurisdictions, with a focus on the achievement of outcomes and efficient service delivery.

Outputs will remain the most important means by which the government will pursue outcomes, and the instrument for funding and certifying departments' performance.

Appropriations reform

In order for an outcomes-output framework to function, reform of departmental management of appropriations is both necessary and beneficial. Accordingly, this bill enables the transfer of appropriations during the year by the Treasurer, in consultation with relevant ministers. Appropriations can only be transferred between departments for the same outcome and consistent with the bill's principles. This will facilitate greater cross-government collaboration. All such transfers will be disclosed in the relevant financial reports.

Departments will also be able to transfer amounts between outputs, additions to net asset base and payments made on behalf of the state for the same outcome, with the approval of the Treasurer. This will give departments the flexibility to manage their appropriation base to maximise the achievement of outcomes.

These reforms heighten accountability to Parliament, as the use of appropriations is made more transparent, and Parliament can focus on the government's overall performance in managing appropriations for outcomes.

This accountability is further strengthened by the institution of a limit of 3 per cent of total annual appropriations being placed on additional supplementation to those appropriations. Again, the Treasurer will only approve the supplementation where this is demonstrably consistent with the government's statement of intended outcomes, and where there is an urgent need for the amount or issuing the additional amount is in the public interest. This provision replaces the existing advance to the Treasurer in the appropriation act. Once again, use of this provision will be clearly and transparently disclosed in relevant financial reports and the following year's appropriation act.

Reform of the public account

The bill makes further important improvements to the operation of the public account. Departmental working accounts will now be established. These accounts will strengthen accountability and transparency through additional reporting requirements on resources departments are holding and using.

The bill also significantly changes the use of trust accounts. Currently, accounts (other than trusts for third parties) are used, for administrative convenience, to manage funds outside the Consolidated Fund. Departmental working accounts will now enable departments to manage all their funds in a single account within the public account. This will enable the closure of a significant number of trust accounts which will no longer be required. Further, warrants will no longer be required as their purpose can be achieved through more efficient means.

Improved governance of public bodies

This bill improves both the governance and accountability of public bodies whilst seeking to minimise the administrative burden of these requirements.

This bill provides an improved, clearer and broader definition of public bodies. Gone will be the previous confusion about which bodies were in and which bodies were out of the purview of public finance legislation. This legislation, unlike the FMA, will also apply to all public bodies, including those formed under the Corporations Act 2001.

While the bill clarifies and extends the coverage of public finance legislation to public bodies, it also improves the quality of requirements these bodies must meet. Whereas previously all public bodies had to comply with the same accountability requirements, this bill establishes a fit-for-purpose, differential framework that takes into account the varying size, complexity and risk profile of public bodies.

Four categories of public body will be created by this bill. Category 1 and category 2 bodies, such as the Treasury Corporation of Victoria and Melbourne Health, will be monitored with the highest level of oversight by the Parliament, the Treasurer or the minister for finance, and portfolio ministers. These bodies will meet the same or greater requirements than they currently observe. Category 3 and category 4 bodies, however, such as the Medical Radiation Practitioners Board of Victoria and the Central Murray Regional Waste Management Group, which have both a low financial and risk profile, and will comply with reduced and more appropriate requirements. All public bodies that currently table an annual report in Parliament will continue to do so.

The bill also provides greater accountability for governance of public bodies to Parliament. It establishes clear rules for the timely notification of the Auditor-General and Parliament of the creation or dissolution of a public body, or the re-categorisation of a body by a minister, and the reasons for this change.

Another significant improvement to the governance of public bodies involves the centralisation of their borrowing and investments practices. This bill provides for a single consistent and uniform framework for borrowing and investment powers for entities. This framework would, in the main, see the responsibility for borrowing and investment decisions residing with the respective boards of the responsible entities, in consultation with the Treasury Corporation of Victoria and the Victorian Funds Management Corporation, whilst the financial transactions would be carried out by TCV and VFMC.

Finally, departments will be required to provide support to portfolio ministers to enhance oversight of public body compliance with public finance requirements. In many respects this is a codification and clarification of existing practice and is consistent with the direction and principles of the Public Administration Act 2004.

All public bodies — including Corporations Act 2001 companies controlled by the state — will be subject to clear, fundamental, minimum principles of financial management. Furthermore, subordinate legislation will require that all public bodies will:

for the first time be subject to common investments and borrowing standards;

publicly attest their compliance with requirements or indicate how and why they have been exempt from them; and

be monitored by portfolio departments.

At the same time that the legislation achieves improved governance and accountability, this bill seeks to maintain or reduce the administrative burden for the public sector. This is because the bill has moved away from the one-size-fits-all governance requirements and has adopted a more tailored risk

based approach. The Public Finance and Accountability Bill will benefit thousands of public bodies, many of which depend on volunteer labour and goodwill.

Procurement

The practice and governance of public sector procurement will also be significantly improved by this bill. As is the case with other elements of our public finance system, this bill will improve public procurement by:

- enhancing procurement outcomes for the state;
- eliminating unnecessary bureaucracy;
- broadening public sector compliance with best practice;
- simplifying interface with suppliers; and
- more strongly aligning accountability with responsibility and authority.

The current Victorian Government Purchasing Board will be replaced by the State Procurement Board. The new SPB will focus on high-value, high-risk procurement activities across the public sector, not just departments. The SPB will report annually on public sector procurement capability and advise the minister for finance on the application of procurement principles and policy. Importantly, the board will review complaints on matters of probity and process if they cannot be resolved by a department or public body's accountable officer.

In addition, by reorientating the focus of the state's procurement oversight towards best practice in high-value and high-risk activity, the new procurement board will promote industry excellence and provide assistance where it is required.

Reporting

Victoria is recognised as the most transparent Australian jurisdiction by leading commentators such as Access Economics.

The changes in reporting practice instituted by this bill will further enhance the quality of reporting and the accountability of the government to Parliament and the public.

Reporting of financial information will be more comprehensive. The budget papers and budget update will include estimates for the public financial corporations sector.

Parliament will receive most financial reports earlier than is currently the case.

A greater amount of better quality non-financial information will also be disclosed, and it will be better aligned with financial information. Departments will prepare a detailed report of operations each year that will compare:

- actual performance against output measures;
- actual performance against intermediate performance indicators; and
- historical trend series information for performance against intermediate performance indicators.

These reports will also comment on the contribution of outputs towards the achievement of outcomes (based on intermediate performance indicators) and the influence of external factors on this contribution.

Significantly, the overall accessibility and comprehensibility of all regular reports, such as the budget, the annual financial report, the midyear financial report and the budget update, will be improved by the inclusion of plain language overviews.

Victoria has a long and proud history of best practice financial and resource management legislation over several decades. The Public Finance and Accountability Bill will deliver enhanced governance across the public sector that is based on risk and materiality. It provides for management and accountability frameworks that will enable the government to respond to the many challenges that face the modern public sector. In this respect, this bill represents the next evolution of Victoria's public finance and resource accountability and management frameworks, positioning Victoria to be once again at the forefront.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 1 July.

DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL

Introduction and first reading

Received from Assembly.

**Read first time for Hon. M. P. PAKULA (Minister
for Public Transport) on motion of Mr Lenders.**

Statement of compatibility

**For Hon. M. P. PAKULA (Minister for Public
Transport), Mr Lenders tabled following statement
in accordance with Charter of Human Rights and
Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Domestic Animals Amendment (Dangerous Dogs) Bill 2010.

In my opinion, the Domestic Animals Amendment (Dangerous Dogs) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Domestic Animals Act 1994 to:

- a. allow the registration of restricted breed dogs under certain circumstances and to amend the definition of a restricted breed dog;
- b. provide that the Victorian Civil and Administrative Tribunal may review declarations of restricted breed dogs and to abolish any review panel currently constituted to review such declarations;
- c. increase penalties for certain offences;
- d. further enable the making of declarations in respect of dangerous dogs and menacing dogs;
- e. provide for dogs to be destroyed in certain circumstances; and
- f. make other miscellaneous amendments and consequential amendments to the act.

offence under section 29 of the act (relating to dogs attacking, biting, rushing or chasing).

The authorised officer is required to record information in respect of each of these matters including the reasons for holding the beliefs.

The council must decide whether or not to destroy the dog within 48 hours of the authorised officer recording the relevant information, after which time the dog may be destroyed.

If, following a decision to destroy the dog, information comes to light that is sufficient to enable the identification of the owner, the power to destroy is no longer valid. Section 84M then applies, which permits the owner to recover the dog.

Immediate destruction of dog that may cause serious injury or death

New section 84TB creates a discretionary power whereby an authorised officer may immediately destroy a dog. This may only occur in circumstances where the officer reasonably believes the dog is behaving in a manner or in circumstances that will result in imminent serious injury or death to a person or other animal.

Destruction of declared dangerous dog found at large

Under new section 84TC, the council has a discretionary power to destroy a dog after a 24-hour period in circumstances where:

based on where the dog is found, the authorised officer reasonably believes that the owner of the dog would be guilty of an offence under section 24 (dog at large or not securely confined) or section 26 (dog found in a prohibited or restricted area); and

the authorised officer has made inquiries and found that the dog has previously been declared a dangerous dog under section 34(1)(a).

The council must decide whether or not to destroy the dog within 24 hours of the authorised officer recording the relevant information, after which time the dog may be destroyed.

The power to destroy does not apply if the authorised officer reasonably believes that the reason the dog was found at large, not securely confined or in a prohibited or restricted area was due to circumstances outside the owner's control (for example, where the dog was released by a third party, not being a person in control of the dog). In these circumstances, the owner will be able to recover the dog in accordance with section 84M.

While the right to property is engaged as a dog could be considered 'property' and the provisions authorise deprivation of such property through destruction, in my opinion these provisions do not limit the right. This is because the deprivation is authorised by law, the powers are appropriately circumscribed and not arbitrary. Given the potential danger to members of the community caused by dogs attacking in public places, it is reasonable that strict measures be in place for the control of dogs that are found at large.

Human rights issues

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

Certain provisions of the bill may engage the right to property under section 20 and the right to a fair hearing under section 24 of the charter.

I deal with each of these issues in turn.

Section 20 — the right to property

Section 20 of the charter establishes a right for an individual not to be deprived of his or her property other than in accordance with law. The right in section 20 of the charter only prohibits a deprivation of property that is carried out other than in accordance with law. This requires that the powers which authorise the deprivation of property be conferred by legislation or common law, be confined and structured rather than arbitrary or unclear, and be accessible to the public and formulated precisely.

Clause 23, which will insert new sections 84TA, 84TB and 84TC into the act, provides new discretionary powers for authorised officers and councils to destroy a dog in certain circumstances.

Destruction of a dog that is a danger to the public

New section 84TA provides that an authorised officer may destroy a dog in a situation where all of the following conditions are satisfied:

based on where the dog is found, an authorised officer holds a reasonable belief that the owner of the dog would be guilty of an offence under section 24 (dog found at large outside the premises of the owner or not securely confined to the owner's premises) or section 26 (dog found in a prohibited or restricted place);

the dog is unregistered;

the owner is unable to be identified; and

the authorised officer reasonably believes that the behaviour of the dog at the time of the seizure has resulted or is likely to result in the commission of an

Section 24 — fair hearing

Section 24(1) of the charter provides that a person who is a party to a civil proceeding has the right to have the proceeding decided by a competent, or independent impartial court or tribunal after a fair and public hearing.

I do not consider that a power to destroy a dog would constitute a ‘civil proceeding’ that would engage section 24 of the charter. However, even if such decisions can be characterised as civil proceedings, a decision taken under section 84TA or 84TC may be challenged by judicial review both under common law and pursuant to the Administrative Law Act 1978 (Vic). Therefore, the right would not be limited.

With regard to the discretionary power under section 84TB, this may only be exercised in extreme cases where death or serious injury is imminent. It would frustrate the purpose of the provision if the decision were amenable to review, given the pressing safety concerns that would necessitate the immediate destruction of a dog. Therefore, any limitation on the right would be justifiable under section 7(2) of the charter.

I note that an authorised officer is a public authority for the purpose of section 38 of the charter and must therefore act in a manner which is compatible with human rights and in making decisions, give proper consideration to relevant human rights. I also note that the powers to destroy are discretionary and do not mandate conduct on the part of authorised officers and councils.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues:

these provisions do not limit human rights; or

to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Martin Pakula, MLC
Minister for Public Transport

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).**

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Domestic Animals Amendment (Dangerous Dogs) Bill 2010 amends the Domestic Animals Act 1994, to address community needs and expectations over serious dog attacks and responsible dog ownership and education.

The bill will do this by strengthening council powers to control and destroy dogs that are a danger to the community, increasing penalties for irresponsible owners whose conduct has allowed dogs to attack, increasing resources for educating

dog owners and by reforming the existing restricted breed regime.

Currently a dog seized while at large must be held in the pound for a minimum of eight days even if there is no way of identifying its owner. The bill will give an authorised council officer power to destroy a dog 48 hours after seizure if the dog was straying, is unidentifiable and is considered a danger to the community.

The bill will also allow an authorised officer to immediately destroy any dog that is behaving in such a manner or in such circumstances that the officer reasonably believes it will cause imminent serious injury or death to a person or other animal. This power currently exists for officers authorised under the Prevention of Cruelty to Animals Act 1986 but will now be extended to council officers under the Domestic Animals Act 1994.

In the case of dangerous dogs found at large, the bill will give an authorised council officer power to destroy the dog 24 hours after confirming it is a declared ‘dangerous dog’ under the act. This is a dog that has previously been proven to have attacked and caused serious injury.

It is a central tenet of dog management legislation that a dog is confined, registered and identifiable to its owner. Effective regulation — including compliance, return of lost animals to owners, animal management services and public education programs — depends on registration. Yet an estimated 40 per cent of dog owners fail to register their animals. The bill will double the penalties for not applying for registration and for an animal not wearing the council identification marker when off the owners’ premises. As well, the bill will give authorised officers explicit power to scan a dog for a microchip to identify it for enforcement purposes under the act.

It is in the nature of dogs to stray if they are not responsibly confined. To provide greater incentive for responsible dog ownership, the penalties for an owner allowing a dog to be at large will be doubled from 3 to 6 penalty units for a dog at large during the day and from 5 to 10 penalty units for a dog at large during the evening.

Serious dog attacks often hospitalise the victim and sometimes cause death. The community expects serious penalties to apply. The act currently provides for a penalty, for a declared dangerous dog attacking or biting a person, of 120 penalty units or six months imprisonment. By contrast the penalty for any other dog is a maximum 20 penalty units. The bill will double this to 40 penalty units.

The bill also provides new powers for the Magistrates Court to order an owner guilty of an offence under the act to attend a training course relating to responsible dog ownership, or for the dog and owner to attend an approved obedience training course.

Community responsible pet ownership education programs and information, council officer training, government advisory support services for councils and animal management research are well received by councils and the community. These initiatives are funded from the existing levy of \$1 for every cat registration and \$2.50 for every dog registration. As these rates have remained unchanged since 2001, the bill will increase the existing levy to \$2 and \$3.50

respectively. The increased revenue will facilitate expansion of all of these successful programs.

The bill broadens the criteria for the declaration of a 'menacing' and 'dangerous dog'. It will allow a dog that causes a non-serious bite injury on a person or animal to be declared a 'menacing dog' and a dog that has been the subject of a second or subsequent attack or rushing offence to be declared a 'dangerous dog'.

In 2003 the government introduced restricted breed dog legislation into Victoria to regulate the ownership and keeping of dogs whose importation is prohibited under the Customs (Prohibited Imports) Regulations 1956 of the commonwealth.

As at January 2010 there were 335 restricted breed dogs declared in Victoria. However, microchip identification registry declarations by owners suggest that there are several times that number of this type of dog in the community that are registered as another almost identical breed or as a crossbreed of another breed. This means that these dogs are not being kept in accordance with the strict controls that apply to restricted breed dogs that may be kept under the act.

In order to better regulate restricted breed dogs, in place of the current prohibition, the bill provides for a two-year amnesty period to allow owners to register restricted breed dogs and thereby bring them under the existing strict controls. The amnesty will only apply to dogs in Victoria immediately before the amnesty begins.

The bill provides for a standard to be prescribed to assist with the identification of a dog as one of the restricted breed dogs. If a dog fits within the standard it will be included in the definition of a restricted breed dog whether or not the dog is a crossbreed.

To ensure procedural fairness and transparency of process, the bill provides for appeal to the Victorian Civil and Administrative Tribunal from a declaration of a restricted breed dog. This will replace the current provisions in the act providing for an appeals panel.

Lastly, the bill will clarify the authorisation requirements for the implanting of microchips and ensures that only veterinary practitioners can implant horses. It will also make several machinery and housekeeping amendments to clarify provisions of the Domestic Animals Act 1994.

I commend the bill to the house.

Debate adjourned on motion of Ms LOVELL (Northern Victoria).

Debate adjourned until Thursday, 1 July.

CONTROL OF WEAPONS AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

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

In my opinion, the Control of Weapons Amendment Bill 2010, as introduced to the Legislative Council, is partially incompatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Control of Weapons Act 1990 by:

making it an offence for a person to sell a prohibited weapon to a child, and making it an offence for a child to buy a prohibited or a controlled weapon;

making it an offence for a person to sell a controlled weapon to a child, if the seller knows that the purchaser is a child;

relaxing the circumstances in which the chief commissioner may make a planned or unplanned designation of an area for the purpose of enabling weapons searches to be conducted in that area;

relaxing the requirement that weapons searches of children or of persons with impaired intellectual functioning be conducted in the presence of a parent, guardian or independent third person;

providing that the chief commissioner may only delegate his designation powers to a police officer who is of or above the rank of assistant commissioner of police (presently a delegation can be made down to inspector level);

limiting to strip searches the duty on police to make a written record of random searches conducted within a designated area;

extending the level of detail that the chief commissioner must report to the minister on in respect of weapons searches that have been undertaken;

allowing infringement notices to be served for certain offences in regard to controlled weapons, and providing for the forfeiture of such weapons when the matter is dealt with by infringement notice;

making changes to the powers of the Governor in Council to grant exemptions in respect of prohibited weapons;

sunsetting at three years the amendments to the circumstances in which an unplanned designation can be made.

Human rights issues

The amendments that the bill makes to the scheme (introduced last year) for random searches of persons within temporarily designated areas result, in my view, in incompatibilities with sections 13(a), 21 and 17(2) of the charter (privacy, liberty, and the right of children to protection).

The ban on the sale of weapons to children engages the right to freedom from discrimination (section 8(3) of the charter). In my view, however, the limit that is thereby placed on that right is demonstrably justified in terms of section 7(2) of the charter.

The introduction of a forfeiture regime for controlled weapons that are seized where the offence is being dealt with by way of an infringement notice engages the right to property in section 20 of the charter. However, in my view, any deprivation of property will be in accordance with law and, accordingly, the right in section 20 is not limited. I am also satisfied that the forfeiture regime does not limit section 24 of the charter: the right to a fair hearing.

Right to privacy — section 13(a) of the charter

Last year, this government amended the Control of Weapons Act 1990 to enhance the powers available to police officers to search for weapons in public places. The Summary Offences and Control of Weapons Acts Amendment Act 2009 (the 2009 amendment) introduced provisions extending the police's search powers by empowering the police to stop and search persons and vehicles in public places that fall within temporarily designated areas. In the statement of compatibility for that legislation, I concluded that the new powers of random search were incompatible with section 13(a) of the charter: the right not to have one's privacy unlawfully or arbitrarily interfered with.

This bill enhances the powers of the police to conduct searches within designated areas in a number of ways:

it limits the duty on police to make a written record of the searches conducted within the designated areas to strip searches (cl 10);

it clarifies that, for the purposes of the planned and unplanned designation procedures, the words 'likely' and 'likelihood' are not to be interpreted as meaning 'more likely than not' (clauses 12(1) and 13(2));

it releases planned designations that are designed to cover a particular event from the temporal restriction in section 10D(3) of the act that planned designations must not be for a longer period than is reasonably necessary to enable police to respond to the threat and must not be for longer than 12 hours. Instead, the duration of events-based planned designations is limited to the duration of the event itself (cl 12);

it extends the circumstances that trigger an unplanned designation and the scope of such designations by replacing references in section 13(1)(a) to 'violence or disorder involving weapons' with references to 'unlawful possession, carriage or use of weapons or violence or disorder involving weapons' (cl 13);

it establishes an additional trigger for an unplanned designation: if the chief commissioner is satisfied that

more than one incident of unlawful possession, carriage or use of weapons or violence or disorder involving weapons has occurred in the area in the previous 12 months and that it is likely that the unlawful possession, carriage or use of weapons or the violence of disorder involving weapons will recur (cl 13, introducing new section 10E(1)(b));

in the case of searches with suspicion or searches within an unplanned designation, it relaxes the requirement for an independent person to be present when a child or person with impaired intellectual functioning is searched (cl 19).

There are also some provisions in the bill that strengthen the legislative protections that govern the random search regime. The chief commissioner will only be empowered to delegate his designation power to a police officer who is of or above the rank of assistant commissioner of police (cl 14) and the level of detail that the chief commissioner must report to the minister on in respect of weapons searches that have been undertaken will be extended (cl 11). Taken cumulatively, however, these amendments amount to a relaxation of the constraints that currently exist around the exercise of the powers to conduct random searches within designated areas.

I concluded last year that the scheme governing the exercise of such powers, as introduced, was incompatible with s 13(a) of the charter. It follows that the further amendments contained in the bill, by relaxing the constraints on the use of the scheme, exacerbate this incompatibility.

That conclusion is reinforced by the recent decision of the European Court of Human Rights in *Gillan v. the United Kingdom*, application no. 4158/05 (12 January 2010). It held that a United Kingdom legislative scheme for random searches within designated areas was incompatible with the right to private life in article 8 of the European Convention of Human Rights. There are a number of differences between the legislative scheme at issue in the *Gillan* case and the legislative scheme here. Nevertheless, the advice that I have received and that I accept is that the scheme for random searches within designated areas, as amended in the manner set out above, will therefore be incompatible with the charter.

This government nevertheless wishes to proceed with the amendments. Whilst the random search powers introduced in late 2009, as used in planned designated areas, have been effective in the detection of offenders and in deterring others from offending, the community's concern about the level of violence involving the use of knives and other weapons in public places has not abated. It is necessary to ensure that police are empowered to do everything that they need to do to prevent and deter weapons-related offending. Whilst the amendments in this bill will not alleviate the incompatibility of the existing provisions, they are necessary to ensure the operational effectiveness of these critical police powers.

Liberty and security — section 21 of the charter

Section 21(1) provides that every person has the right to liberty and security. Section 21(2) provides that no person may be subjected to arbitrary arrest or detention.

The 2009 amendment empowered the police to detain persons to the extent necessary to conduct a search within a designated area (see sections 10G(4) and 10E(2) of the act). Because those powers of detention are strictly confined to

what is reasonably necessary to conduct an authorised search, no separate question of incompatibility with section 21 of the charter arises. However, to the extent that the random search powers are themselves arbitrary (and therefore incompatible with section 13(a) of the charter) it must follow that any attendant deprivation of liberty is also arbitrary.

Because this bill exacerbates the incompatibility with section 13(a) of the charter (for the reasons given above), I accept that it must also exacerbate an incompatibility with section 21 of the charter.

Right of children to be protected — section 17(2) of the charter

In the statement of compatibility associated with the 2009 amendment, I acknowledged that the scheme for random searches in designated areas was incompatible with the right of every child to such protection as is in his or her best interests and is needed by him or her by reason of being a child. The bill exacerbates that incompatibility. First, the incompatibilities with sections 13(a) and 21 of the charter identified above will impact on children, amongst others.

Secondly and more specifically, the bill loosens the independent person requirement found in clause 11(3) and (4) of schedule 1 of the act. As currently drafted, clauses 11(3) and 11(4) provide that any search of a child must be conducted in the presence of a parent or guardian of the child being searched or, if that is not acceptable to the child or if the seriousness and urgency of the circumstances require otherwise, an independent person who is capable of representing the interests of the child and who, as far as is practicable in the circumstances, is acceptable to the child. The effect of clause 19 of the bill is to confine this provision to planned designations. In the case of unplanned designations and searches with suspicion under section 10 of the act, the rule will be that a search of a child must, if practicable in the circumstances, be conducted in the presence of a parent or guardian of the child or, if that is not practicable, any person, whether or not he or she is a member of the police force, other than the member conducting the search.

In my view, therefore, the bill is incompatible with section 17(2) of the charter. However, as I determined when these powers were introduced in 2009, the government strongly believes that effective and workable random search powers are important for preventive and deterrent reasons, including the protection of children. Therefore, despite the incompatible nature of the provisions, this government intends to proceed with this legislation. We believe it is important to help protect children.

I note that the new rules governing the presence of an additional person in clause 11 of schedule 1 will remain subject to the rule in clause 9 that no person can be strip-searched in the presence of a person of a different sex.

Right to freedom from discrimination — section 8(3) of the charter

Clauses 5 and 6 of the bill will amend sections 5 and 6 of the act to:

make it an offence, subject to a maximum penalty of 240 penalty units (currently \$28 668) or two years in prison, to sell a prohibited weapon to a child (proposed section 5(1AC)); and

make it an offence, subject to a maximum penalty of 25 penalty units (currently \$2986.25), for a child to purchase a prohibited weapon (proposed section 5(1AD));

make it an offence, subject to a maximum penalty of 12 penalty units (currently \$1433.40), for a child to purchase a controlled weapon (proposed section 6(1AA)); and

make it an offence, subject to a maximum penalty of 20 penalty units (currently \$2336.40), for a person to sell a controlled weapon to another person knowing that the other person is a child.

‘Child’ will be defined in the act as a person under the age of 18 years (cl 4).

Section 8(3) of the charter provides that every person has a right to the equal protection of the law and to equal and effective protection against discrimination (as defined in the Equal Opportunity Act 1995 — see s 3 of the charter). Section 8 of the Equal Opportunity Act 1995 says that ‘direct discrimination’ (which is what is at issue here):

... occurs if a person treats, or proposes to treat, someone with an attribute less favourably than the person treats or would treat someone without that attribute, or with a different attribute, in the same or similar circumstances.

Section 6(a) of the Equal Opportunity Act 1995 lists ‘age’ as one of the attributes on the basis of which, discrimination is prohibited.

When the Equal Opportunity Act 2010 comes into force, the definition of ‘direct discrimination’ will be reworded but will be to similar effect; and age will remain a relevant attribute.

I accept that the ban on children purchasing prohibited and controlled weapons results in persons of a given age (under 18) being treated less favourably than persons of a different age (18 or over) who are otherwise in the same or similar circumstances. Accordingly, the right to freedom from discrimination in s 8(3) of the charter is engaged. In my view, however, the limit that is thereby placed on s 8(3) is demonstrably justified in terms of s 7(2) of the charter for the following reasons.

(a) The nature of the right

It is generally accepted that freedom from discrimination is a right that can be subject to reasonable limits. That is because it is the very business of governments to make distinctions between different groups of people, including on the basis of the attributes listed in s 6 of the Equal Opportunity Act 1995 (see, for example, *Andrews v. Law Society of British Columbia* [1989] 1 SCR 143 at 181). Further, age is a ground of distinction that has been seen in some other jurisdictions to be relatively susceptible to justified limitation. One reason for this is that although age is a personal characteristic, there is nothing intrinsically demeaning about being treated differently on the basis of age. Further, as noted by McLachlin CJ in *Gosselin v. Quebec (Attorney-General)* [2002] 4 SCR 429 at [31], ‘age-based distinctions are a common and necessary way of ordering our society’.

(b) The importance of the purpose of the limitation

The purpose of the proposed limitation on the right is to protect the public from the violence and intimidation associated with weapons-related crime. This purpose is sufficiently compelling to justify some intrusion on protected rights.

(c) The nature and extent of the limitation

The proposed amendments create a blanket restriction on the ability of children to purchase prohibited and controlled weapons, and impose criminal penalties on children who disregard this restriction.

Two related concerns that are often central to an analysis of the justifiability of discriminatory treatment are the extent to which the difference in treatment demeans the affected person or group, and the extent to which it exacerbates any pre-existing disadvantage or vulnerability that the group has experienced. I accept that some young persons may experience the blanket prohibition on the purchase of weapons (including, within the definition of ‘controlled weapons’, knives of all kinds) as demeaning. The extent to which it ought objectively to be regarded as so, however, is tempered to some degree by the fact that, as discussed below, the difference in treatment is justified by statistical evidence.

Further, although young people are generally regarded as a vulnerable group in society who face pre-existing disadvantage and stereotyping, it is by no means clear that this proposal perpetuates or exacerbates that historical disadvantage.

Finally and importantly, the detriment imposed by the limit is not particularly severe. It is hard to imagine that there will be many, if any, cases in which a young person who wishes to purchase a prohibited or controlled weapon for a legitimate purpose will not be able to find someone who can make the purchase on their behalf. The discriminatory treatment is not of the order of, say, lack of access to education, the inability to marry or the non-recognition of intimate relationships, which have been held to give rise to discrimination in other jurisdictions. The penalties that are imposed on children who defy the ban are also relatively minor. In other words, to the extent that the limitation imposes a disadvantage, it is disadvantage of a relatively minor degree.

(d) The relationship between the limitation and its purpose

In my view, the prohibition on the purchase of weapons by children does advance the purpose of protecting the public from the violence and intimidation associated with weapons-related crime and, accordingly, there is a rational connection between the limiting measure and the purpose it is designed to achieve, which is a reduction in weapons-related violence committed by young persons.

In tackling social problems, such as weapons carriage, there is often room for debate about what will work and what will not, and the outcome may not always be scientifically measurable.

Accordingly, in developing its policy response, the government is entitled to rely on common sense and inferential reasoning to support the evidence available to it (see, for example, *Sauvé v. Canada (Chief Electoral Officer)* [2002] 3 SCR 519 at [18] and *Canada (Attorney-General) v. JTI-Macdonald Corp* [2007] 2 SCR 610 at [41]). In my view, it is not unreasonable to conjecture that the ban on direct

purchase of weapons by children will increase the likelihood of responsible adult supervision of children with regards to obtaining and using such weapons.

I therefore conclude that the measure will support the object that it is designed to serve. The government is entitled to assume that, by making it more difficult for children to access weapons, weapons-related offending may well be reduced.

(e) Any less restrictive means reasonably available to achieve the purpose

In my view, there are no less restrictive means reasonably available to achieve the purpose of the limitation. I accept that similar legislation in the United Kingdom contains a ‘carve-out’ provision, making it lawful for a person aged 16 or older to purchase a knife that is designed for domestic use.

A carve-out of this kind might have the effect of encouraging the use of kitchen knives in criminal offending. A carve-out might also create potential uncertainty for both sellers and purchasers as to what is or is not domestic use. For that reason, the government prefers in this instance to draw a clear line in the sand.

I note that the proposal is not otherwise overly broad in that it bans only the sale and purchase of weapons rather than their legitimate possession, carriage or use. It remains possible for minors to obtain weapons from other sources and then to possess, carry and use them for legitimate purposes.

Accordingly, I have concluded that the legislation is sufficiently well tailored to achieving its purpose and that the blanket ban on selling prohibited and controlled weapons to minors is within the range of reasonable alternatives available to Parliament.

Conclusion

I conclude that the ban on children purchasing weapons is justified. The proposal seeks to address the pressing and substantial problems associated with weapons-related violence. The proposal is tailored to its purpose in that it will remain possible for young persons to possess, carry and use prohibited or controlled weapons for legitimate purposes. Given the nature of the right at issue, the fact that the attribute in question is age (rather than, say, race or sex), and the relatively minor disadvantage that flows from the distinction, I have concluded that the limit on the right is reasonable.

Right to property — section 20 of the charter

Clause 9 of the bill inserts a new section 9A into the act. It will provide a regime for the forfeiture of weapons where an infringement notice has been/is served for an offence under section 6 of the act in regard to a controlled weapon. In such circumstances, the weapon will be forfeited to the Crown. Once the infringement penalty is paid, a payment plan is arranged, the time for payment expires, or an application for internal review of the decision to serve the infringement notice is unsuccessful and 28 days elapse, the weapon can be sold or destroyed.

This provision clearly engages the right to property in section 20 of the charter. Section 20 provides that a person must not be deprived of his or her property other than in accordance with law.

I am, however, satisfied that the legislation guards against any permanent interference with property where no offence has been committed. The section 9A forfeiture regime will not apply where the recipient elects to have the matter determined in the court, or where a member of the police force refers the matter to the court (new section 9A(4)). Instead, the existing forfeiture regime in section 9 of the act will apply, and the weapon will be returned unless the person is convicted of the offence. Under new section 9A(5), the weapon must also be returned if the infringement notice is withdrawn (whether after a review or otherwise), unless a warning is issued or the matter is referred to court, or it is cancelled by the court (cl 9(5)).

In light of these safeguards, I am of the view that the bill does not limit section 20 of the charter. I am also satisfied that the forfeiture regime does not offend the right, in section 24(1) of the charter, to a fair hearing.

Conclusion

For the reasons given in this statement, I consider that the bill is partially incompatible with the charter. However, I believe the bill is ultimately in the best interest of the community.

Justin Madden, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is determined to crack down on weapons-related violence in our community. Victoria is not a place in which carrying knives or other weapons unlawfully will be tolerated.

On 4 March 2010, the Premier of Victoria announced that police would be given new powers to issue on-the-spot fines to those aged 16 and above caught carrying controlled weapons without a lawful excuse, that police would have broader powers to designate areas such as train stations or other public places for random weapons searches without notice, and that children under the age of 18 years would be banned from buying weapons.

This bill gives effect to the changes announced by the Premier, as well as making other changes to improve the operation and effectiveness of Victoria's control of weapons regime.

Victoria already has the toughest weapons-search-and-seizure regime in Australia. The changes to weapons laws proposed in this bill are designed to encourage a fundamental change in community attitudes about the carriage of weapons such as knives. They will send a clear message to all Victorians that it is not appropriate to carry weapons in public places and that weapons should be left at home when not necessary for lawful occupations or other purposes.

Victoria has been at the forefront of initiatives to crack down on knife crime over recent years. In 2007, penalties for unlawfully carrying controlled weapons were doubled, and were doubled again if the offence was committed in or around a licensed venue such as a hotel or club. In 2009, police were given tough random search powers to conduct planned and unplanned random searches for weapons in designated areas.

In recent months, the government has run a high-profile advertising campaign to warn young people of the perils and penalties associated with carrying knives. The message of this campaign is simple: if you carry a weapon unlawfully, you will be in trouble.

The bill aims to build on these initiatives and give police the powers they need to tackle knife crime and detect the unlawful carrying of weapons.

I now turn to the key provisions of the bill.

Clause 1 sets out the purpose of the bill, which is to amend the Control of Weapons Act 1990 to prohibit the sale of prohibited weapons to children and the purchase of weapons by children, to enable infringement notices to be issued for certain offences under the act and to make other amendments to improve the operation and effectiveness of the control of weapons regime.

Under clause 2, the majority of the provisions of the bill will come into effect by 1 July 2011, if not proclaimed before.

Clause 5 creates a new offence prohibiting a person from selling a prohibited weapon to a child under 18. Prohibited weapons are the most serious types of weapon and include flick knives, daggers and swords. Sellers of prohibited weapons are already required to have an appropriate exemption or approval under the Control of Weapons Act 1990, to examine the purchaser's proof of identity and to reasonably believe that the purchaser has the relevant exemption or approval under the act to purchase the weapon. The new offence will require the seller to further ensure that the purchaser is not under 18. Additionally, clause 5 makes it an offence for a child under 18 to purchase a prohibited weapon.

The penalties proposed for these offences are 240 penalty units or two years imprisonment for selling a prohibited weapon to a child under 18, and 25 penalty units for the purchase of a prohibited weapon by a child. The penalty applicable to the purchase of a prohibited weapon by a child is significantly lower than the penalty for an adult to sell a weapon to a child, in recognition of the youth and vulnerability of children.

Similarly, clause 6 makes it an offence for a child to purchase a controlled weapon. Controlled weapons include all knives other than prohibited knives such as ordinary kitchen knives and pocket knives. This offence carries a maximum penalty of 12 penalty units.

Clause 6 of the bill makes it an offence to knowingly sell a controlled weapon to a child. This offence will carry a maximum penalty of 20 penalty units.

The aim of these offences is to reduce the circulation of weapons in the community and curb the development of a 'knife culture' among children under 18. We have all heard recent accounts of children carrying knives out of fear and for defensive purposes. In particular, we have heard frightening

stories of children bringing knives to school, leading to great tragedy. The Victorian government is determined to stop in its tracks any move towards this type of culture developing. The changes will restrict children's access to weapons and remove the opportunity for them to purchase weapons without the knowledge or guidance of their parents, guardians or coaches.

Of course, a child will still be able to possess or use a prohibited weapon if they have an exemption or approval under the act to do so, or to possess or use controlled weapons with a lawful excuse. However, an adult will now need to purchase the weapon on the child's behalf if it is appropriate for the child, for sporting, recreational, professional or other purposes, to use, carry or possess a prohibited weapon. If purchasing a prohibited weapon, the adult will require an exemption or approval under the act, as is currently the case.

Similarly, if a child is employed as a retail sales assistant, or as a cashier at a retailer who sells controlled weapons, they will not be committing an offence if they handle, carry or otherwise possess the controlled weapon as part of their sales employment.

Under section 8B of the Control of Weapons Act 1990, the Governor in Council can issue class exemptions to groups of people to possess, use, sell or purchase prohibited weapons. Clause 7 clarifies that the Governor in Council has discretion to apply conditions to exemptions, such as requiring a person to be a member of an exempted class of persons for up to six months before an exemption takes effect, or limiting the period of an exemption.

Given the proposed introduction of on-the-spot infringement notices for certain offences under the bill, clause 9 outlines consequential amendments relating to the forfeiture of weapons seized in connection with infringement offences.

Clause 10 of the bill clarifies the requirements in relation to making records of searches so that records will need to be made in respect of 'with suspicion' searches under section 10 and strip searches under section 10G (i.e., designated area strip searches). The chief commissioner has indicated police will continue to provide estimates, however, of all persons going through an electronic wand and pat-down search.

The bill makes important changes to the requirements for random weapons searches in planned and unplanned designated areas.

Planned designations of search areas may be made where an event is to be held in the area, and incidents of violence or disorder involving the use of weapons have occurred on previous occasions of that event, and there is likelihood that the violence or disorder will recur. The period of the planned designation of an area must not be longer than is reasonably necessary to enable police members to mount an effective response, and must not exceed 12 hours. Clause 12 of the bill enables police to provide a more targeted and appropriate coverage for an event that takes place over an extended duration, including events that take place over a number of consecutive days. This clause provides that a planned designation may operate for more than one period, with the proviso that each period of operation must be during the operating hours of the event. Additionally, this change will allow for a given period during which an event is taking place to exceed 12 hours in duration.

The bill further provides increased flexibility for weapons searches in unplanned designated areas to ensure that random searches of areas such as transport hubs are conducted in the most effective and practical way. Unplanned designations were originally designed to operate in quite urgent situations, where the designation and consequent weapons searches would occur within hours of intelligence being obtained. While unplanned designations do not require the publication of a notice, a range of safeguards still exist with respect to the search. For example, separate notices must be provided to each individual to be searched and any full strip searches must be conducted in a private facility.

Clause 13 of the bill addresses the amendments to searches in such circumstances by including broader criteria for the making of unplanned designations. The clause amends section 10E of the Control of Weapons Act 1990 so that unplanned designations are not limited to only the most urgent of circumstances, but will also be made available where it is appropriate to conduct a random weapons search within a day or number of days (but not where a planned designation with seven days notice is appropriate).

First, the clause includes a ground similar to that found for making a planned designation as an alternate ground, whereby the Chief Commissioner of Police may make an unplanned designation if satisfied that more than one incident of unlawful possession, carriage or use of weapons, or of violence or disorder involving weapons, has occurred in the area in the previous 12 months, or it is likely that such an incident will recur.

Second, the existing unplanned designation criteria will be retained, but each criteria is expanded to include the 'unlawful possession, carriage or use of weapons' as a basis for making the unplanned designation. This will act as a further significant deterrent to the unlawful carriage of weapons.

The bill clarifies the meaning of the terms 'likely' and 'likelihood' as used in relation to the chief commissioner's power to declare a designated area for a planned or unplanned search. Clauses 12 and 13 define how those terms are to be interpreted and indicate that the chief commissioner may determine likelihood of unlawful possession, carriage or use of weapons, or violence or disorder involving the use of weapons, will occur or recur even if that likelihood is less than 'more likely than not'.

As a consequence of the changes to the planned and unplanned designation powers in this bill, the chief commissioner is of the view that the rank should be elevated to the rank of assistant commissioner to ensure oversight at the highest level of Victoria Police. The act currently provides that the chief commissioner may delegate the designation powers to a member not less than the rank of inspector. The bill reflects the chief commissioner's views and amends the rank at clause 14 to assistant commissioner.

It is proposed to give police new powers to issue on-the-spot fines for certain offences relating to controlled weapons. Clause 15 enables police to issue infringement notices for offences relating to the possession, carriage or use of a controlled weapon without a lawful excuse, and for the purchase of a controlled weapon by a child. Infringement notices will only be issued to people aged 16 years or above. Additionally, police will only issue one infringement notice to a single individual. Should a person commit a second or subsequent offence, police will take the matter to court.

The infringement penalty for unlawfully possessing, carrying or using a controlled weapon will be \$1000. This will increase to \$2000 if the offence is committed in or around a licensed venue, to maintain the differentiated approach the act already takes towards the possession, carriage and use of weapons in the context of alcohol-fuelled violence, and offending in public places more generally.

These infringement penalties have been set at a very high level to provide the strongest possible deterrent to people who wish to carry knives or other controlled weapons unlawfully. They have been expressed in dollar amounts rather than in penalty units so that potential offenders clearly understand the penalty they face and the seriousness of the offence.

As a consequence of amendments proposed by the bill, certain transitional arrangements are necessary. Clause 16 clarifies that the new offences prohibiting the sale of prohibited weapons to children or the purchase of weapons by children will apply to all current holders of Governor in Council exemptions and chief commissioner approvals under the act, irrespective of the terms of their exemptions or approvals. The clause also clarifies that the new police power to serve infringement notices will only apply to offences committed on or after the commencement of the infringement provisions in clause 15.

Schedule 1 to the Control of Weapons Act 1990 sets out a graduated scheme for the conduct of weapons searches in public places that is designed to preserve the dignity and comfort of the person being searched. The bill amends aspects of the rules for searches to ensure that searches can be conducted in the most appropriate and timely manner.

At present, searches of children and persons with impaired intellectual functioning must be conducted in the presence of an independent third party, in the absence of a parent or guardian. However, police are concerned that this requirement poses a range of difficulties that impact upon the effectiveness of the search regime and upon community safety, particularly when there are delays in locating an independent third person to attend. This situation is particularly acute in regional and rural areas as independent third persons are difficult to locate in a timely manner.

Clauses 19 and 20 therefore adjust the rules for searches of children and persons with impaired intellectual functioning to, where practicable, require the presence of an independent third person or any person other than the police member conducting the search. This could be another police member if necessary. This change will provide police with the flexibility they need to conduct searches in a timely manner. It must be stressed, however, that all of the existing safeguards in the schedule that apply generally to strip searches of all persons will continue to apply to searches of children and persons with impaired intellectual functioning.

As a consequence of these amendments, the chief commissioner will be issuing instructions to all members to clarify that where a parent, guardian or independent third person cannot be obtained in a timely manner, that any other person, other than a police member, should be found. The instructions will, however, clarify that where this is not practicable, the search may be conducted in the presence of another police member, other than the member conducting the search.

Clause 22 provides for the sunset of the changes made by the bill to the threshold test for the chief commissioner in making unplanned designations of search areas. The sunset provision will take effect three years from the commencement of the changes and will return the threshold test to its original form, save for retaining the provision clarifying the term 'likelihood'. The government believes this is a suitable period to test the effectiveness of the changes and determine whether they should continue or whether modifications should be made.

It is the intention of the government that the review be undertaken by an appropriate parliamentary committee, to report to the Parliament on the effectiveness of these changes six months before the expiration of the sunset period.

The changes proposed in this bill will reinforce Victoria's tough stance on weapons and make sure our streets remain safe for all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr DALLA-RIVA (Eastern Metropolitan).

Debate adjourned until Thursday, 1 July.

SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Environment and Climate Change) on motion of Mr Lenders.

Statement of compatibility

For Mr JENNINGS (Minister for Environment and Climate Change), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Supported Residential Services (Private Proprietors) Bill 2010.

In my opinion, the Supported Residential Services (Private Proprietors) Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill regulates supported residential services in Victoria and provides for minimum standards of accommodation and personal support for residents living in these facilities.

Supported residential services are a form of residential accommodation where personal support is provided to the residents for fee or reward.

The Health Services Act 1988 currently regulates supported residential services.

The bill repeals the current regulatory arrangements and creates a new system for the regulation of supported residential services.

The bill also aims to simplify the requirements for registration and to clarify proprietor's obligations to residents of supported residential services, as well as establishing new rights for residents with respect to services and the tenure of their accommodation.

Human rights issues

There are a number of rights engaged by the bill. Prior to analysing the rights in detail, I wish to make the following general comments.

One of the key purposes of this bill is to protect the rights of residents living in supported residential services by establishing a registration system and imposing minimum standards on service providers. In my view the bill aims to ensure that people living in supported residential services are protected from neglect or abuse and cared for properly. It also aims to protect the capacity of people living within residential care to make autonomous decisions about their lives and to live as independently as possible.

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

The specific rights engaged by this bill are:

Section 8 — Recognition and equality before the law

Section 10(b) — The right to be protected from cruel, inhuman or degrading treatment

Section 10(c) — The right not to be subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent

Section 13 — Privacy and reputation

Section 15 — Freedom of expression

Section 20 — Property rights

Section 25 — Rights in criminal proceedings.

The clauses of the bill relevant to these rights are discussed below.

Recognition and equality before the law (s8)

Section 8 of the charter provides that a person has the right to recognition and equality before the law.

It is important to note that the guiding principles of the bill set out in clause 7 are intended to enhance the right to recognition and equality before the law. Clause 7 sets out the rights of resident's including the right to 'fair and equal treatment'.

This right is engaged by a number of clauses of the bill:

Clause 65 — Offence to employ unsuitable persons

Clause 73 — Effect of approval or disapproval of manager.

These provisions deal with situations in which people should not be employed because they are not 'suitable persons'. These provisions potentially engage section 8 because they provide for situations where people may be treated differently.

The notion of 'suitable person', while not defined in the bill, draws on common-law principles of suitability in the sense of good character, honesty and integrity. Guidance as to the specific requirements and qualifications required will be provided in the regulations.

The right to be protected from cruel, inhuman or degrading treatment (s10(b))

Clauses 60 and 61 create indictable offences for failure to monitor health care issues or personal support issues.

These clauses promote section 10(b) of the charter, which protects people from treatment that is cruel, inhuman and degrading. The provisions set out clear accommodation and support standards for supported residential services and impose significant penalties on proprietors where they fail in their obligations to properly care for residents.

Right to privacy (s13)

A number of clauses in this bill engage the right to privacy.

Section 13(1) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

An interference with privacy will not limit the right if the interference is neither arbitrary nor unlawful. The interference will not be arbitrary if the restriction on privacy accords with the objectives of the charter and is reasonable in the circumstances. The interference will not be unlawful if the law authorising it is circumscribed, precise and determined on a case-by-case basis.

The right to privacy is engaged in a number of different contexts.

Provision of information to the secretary

The following clauses require information to be provided to the secretary in certain circumstances:

Clause 14 — Application for registration

Clause 36 — Secretary may request registration statements

Clause 20 — Application for variation of registration

Clause 30 — Ceasing to be director or officer of proprietor which is a body corporate

Clause 62 — Inquiries, assessment and further care

Clause 68 — Requirement to apply to secretary for approval of manager

Clause 69 — Further information.

The purpose of these provisions is to ensure that the secretary has the necessary information to make decisions about the registration of supported residential services. The clauses specify the circumstances in which the information is to be provided and it is clear from the provisions that the information is for a specific and circumscribed purpose. Requiring the information is therefore not a limitation on the right to privacy as it is lawful and not arbitrary.

Public register

Clause 39 of the bill provides that the secretary must establish and maintain a public register of supported residential services. The bill enables the secretary to include information about the name, address and proprietors of supported residential services.

The purpose of the register is to enable members of the public to see what services are available, where they are, who the proprietors are, and to verify that the premises are registered in order to make informed decisions when accessing these services. The information in the register is collected according to law and published for a limited purpose which is for the ultimate benefit of proprietors. It is neither arbitrary nor unlawful. As such, the clauses do not limit the right to privacy.

Part 6 Notices to vacate

The powers in part 6 of the bill which allow for a proprietor to give a notice to vacate to a resident, potentially engages the right to privacy, specifically the right not to have the residents' privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Safeguards have been included in the bill to protect the resident, specifically by giving the resident the right under clause 121 to apply to VCAT to challenge the validity of the notice.

The purpose of these provisions is to enable proprietors, in appropriate circumstances, to terminate agreements with residents. Notices to vacate can only be issued in accordance with these provisions and are circumscribed in order to protect residents and as such do not limit the right to privacy.

Part 7 Monitoring and enforcement

Clause 131 and clause 133 require authorised officers to have and produce cards which contain their photograph and name. These clauses engage the right to privacy of the authorised officers. The purpose of these provisions is to ensure that proprietors of residential services can verify that those conducting inspections of their premises are in fact authorised officers. They are necessary for the effective performance of the authorised officer's duties. The provisions are required under law and are for a clear and circumscribed purpose. As such, they do not limit the right to privacy.

The following clauses engage the right to privacy because they allow authorised officers to enter and search supported residential services for the purposes of monitoring the services and enforcing the proprietor's legislative obligations:

Clause 134 — Power to enter — monitoring compliance

Clause 135 — Power to enter unregistered premises with consent

Clause 136 — Entry to unregistered premises — search warrant

Clause 143 — General powers of authorised officers

Clause 144 — Power to direct persons to produce documents, operate equipment or answer questions.

The purpose of the provisions is to effectively monitor supported residential services and ensure they are complying with their obligations to care properly for residents as set out in the legislation. The powers to enter and search premises are clearly defined.

While clause 134 permits an authorised officer to enter a supported residential services premises without a warrant or consent it limits the power to registered premises. Clause 139 requires that before entering any premises an authorised officer must announce themselves and give any person in the premises a reasonable opportunity to allow entry to the premises. Limitations are also placed on the powers which prevent an authorised officer from entering any part of the premises which is set aside for private use unless they have consent under clause 134. In addition, clause 140 also requires that if the authorised officer exercises a power of entry without the proprietor or occupier being present they must leave a notice setting out the time of entry; the purpose of entry; what was done on the premises; the time of departure; and the procedure for contacting the secretary for further details of the entry. Further, as a participant in a regulated industry, the proprietor is taken to consent to monitoring activities and therefore has a lower expectation of privacy. Accordingly, this provision does not limit such a person's right to privacy and reputation under section 13 of the charter.

With regard to properties that are not registered under the scheme, but that an authorised officer suspects may be operating as a supported residential service, clauses 135 and 136 only allow for entry with consent or a warrant. Further, clause 141 requires that before executing the warrant the authorised officer must announce themselves and give any person in the premises an opportunity to allow entry to the premises.

Whilst on the property, clauses 143 and 144 give the authorised officers a range of general powers. Clause 143 sets out a number of powers including the power to inspect, seize, take samples and take photographs. Clause 144 gives the authorised officer the power to direct a person at the premises to produce documents, operate equipment and answer questions. These powers engage the right to privacy. However, these powers are necessary to ensure the effective monitoring of compliance with the scheme established under the act. Further, as the premises are part of a registered scheme the proprietor voluntarily agreed to abide by these conditions as part of their registration. The requirements are set out in law and are for a particular and defined purpose and therefore not arbitrary. Therefore the right to privacy is not limited.

Provision of information 'to' and 'from' the proprietor

The following clauses deal with the provision of information 'to' and 'from' the proprietor:

Clause 45 — Person nominated

Clause 46 — Details of resident's guardian or resident's administrator to be recorded

Clause 47 — Preparation and copies of residential and services agreements

Clause 56 — Interim support plan

Clause 57 — Resident's ongoing support plan.

The purpose of these provisions is to enable the proprietors of supported residential services to properly care for residents in accordance with their particular health-care needs. The provision of this information to the resident's nominated person, other staff and health-care providers is also to ensure that the resident can be properly cared for. The purposes of the provision of the information are clearly set out and the provisions themselves limit the information to that which is necessary for the development of care plans and the like. The provision is therefore neither arbitrary nor unlawful and does not limit the right to privacy. The safeguards provided for within the provisions themselves would be further supported by the provisions of the Health Records Act 2001.

The clauses also promote section 10(c) of the charter which protects people from medical treatment without consent.

Requirement to keep records

The following clauses deal with the obligation on proprietors to keep records in relation to incidents and complaints from residents:

Clause 75 — Procedures for resident complaints

Clause 76 — Requirement to keep prescribed records

Clause 77 — Records and reporting of prescribed reportable incidents

Clause 78 — Proprietor to keep records for seven years.

The purpose of these clauses is to ensure that the proprietor keeps appropriate records in relation to complaints, injuries, accidents and to oblige the proprietor to report such things to the secretary. They form a key part of the provisions aimed at protecting residents within supported residential services by maintaining a robust scheme for the regulation and monitoring of services. They are for a clear and circumscribed purpose and are therefore neither unlawful nor arbitrary. They do not limit the right to privacy.

Powers of community visitors

The following clauses set out the powers of community visitors to look at certain records kept by the proprietor in relation to residents:

Clause 184 — Functions of a community visitor

Clause 187 — Powers of community visitors.

Community visitors may enter and look at any part of a supported residential service, they may speak with any resident of the supported residential service, ask questions of staff and look at any records required to be kept on the premises under the act. Community visitors are an important safeguard in promoting and protecting the rights of residents. They talk to residents/patients to ensure they are being cared for with dignity and respect and to identify issues of concern.

Community visitors can then liaise with staff and management to resolve these issues. Broader or more serious issues are referred to OPA. The purpose of these clauses is to provide residents with further protection. The community visitors are restricted in relation to the information they can view. Clause 196 specifically sets out the obligations on community visitors in relation to keeping secret any information that they are given or told while performing their role. The powers are provided for by law and are not arbitrary since they are circumscribed and intended for a very particular purpose.

Freedom of expression (s15(2))

Section 15(2) of the charter recognises a person's right to freedom of expression which includes the freedom to seek, receive and impart information. This right encompasses the right not to express, that is to say nothing. The following provisions engage section 15(2) because they compel proprietors to provide particular information:

Clause 37 — Proprietor must provide registration statement within 28 days

Clause 88 — Proprietor to notify secretary of offences.

These clauses engage the right to freedom of expression because they require information to be provided to the secretary in particular circumstances. The purpose of both clauses is to assist the secretary to monitor registrations and have the necessary information to enable this to occur at different points in time. Section 15(3) of the charter provides that the right to freedom of expression may be restricted where it is necessary for the purpose of protecting the rights of persons. The information required by the secretary in both of these clauses is aimed at the protection of residents living in supported residential services through the effective operation of the registration system. The clauses therefore fall within section 15(3) and do not limit the right to freedom of expression.

Property rights (s20)

Section 20 protects the right of people not to be deprived of property otherwise than in accordance with the law.

Divisions 1 and 2 of part 5 of the bill protect the residents' property rights in relation to money and real property by creating safeguards to prevent any abuse of residents' property rights in supported residential services.

The clauses recognise the potentially vulnerable situation residents may be in and protect their right not to be deprived of property otherwise than in accordance with the law.

Clause 79 protects residents' finances when they are in the control of proprietors by requiring written consent and establishing a prescribed amount to be controlled that cannot be exceeded.

Clause 80 requires records of expenditure to be kept and clause 81 requires a proprietor who manages or controls the money of a resident to provide the resident with an itemised statement.

Clause 84 ensures the rights of residents not to have their property sold or transferred for less than its market value or in the absence of a written agreement and without the provision of independent financial or legal advice.

The right to a fair hearing and to a decision by a competent, independent and impartial court or tribunal (s24(1)), in combination with the right not to be compelled to confess guilt or to incriminate oneself (s25(2)(k))

In order to regulate supported residential services effectively, the bill requires proprietors to keep a range of information and records and gives authorised officers broad powers to inspect premises and documents and direct a person to answer questions, as discussed above. Some of this information may reveal evidence that a proprietor has breached the provisions of the act or be used as evidence of other criminal acts. As such these provisions of the bill engage sections 24(1) and 25(2)(k) of the charter. Section 25(2)(k) of the charter protects the right of persons charged with a criminal offence not to be compelled to testify against themselves or to confess guilt. This also includes the right not to be compelled to incriminate oneself.

Clause 150(1) of the bill protects the rights by providing that persons may refuse or fail to give information or do any other thing that they are required to do under the act or regulations if giving the information would tend to incriminate them. However, clause 150(2) constrains the privilege to a limited extent by providing that this protection does not apply to 'the production of a document or part of a document that the person is required by this act or regulations to produce'.

Clause 144(1)(c) also protects individuals from self-incrimination as it requires an authorised officer to inform a person of the right before requiring them to answer questions. Clause 144(1)(a), like clause 150, does not afford this protection of refusal to documentation. It does, however, state that a person must produce documents if directed to do so by an authorised officer unless there is a 'reasonable excuse' not to do so.

Clauses 143 and 144 of the bill permit the inspection, review and seizure of documents and materials for the purpose of compliance with the act and regulation of registered proprietors of supported residential services.

The lack of explicit protection in relation to the use of documents obtained under the bill may mean that in some circumstances the right against self-incrimination is limited. However, that limit is reasonable and demonstrably justifiable in accordance with section 7(2) of the charter.

Reasonableness of the limitations

(a) the nature of the right being limited

The right in section 25(2)(k) of the charter is a right 'not to be compelled to testify against oneself'. A search and seizure of a person's records and documents is not generally considered to breach the privilege against self-incrimination. The privilege against self-incrimination may be less far reaching in relation to documentary material than for things that a person says such as admissions.

Compelling the production of already existing documents is also much likely to raise concerns relating to self-incrimination than documents that were compelled to be produced in direct response to a request for information.

(b) the importance and purpose of the limitation

The purpose of the limitation is to enable the registration system to function by enabling the secretary to inspect

relevant documents in order to ensure compliance and to perform ongoing monitoring.

(c) the nature and extent of the limitation

The limitation is confined to documentation that is already in existence and does not require the production of any incriminating documents.

(d) the relationship between the limitation and its purpose

There is a clear and rational relationship between maintaining a proper functioning registration regime and keeping particular documents. Indeed the inability to access such documentation would undermine the scheme.

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

There are no less restrictive means reasonably available that would achieve the purpose of clauses 150 and 144.

In conclusion, to the extent that clauses 150 and 144 of the bill limit sections 24(1) and 25(2)(k) of the charter, the limit is compatible with the charter.

Conclusions

I consider that the bill is compatible with the charter of human rights because to the extent that some provisions may limit rights, those limitations are reasonable and demonstrably justified in a free and democratic society. Most of the rights engaged by the bill do not limit rights and in a number of cases the bill includes positive measures aimed at protecting and promoting human rights.

Gavin Jennings, MLC
Minister for Environment and Climate Change
Minister for Innovation

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In Victoria we have a diverse population, living in a wide range of settings across the state.

Around 6000 Victorians call supported residential services home. These services provide a combination of accommodation and assistance with daily living to people with a mix of needs, including some older Victorians and people with disabilities.

Unlike most other supported accommodation options, the SRS sector is very diverse. SRS range in size, location, resident profile, fees charged and the range and focus of services they provide.

Feedback received by the government indicates that some people choose to live in SRS in preference to other

accommodation options, and are happy with their choice. It is considered important that Victorians continue to have this supported accommodation option, particularly those Victorians on low incomes.

As many SRS residents are vulnerable, and rely on SRS proprietors to provide them with both accommodation and support, it is important that their safety and wellbeing is protected. These are private services, which have been subject to regulation by the Victorian government for over 30 years to ensure these residents are appropriately protected.

The current regulatory scheme is set out in the Health Services Act 1988 and supporting regulations, and sets minimum requirements that all SRS must meet. Over time, however, there have been significant changes in this sector, and the mix of people residing in SRS has also changed.

In 2008 a review of the regulatory scheme commenced to identify where changes might be necessary, given the evolving nature of this sector.

Five main principles guided this review process and the development of proposed reforms:

1. Effectiveness — the regulatory scheme should protect the safety and wellbeing of residents, ensure minimum standards and create certainty for all involved, whilst not unnecessarily restricting innovation or responsiveness to individual situations.
2. Fairness — the regulatory scheme should maintain a balance between protecting the interests of residents and imposing obligations on people responsible for the provision of services to those residents.
3. Accessibility — the regulatory scheme and associated documentation and decision-making processes should be open, clear and understandable to all involved.
4. Flexibility — the regulatory scheme should be able to accommodate emerging issues and sector trends in a timely manner.
5. Efficiency — the resources expended and the costs imposed by the scheme should be justified in terms of the benefits to the Victorian community.

The purpose of SRS regulation is to protect the wellbeing of SRS residents, and thus consultation has been a critical element of the review process.

Extensive consultation with residents and their families, proprietors, and a wide range of other stakeholders commenced in 2008 with the release of a discussion paper. A total of 78 written submissions were received through this review, with over 300 attendees participating in consultation forums, meetings and focus groups across the state. These consultations, along with other research and analysis conducted by my department, have identified a range of areas where change is necessary.

The Victorian government is also committed to identifying areas where the costs of regulation can be reduced for Victorian businesses. Extensive work was undertaken to identify areas where the regulation of SRS can be streamlined

to reduce unnecessary burden on SRS proprietors without compromising resident safety.

A wide range of changes are thus being proposed to both the form and the content of legislation governing SRS.

For a start, it is proposed that the legislative provisions governing these supported residential services be contained in a stand-alone bill. Feedback from consultations indicated that stakeholders find the current legislative scheme within the Health Services Act difficult to use and confusing, particularly given SRS provide accommodation and support rather than hospital-like services. Establishing a stand-alone act for SRS will help achieve a more accessible, easy-to-use legislative scheme that is tailored to the specific needs of this unique industry.

The bill also reformulates the scope of the supported residential services legislation by clarifying that those facilities providing accommodation and support which are covered by other legislative regimes or funding and service agreements with government or public bodies are not supported residential services and thus not included within the scope of the bill.

While changes to the legislation are proposed, it is important to emphasise that its purpose remains to protect the safety and wellbeing of residents of supported residential services. It does this by establishing requirements for supported residential services to be registered, and setting minimum requirements that proprietors must meet in providing accommodation and support to residents.

To this end, a range of significant reforms to enhance protections for residents while reducing unnecessary administration for proprietors are contained in this bill. In summary these reforms include:

- strengthening occupancy rights;
- strengthening financial protections;
- building staff capability;
- introducing new enforcement mechanisms;
- strengthening reporting of serious incidents;
- introducing outcome-based standards;
- streamlining administration processes.

Strengthening occupancy rights

Key reforms will provide residents with greater certainty about the security of their accommodation, greater protection of their money and new appeal rights. The bill establishes new, statutory protection of resident occupancy rights by specifying statutory notice periods for a range of circumstances and establishing a formal right of review of such decisions by the Victorian Civil and Administrative Tribunal (VCAT).

The amount of notice to leave a proprietor must give a resident will depend on the individual circumstances. It will range from immediate notice to vacate (where there are serious risks to other residents), through to 60 days notice (when the supported residential service needs to be vacated for building works).

In considering appropriate periods of notice that proprietors must give residents, careful consideration has been given to balancing the right of an individual resident to secure accommodation, the rights of other residents to a safe and home-like environment and privacy, and proprietors' obligations to find residents more appropriate accommodation if their needs can no longer be met in that supported residential service.

At the same time, there will also be statutory requirements regarding the notice to leave a resident must give, which will be a minimum of 2 days and a maximum of 28 days.

For many residents, supported residential services are their long-term home. These reforms will provide them with greater certainty that they will not be unfairly evicted.

Strengthening financial protections

Increased protections for residents' money will ensure it is safe and secure. The bill establishes statutory limits on the amounts that can be charged for security deposits, fees paid in advance, and reservation and set-up fees, and sets requirements for the repayment of these amounts. Furthermore, deposits and some other fees will have to be placed in a trust account.

These changes will help residents understand what money can be paid on entry to a supported residential service, and how their money is protected. Residents will now also have the right to go to VCAT if there are disputes about these payments.

Building staff capability

Throughout the review process, the importance of appropriate staffing was identified as a key area of interest. The bill establishes requirements for:

- mandatory police checks to be undertaken for all new supported residential services staff;
- new day-to-day managers, who are not the proprietor, to be assessed as part of the registration process or on appointment.

The bill also establishes the power to set a range of additional supported residential services staffing requirements in the regulations. These will be the subject of a subsequent regulatory impact assessment process, but it is proposed that these include:

- a requirement for supported residential services to employ staff with first aid training;
- a staff member with a minimum qualification of certificate III in a recognised area to be employed for a minimum of 7.5 hours on each day of the weekend;
- all personal care coordinators to complete approved training in specified areas every three years.

These reforms will improve residents' ongoing access to staff with up-to-date knowledge and skills and a safer living environment.

Introducing new enforcement mechanisms

Additional enforcement options designed to achieve better compliance are also contained in this bill, including:

powers for proprietors and the Department of Health to enter undertakings where less serious areas of non-compliance are identified. Undertakings must be agreed between the proprietor and the department. They might, for example, include agreement to arrange additional staff training, update documentation and policies, and/or to obtain additional expert advice in relation to identified problem areas.

powers for compliance notices to be issued where there are more serious breaches of the law. A failure to comply with the terms of notice is an offence under the bill, for which a significant penalty can be imposed.

In addition, amendments are proposed that will enable a pattern of poor regulatory compliance to form grounds for an administrator to be appointed, if such an action is considered necessary to protect the interests of residents. Similar considerations can also be taken into account in considering whether to censure a non-compliant proprietor or suspend admissions.

These and other associated reforms will provide a greater range of options to encourage compliance and impose timely sanctions where necessary.

Strengthening reporting of serious incidents

The bill establishes new obligations on supported residential services proprietors to report serious incidents to my department and to keep records of all incidents in a central location. These changes will ensure the Department of Health can respond quickly to protect residents when serious matters (such as allegations of sexual assault) arise. It will also allow for statewide improvements to be made where issues are identified, benefiting all residents and proprietors.

In addition, the bill offers extra protection for residents by amending the Crimes Act 1958 to make it an offence for people working at supported residential services to engage in sexual activities with residents who have cognitive impairments, unless the resident is the worker's spouse or domestic partner.

Introducing outcome-based standards

Consultations identified that many residents were not sure about the nature of services they should expect to receive from supported residential services proprietors, and proprietors felt the current requirements were extremely complex and difficult to navigate. The review also found that the current focus on highly detailed, prescriptive standards for accommodation and care tended to limit flexibility and innovation, and did not provide any incentive for proprietors to tailor services to individual resident needs.

In light of this, the bill creates the framework for a consolidated set of resident-focused outcome-based standards that will make it easier for residents to understand what they should expect from these services. These standards will be set out in the regulations and focus on four principal areas: resident lifestyle, food and nutrition, personal and health care, and the physical environment. The move to outcome-based standards will help ensure residents receive services provided in accordance with their own, individual care needs.

Streamlining administration processes

The Victorian government is committed to removing unnecessary regulatory red tape. To this end the bill includes a range of reforms to simplify and streamline registration processes where this can be done without compromising resident safeguards. These include removal of the requirements to periodically renew registration and pay an annual fee, as well as removal of part of the approval-in-principle process. It is estimated that these will result in significant cost savings for proprietors.

This bill also continues the role of community visitors in visiting these services, with minor amendments made to clarify their function and powers.

Regulation of the sector is one of the critical ways the Victorian government protects the safety and wellbeing of vulnerable people in SRS across our state. Whilst the Victorian government does not fund the operational activities of SRS it has made a significant investment to improve the viability of eligible services and the quality of life of over 1900 residents living in them.

Since its introduction in 2007, the Supporting Accommodation for Vulnerable Victorians Initiative (SAVVI) has contributed to improvements in the safety and amenity of premises, additional staff hours and an expanded range of activities for residents. Other work has focused on improving residents' access to the health and support services they may require. As the bill recognises, residents of supported residential services have the same rights and responsibilities as other members of the community. SAVVI has helped both keep some SRS open (thereby providing people with more choice in accommodation) and increased the capacity of residents to access services and activities within their communities.

It is clear that supported residential services provide an important part of the broader system of supported accommodation options available to Victorians who are either unable to live independently or choose not to do so.

They are these peoples' homes and, like everyone else in the Victorian community, residents living in supported residential services have the right to be safe and to exercise their independence as far as possible.

The reforms outlined in this bill will help achieve this, by establishing an up-to-date legislative scheme. They are an essential part of this government's commitment to supporting supported residential services residents and protecting the vulnerable populations within our community.

I commend the bill to the house.

Debate adjourned for Mr D. DAVIS (Southern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Thursday, 1 July.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL*Introduction and first reading*

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

Statement of compatibility

For Hon. J. M. MADDEN (Minister for Planning), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

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

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

1. Overview of the bill

The bill is part of a package of legislation to implement the government's reform of the industry structures for gaming machines, wagering and betting and keno that will operate in Victoria after 2012. Under the new licensing arrangements:

- (i) holders of a venue operator's licence will bid directly for 10-year gaming machine entitlements which will authorise venues to possess and operate gaming machines;
- (ii) a new monitoring licence for the monitoring of gaming machines will be issued for the period of 15 years;
- (iii) keno will be offered as a single 10-year licence; and
- (iv) a single stand-alone 12-year licence will be offered for wagering.

Legislation relating to these new regulatory structures is already in place. The bill further implements the regulatory arrangements that will apply post 2012 to gambling licences and to associates by amending the Gambling Regulation Act 2003 and the Gambling Regulation Further Amendment Act 2009. The bill also amends the Casino Control Act 1991 in relation to disciplinary action against casino operators for offences involving minors.

2. Human rights issues

The bill has been assessed against the charter. Insofar as the bill has consequences for natural persons, I make the following observations:

Privacy — clauses 49, 50, 51, 53, 54 and 58

Section 13(a) of the charter protects a person’s right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The secrecy of personal information (including fingerprints, images, palm prints and other information about a person’s identity and personal relations) lies at the heart of the privacy right because of its direct relevance to the choices or circumstances of an individual’s personal life over which he or she is responsible and autonomous.

(i) Personal information

The bill provides for the scrutiny or disclosure of personal information in a range of circumstances:

Clauses 49, 50, 51, 53 and 54 of the bill make provision for the disclosure of personal information in relation to investigations by the Victorian Commission for Gambling Regulation (the commission) about the suitability of individuals to participate in, or be associated with, the gaming industry. Photographs, fingerprints and palm prints of interested persons that are obtained by the commission under sections 10.4.3, 10.4.7C, 10.4.7K, 10.4.7R or 10.4.7ZA of the Gambling Regulation Act 2003 and other information concerning an application that the Chief Commissioner of Police considers he or she needs to inquire into and report on the application must be referred to the Chief Commissioner of Police where:

- (i) the commission undertakes an investigation about the suitability of a person to be concerned in or associated with the management or operation of activities regulated by the act (clause 49);
- (ii) the secretary has requested the investigation in relation to registrations of interest and applications for the wagering and betting licence and keno licence (clause 50); or
- (iii) the minister has referred to the commission an application to transfer a relevant licence or requested the commission to report on the issue of a temporary licence (clause 51); or
- (iv) the secretary has requested the commission to carry out an investigation or inquiry into the suitability of persons to be invited or to apply for monitoring licences (clause 53); or
- (v) the secretary has requested the commission to carry out an investigation or inquiry that the commission considers necessary to enable the secretary to report to the minister on an application for the monitoring licence or to enable the minister to properly consider such application (clause 54).

Clause 58 inserts part 4A of chapter 10 into the Gambling Regulation Act 2003 and provides for the monitoring and regulation of associates of gambling industry participants, including the disclosure of personal information about associates or proposed associates to the commission:

- (i) Section 10.4A.1 of the Gambling Regulation Act 2003 identifies suitability criteria against which the

commission will assess whether a person is suitable to be an associate of the gambling industry.

- (ii) Such information will be scrutinised by the commission in determining whether to approve the person as an associate under section 10.4A.7 of the Gambling Regulation Act 2003 and may be the subject of an investigation or inquiry by the commission (division 6 of part 4A).
- (iii) Section 10.4A.12 provides that the commission can require disclosure of photographs, fingerprints and palm prints by a person who is an associate of a gambling industry participant, a person likely to become an associate of the gambling industry participant, or a person the commission suspects of being an associate and refer such information to the Chief Commissioner of Police.
- (iv) Section 10.4A.13 provides that for the purpose of any investigation or inquiry concerning associates or persons likely to become associates, the commission may require a gambling industry participant or a person who in the opinion of the commission is an associate of the participant, to disclose relevant information, records and documents. The broad range of information may include personal information about persons associated with a gambling industry participant.
- (v) The commission may require the participant, a nominee or associate to notify it of any change in circumstance specified by the commission, including information affecting the suitability of a person to participate in the industry (section 10.4A.4).

Insofar as these provisions require disclosure of personal information of persons with a business interest or other relationship with a gambling industry participant, there is no arbitrary interference with the right to privacy. The personal information that may be disclosed is restricted to information about natural persons seeking to benefit from the gambling industry through his or her association with a relevant industry participant. I note that the integrity of the regulatory structures governing gambling licensing depend on the honesty and integrity of participants in it. Further, persons seeking to participate in the management or operation of activities regulated by the gaming legislation voluntarily bring themselves within the regulatory structures that govern access to the gaming industry.

Insofar as these provisions facilitate scrutiny of personal information of family members of a gambling industry participant, the bill targets the risk that a gambling industry participant may be vulnerable to the influence of relatives, particularly where a close relative is not of good repute (having regard to character, honesty and integrity). The disclosure provisions offer an additional safeguard to ensure that the industry standards of honesty and integrity are maintained. Further, a ‘relative’ is narrowly defined to include only the immediate familial circle of a gambling industry participant. In these circumstances, any interference with the privacy and family life of a gambling industry participant and relevant family members is not an arbitrary interference with the rights protected by section 13 of the charter.

In conclusion, I consider that the narrow reach of the disclosure provisions to business associates and immediate relatives of gambling industry participants is compatible with the right to privacy.

(ii) *Interference with livelihood*

As noted above and in relation to the right to associate, the bill restricts the ability of certain persons from entering the gambling industry as business associates of a gambling industry participant on the basis of personal and financial suitability.

The equivalent right (to private life) under article 8(1) of the European Convention on Human Rights (ECHR) has been held to comprise, to a certain degree, the right to establish and develop relationships with other people. For that reason, broad measures banning individuals from employment have been found to limit this right where they affect an individual's ability to develop relationships with the outside world to a very significant degree and create serious difficulties for them as regards the possibility to earn their living (e.g., *Sidabras and Dziautas v. Lithuania* (Application nos. 55480/00 and 59330/00)).

In my opinion, it is unnecessary in this context to decide whether the privacy right in the charter is of similar reach. That is because I have concluded that the measures in the bill are not comparable to the more far-reaching restrictions that have been found to engage article 8(1) of the ECHR. The restriction is limited to participation in the gambling industry as an executive officer, through financial interest or by holding any relevant power to control or direct the affairs of the relevant business. Further, the exclusion from participation is not of the kind that will give rise to social stigmatisation of the sort comparable to that arising in many of the European cases.

Right to associate — clause 58

Section 16(2) of the charter relevantly provides that every person has the right to freedom of association. The reach of section 16 of the charter is wide and includes the right to voluntarily form and participate in any kind of organisation, provided that the body can be identified by the common purpose of its membership and its organisational stability. On a broad reading of the right, it is arguable that the freedom includes commercial relationships set up primarily for economic gain. The argument supporting this approach is particularly strong where the association is formalised in some manner, such as by financial contribution, where both entities pursue a common objective within a regulatory scheme, or where the association has some public purpose or service function.

As noted above, clause 58 of the bill provides for the commission to regulate the relationships between gambling industry participants and associates by inserting part 4A of chapter 10 into the Gambling Regulation Act 2003. The new part redrafts and consolidates existing provisions relating to the monitoring and regulation of associates of gambling industry participants, other than those provisions governing community and charitable gaming permits. Section 1.4 of the Gambling Regulation Act 2003 identifies an associate of a gambling industry participant as a person holding a relevant financial interest or power in the gambling industry participant, or a person who is an executive officer of the gambling business of a participant, or a relative of a

participant where the participant is a natural person. Under the new part:

gambling industry participants and associates must notify the commission of various matters relating to a person becoming or likely to become an associate and other matters relating to a person's suitability to be an associate (sections 10.4A.4, 10.4A.5 and 10.4A.6);

the commission may approve or refuse to approve a person to become an associate of a gambling industry participant (section 10.4A.7);

gambling industry participants must ensure that persons do not become associates without the commission's approval (section 10.4A.7);

the commission may direct that an associate terminate the association with the gambling industry participant where the commission determines that the person is unsuitable to be an associate of the participant (section 10.4A.8);

the commission may direct that a gambling industry participant take all reasonable steps to terminate an association on the basis of unacceptable conduct by the associate or unsuitability of an associate (sections 10.4A.8 and 10.4A.9); and

the commission may declare that a person who is unsuitable to be an associate of a gambling industry participant, or any person who holds voting shares in the participant in which the unsuitable associate has a relevant interest, must dispose of shares in the participant held by that person (where the participant is a listed corporation). Failure to dispose of shares may result in their forfeiture to, and sale by, the state (sections 10.4A.10 and 10.4A.11).

Insofar as the bill applies to natural persons, clause 58 of the bill may limit the freedom of association of a gambling industry participant or associate to join with others in the conduct of the business affairs of the participant. It does not, however, go further and restrict the personal relations between a gambling industry participant and other persons or relatives, such as a spouse, parent, son, daughter, brother or sister. Further, the disposal of shares in a gambling industry participant is restricted to the extent that such shareholding disqualifies an unsuitable person to be an associate of the participant. To the extent that the provisions regulate a gambling industry participant's freedom to choose their business associates, any limitation on the freedom to associate is reasonable for the following reasons:

(a) *The nature of the right being limited*

It is clear from the international and comparative case law that the right to associate is not absolute and is susceptible to reasonable and proportionate limitations.

(b) *The importance of the purpose of the limitation*

The purpose of the limitation is to safeguard the integrity of the gambling industry by regulating and/or preventing individuals who are considered unsuitable to participate in the industry from doing so by exercising influence over a gambling industry participant or with respect to their management or financial interests.

(c) The nature and extent of the limitation

As noted above, the scope of the limitation is confined to the regulation or restriction of persons with an existing or proposed business association with a gambling industry participant.

(d) The relationship between the limitation and its purpose

The amendments are clearly rationally connected to their purpose and seek to regulate the freedom to associate only where an associate or proposed associate is likely, through his or her influence, to put the stability and integrity of the gambling industry at risk.

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

There are no less restrictive means available.

Property — clause 58

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

Clause 58 of the bill entitles the minister to make a declaration about the shareholding in a listed gambling industry participant where an associate is found to be an unsuitable associate based on the associate eligibility criteria (section 10.4A.10). In these circumstances, the minister may make a declaration requiring a person to dispose of a specified number of shares in the relevant gambling industry participant (section 10.4A.10). Where a person fails to comply with the minister's direction to dispose of shares, the relevant shares are forfeited to the state and may be sold by the state (sections 10.4A.10 and 10.4A.11).

The proposed scheme enables the minister to maintain the integrity of the gambling industry by ensuring all associates of a gambling industry participant satisfy the associate suitability criteria. The criteria (clause 58, section 10.4A.1) focus upon a person's good repute having regard to character, honesty and integrity; his or her financial stability and the integrity of his or her business associates. It is in the interests of gambling industry consumers and the community, that persons with shareholding interests in participants be held to account in this way. The deprivation of shareholding interests in a participant in these circumstances does not, however, limit the right to property because the bill authorises the minister to make the relevant direction. In any event, the deprivation of property is restricted to the extent that such shareholding qualifies an unsuitable person to be an associate of the participant. Further, the rights of shareholders are protected by the rights of gambling industry participants and associates to appeal a declaration by the minister relating to the disposal or forfeiture of shares before the Supreme Court.

Fair hearing — clauses 64 and 68

Section 24(1) of the charter relevantly provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to fair hearing applies to proceedings that are determinative of private rights and interests in a broad sense and includes the right of a person to present his or her case to a court or tribunal under conditions that do not place him or her at a substantial disadvantage. Following the decision in *Kracke v.*

Mental Health Board & Ors [2009] VCAT 646 the right protects the integrity of administrative processes before statutory bodies, such as the commission.

Clause 64 (section 3.3.8) of the bill provides that where the commission fails to determine an application for the approval of premises as suitable for gaming within the required period, approval is deemed to have been refused. Clause 68 (section 3.4.20) makes similar provision in respect of determination of applications by a venue operator for amendments to licence conditions. The required period is 60 days after notification from a responsible authority under the Planning and Environment Act 1987 or by the municipal council that it does not intend to make a submission about the impact of the proposal for approval or from the date of any such submission. Following a 'deemed refusal', the applicant may apply for review of that determination by Victorian Civil and Administrative Tribunal (the tribunal) (section 3.3.14 and 3.4.21 of the Gambling Regulation Act 2003). The tribunal reviews decisions on the merits, having regard to the material before it, and without any view on the correctness of the refusal. Pursuant to section 148 of the Victorian Civil and Administrative Tribunal Act 1998, an appeal on a question of law may then be made to the Supreme Court or Court of Appeal.

The general rule is that there will be sufficient access to the court for the purposes of section 24(1) of the charter where a decision-making body does not comply with the requirements of a fair hearing provided that its determination is subject to review or appeal by a body which has 'full jurisdiction' and provides a fair hearing. The requirement of 'full jurisdiction' varies depending on the extent of the denial of a fair hearing at first instance. The decision in *Kracke* follows English authority in concluding that there may be some situations where full merits review will not cure a breach of the fair hearing right by the original decision-maker. This is likely to be the case where the decision-maker has made a fundamental and not technical or formal breach, such as by refusing the right to make representations, and where the detrimental effect of the breach is irreversible and incurable, such as temporary suspension of employment and stigmatisation that may accompany that suspension.

In my view, the same logic does not apply to clauses 64 and 68 of the bill. The deemed refusal of an application under those clauses does not interfere with the opportunity of an applicant's current business activities, but delays the possibility that different opportunities may be pursued. The deemed refusal does not, on any assessment, stigmatise the applicant by suggesting that he or she is an inappropriate applicant for the requested approval. Rather, the provisions provide an administrative check on delays in the decision-making process and trigger the opportunity for the applicant to expedite the determination process and seek full merits review before the tribunal. For these reasons, my view is that clauses 64 and 68 of the bill are compatible with the right protected by section 24(1) of the charter.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Justin Madden, MLC
Minister for Planning

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).**

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This government has undertaken a comprehensive review of Victoria's gambling industry to deliver the best outcomes for future generations of Victorians, through the gambling licensing arrangements that will apply beyond 2012. The government concluded the lotteries licensing phase of the gambling licences review in 2007, with the granting of two separate lotteries licences, ending the previous 54-year monopoly.

In April 2008, the government announced the outcome of the second stage of the review, including introducing competition for the first time for the single keno and wagering and betting licences. The reforms also include the landmark decision that Victoria's gaming industry would transition to a venue operator structure in 2012. The new proposed gaming machine arrangements will give venues direct control of their gaming operations and greater accountability to their communities. The government has also decided that a single independent monitor will oversee the integrity of gaming machine transactions in gaming venues from 2012.

The competitive licence-awarding processes for the new 15-year monitoring licence, the keno licence and the wagering and betting licence are currently under way. The government has also recently announced that the online auction, where registered hotels and clubs will bid for the remaining 10-year gaming machine entitlements, will start on 20 April 2010.

As part of the overhaul of the gambling industry, the government is committed to improving the way gambling is regulated in Victoria and ensuring that measures are in place to tackle problem gambling. To align with the post-2012 gaming industry structure, the government will implement innovative and world-leading measures to reduce problem gambling, including banning ATMs from gaming venues and mandating that gaming machines contain new precommitment mechanisms.

As honourable members will be aware, throughout the course of 2008 and 2009 this Parliament has considered and passed a number of bills that implement the outcomes of the government's announcement for the post-2012 gambling industry. The bill before the house will further enhance and strengthen the legislative framework needed to support the transition of the Victorian gaming industry to a venue operator structure as well as making a number of amendments to improve the operation of the post-2012 wagering and betting and keno licensing schemes.

In Victoria, linked jackpots on gaming machines are currently operated and it is expected that these jackpots will continue to be offered under the new venue operator structure. Linked jackpots involve the linking of various numbers of gaming machines, either within a single venue or across multiple

venues, which collectively pool money that accumulates to create a jackpot prize held in a central account. As these jackpot funds are player funds, it is important that the handling of jackpot funds is closely regulated. Whilst venues will be responsible for the management of jackpot funds for linked jackpots that operate solely within their venue, multiple venue-linked jackpots require a different model to ensure that funds are handled appropriately. The bill therefore provides that the monitoring licensee will manage these linked jackpot funds on behalf of the participating venues. In providing this service, the bill requires the monitor to establish and maintain a trust account for the jackpot prize pool with the moneys held on trust for the venues. The venues will continue to be responsible to pay out winning jackpots to players.

Under the venue operator model there will be two types of gaming machine entitlements — hotel gaming machine entitlements and club gaming machine entitlements. This government introduced amendments last year to ensure that club gaming machine entitlements can only be allocated to club venues. The bill builds upon this by including an ongoing requirement that club gaming machine entitlements can only be operated in a club by a venue that holds a club venue operator's licence. Whilst this requirement would not prevent a hotel venue operator from acquiring club gaming machine entitlements through the transfer scheme, the hotel could not operate those entitlements in a club venue. The hotel would have to apply to the Victorian Commission for Gambling Regulation under the act to change the venue condition on the entitlement to allow it to operate the entitlements in a hotel. However, this application would always be subject to the overarching requirement that the change must fit within the 50-50 distribution of entitlements between clubs and hotels.

The Gambling Regulation Act currently contains a range of provisions enabling the commission to conduct investigations into the associates of gambling licence-holders to ensure that the industry is free from criminal influence. These provisions are currently set out in various chapters of the act. The bill consolidates these provisions so that the regulation, and ongoing monitoring, of associates of gambling licensees is consistent across all gambling licences and is able to be conducted efficiently. These provisions will give the commission the necessary powers to enable it to investigate and assess the suitability of persons associated with gambling businesses.

In addition to the changes to the regulation and monitoring of associates, the bill removes the 10 per cent shareholder restrictions that are in place for the current gaming operators. These restrictions were originally put in place at the time of the public float of the TAB and again when Tattersall's was listed as a public company. The original reason for the imposition of the shareholding restrictions was to allow small investors to own part of the company. Given the passage of time since the public float, the shareholding restrictions appear to have served their purpose.

One of the other reasons for the imposition of shareholding restrictions was for probity reasons to ensure that unsuitable persons could not hold more than 10 per cent of a licensee's shares. In order to ensure the ongoing suitability of shareholders the consolidated provisions for the investigation and regulation of associates will apply to the shareholders of these licensees.

The bill also makes a number of technical changes to the disciplinary action provisions in the act to ensure consistency across all gambling licences. The changes will also provide that disciplinary action can be taken against the post-2012 licensees during the period in which they are authorised to undertake preparatory action before the commencement of the term of their licence.

The bill includes measures to further streamline the process for applications for premises approvals. These reforms are designed to put clear and reasonable time frames in place to ensure that both the relevant local council and the commission have sufficient notice of applications and to enable the commission to make timely decisions on applications.

Further, the bill provides a protection for the Victorian racing industry by including Trade Practices Act and Competition Code authorisations in relation to the development of the joint venture arrangements to be entered into with the new wagering and betting licensee for the funding of the racing industry after 2012.

Finally, the bill makes a range of technical amendments to the provisions for the post-2012 licences to clarify the operation of those provisions and provide greater certainty to the industry. The bill also amends the Casino Control Act 1991 to ensure that disciplinary action against the casino operator can be taken for offences that are set out in the Gambling Regulation Act relating to gambling by minors.

I commend the bill to the house.

Debate adjourned for Mr GUY (Northern Metropolitan) on motion of Ms Lovell.

Debate adjourned until Thursday, 1 July.

ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Treasurer).

Statement of compatibility

Mr LENDERS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

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

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

Overview of bill

The objectives of the bill are to make amendments to the Electoral Act 2002 (the act) to increase electoral participation and to improve the operation of the act.

In summary, the bill will implement a range of electoral reforms, including:

enrolment procedures on election day for those electors not on the electoral roll;

streamlined enrolment procedures whereby the Victorian Electoral Commission (VEC) will have the power to enrol people on its own initiative based on information obtained from sources under section 26(4) of the act;

expanding the availability of electronic voting to a wider group of electors;

abolition of the 'three-month rule', which uses the elector's principal place of residence, three months prior to election day, as a measure of the elector's entitlement to vote; and

requiring the VEC to publish how-to-vote cards on its website.

Human rights issues

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

Section 18: taking part in public life

Section 18 establishes a right for an individual to, without discrimination, participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office.

The right to participate in public affairs is a broad concept, which embraces the exercise of governmental power by all arms of government at all levels. The right to be elected ensures that eligible voters have a free choice of candidates in an election, and as with the right to vote, the right to occupy public office is not conferred on all Victorians; it is limited to eligible persons where the criteria and processes for appointment, promotion, suspension and dismissal are objective, reasonable and non-discriminatory.

A key objective of the bill is to increase electoral participation. The purpose of the new streamlined enrolment procedures in clause 3 of the bill is to assist eligible individuals to meet their obligation to enrol and vote under the act. Under the act, the age requirement for voting is 18 years of age with an entitlement to provisional registration at 17 years of age. Currently, in order to enrol to vote for Victorian state elections an individual must complete the necessary enrolment form and forward it to the VEC. Under the new procedures in clause 3, the VEC may on its own initiative enrol a person who would be entitled to enrol on the register of electors under section 22(5) of the act who has attained 18 years of age but has not made a claim for provisional enrolment under section 23(2) of the act, based on information the VEC already obtains from sources under section 26(4) of the act. The measures contained in clause 3 promote the right to participate in public affairs and the right to vote under section 18 of the charter by assisting individuals

to participate in the electoral system through the alternative mechanism of enrolment and securing the right to vote for all eligible Victorians.

Clause 8 requires the VEC to publish a copy of a registered how-to-vote card on the VEC website, which will allow how-to-vote cards to be more widely accessible so that the right to participate in public affairs and engage in public debate is afforded to all people in Victoria.

Clause 11 abolishes the 'three-month rule' as provided for in the act, which uses the elector's principal residence, three months prior to the election day, as a measure of the elector's entitlement to vote. It is based on the principle that only people who live within an electorate should be able to vote for candidates in that electorate. The modernised practices and programs of the VEC in relation to the maintenance of the electoral roll since the three-month rule was introduced have improved the accuracy and integrity of the roll and mitigated the need for the rule. Further, clause 14 enables a person who is not on the roll on election day to enrol and cast a vote in their electoral district. Therefore, clauses 11 and 14 facilitate electoral participation and enhance the right to participate in public affairs and the right to vote in section 18 of the charter.

Clause 16 of the bill concerns the eligibility to access electronic voting. Section 110D of the act currently restricts access to electronic voting to those electors who otherwise cannot vote without assistance because of a visual impairment. Clause 16 expands the availability of electronic voting to include those who cannot vote without assistance because of a motor impairment, or insufficient literacy skills (whether in the English language or in their primary spoken language). Clause 16 aims to remove a potential impediment to the effective exercise of the right to vote by widening the accessibility of electronic voting to include those electors with a motor impairment or literacy barriers.

These measures are important enhancements to the electoral system and enrolment processes to ensure that all in the community can participate in public affairs and that all eligible Victorians can effectively exercise their right to vote. Therefore, the amendments to the act in clauses 3, 8, 11, 14 and 16 of the bill give greater effect to section 18 of the charter.

Section 8: recognition and equality before the law

Section 8 of the charter establishes a series of equality rights. The right to recognition as a person before the law means that the law must recognise that all people have legal rights. The right of every person to equality before the law and to the equal protection of the law without discrimination means that the government ought not to discriminate against any person, and the content of all legislation ought not be discriminatory. Discrimination means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

Clause 16 widens the availability of electronic voting to include those electors who otherwise cannot vote without assistance because of a visual impairment, a motor impairment, or insufficient literacy skills. The clause does not constitute discrimination because it assists disadvantaged electors to cast a ballot when it may not otherwise be possible due to certain barriers. Under section 8(4) of the charter, measures taken for the purpose of assisting or advancing persons or groups of persons who are disadvantaged because

of prior discrimination do not themselves constitute discrimination.

Age limitation

The bill gives effect to the eligibility requirements for a person to enrol as an elector under section 22 of the act. Section 22 directs attention to section 48 of the Constitution Act 1975 (Vic) which provides, amongst other matters, that qualification of an elector is dependent on a person attaining 18 years of age. This restriction limits the right to equality on the ground of age. Although the bill itself does not regulate matters relating to the eligibility of electors to enrol under the act, for the sake of completeness, I note that the limitation is reasonable, pursuant to section 7(2) of the charter, on the basis of the following analysis.

(a) The nature of the right being limited

The prohibition on discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, as with all rights protected by the charter, the section 8 right to equality before the law, may be subject to reasonable limitation, pursuant to section 7 of the charter.

(b) The importance of the purpose of the limitation

The purpose of the differential treatment of those under 18 years of age, reflected in the bill, is to ensure the integrity of the electoral system and prevent the positive obligation under the act to enrol and vote from being imposed on minors. The limitation is important to ensure the maturity of those participating in the electoral process. Internationally, there is general acceptance of the reasonableness of restrictions on voting based upon age.

(c) The nature and extent of the limitation

The right is limited to the extent that persons under 18 years of age are prevented, in keeping with the existing eligibility requirements under the act, from being placed on the electoral roll and provided the right to vote.

(d) The relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of exempting persons under 18 years of age from the obligation to enrol and vote, who because of their age, are less likely to have the capacity to fully participate in the electoral system.

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

There are no practicable less restrictive means available to achieve the desired purpose.

For these reasons I consider the limitation on section 8 of the charter to be 'reasonable' in this circumstance.

Section 13: right to privacy

Section 13(a) of the charter recognises a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Privacy encompasses concepts of personal autonomy and human dignity. It encapsulates the notion that individuals should have an area of autonomous development, interaction and liberty — a

'private sphere' free from government intervention and from excessive unsolicited intervention by other individuals. Privacy comprises bodily, territorial, communications and information privacy.

An interference with privacy will not limit the right if the interference is neither arbitrary nor unlawful. The interference will not be arbitrary if the restriction on privacy accords with the objectives of the charter and is reasonable in the circumstances. The interference will not be unlawful if the law authorising it is circumscribed, precise, and determined on a case-by-case basis.

The information-sharing provisions in clause 3 of the bill may engage the right to privacy. Clause 3 permits the VEC to enrol eligible electors on its own initiative based on information it receives from various sources. The information would include name, address and age data, which constitutes personal information. However, clause 3 concerns the use of personal information rather than its collection and disclosure to the VEC, which is already provided for under section 26(4) of the act. Agencies collecting the information will consider any necessary changes to their processes for collecting and sharing data. Importantly, clause 3 provides that the VEC must advise a person in writing that the VEC proposes to enrol them under the new streamlined enrolment procedures. The person has at least 14 days after the date of the notice to correct any details in the notice or to object to the proposed enrolment in accordance with the objection procedures in the act. Once the period lapses and if the VEC decides to register the person on the register of electors, the VEC must notify the person in writing that the person has been registered as such. The additional use of personal information by the VEC engages the right to privacy. However, any such use is specifically authorised by the bill and is for the important public purpose of facilitating the right to participate in public affairs and the right to vote contained in section 18 of the charter. The measure will assist eligible Victorians to fulfil their obligation under the act to enrol to vote.

Clause 14 provides that for the purposes of enrolment on election day an elector must complete the prescribed enrolment and declaration form and provide a form of prescribed identification or the name of a prescribed service provider to enable identification of the person. The collection of the enrolment information under clause 14 is necessary for the efficient administration of the electoral roll. The additional information regarding proof of identity in relation to enrolments on election day is required to safeguard the integrity of the electoral system and to guard against possible fraud. Currently under the act, those electors who are not on the electoral roll on election day but who present at a voting centre are denied a vote. Therefore, clause 14 will also promote the right to participate in public affairs and the right to vote under section 18 of the charter, to enable those who are not on the roll on election day to enrol and cast a declaration vote.

Further, the VEC is a public authority for the purposes of the charter. The VEC is required to act in a way that is compatible with a human right and, in making a decision, must not fail to give proper consideration to a relevant human right.

Clauses 3 and 14 of the bill therefore do not amount to an unlawful or arbitrary interference with the right to privacy.

Section 15: freedom of expression

Section 15 establishes a number of rights relating to freedom of expression. It protects the right to hold an opinion without interference and the right to seek, receive and impart both information and 'ideas of all kinds' anywhere and in any form. The general right is limited by section 15(3) which contains a specific limitation on the right to freedom of expression. This invites consideration of particular matters that are identified as ones which, when satisfied, specifically justify a restriction on the right.

The application of section 15(3) involves satisfying a number of conditions. First, the relevant restriction proposed on the right to freedom of expression must be lawful. Second, the relevant restriction must be imposed for a particular purpose, either to respect the rights and reputation of other persons, or in order to protect national security, public order, public health, or public morality. Third, the relevant restriction must be 'reasonably necessary' for one of these purposes.

Since 1992, the High Court has recognised a freedom of communication on political matters, implied from the system of responsible and representative government established by the Australian Constitution (see *Nationwide News Pty Ltd v. Wills* [1992] 177 CLR 1; *Australian Capital Television v. The Commonwealth* [1992] 177 CLR 106). Political communication includes non-verbal means of expression and is understood to mean discussion relating to matters relevant to voting choices. The High Court has also held that it is not an absolute freedom. Even where a communication can be considered political, its restriction is still permissible if the law which does so is 'reasonably appropriate and adapted to serve a legitimate end in a manner which is compatible with the maintenance of the constitutionally prescribed system of responsible government' (*Coleman v. Power* [2004] 220 CLR 1 at 66). Therefore, the constitutional guarantee of freedom of political communication is, prima facie, more restricted than the generalised guarantee of freedom of speech.

Clause 9 of the bill excludes certain electoral matter, being a letter or card, from the authorisation requirements under section 83(1) of the act. Section 83(1) requires that certain printed electoral matter must include at the end the name and address of the person who authorised the material and the name and place of business of the printer. Freedom of public discussion of political matters is essential to allow people to make their political judgements so as to exercise their right to vote effectively. Clause 9 will promote the expression of political opinion and the right under section 15(2) of the charter by permitting the publication of certain material which bears the name and address of the author, in keeping with the principle that those responsible for electoral material are known and accountable in the interests of a transparent and fair election process.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Justin Madden, MLC
Minister for Planning

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).**

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Elections are about the future, and everybody who is eligible to vote should have the opportunity to have their say in the future through the ballot box — that is the key aim of this bill.

The bill will amend the Electoral Act 2002 (the act) to implement a range of reforms so that the Victorian electoral system is as accessible and efficient as possible, to maintain the integrity of the electoral roll and to promote a high level of participation by all those in the community who are eligible to vote.

Electoral participation is a key element of a healthy democracy. The Victorian government is committed to ensuring that all eligible Victorians are able to effectively participate in the electoral system. This objective can become frustrated if enrolment processes serve as a barrier to the exercise of an individual's right to vote.

In July 2009, the Electoral Matters Committee (EMC) tabled its report on its inquiry into voter participation and informal voting. Victoria can claim one of the highest voter turnout rates for periodic general elections worldwide, and consistently good enrolment rates in comparison with other states and territories. However, the EMC in its report highlighted some concerning trends in relation to participation in Victorian elections. Both the Victorian Electoral Commission (VEC) and the Australian Electoral Commission (AEC) have acknowledged that traditional enrolment strategies are generally very efficient in taking people off the roll but not necessarily in keeping them on. In this sense, traditional strategies, which rely on people taking the time to enrol and to update their enrolment details, have not kept pace with modern times and rapid advances in technology.

People are living increasingly busy and complex lives and, even with the best of intentions, can struggle to fill in yet another form. In a submission to the Commonwealth Joint Standing Committee on Electoral Matters in 2007, the AEC noted a trend of increasing resistance to direct mail and to doorknocks, and a growing expectation, especially among young people, that government agencies should take the initiative to provide targeted services to individuals.

The bill provides for streamlined enrolment procedures to enable the VEC to enrol eligible electors on its own initiative based on information it already receives from reliable sources in accordance with section 26(4) of the act. Importantly, the bill will ensure that individuals must be notified by the VEC to be given the opportunity to correct any errors in their proposed enrolment details or to raise any objections before they are enrolled. The VEC must also write to electors to inform them once they are placed on the roll in accordance with the new procedures.

Implementation of streamlined enrolment will be a complex and long-term project that will be subject to a staged approach. Throughout Australia, evidence shows that the electoral participation rates of young people aged 18 to 25 years remain significantly lower than for the rest of the population. In particular, AEC data indicates that while Victoria has one of the highest youth enrolment rates in Australia (84.78 per cent or 3.3 per cent higher than the national average in 2007–08), the number of young Victorians enrolled is still 8 per cent below that of the general eligible population. Given this context, the first phase of streamlined enrolment will capture students aged 18 years and over who are registered with the Victorian Curriculum and Assessment Authority. The bill will simplify the enrolment process for this group of electors and make it easier for them to enrol to vote. The second phase of implementation of the reform will consider widening the group of electors who could benefit from streamlined enrolment. This phased approach has been recommended by the VEC.

At the 2006 Victorian state election, as many as 66 000 eligible Victorians attempted to vote but had their ballots rejected because they were not on the electoral roll. Recent NSW reforms permit election day enrolment. In New Zealand, electors can enrol up to the day before polling day. Canada and nine states in the United States have some form of election day registration. Accordingly, the bill permits enrolment on election day to enable voting by eligible people who present at a voting centre but who are not on the roll. It is anticipated that this will allow a high percentage of declaration votes to be able to be accepted towards the count.

A declaration vote is a vote which requires a written declaration by the voter that is then checked by the VEC to ensure that the relevant requirements have been met.

There will still be a close of the rolls. Enrolment on election day will offer another chance for those electors who slip through the cracks of ordinary enrolment processes and enable those eligible electors to exercise their right to vote.

Election day enrolments will be subject to specific safeguards and proof of identity requirements to protect the security and integrity of the roll. The bill will allow persons eligible to enrol in an electoral district to enrol and cast a declaration vote in an election for that district on polling day provided the person can produce satisfactory identification, such as a drivers licence.

Applicants without a drivers licence will be able to nominate one reliable source from a prescribed list to enable identification of the person, including VicRoads, a municipal council or an electricity provider. The VEC will follow up the source of identification provided by the applicant after election day, and include the votes of those whose identities could be confirmed.

This process is similar to what happens currently in assessing declaration votes. The VEC confirms that given similar numbers regarding current unenrolled votes, such a process will not hold up election results, but will mean that more votes will be able to be admitted. This is a common-sense approach — when someone votes they expect that vote to be counted and we should be doing what we can to make that happen.

Individuals seeking to enrol on election day will also be required to make a declaration that all the information provided is true and correct and that they understand that giving false or misleading information is a serious offence. The combined declaration and proof of identity requirements act as precautions against possible fraud. In fact the requirements to enrol on the day will involve a more stringent testing and verification of a person's enrolment than is currently required under state law and will protect the integrity of the enrolment process.

While some may assert that streamlined enrolment and enabling people to enrol on election day in certain circumstances despite the appropriate verification requirements has the potential to undermine the democratic process, it will actually do the opposite. A vibrant democracy should not put barriers in the way of people exercising their duty to vote.

In line with the EMC recommendation in its report on its inquiry into the provisions of the act relating to misleading or deceptive political advertising, tabled on 11 March 2010, the bill will require the VEC to publish a copy of a registered how-to-vote card on its website. This will enable better access to how-to-vote cards for all Victorians and promote greater accountability and transparency in relation to their registration.

The bill contains a number of amendments to the act, which will improve the overall operation of the act and promote the key objective of the bill to improve electoral participation. This includes widening the availability of electronic voting to those electors who otherwise cannot vote without assistance because of a visual impairment, a motor impairment or insufficient literacy skills, whether in English or in their spoken language. The expansion will allow for additional trials of electronic voting and seeks to remove any potential impediments to the effective exercise of the right to vote for particular eligible groups in the community.

At the request of the Victorian Electoral Commission the bill abolishes the 'three-month rule'. This is in keeping with the key objective of the bill which is to promote electoral participation.

The three-month rule means that those who have failed to update their electoral address within three months of moving are either taken off the roll or are not able to cast a valid vote.

Under the current laws when an elector presents at a polling booth they are asked a series of questions including 'What is your full name?' and 'Where do you live?'.

If an elector responds with an address that is not their address on the electoral roll, the election official asks if the address on the electoral roll has been the elector's principal place of residence within the period of three months immediately before election day.

If the elector says yes (which means they have moved address within the last three months) they pass the three-month rule and are permitted to cast a vote according to their address on the roll.

If the elector says no (which means they have moved address over three months ago) they fail the three-month rule and are denied a vote. This can have the undesirable effect of denying a Victorian who has been living abroad, or a country student

temporarily living in the city for study purposes, the ability to cast a vote.

No other Australian jurisdiction has this restriction. In the report to Parliament on the 2006 Victorian state election, the Victorian electoral commissioner said 'it is estimated that around 10 000 people were denied a vote through the application of the three-month rule at the 2006 state election'.

Under these reforms, those electors who present to vote for a Victorian state election who are not on the roll will be able to enrol on the day and those electors whose stated address is different from their address on the roll will receive a ballot and may vote for the address that is on the roll. They will also be given a new form and asked to update their details so that the roll will reflect their accurate address.

Since the three-month rule was introduced, the VEC has developed modernised processes and practices in relation to the maintenance of the electoral roll. The VEC has also undertaken a range of progressive programs to improve the accuracy of the roll. For example, during 2009-10, the VEC conducted a trial of a combined mail-out and enforcement program. The program involved the VEC conducting a mail-out, which reminded people that enrolment is compulsory, and that those who fail to give a valid reason for failure to enrol or update enrolment eventually face prosecution. In this trial, some 98 per cent of those contacted either enrolled, updated their enrolment details or gave a valid reason for not doing so. This, combined with other VEC measures and programs, has improved the effective maintenance of the roll and reduced the need for the three-month rule. Further, the potential extension of streamlined enrolment to be progressed in the near future will add to the measures aimed at preserving the integrity of the roll.

The Victorian electoral commissioner has also suggested a number of machinery and technical amendments to the act, which are contained in the bill. These include:

clarifying the provisions in the act which relate to the acceptance of postal vote declarations. This will reflect the current practice of the VEC whereby postal vote envelopes postmarked on the Sunday after election day are assessed according to the witness date on the declaration, in the same way as envelopes without a postmark are currently assessed;

providing that Legislative Council candidates who choose to form a group on the ballot paper must register a group voting ticket with the VEC in accordance with the act. This will enable the VEC sufficient time to print the relevant ballot papers and guard against the possibility of inadvertent informal votes being cast in favour of groups who fail to lodge a group voting ticket;

bringing the act into line with commonwealth laws to exempt certain electoral matter, being letters and cards that bear the name and street address of the sender from the normal authorisation requirements. Such letters satisfy the purpose of the authorisation provisions in the act, which is to ensure that those responsible for campaign material are known and accountable in the interests of a transparent and fair election process.

The bill comes at a time of great interest in electoral reform across Australia and it is important to consider the bill in the

context of current developments and forthcoming electoral activity. Federal, state and territory governments are currently working together to examine opportunities to harmonise electoral law. Victoria will continue to work closely with the commonwealth and other states and territories to examine options to harmonise electoral law and improve the operation of our electoral system, to provide the best framework for democracy.

In the meantime, the measures in the bill aim to make the Victorian electoral system as accessible as possible to enable all eligible Victorians to participate in the system by enrolling and voting. We have a unique electoral landscape in Australia, in particular, in relation to our system of compulsory voting, which is a special part of our national democratic and political culture. In recent times, the decline in electoral participation rates has highlighted the need to adopt innovative approaches to enrolment mechanisms for the benefit of all potentially eligible voters in the community. The bill strikes an appropriate balance between the need to safeguard the integrity of the roll, while introducing modern and streamlined enrolment procedures so that the franchise is accessible to every Victorian entitled to exercise it.

I commend the bill to the house.

**Debate adjourned on motion of
Mr RICH-PHILLIPS (South Eastern
Metropolitan).**

Debate adjourned until Thursday, 1 July.

**WORKING WITH CHILDREN
AMENDMENT BILL**

Introduction and first reading

Received from Assembly.

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

Statement of compatibility

**For Hon. J. M. MADDEN (Minister for Planning),
Mr Lenders tabled following statement in
accordance with Charter of Human Rights and
Responsibilities Act:**

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

In my opinion, the Working with Children Amendment Bill 2010, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purpose of the bill is to amend the Working with Children Act 2005 to make further provision for applications for working with children checks, the revocation and

surrender of assessment notices and offences under part 4 of the act.

Human rights issues

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

Right to privacy

Section 13 of the charter provides that every person has the right:

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

The confidentiality of personal information lies at the heart of the privacy right. The protection of privacy is not, however, absolute. Disclosures that are authorised by law and not arbitrary are permissible under the charter.

Clause 5(2)

Clause 5(2) provides that where an applicant for an assessment notice has not provided all information required by section 10 of the act with their application, the secretary may require the applicant to provide any missing information within 28 days (or such longer period approved by the secretary).

In my opinion, this clause does not limit the right to privacy. The provision only allows for the secretary to set a time frame on the provision of information which is already required to be provided in support of an application under section 10 of the act. The secretary cannot require that any additional information be provided under this section. Consequently, clause 5(2) does not limit the right to privacy under section 13.

Clause 6

Clause 6 provides that the secretary may, in considering an application for an assessment notice, make inquiries to or seek information on the application from any person or source that the secretary thinks fit, including the Director of Public Prosecutions and any employee within the meaning of the Public Administration Act 2004.

In my opinion, any interference with the right to privacy caused by such inquiries will be neither unlawful nor arbitrary. The inquiries will be specifically authorised by the act, and will assist the secretary in accessing as much relevant information as possible in assessing whether a person is suitable to work with children. For these reasons, I do not consider that clause 6 imposes an arbitrary or unlawful interference with the privacy right under section 13.

Clause 7

Clause 7 provides that the secretary must not consider an application for an assessment notice by a person who has received a negative notice unless the secretary has been notified, or the applicant provides information with the application, that there has been a change in the circumstances which gave rise to the negative notice. This engages the right

to privacy by requiring information about a person's personal circumstances to be provided to the secretary.

In my opinion, any interference with the right to privacy will be neither unlawful nor arbitrary. The requirement is specifically authorised by the act. Applicants will only need to furnish information to the secretary in circumstances specifically prescribed — namely, where it is necessary to show that there is a reason to depart from the previously issued negative assessment notice. Consequently, clause 7 does not limit the right to privacy under section 13.

Clauses 15, 17, 19, 21 and 25

Clause 15 engages the right to privacy by requiring a person who has a current assessment notice or who has an application for an assessment notice pending to notify the secretary of a change in any person by whom he or she is engaged in child-related work or any agency with which he or she is listed.

Clause 17 requires that if the secretary suspends a person's assessment notice, the secretary must notify any agency or person that the secretary is aware has engaged, or proposes to engage, that notice holder in child-related work. Clause 19 imposes the same requirement on the secretary where an assessment notice holder surrenders his or her notice.

Clause 21 engages the right to privacy by requiring persons who are exempt from a requirement to hold an assessment notice by reason of their being a member of the Australian Federal Police (AFP) to notify any person by whom he or she is engaged in child-related work or any agency with which he or she is listed of any suspension or termination of their employment with the AFP. Similarly, clause 25 amends the Child Employment Act 2003 to provide a person who is permitted by reason of his or her membership of the AFP to supervise a child in employment (other than as a member of the AFP) must notify any person by whom he or she is employed in that supervision of any suspension or termination of employment with the AFP.

In my opinion, any interference with the right to privacy which results from these provisions will be neither unlawful nor arbitrary. The requirement on applicants and on the secretary to share information in the above circumstances will be specifically authorised by the act. The instances in which sharing of information must occur are clearly delineated by the bill, and in each case the information is necessary to ensure that agencies and people who employ persons in child-related work are kept informed of the status of the person's assessment notice (or application for an assessment notice). The provisions enable those people and agencies to ensure that they only engage persons who are fit and proper to work with children. Consequently, in my view the clauses do not result in an arbitrary or unlawful interference with the right to privacy.

Clause 23

Clause 23 extends the circumstances in which a person may disclose information acquired as a result of the carrying out of a working-with-children check or under specified provisions of the act. Clause 23 allows such information to be disclosed to a person or body in another Australian jurisdiction who possesses functions or powers that correspond with the functions or powers of the secretary or the chief commissioner under the act.

Any interference with the right to privacy under this provision will be neither unlawful nor arbitrary. The sharing of information will be specifically authorised by the act, and serves the legitimate purpose of helping to ensure that unsuitable persons are not engaged in child-related work in other Australian jurisdictions. Therefore, clause 23 does not limit section 13 of the charter.

Clauses 7 and 17 — consequences on engagement in a profession

As well as requiring the disclosure of information in particular circumstances, as discussed above, clauses 7 and 17 may restrict certain persons from engaging in child-related work. Clause 7 provides that the secretary may refuse to consider applications for assessment notices if (a) a current assessment notice holder has applied for a new assessment notice but has not surrendered the current assessment notice document to the secretary, or (b) a person who has previously been given a negative notice has applied for an assessment notice and has not notified the secretary of any relevant change in circumstances since the issue of the negative notice. Clause 17 provides that the secretary may suspend a person's assessment notice for up to six months where a person has failed to provide information required by the secretary.

Persons affected by such decisions will not possess a current assessment notice and so will not be able to engage in child-related work.

The equivalent right (to private life) under article 8(1) of the European Convention on Human Rights (ECHR) has been held to comprise, to a certain degree, the right to establish and develop relationships with other people. For that reason, broad measures banning individuals from employment have been found to limit this right where they affect an individual's ability to develop relationships with the outside world to a very significant degree and create serious difficulties for them as regards the possibility to earn their living (e.g., *Sidabras and Dziautas v. Lithuania* (application nos. 55480/00 and 59330/00)).

In my opinion, it is unnecessary in this context to decide whether the privacy right in the charter is of similar reach. The measures in the bill are not comparable to the more far-reaching restrictions that have been found to engage article 8(1) of the ECHR, as the provisions at issue only restrict persons from engaging in child-related work. I therefore consider that clauses 7 and 17 do not limit section 13 of the charter.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter.

Justin Madden, MP
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Working with Children Amendment Bill 2010 aims to enhance the operation of the Working with Children Act 2005 through addressing a number of practical and technical issues raised during the first four years of its operation.

The purpose of the Working with Children Act is to assist in the protection of children from physical or sexual harm by ensuring that people who work with, or care for, children have their suitability to do so checked by a government body.

The Victorian community has demonstrated its commitment to protecting children by embracing the working-with-children check scheme. Since its commencement in 2006, over 613 000 applications have been received, clearly demonstrating the value placed by the community in the protection of children. Another measure of the success of the working-with-children check is its effectiveness in preventing those people who are not suitable people from working with children. As of 30 April 2010, 422 people have been issued with a negative notice, thereby preventing them from engaging in child-related work.

The working-with-children check is now in the fourth year of a five-year phasing-in period and will ultimately apply to paid or voluntary child-related work in 20 broad occupational groups.

A review of the Working with Children Act at three years

When the Working with Children Bill 2005 was first introduced, I committed to a review of its operation after three years. To this end, in late 2009, the government invited key stakeholders and members of the public to make submissions toward a technical review of the Working with Children Act.

My commitment to review the act further reflects the government's position of protecting our children and ensures that the working-with-children check is fulfilling its purpose.

I am able to report that feedback from the public and stakeholders was positive.

The review of the Working with Children Act identified a number of measures that could improve the efficacy and clarity of the act. These measures can be grouped into three categories: additional protections; streamlined administration; and better information sharing. The bill also introduces three new offences and makes a number of technical and miscellaneous amendments to further clarify and refine the act.

Purpose of the bill

The purpose of the bill is to:

- streamline the existing working-with-children check application and assessment processes by introducing additional flexibilities and clarifications to the act;

- improve the operation of the working-with-children check and reduce the regulatory burden;

- improve the flow and exchange of information to further enhance the working-with-children check; and

- create additional offences to ensure persons not considered suitable to work with children do not receive an assessment notice.

Additional protections

The bill provides further protection to children by inserting three additional offences. These offence provisions further strengthen the enforcement powers of the act.

Importantly, the bill amends the act to make it an offence for sex offenders registered under the Sex Offenders Registration Act 2004 and persons subject to extended supervision, supervision or detention orders to apply for an assessment notice under the Working with Children Act. This is in keeping with the government's rigorous regulating of sex offenders.

Currently, sex offenders are prohibited from obtaining a working-with-children check. This amendment extends that prohibition and makes it an offence for them to even apply.

A category 1 application is one where the applicant, as an adult, has committed a serious offence of a sexual nature against a child. This category also includes child pornography offences. Under the act, the secretary has no discretion to issue a category 1 applicant with an assessment notice. The bill reduces the time a category 1 applicant has to make a submission on a proposed negative notice from 28 days to 14 days. This will have the effect of allowing a negative notice to be issued sooner.

Streamlined administration

A key function of the bill is to introduce a streamlined renewal process.

As you are aware, an assessment notice lasts for five years so, in 2011, the first renewals will be received by the Department of Justice. This amendment introduces a simplified renewal process that reduces the burden on the Victorian community whilst maintaining all appropriate safeguards.

The bill will allow the working-with-children-check card to be used as proof of identity by people who are renewing their assessment notice, given that the proof of identity documentation was previously provided when they first applied for an assessment notice. To facilitate this, the department will issue a renewal notice.

As you are aware, an important aspect of the working-with-children check is ongoing monitoring. The bill enables the secretary to issue a new assessment notice without again considering offences that have already been considered as part of the current assessment notice where there has been no change in that person's criminal history.

At 10 years, a new application will be required with all the proof-of-identity documentation.

As you are aware, the purpose of the bill is to protect children. Following from discussions with the child safety commissioner, and recommendations from employers and members of the community, employers will now benefit from the provisions in the bill that require assessment notice holders to notify the secretary of a change in their employer or volunteer organisation details within 21 days.

A further issue raised by the child safety commissioner was that people could surrender their assessment notice without notifying their employer or voluntary organisation. The bill addresses this by amending the act to require the secretary to notify employers and volunteer organisations when a person surrenders their assessment notice.

Upon reassessment of an assessment notice, the bill creates an additional power for the secretary to suspend an assessment notice if the person undergoing reassessment fails to provide requested information. The bill will also require the secretary to notify that person's employer, agency or volunteer organisation in writing of the suspension. A person who engages in child-related work while the assessment notice is suspended will be treated as if they do not have an assessment notice.

The bill also allows for the reinstatement of the assessment notice upon the provision of the requested information so that an applicant does not have to reapply and incur an additional fee.

As identified by the Scrutiny of Acts and Regulations Committee, the interaction between the exceptional circumstances provisions of the act and when a charge is pending could possibly allow the secretary to issue a negative notice based on charges that had been withdrawn or dismissed.

The bill now amends the act to clarify that charges that have been finally dealt with, such as by way of being withdrawn or dismissed, cannot be considered by the secretary in assessing an application or in deciding whether to revoke an assessment notice.

Further to this, the bill clarifies the act to recognise that a charge is no longer pending once a diversion order is completed under the Criminal Procedure Act 2009 and thus does not form part of the secretary's consideration in respect of some applications.

The bill amends the reference to 'community services' by inserting the term 'out-of-home care services' to reflect changes to the Children, Youth and Families Act 2005.

For the purpose of clarification, denominational hospitals will be prescribed by the bill as places where contact with children may result in child-related work as defined by the act.

The act currently provides examples to illustrate the meaning of 'direct supervision' and 'participating on the same basis'. The bill enhances these examples to provide further guidance for the community.

Better information sharing

As you are aware, there are working-with-children screening units in other parts of Australia.

The bill allows the secretary to share information about negative notice holders to assist other jurisdictions in their assessment of the suitability of those people to work with children.

The bill also amends the act through expanding the obligation on the Chief Commissioner of Police to notify the secretary of a broader category of offences that present a significant risk to the safety of children. This information will assist the secretary in determining whether or not to revoke an assessment notice.

Miscellaneous amendments

The bill adds members of the Australian Federal Police to the category of exempt persons and carries with it an offence provision should a member be suspended or terminated from employment and fail to notify that person or agency with whom they are engaged in child related work. This is consistent with the exemption of Victoria Police.

Finally, the bill makes a number of technical and miscellaneous amendments to further enhance the clarity and efficiency of the act. These amendments include:

clarifying what happens to a negative notice after an applicant successfully applies for and is given an assessment notice after a relevant change of circumstances, for example, when the Victorian Civil and Administrative Tribunal (VCAT) issues an assessment notice;

providing a streamlined process for dealing with simultaneous applications when submitted by the same person;

in preparation of the prescribing of the health professions boards, allowing the secretary to take into consideration the suspension or cancellation of a registered health practitioner's registration by VCAT.

Consequential amendments to the Child Employment Act 2003

The bill makes consequential amendments to the Child Employment Act. These consequential amendments ensure that the child employment and working-with-children check schemes continue to be aligned. In particular, the bill amends the Child Employment Act to exempt sworn Australian Federal Police officers and makes provision for the suspension of assessment notices.

The Working with Children Amendment Bill delivers on the government's commitment to review the act three years after its commencement. This bill is an important step in ensuring the ongoing protection and wellbeing of our children and continues to promote the government's dedication to safeguarding the rights of our children.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 1 July.

WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Environment and Climate Change) on motion of Mr Lenders.

*Statement of compatibility***For Mr JENNINGS (Minister for Environment and Climate Change), Mr Lenders tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act, I make this statement of compatibility with respect to the Water Amendment (Victorian Environmental Water Holder) Bill 2010.

In my opinion, the bill, as introduced in the Legislative Council, is compatible with the human rights protected by the charter.

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

Overview of bill

This bill amends the Water Act 1989 (the act) to establish a Victorian Environmental Water Holder (VEWH) as an independent statutory body responsible for managing environmental water in Victoria that will —

- (a) hold and manage all Victorian environmental water entitlements;
- (b) be responsible for achieving the most effective use of that water at a statewide level;
- (c) plan for and report on the application of that water;
- (d) enter into agreements with the commonwealth environmental water holder to ensure optimal and coordinated use of environmental water;
- (e) work with waterway managers to plan for and deliver environmental water to priority sites; and
- (f) operate in accordance with ministerial rules and be accountable to the environment minister.

Human rights issues

The bill does not raise any issues relating to human rights protected by the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities as no provisions of this bill engage human rights under the charter.

Gavin Jennings, MLC
Minister for Environment and Climate Change

*Second reading***Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr LENDERS (Treasurer).**

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Victorian government's environmental water holdings are a critical part of our statewide river and wetland health program. This program aims to secure the health of rivers, wetlands and estuaries in the face of increasing water scarcity and climate change and improve their environmental condition to ensure they can continue to provide environmental, social and economic benefits for all Victorians.

Providing adequate environmental flows is crucial to the maintenance and improvement of river and wetland health which in turn underpins regional economies and community wellbeing. They provide good quality water and recreational and tourist services. In addition, iconic sites such as the Barmah and Gunbower forests are often connected with our cultural identity as well as our environmental heritage. Their wellbeing is strongly linked to our own.

The Victorian government has made a very strong commitment to improve river and wetland health. Significant investment has been committed to recover water for stressed river systems, including through large regional infrastructure projects such as the Wimmera–Mallee pipeline and the Northern Victoria Irrigation Renewal Project. To date, completed projects have delivered high and low-reliability entitlements equating to about 350 billion litres on average a year over the long term, with more on the way as projects are progressively completed. This increase in environmental water assets provides much greater management capability but also the need for greater accountability.

This bill establishes the Victorian Environmental Water Holder as a new, independent, statutory body responsible for making decisions on environmental water use in Victoria. This change will enhance efficiency, accountability and coordination, providing critical improvements in the evolution of sustainable water management. The bill builds on the strengths of our current management arrangements.

Current strengths

Current arrangements for environmental water management reflect the strong policy directions set by the government's *Our Water Our Future* white paper. The white paper established the environmental water reserve, a subset of which is the environmental water entitlements held and managed by the environment minister. Waterway managers, namely catchment management authorities and Melbourne Water Corporation, play a key role in this management by planning for and advising the minister on priorities for environmental watering.

These existing arrangements have a number of strengths that this bill will retain and enhance:

the environment minister is responsible for setting environmental policy and, in this respect, is responsible to the community through Parliament;

at the regional level, the community is heavily involved in waterway managers' planning, particularly identifying the environmental values of highest priority; and

waterway managers ensure that environmental water is delivered as part of integrated river and wetland management programs.

Change, challenges and opportunities

Since the release of *Our Water Our Future*, there have been significant changes in the context for environmental water management within Victoria. There have now been 13 consecutive years of drought, with the prospect of ongoing water scarcity resulting from climate change. In response, environmental management has had to become more sophisticated, flexible, adaptive and responsive. This bill is an important step in recognising and meeting these new challenges and opportunities.

This bill helps to make the most of the government's significant investment to provide additional water for rivers and wetlands. Establishment of the water holder enables it to be managed as efficiently and effectively as possible. We must get maximum 'bang for our buck' — to reduce the need for additional water recovery and avoid potential community impacts. This bill achieves greater efficiency by improving responsiveness in environmental water management. It allows greater ability to capitalise on opportunistic rainfall and flow events and adapt environmental water use to changing seasonal conditions.

The environmental water entitlements resulting from water recovery projects are considerable and warrant a high level of robust and accountable management. This bill installs the Victorian Environmental Water Holder as the guardian of this important task and improves the transparency of decisions about environmental water.

The development of the water grid provides opportunities to use environmental water across regions. This requires greater coordination to ensure that environmental water is targeted to the sites of highest environmental priority.

Coordinated decision making is also of increasing importance with the creation of a new player in environmental water management, the Commonwealth Environmental Water Holder. By creating a single Victorian entity responsible for liaison, we will ensure that Victorian and commonwealth environmental water use will be coordinated for maximum benefit. Victoria's position will be strengthened because the environmental water holder will put forward a single voice on state priorities that draws strongly on regional planning.

An improved institutional framework

Within this context, the government introduces this bill to improve the institutional framework. It will enhance the management of environmental water in Victoria, building on existing strengths and positioning us to meet current and future challenges.

The centrepiece of this framework is the Victorian Environmental Water Holder, a new, independent, statutory body, with the primary objective of using environmental water to protect environmental values and improve waterway health. The environmental water holder will be responsible for making decisions on the use of environmental water, from entitlements currently held by the environment minister. The bill amends the Water Act 1989 to create the environmental water holder and provide attendant powers and obligations to ensure the entity achieves its objective. The environmental

water holder will consist of at least three commissioners, appointed by the Governor in Council.

This bill places the Victorian Environmental Water Holder within a regulatory framework that establishes accountability to the environment minister via planning and reporting requirements as well as a limited power of direction. Operation of the environmental water holder will be guided by its legislative requirements, rules developed by the environment minister and broader government policy set around environmental water management. Within these boundaries, the environmental water holder will be free to make decisions on the use of environmental water to support our waterways and wetlands. It will be empowered to acquire and trade water, another tool to manage the risks of variable water availability. In addition to the trading rules which apply to an irrigator or other entitlement holder participating in water trade, the environmental water holder will be subject to the entity's overarching objectives outlined in the legislation and rules issued by the minister for environment.

The bill will ensure the Water Act formally recognises and consolidates the key role of waterway managers in planning for and delivering environmental watering decisions. These functions are currently undertaken by Melbourne Water and catchment management authorities. The regional perspective of waterway managers is an essential contribution to the decision-making process that ensures environmental watering is integrated with broader river and wetland health initiatives.

This bill delivers on the Victorian government's commitment to establish a Victorian Environmental Water Holder, as outlined in the Northern Region Sustainable Water Strategy and the land and biodiversity white paper. It is also consistent with the Victoria-commonwealth bilateral agreement for stage 2 of the Northern Victoria Irrigation Renewal Project as well as Victoria's national water initiative commitments.

Environmental water management has been through a rapid evolution in recent years, and the environmental water holder will improve adaptability to change, within a clear legislative framework. However, the management context for the environmental water holder will change considerably over the next decade with the advent of the Murray-Darling Basin plan and the completion of major infrastructure projects. Recognising this, the government considers it appropriate that the environmental water holder framework should be reviewed at some time in the future to ensure the institutional arrangements support efficient and effective environmental water management.

This bill will enhance the institutional framework to support the efficient, accountable and coordinated management of environmental water in Victoria, a critical element of the state's river and wetland health program. This framework will form the foundation for a present and future that sustains our waterways to the benefit of our environment and community wellbeing.

I commend the bill to the house.

Debate adjourned on motion of Ms LOVELL (Northern Victoria).

Debate adjourned until Thursday, 1 July.

SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL

Council's suggested amendments and amendments

Returned from Assembly with message relating to Council's suggested amendments and amendments.

Ordered to be considered next day.

TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL

Referral to committee

Message received from Assembly seeking concurrence with resolution.

APPROPRIATION (2010/2011) BILL

Committed.

Committee

The DEPUTY PRESIDENT — Order! The committee has been asked to consider the Appropriation (2010/2011) Bill 2010, a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the government for the financial year 2010–11 and for other purposes.

I indicate to the committee that, consistent with the approach we took last year in committee in respect of the budget papers and the committee's examination and questioning of those budget papers, I propose in respect of general matters or broad questions about the budget that they be considered under clause 1, if any members have issues of that nature. For specific questions and matters related to the budget, I propose that they be dealt with when we come to the specific schedules and departmental allocations. Can I have an indication before we start if there are members who believe they have any matters to raise in clauses other than clause 1 or the schedules.

Mr HALL (Eastern Victoria) — I seek clarification, Deputy President. What you intend to do is to go through each department within schedule 1, and if we have questions relating to that department that is when they will be answered?

The DEPUTY PRESIDENT — Correct.

Clause 1

The DEPUTY PRESIDENT — Order! Are there any members who wish to make any general remarks in respect of the budget? Do any members have any overview points?

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The first matter I wish to canvass with the Treasurer relates to the government's commitments with respect to its asset investment program. I take the Treasurer to budget information paper 1, page 17, which sets out the new and existing asset investment commitments for the 2010–11 financial year and for the forward estimates period, which show in aggregate that a total of \$25.546 billion has been committed, being the 2010–11 commitments plus the remaining expenditure.

I then take the Treasurer to budget paper 2 at page 60, table 4.3, which shows the application of cash resources across the non-financial public sector which also has a line item 'Expenditure on approved projects'. When those individual amounts are aggregated, the total is a little over \$29 billion, so there is a difference of roughly \$3.5 billion between what is shown in budget paper 2 with respect to the allocation of cash resources and what is explicitly shown as TEI (total estimated investment) projects for the same period in budget information paper 1. I understand this is question no. 3 that was sent by the Leader of the Opposition to the Treasurer. I ask the Treasurer to provide the committee with a reconciliation of the difference between those two aggregate figures.

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question seeking to reconcile budget information paper 1 — he mentioned page 17 — and budget paper 2, page 60. He is correct; the two do not completely reconcile. We get these questions from time to time. In opening, it is worth saying that they do not reconcile basically because there are some commercial-in-confidence items that are not included there, and there are some items that show what the thresholds are. There are thresholds of \$250 000 and thresholds of \$10 million. There is a range of thresholds for budget information paper 1, and those items under the threshold are not included, whereas budget paper 2 includes everything. They will not reconcile for that reason — always.

There are commercial reasons why the commercial-in-confidence items are not included, and they cannot be reconciled either. But I think it is fair to say, and I am not pre-empting discussion on the Public Finance and Accountability Bill, which was second read in this house just 10 minutes ago, that that bill

seeks to assist in reconciling this. We had a long discussion at the Public Accounts and Estimates Committee hearing when representatives from the Department of Treasury and Finance were in attendance — and this is an area for my colleague, the Minister for Finance, WorkCover and the Transport Accident Commission, rather than me — but what the government has done is sought, in a collaborative process with the Public Accounts and Estimates Committee, to reconcile a lot of these matters more effectively than has been done under the current legislation.

In the end that is an issue for this house. I suggest that if Mr Rich-Phillips could find a few of his colleagues who would cross the floor and join the government on this, we would see it reconciled.

Mr Rich-Phillips interjected.

Mr LENDERS — Mr Rich-Phillips hopes to become the government. I do not share that aspiration with him, but if he were to become the government, as an aspiring finance minister he would see the logic of it. The question he asked was: one, how do you reconcile the figures? I have said in my answer why they do not reconcile. Why is that not in the budget papers? The proposed legislation will make things more transparent. That is the answer, and I think it satisfies the question.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for that explanation. In follow-up I simply ask: are there any projects of material significance included in that \$3.5 billion difference between the two figures or are they all comparatively small items?

Mr LENDERS (Treasurer) — Without going through them item by item, with regard to what issues are of comparative significance it is always a question of definition. The answer is no. There are issues that are commercially caught up, but most of them are smaller projects. If you start adding up projects under \$10 million in the general government sector and projects under \$250 000 in the general government sector, they very quickly add up to large sums of money.

Mr D. DAVIS (Southern Metropolitan) — Under this initial clause I want to ask a series of questions that I think the Treasurer is aware of, some of which I circulated. One relates to the provision of outputs and section 29 of the Financial Management Act.

I wonder whether the Treasurer can provide a breakdown of the output costs. He may be able to do this through the provision of a detailed document

showing the allocation of depreciation for each department that is built into the output cost; the allocation of capital asset charge for each department that is built into the output cost; the estimated 2009–10 carryover for each department, detailing the relevant initiatives and programs for which carryovers will be actioned; the estimated amounts of movements of funding from assets to outputs by department; the details of where the initiatives and programs have originated from; the details of the initiatives and programs that moneys have been moved to; and details, by department — amount, initiative and project — of funding brought forward from the out years into the 2010–11 year.

The DEPUTY PRESIDENT — Order! I acknowledge at the outset my appreciation to Mr Davis for making the questions available to both the Treasurer and me to assist the committee.

Mr LENDERS (Treasurer) — There are a couple of things I will say about this on clause 1, and I am not trying to be provocative. The member for Scoresby in the Assembly, Mr Wells, said in the *Australian Financial Review* that he had sent me a set of 47 questions, which I presume are the questions that Mr David Davis has before him. I assume they are the same 47 questions Mr Wells referred to in the *Australian Financial Review*. It is an interesting procedural question for the house, and I say this in good faith.

If the 47 questions that I was given last Thursday to table in this place had been given to me under the rules of this house 31 days ago — and given that it is 52 days since the budget was presented, that is three weeks after the budget — they would have all been dealt with under the standing orders of this house as questions that a minister would take on notice and be required to present answers to in this house within 30 days. That is an absolutely legitimate process. If a minister does not comply with it, under the rules of this house there are sanctions, procedures et cetera. One is expected to do it.

What has actually happened is that 45 days after the presentation of the budget, Mr Wells has compiled a series of questions. Mr David Davis, in good faith, now presents them. In one sense he is being courteous in giving them to me and saying, ‘Why don’t you answer these questions?’. Mr Drum says, ‘Absolutely’. These questions would all have been handled under the processes of this house if they had been completed three weeks after the budget. I will endeavour to answer most of these questions, because a number of them are legitimate questions that the committee would raise. But I do make the point they could all have been done

completely outside the committee process. If I had not answered any of them, the committee would then have rightly been able to ask, 'Why not?'

I refer to the first question raised by Mr David Davis — and it goes to a significant threshold question. The committee is being asked to consider the Appropriation (2010/2011) Bill. The appropriation bill seeks to — stating the obvious — appropriate money from the Consolidated Fund to deliver services. The questions Mr David Davis has asked do not actually come under the appropriation bill. He is talking about section 9 of the Financial Management Act, issues which apply regardless of whether the appropriation bill is passed. What he is seeking is further information on budget processes which, as a member of Parliament, he is certainly entitled to seek.

However, the Parliament is not being asked to appropriate those moneys that he is asking the questions about — or many of those moneys. For many of those moneys it is not actually an appropriation that is being asked for. Yes, it is part of the budget papers. Yes, there are a series of procedures that go with how these things are calculated, and yes —

Mr D. Davis — That is part of the context.

Mr LENDERS — I am genuinely raising this as a threshold issue. We are in a house of review which has had a long deliberative process dealing with the appropriate standing orders. We have looked at the Senate as an option. We have a Public Accounts and Estimates Committee (PAEC) system in this state, which is fairly unique, and we now have an evolving committee stage dealing with the budget which is a legitimate part of how things evolve.

Mr D. Davis — Some of these questions fall out of public accounts too.

Mr LENDERS — I am genuinely trying to address a threshold issue. On behalf of Mr Wells, Mr Davis gave me 47 questions last Thursday. I do think that this warrants a bit of discussion. I received a letter from a member of Parliament saying, 'I am going to table 47 questions, and I will follow it up with a phone call.' It is not necessarily the most effective way for us to deal with important emerging constitutional principles in a house of review if the next communication received ends up being from the floor of the house.

I am happy to take on notice any of the questions that I do not answer in this place, as I would have done if they had been given to me 30 days ago. I would have given a fulsome answer to the house — or an answer to the house; opposition members might not think it as

fulsome as they would like. However, I do have a genuine issue when another process, which would give me, as a minister, a chance to get detailed information here in the last 52 days or 30 days, has not been taken up. As a result we now have this discussion in this house.

Mr David Davis asked a series of questions about carryovers. Carryovers are not part of the annual appropriation. They were appropriated by this house and the other house in June last year when the Governor gave the royal assent to the budget bill. Carryovers are quite separate under the Financial Management Act. They are legitimate issues for PAEC to inquire about; they are legitimate issues for questions on notice. But they are not part of the appropriation bill. A lot of the section 29 transfers come from special appropriations — such as commonwealth moneys coming through and a lot of the Financial Management Act transfers — but they are not part of the appropriation bill. Some are, some are not. All of the depreciation figures are actually already in the budget papers.

I can point out the depreciation figures to Mr David Davis if that helps him find them in the budget papers, but the department-by-department depreciation figures are here. They are not allocated to individual projects; they never are. What happens is the department gets a source of revenue to fund its capital works program. We will deal with that department by department when we are discussing schedule 1; undoubtedly we will go into the discussion there.

On clause 1, the general principle, I am happy to take on notice Mr David Davis's question. This will be one of a series of questions. However, when dealing with the first of these questions it is important that we have a more general debate at the committee stage of the appropriation bill as opposed to the discussion we have been having on noting the budget papers. The two are quite separate.

Mr D. DAVIS (Southern Metropolitan) — I thank the Treasurer for his initial response. The point I would make is that in some previous years material has not been forthcoming when it has been taken on notice. I will put that to one side and put this material to the Treasurer in good faith. A number of coalition members have contributed to the questions. It is not just one member who has contributed questions; there are a range of questions here.

In terms of the issue to do with the length of time since the tabling of the budget, there have been processes in train throughout. It has not just been the second-reading

process in this chamber but there has also been the PAEC process. Coalition members and other members of Parliament have been focused on that. As to the actual allocations through the budget, the series of questions at PAEC inform a number of our questions here, so that process has been iterative — if you would accept that word — over the last few weeks. It is not a static process that began on day one when the budget was tabled; it has evolved as the weeks have progressed.

Questions have been asked in this chamber during question time relating to matters that inform some of this process. As will be seen from later questions, the process is evolving, even up until today, with questions in this chamber about health agreements and so forth. In that sense it is not an entirely static process.

In terms of the actual questions themselves, the context is important. The questions deal with the budget. The money that is rolled over, if you will, impacts on decisions made through the budget, and it is important to get this context absolutely right. Some of this information is quite hard to tie down, but it is part of the overall budget process.

We do not always get quick answers to questions on notice. I am not singling the Treasurer out there. The other day Mr Philip Davis and Mr Jennings had a discussion about a question relating to the Minister for Health. I do not remember the exact time period, but it was many months overdue.

My point is that the questions-on-notice process that the Treasurer has raised is not a perfect process. There are a number of ways for the opposition and the chamber to do their work of scrutinising and undertaking their review roles. I welcome the developments with the budget committee over the past few years. I put these questions to the Treasurer in good faith. To assist the committee, I have circulated them to a number of other members as well. I am prepared to work our way through the various types of questions. I put to the Treasurer that there is a range of types of questions in that list as well.

The Treasurer may wish to respond to my points here, but I think that in the context of this initial clause these are quite reasonable questions on the budget, and they put the budget in a broader context. What is rolled over is actually relevant to the decisions that are made in this budget period.

Mr LENDERS (Treasurer) — I think this is a very appropriate starting point on clause 1, to have the discussion. I will say two substantive things in reply to

Mr David Davis. He says that often questions on notice are not answered on time. I invite him to identify a single question on notice in this Parliament on which I as Treasurer have not met the 30-day rule. I think he will struggle to find one. I am sure he will find some that I, representing ministers in the Assembly, have not responded to, but I challenge him to find a single question from a non-government member to me in my portfolio as Treasurer that has not been answered within 30 days. We are talking in good faith about how we get a process.

Mr D. Davis interjected.

Mr LENDERS — Mr Davis says he has not singled me out. I accept that as a gracious comment from him, and I say that genuinely.

The point I am making is that if we are talking about a process going forward and about changing how this place has worked, if I am correct — and I stand to be corrected because the clerks would understand this better than I — my understanding is that now we have four times in 153 years gone into committee on the annual appropriation bill. They have all been during my time in this house, I might add. Mr Forwood was the first person who discovered this wonderful little part of the legislative process.

Mr D. Davis interjected.

The DEPUTY PRESIDENT — Order! I remind Mr Davis that this is not the opportunity for a conversation. At the moment the Treasurer has the call.

Mr LENDERS — If we are talking about a process, I am happy to go through these questions one by one and answer them; I will take some on notice; some, Mr Davis said, were asked in the Public Accounts and Estimates Committee hearing and taken on notice. I have written to the chair of the PAEC. All the questions that I took on notice at the PAEC hearing have been returned to its chair. I think I signed off on the letter on Friday or Monday, so they may not have got through to the committee.

I am happy to table here the answers to the questions that were taken on notice at the PAEC hearing and that I have sent to PAEC — I am sure Mr Rich-Phillips, Ms Pennicuk, Ms Huppert or Mr Dalla-Riva will tell me if it is the contrary — unless a PAEC member says that I am breaking some privilege in doing so.

I come back to the original point. The budget was delivered 52 days ago. I do not think there has been an instance where I have not answered within 30 days a question on notice to the Treasurer. From the point of

view of the process of this house, I could have been held accountable for any question I did not answer or any question that was not answered to the satisfaction of the member asking it. That is the first thing I say.

The second substantive point I make to Mr David Davis is that, yes, he is interested in how some of these things relate. I understand that. He is a curious man and an MP seeking further information, which is absolutely legitimate. Surely the test that we apply is: what is the relevant information about a clause seeking an action in the annual appropriation bill?

In the committee stage we can stretch out any piece of legislation as far as we like. In the end it will be a test for you, Chair, or the committee as to what is in or out. In the end there is no correct answer to that. I strongly submit that no matter how far we stray because people are interested, an appropriation is an appropriation. There are centuries of practice and definition of what it is.

Because a member asserts that they simply seek further information, I go right back to the point of the carryovers. In this appropriation bill the Parliament is not being asked to approve the carryovers. They are part of the Financial Management Act. Mr David Davis is saying, 'Well, what happened to the carryovers?'. Carryovers are money unspent by a department and which the Parliament appropriated last year for a purpose. Then they are acquitted or accounted for. The Auditor-General goes through the annual statement, and chapter 1 of budget paper 4 shows that he has certified the accounts. The Auditor-General always has the option to go through them and the Public Accounts and Estimates Committee can ask questions on the estimates. But on the carryovers, the Parliament is not being asked to approve carryovers; that happened last year.

My point is that Mr David Davis is curious, and he is entitled to ask, but I am entitled to respond that it is not part of the annual appropriation bill. We are probably in contention here, but I think it is an important threshold question.

The DEPUTY PRESIDENT — Order! I make a couple of points at this stage. As I said, we are really debating clause 1, which is the purposes clause. In dealing with the first point that the Treasurer discussed in his immediate response to Mr Davis, the Treasurer is basically advancing the argument that there are other ways that some of the issues being canvassed by the opposition might well be addressed, other than in committee.

At this point, I suggest, the positions have been put by Mr Davis and the Treasurer. I do not see that there is value in participating in that sort of debate further in the committee stage. I think that it is clear that the committee has a capacity to scrutinise the budget, and we will proceed on that basis.

If the Treasurer believes there are better or more streamlined ways in which some of the opposition's questions might be addressed by the government in future, perhaps he could have a separate dialogue with the Leader of the Opposition to establish the protocols. That might avoid some of the issues that may well be canvassed in the process of this committee on a future occasion. The committee certainly has the capacity to address those matters on this occasion. As I said, any change to that for the future will need to be established by way of protocols, perhaps, by the Treasurer.

In respect of the matters raised by the Treasurer, I understand the point of his concerns that perhaps some of these questions go to matters that are outside the appropriation bill. In chairing the proceedings I intend to keep the debate as close as possible to the actual bill before the committee — in other words, I would be seeking to eliminate extraneous matters from the committee scrutiny process.

Nonetheless I accept that in regard to the purposes clause matters such as carryovers could well be pertinent to the framing of the budget and sums that are therefore included in the appropriation and are covered by the legislation before us. Whilst they might relate to other matters and not specifically be included in the bill before us, they nevertheless have a relevance to it because they provide the context for the appropriation. In the example of the carryovers, if there is a carryover amount for capital works in education, for instance, that would determine an appropriation in this bill for certain capital works this year and that amount would take into account that carryover sum.

To that extent, I accept that some extraneous matters might well be appropriate to clause 1, but the Treasurer and the committee can be assured that we will confine debate as much as possible to what is relevant to this legislation and not go to extraneous matters.

Mr D. DAVIS (Southern Metropolitan) — Thank you for your notes, Deputy President. I will certainly be guided by them. I just want to make a couple of comments in response to points the Treasurer made. As I said, they were good-faith attempts to get to these points, and while I do not single the Treasurer out in any way for a lack of response on questions on notice,

that does not in any way mean that the process has been entirely satisfactory. I just want to put that on record.

In terms of previous budget committees, the Treasurer referred to one budget that Mr Forwood took into committee. I am not sure exactly what year that was; it was perhaps four years ago. This would be precisely the point I was trying to make in the context of this general purposes clause. At that time we sought, through Mr Forwood's intervention in the committee, a list of hospitals and health services around the state and the number of beds in each one. The Treasurer, or the Finance Minister as I think he was at the time, took those questions on notice.

I will put on record that the response that came back via him from the health minister was entirely unsatisfactory. The details were not provided in the way that had been indicated in the committee. I understand that that was not entirely his doing at that point, because he was reliant on the material that came back.

There is a similar question in this tranche of questions seeking precisely the same set of information. I am jumping ahead a little in response to what the Treasurer said in his comments, but we knew at that time that the government had information on the number of beds by facility. We know the government has that material because it aggregates them to provide the number of beds and ratios and so forth to federal authorities. So that number exists. But we did not get that number back from the process at the time. That was a straight allocation into the Department of Human Services, as it was at the time, for the functioning of health facilities around the state. But that information was not provided.

I guess I am trying to short-circuit the process by saying we provided questions ahead of time to make it clear that there were certain things we were seeking, because on other occasions things have not been provided where we have taken on good faith a decision to take a question on notice, as it were.

The DEPUTY PRESIDENT — Order! As I said, I am less interested in process matters at this point in time than I am in pursuing the actual substance of the legislation and the matters related to the purposes clause. I think we have dealt with the process issues. At this point the Treasurer has given assurances on responding to questions that he is unable to respond to directly today. He is prepared to take those on notice, and what has happened in the past will presumably not be repeated.

Mr LENDERS (Treasurer) — Deputy President, I just want to make it absolutely clear so that Mr Davis

does not misconstrue what I have said. That is why I repeat: if these questions on notice had come 30 days ago, or 31 days ago, they would have been tabled here and we could talk definitively on what is or is not provided. Simply because someone asks for information does not mean the government is going to provide it, and I will be specific as to why.

Mr Drum interjected.

Mr LENDERS — I will be specific as to why. Mr Drum laughs.

Mr Drum — I do laugh.

Mr LENDERS — I will use this as an illustration. We have been required by a commonwealth government — and, without getting partisan, I will not mention which one it was, but I suggest Mr Drum might guess — when getting money for housing projects to do a weekly report on each house, on each bit of expenditure, and a progress report through to a commonwealth department. That is using an extreme, but the point I make is that what a member in this house might say is easy information to get is not necessarily so. To use that extreme example, governments will always have to decide on whether they are going to do a progress report every week on every house. By saving the bureaucratic time on that you could probably build 10 times the number of houses.

Similarly, in a previous portfolio of mine, education, you had to periodically count in every single school of the state how many flagpoles had flags on them and how many school foyers had posters in them. So on the fact that the question has been asked, I think it would be very unfortunate if Mr Davis came back and said, 'It is unsatisfactory, you didn't answer'. We could have tested this in the house today, and this is my point. If the questions on notice had been done 31 days ago we would have had them all here, we could have tested them, and we could have had the discussion on whether or not they were suitable, and we would not be hypothesising. What I say is this: I will take them on notice, but let us not be under any illusion that that means that they will be to the satisfaction of Mr Davis. He could have had a debate about whether they were satisfactory or not satisfactory if I had had those questions 31 days ago.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I note the Treasurer's comments with respect to the efficacy and efficiency of providing certain data. I can only reflect on the role I had with the Victorian WorkCover Authority and the Transport Accident Commission where, as the minister would be

well aware from his previous roles, some of the requirements imposed on some of their clients could well test the boundaries of the very issue the Treasurer has raised.

I would like to go to a number of questions asked of the Treasurer with respect to the impact of the Victorian desalination plant on the budget position. The first matter I would like to ask the Treasurer about is a matter that was raised with him at the estimates hearing. It is shown on page 6 of budget information paper 1. It is listed as the finance lease — —

The DEPUTY PRESIDENT — Order! Can I ask why Mr Rich-Phillips is pursuing this particular question in regard to the purposes clause as distinct from when we hit the schedules?

Mr RICH-PHILLIPS — Basically, Chair, to get an understanding of where it will fit within the schedule. That is the first part of the question, actually: where, as far as individual departmental allocations are concerned, desalination will be dealt with, and whether it is dealt with in the general government sector or the non-general government sector.

The DEPUTY PRESIDENT — Order! Mr Rich-Phillips may continue and then the Treasurer can respond. I understand the Treasurer thinks he might be able to circumvent this and help him now.

Mr LENDERS (Treasurer) — To save Mr Rich-Phillips, on that one I am certainly very happy to take that during a schedule 1 discussion of the Department of Sustainability and Environment (DSE). I commit to the chamber that if a member in good faith gets to the wrong schedule when talking about a project as there are 11 schedules for departments, from my perspective, if you are talking about the department or the agencies in the department, I am not going to try to stop a discussion on that at the appropriate schedule. If he wants to talk about desalination, I am very happy to do that when we are on the DSE part of schedule 1.

As a general rule, if members think that in clause 1 they need to try to do a catch-all on a project, every project is linked to a department. If they are talking of general funding of something, that is different, but projects are linked to departments, whether they are agencies or not. I will not play any games on trying to stop that discussion later.

The DEPUTY PRESIDENT — Order! Are there any other matters of broad or introductory import in terms of the purposes clause of this bill?

Mr D. DAVIS (Southern Metropolitan) — I am just trying to frame this in terms of the commonwealth agreements. Treasurer, in terms of the commonwealth agreements and the discussions today and the comments by the Premier, I wonder whether there will be any change or renegotiation of the commonwealth-state health arrangements that were agreed to recently and whether, in that context, I need to reframe any of the other questions I flagged with you earlier?

Mr LENDERS (Treasurer) — I think the answer is no. I was asked this in question time. I have not had a chance to speak to the Premier today since he was on 3AW, so I am taking in good faith what Mr David Davis said — that the Premier on 3AW said he would have a discussion with the new Prime Minister about possibly re-discussing agreements previously made. It is not rocket science; premiers will at any time try to seek to get more money for the state from prime ministers.

I do not think any comments Mr David Davis said the Premier made on 3AW this morning in any way affect the appropriation bill, which was introduced into the Assembly on 3 May and is now in the Council. That bill is not affected by any comments the Premier may or may not have made on 3AW.

Clause agreed to; clauses 2 to 8 agreed to.

Schedule 1

The DEPUTY PRESIDENT — Order! Schedule 1 is a summary schedule for all of the departments. Are there any matters that members wish to raise in regard to schedule 1?

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Going back to the issue of desalination, the Treasurer indicated that the Department of Sustainability and Environment's — —

The DEPUTY PRESIDENT — Order! We are going to go through each of the departmental schedules one by one. I am quite happy, if you like, to have a motion that consideration of schedule 1 be postponed, and then we will move through the individual schedules and come back to schedule 1.

Mr LENDERS (Treasurer) — Deputy President, if I could help, schedule 1 is a summary page of all the departments. Subsequent to schedule 1, the 11 departments are listed. Could I propose that we deal with the individual departments one by one in schedule 1?

The DEPUTY PRESIDENT — Order! I accept that. We will do them one by one. Are there any members who have any questions in respect of the Department of Education and Early Childhood Development?

Ms LOVELL (Northern Victoria) — I refer the Treasurer to budget paper 4, page 220, which has reference to the specific purpose grant for the national partnerships of early childhood education. I ask: what are the commonwealth's criteria for how this money can be spent? Are there any co-funding requirements for the state to match or contribute a specific amount in addition to this money?

Mr LENDERS (Treasurer) — To help Ms Lovell on this one, table A.3 on page 299 of budget paper 3 has a description of the initiatives where funding is provided to assist Victoria. That is part of the target of access of the Council of Australian Governments. Further details of what the commonwealth expects are on its website. With regard to what Ms Lovell has addressed, under a national partnership the commonwealth gives money to the state to achieve certain targets, and they are listed on the commonwealth website. They are obviously also reflected in budget paper 3 in our output targets for DEECD (Department of Education and Early Childhood Development). Ms Lovell then asked, 'What extra are we expected to put in to do that?'

That is a legitimate question. The reality of that goes to a point Mr Kavanagh often raises in this house: do you value things in money or in outputs? We operate some of the early childhood programs in the early years of schooling, because a lot of early childhood obviously is years 4 to 8. We operate a lot of that ourselves. Some of that funding comes through the appropriation for schools, we give grants to kindergartens and there is commonwealth money we pass through, so there is not a precise figure I can give Ms Lovell on that.

The commonwealth requires us to meet certain targets and outputs, but the appropriation in the appropriation bill sees funding for the early childhood section of the department over a whole range of spaces. It is just not a question that is quantifiable.

Ms LOVELL (Northern Victoria) — With respect, I think the Treasurer has taken my question a little bit too generally. I am referring specifically to the national partnership grant for early childhood education, which is about the implementation of the 15 hours of kindergarten for children in their year before school. There is \$210 million committed over several years. Particularly on page 209 of the

statement of finances — and I am unsure of what budget paper it is contained in — it refers to \$7.4 million being committed in 2008–09 and \$15.3 million in 2009–10.

I am asking the Treasurer specifically about this particular national partnership grant — what the criteria are for the state to use this money and also whether there are any co-funding requirements for the state to match these grants or to contribute a specific amount in addition to this money. It is not about the general kindergarten budget; it is particularly about the implementation of the 15 hours.

Mr LENDERS (Treasurer) — I am not trying to be difficult, but I do not think it is helpful when a member says she does not know where it is, other than that it is in a table of finances. With due respect, there are 1138 pages — —

Ms Lovell — It's a statement of finances on page 209.

Mr LENDERS — Ms Lovell said she did not know which budget paper it was, and now she has a page — fair enough. Understandably sometimes people prepare these questions and forget them when they get into the chamber, but having been given a starting point of somewhere in a table of finances in 1138 pages of budget papers, and given that there are six budget papers, being a little bit more precise would help.

Ms Lovell is talking here about a figure relating to seven years of funding from the commonwealth — over a period of time — which gets us committed to ratios for child care over that period. She asks me for a precise figure. As I explained to the chamber in my opening comments, early childhood development is across a range of areas. If my recollection is correct, it is from the age of 4 to the age of 8, so it crosses from kindergarten — —

Ms Lovell — No, this is about the implementation of the 15 hours of kindergarten.

Mr LENDERS — Ms Lovell may wish, and she undoubtedly has the option, to continue a dialogue here as long as she likes, so long as you, Deputy President, are willing to give the committee that scope. Ms Lovell asked me a question. Let us get back to basics. Let us assume that we find the chart in the budget papers she is referring to. Presumably it is NP (national partnership) funding for that specific area. Let us assume we find it; that is cool — that is a Treasurer's word to use!

Let us then dissect what she has actually asked. She is saying the commonwealth wants us to achieve a ratio over seven years and is going to fund it over seven years. My reply to her concerns kindergartens and schools. Kindergartens are not government organisations but often receive grants from government, depending on the nature of the kindergarten; schools, if they are government primary schools, receive the student resource package from the schools budget. So there is no hard-and-fast rule for any individual organisation as to how much money it is going to need to get up to the ratio the commonwealth has asked it to reach.

Let us assume we did have a hard-and-fast rule and that we could have one-size-fits-all for every kindergarten and primary school in the state of Victoria. Then we would come to the next point, which was a point in my earlier discussion with Mr David Davis about the appropriation bill.

The house is being asked to approve the Appropriation (2010/2011) Bill. Ms Lovell is asking me to give a figure over seven years which links to outcomes, objectives and commonwealth projects in primary schools and kindergartens. To my knowledge, none of the kindergartens are run by the state; they are run by local government and philanthropic and church groups — you name it; we all know what kindergartens are. What I can say to Ms Lovell is that there is no clear definitive answer to the question she raises. I understand her interest in knowing it, but an annual appropriation bill will not take you through seven years. The forward estimates only go out for four years, yet Ms Lovell is asking me to give her a figure over seven years. I am not being difficult, Deputy President, but a more precise question would assist.

Ms LOVELL (Northern Victoria) — On page 220 of budget paper 4, under the section headed ‘National Partnerships’, early childhood education grants from the government for 2009–10 were \$15.3 million, and for 2010–11 they are \$19.3 million. Is the Treasurer able to give me a complete breakdown — and I am willing for the Treasurer to take this question on notice, as he had it on notice last week — of the expenditure categories for this grant in each of these years?

Mr LENDERS (Treasurer) — I am happy to take this question on notice on exactly the same terms I took it on notice for Mr David Davis. But I say to Ms Lovell — lest she go out in the community and say I am trying to hide something — I do not know exactly how many kindergartens there are in the state of Victoria, but I think it is in the order of 1500 or so. I know there are in the order of something like

1300 government primary schools and 500 non-government primary schools in Victoria. If Ms Lovell is asking me to write to approximately — if you add them up and my figures are right — 3500 organisations, often run by voluntary committees, and say to them, ‘The Treasurer of Victoria wants to get information from you on these grants year on year to satisfy an inquiry of an individual member of the Legislative Council’, I may well say back to Ms Lovell, through the question on notice, that the request is an unreasonable administrative burden. I will take the question on notice, but I categorically state that if this becomes a debate about the government trying to hide information, let us have the debate among those 3500-odd organisations about who is putting the administrative burden upon them just so that a question asked in this chamber can be answered. If this question had been received 30 or more days ago, we would have had a bit more time to see whether a response was feasible.

Ms LOVELL (Northern Victoria) — I am not asking for a breakdown by individual kindergarten; I am asking for a breakdown by category of how this money has been spent. Surely the Treasurer’s department must have that information?

Mr LENDERS (Treasurer) — I stand by my answer. Ms Lovell may wish to put it in simple terms to get herself out of the embarrassing position she is in.

Ms Lovell interjected.

Mr LENDERS — She may wish to. We are here to have a discussion; members may ask a question, and they may assert it is simple to find the information to answer it. I am asserting that it is not always simple to find the information just because someone stood up in Parliament and said it was. I say with some assurance that although I was Minister for Education for only a short time I had responsibility for 1600 government schools and links with some 700 non-government schools. I assure Ms Lovell that while it may seem a good idea to get information and accountability in a report, to raise a question in Parliament or to put out a media release, the fact is when schools, kindergartens and community groups are asked to do something extra they resent it for years on end.

I will take the question on notice, but I am flagging that I am aware it is an election year and a lot of people like to go out there and blame governments for hiding things. I say quite clearly to the house: let us have the debate on whether the information can come out, but let us not assume when we are flicking through the budget papers and are not even sure which table we are

referring to that somehow or other this information is easy to get from not hundreds but thousands of small organisations run by committees of management which do not welcome unnecessary government intrusion.

Mr KOCH (Western Victoria) — The subject I raise with the Treasurer is in relation to full secondary education, which in Torquay is something that has been sought by the Torquay community for some 10 years. On 7 December 2004 the member for South Barwon in the Assembly, during an adjournment debate, raised a matter for the attention of the then Minister for Education about the need for secondary education in Torquay. That was some six years ago; today only a P-8 college prevails.

Torquay is the biggest rural city in Victoria without full secondary college facilities. Western Victoria Region is well represented in the chamber this evening as four of the five members of the region are present. We would all like the Treasurer to confirm with respect to schedule 1 the funding allocation in the budget for the Department of Education and Early Childhood Development in the current 2010–11 period. It appears to make no allocation whatsoever for full secondary education in Torquay as from 2012. I ask the Treasurer to clarify this.

Mr LENDERS (Treasurer) — For the record, page 6 of the appropriation bill says, ‘Department of Education and Early Childhood Development’, that the provision of outputs is \$7.76 billion and that the addition to the net asset base is \$237 million. Yes, Mr Koch is correct — that is, it does not mention any of the 1600 government schools in the state or any of the 700 non-government schools in the state; nor does it begin to start mentioning early childhood education provision or any of the responsibilities of that department.

Mr Koch may well want to go out of the chamber and say, ‘The Treasurer refused to say these figures covered that particular appropriation’, but let me make it clear for the record for anyone who is reading *Hansard* or listening to the broadcast of this debate that there is no list of schools in that particular appropriation.

There is a department that processes applications for school capital works. It is interesting to say that in this budget, the government delivers not just for the 500 schools in the government system it said it would modernise, renovate or rebuild but for 553 schools. In terms of investment in education — I know Mr Kavanagh does not like talking in dollar terms as a measure so I will qualify my dollar terms — there is \$1.9 billion over four years for schools; we were talking

of \$100 million a year when we got elected to government.

We have an investment in capital works in schools before we start using the vast amount of Building the Education Revolution money from the commonwealth which cascades over the top of this. An individual school is not mentioned, but every school in the state is part of a process involving the Department of Education and Early Childhood Development, where they put in their capital works bids and are assessed against every other bid in the state, including against every bid from every single other school that Mr Koch has advocated for in his electorate.

I say to Mr Koch, if he has a priority order for a school in Torquay to be higher up the list than the schools he advocates for in Hamilton, Warrnambool, Geelong, Ballarat or other parts of his electorate, he should say so. If he does not, I support and endorse the work he has been doing and the work Michael Crutchfield, the member for South Barwon in the Assembly, has been doing with vigour for a number of years to get further construction in terms of education.

But budgets are finite. This is a record investment in education: 553 government schools have had capital injections over four years, let alone maintenance having occurred in every single government school in the state. Government is about choices. If Mr Koch thinks that is more important than all of the other schools in his electorate he has advocated for, he should say so; if he thinks we should go further into debt to fund its capital works, he should say so. I support his bid; I congratulate him on his bid. I congratulate Michael Crutchfield on his bid to get greater resources for Torquay. It is a good objective.

Mr KOCH (Western Victoria) — Just as a final statement, I do not believe for 1 second that the community of Torquay is any more important than any other community in Western Victoria Region, but by the same token I do not believe it should be denied the opportunity that other communities have. I raised this particular thing from the point of view that nowhere can I find any allocation from any source that indicates the government is giving consideration to making that opportunity available to the Torquay students and parents who are seeking full secondary education.

Mr LENDERS (Treasurer) — I congratulate and thank Mr Koch for that. I say to him that his heartfelt commitment to his community would carry extraordinarily more clout if he took the responsibility to suggest — it is fine to advocate for his community but it is also imperative on him to say — what other

part of government expenditure he would cut, what tax he would raise or what level of debt would be acceptable to him in order that the government simply acquit every capital project for which a member of Parliament advocates.

Mrs PEULICH (South Eastern Metropolitan) — I refer the Treasurer to schedule 1 and the allocation of money in item 1 on page 6 of the Appropriation (2010/2011) Bill for the Department of Education and Early Childhood Development, and I ask: budget paper 4 on page 108, table 3.1, shows total expenses for the department at \$10.961 billion, which is \$82 million less than the 2009–10 total, which was \$11.043 billion, shown in 2009–10 budget paper 4, page 109. Can the Treasurer explain this drop in the expenditure of \$82 million and how this is shown in the budget papers?

Mr LENDERS (Treasurer) — I thank Mrs Peulich for her question. I am truly disappointed my friend Mr Kavanagh is not in the chamber because he holds me to account all the time.

Mr Drum — He is.

Mr LENDERS — He is in the chamber! Then I look to Mr Kavanagh who likes to say, ‘Should we measure success by the amount of dollars we spend?’. Mr Kavanagh has had me thinking a fair bit about this because we often — —

Mrs Peulich — That isn’t the question.

Mr LENDERS — I think I am trying to assist Mrs Peulich. The only thing we value cannot be dollars. Mr Kavanagh has actually held me to account on that, and I think he has a valid point. It is what you do with the dollars and where the dollars have come from that is relevant. Mrs Peulich asks how we reconcile all these things, and I would invite her to join Mr Rich-Phillips in supporting the Public Finance and Accountability Bill when it comes through here. I am confident we will be getting close to the 60 per cent if this keeps up and there is a bit more transparency. Mrs Peulich asked a good question, saying, ‘Last year you had X, this year you had Y, why hasn’t it gone up?’.

Mrs Peulich — It’s a simple question.

Mr LENDERS — Mrs Peulich says it may be a simple question, but if you wish me to spend some hours going through the appropriation of the Department of Education and Early Childhood Development, I can assure you it is not a simple set of accounts.

I will take some time to explain this, given that Mrs Peulich has invited me to. Firstly, we can talk about how a school is funded. I will refer to a school in my electorate, Bentleigh West Primary School. We go to a school and ask: how is it funded? What we see through these appropriation papers is that the core funding for a school is obviously the student resource package that comes from the Department of Education and Early Childhood Development. A school gets that under a formula. Mrs Peulich thinks it is a simple process, but we could spend days discussing the formula. Let us assume there actually is a simple formula template applied to Bentleigh West Primary School. By the way, I say to Mrs Peulich it is a good school to go to. They have got a great program. They have chooks. I really like schools with chooks.

Mrs Peulich — I have been there many more times than you have.

Mr LENDERS — I would not boast about how many times each of us has been there. I have been there, and I have enjoyed watching the children play with the chooks. Bentleigh West Primary School has a great curriculum. I would ask Mrs Peulich to read the school’s annual report. It has a great photo of the Premier of Victoria and the member for Bentleigh in the Assembly, Rob Hudson, on the front.

Mrs Peulich interjected.

Mr LENDERS — That was a disorderly interjection. This is a serious point I wish to raise. Bentleigh West Primary School will get a student resource package, which will depend on the number of students in the school plus all the other variables — —

Mrs Peulich — On a point of order, Deputy President, in an earlier answer to Ms Lovell the Treasurer said it was impossible for him to give a site-by-site breakdown of expenditure of items. Yet now in a simple question that merely seeks an explanation of why there is an \$82 million drop from one year to the next he seeks to give me a site-by-site explanation of how expenditure is constructed. I do not need a site-by-site explanation — just an overall explanation of why there is \$82 million less in the education budget this year as compared to the previous year, that is all.

The DEPUTY PRESIDENT — Order! There is no point of order as such. I think the Treasurer is providing an example to support his propositions. Nonetheless, I would suggest to the Treasurer that I also did, from the Chair’s perspective, regard the question put by Mrs Peulich as a fairly straightforward one, and I am

not sure that the tack he has taken on it so far is fair to the question that was put. Nonetheless his example is certainly in order, so the Treasurer shall continue, mindful of both Mrs Peulich's needs and my comment.

Mr LENDERS — The Chair puts me in a difficult position. Mrs Peulich was interjecting, saying, 'Just explain how it works'. I can explain in macro terms.

Mr O'Donohue interjected.

Mr LENDERS — We have all day, we have all tomorrow and all next week if we need the time.

Mrs Peulich interjected.

Mr LENDERS — My diary is free. I am happy to do this. I actually enjoy my job, Mrs Peulich.

Ms Lovell — You don't seem happy.

Mr LENDERS — Ms Lovell says I do not seem happy. I will see her here in a few days time. Mrs Peulich asked me to explain in plain and simple terms. I am using an example as to why expenditure goes up and down. The capital works program for Bentleigh West Primary School, which will go through the state books, invests in a stage of the school. The appropriation that we see in front of us in the bill does not delineate whether all of the expenditure is capital or output. Some of the capital is special capital, but the output includes depreciation which goes into capital. It does not specify.

Bentleigh West Primary School has a capital works program which you will find in budget paper 1. The government's capital works program goes up and down. Some was brought forward for the stimulus package to create jobs, which we thought was a good thing; some was not. It varies. Firstly, as part of this appropriation, the capital program goes up and down. The capital program in the last financial year was stronger than this financial year because there was more money being spent on the stimulus package.

If you go to Bentleigh West Primary School, you will also find there is Building the Education Revolution money that goes into that school, so these things vary. Commonwealth stimulus money is less than the previous year because it was stimulus money. State government stimulus money is less than the previous year because it was stimulus money. The base of this is the appropriation, which is based on the student resource package which in turn is based on the number of students with a range of variables — it goes up and down with the number of students in the system — and you add to that the amount of capital. The capital

expenditure for this department in 2010–11 is less than the capital expenditure in the year 2009–10 of the order of about \$200 million. I could get an exact figure, but that is the order of it because the stimulus is coming off. If Mrs Peulich wants a general answer, that is one.

Then I could I add to that, if it helps her, that there are certain commonwealth national partnership payments that were there last year but which are not there this year. There are cash flows that come in from the commonwealth. Some years are different.

I can assure Mrs Peulich that the departmental funding model goes up with inflation, so education for every output has received last year's amount of money plus the departmental funding model on top, and then there is a series of inputs from the commonwealth and the state which have varied because we have not got the level of stimulus in the economy in 2010–11 that we had in 2009–10. I thought the Bentleigh West Primary School was a decent example to help explain that.

Mrs PEULICH (South Eastern Metropolitan) — I refer to schedule 1 in the allocation of money in item 2, page 6 of the Appropriation Bill concerning the Department of Education and Early Childhood Development. The government has promised to build, renovate or extend every school by 2016: budget overview, page 13. Does this mean by calendar year 2016, financial year 2015–16, financial year 2016–17, and what will be the total cost of this promise?

Mr LENDERS (Treasurer) — Deputy President, firstly, if we take the discussion I had earlier with Mr David Davis, whether it is for the 2016 calendar year or financial year has nothing to do with the annual appropriation bill for 2010–11. Mr David Davis sought to draw a long bow and bring it into the forward estimates. I would let Mrs Peulich know, and I assume she has read the budget papers, the forward estimates do not go to the year 2015–16, so the question is way out there.

An honourable member interjected.

Mr LENDERS — Mr David Davis probably should ask Mr Rich-Phillips to advise him on the budget papers, because the forward estimates do not go to 2015–16. If he wishes to have a discussion about a political party's manifesto, then everything is on the table.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mrs PEULICH (South Eastern Metropolitan) — The Treasurer was in the process of answering the question about the government's promise to rebuild,

renovate and extend every school by 2016, and I asked which year that fell in — whether it was the calendar or financial year. I am not sure whether the Treasurer answered, but the last part of that question was: what is the total cost of this promise? I ask if the Treasurer could reiterate what happened just before the dinner break.

Mr LENDERS (Treasurer) — I thought I made it clear before the dinner break that we are discussing the appropriation bill for 2010–11, which specifies the output and capital spending for the Department of Education and Early Childhood Development. Mrs Peulich asked about dates in 2016, which is outside the forward estimates.

Mrs PEULICH (South Eastern Metropolitan) — The budget overview at page 13 mentions \$381 million over four years. Is this the total amount that is going to be spent on the Victorian schools plan for the forward estimates for 2010–14?

Mr LENDERS (Treasurer) — The Appropriation (2010/2011) Bill at page 6 says the Parliament is being asked to approve \$7.769 billion for provision of outputs in the Department of Education and Early Childhood Development and \$237 million for additions to the net asset base. When the depreciation component is taken from the output amount, that is the amount which is being spent on capital in budget year 2010–11.

Mrs PEULICH (South Eastern Metropolitan) — The government is committed to spending \$1.96 billion on the Victorian schools plan over its term in office, as stated on page 13 of the budget overview. On page 5 of budget paper 1 the government indicates that \$202.7 million remains to be spent. Is this amount committed? If so, could the Treasurer indicate where it is committed and provide a table for the chamber?

Mr LENDERS (Treasurer) — Is it committed? Yes. If we go to page 6 of the Appropriation (2010/2011) Bill, we find that, in total, the appropriation being sought is \$8 007 525 000. All those schools will be completed under that amount. That is indicated in the those two figures on page 6 of the appropriation bill.

Mrs PEULICH (South Eastern Metropolitan) — I do not think we are going to get a lot of clarity from the Treasurer. Obviously he intends to stonewall. I will persist on behalf of the communities that have asked me to make these representations. A number of projects, such as the Seymour regeneration project, the Knox regeneration project, Bayswater Secondary College and Glenroy Specialist School are listed as funded projects, but according to the budget these projects will not

receive funding in 2010–11. In the forward estimates when will each project be funded?

Mr LENDERS (Treasurer) — In budget paper 1 Mrs Peulich will see every single school listed. As to the funded projects she has referred to, she will see a figure for the schools of what is available for the current year. She will see what has been available for the total value of the project. She will see what has been spent and she will see, quite clearly, what is still outstanding on every school project worth more than \$250 000.

Mrs PEULICH (South Eastern Metropolitan) — A number of projects, such as the Altona-Bayside regeneration project, Bendigo Senior Secondary College, Noble Park Special Development School and Timbarra College P–9 have been announced, but the bulk of their funding has been treated as remaining expenditure. In the forward estimates when will they receive their remaining funding?

Mr LENDERS (Treasurer) — If Mrs Peulich goes to budget paper 1 and looks at the individual schools, as she correctly says, schools have their funding listed. For those that are in the forward estimates, beyond the current year, the total estimated investment in those projects has been announced. Each of those individual projects are being managed by the individual schools and by the appropriate region of the Department of Education and Early Childhood Development, and they are being managed on a day-to-day and appropriate basis.

We have an ongoing debate over what is the most appropriate way, particularly at a time of economic stimulus, to manage individual school building programs. We have had round one of the Building the Education Revolution program, round two of the BER and now round three of the BER. Round three of the BER comprises projects funded jointly by the state and commonwealth governments — the ones that are left are the ones that are complex and have been negotiated on a school-by-school basis. As you would expect with any good capital management and procurement project, these are done on a case-by-case basis. Funding is committed for them on the basis of where they fit in future years. In many cases it depends on whether the plans are approved by local communities and by governments and on how the project management goes. If individual members expect that government will not take into account local issues and take some definitive line, I would respectfully suggest that they do not understand procurement.

Mrs PEULICH (South Eastern Metropolitan) — In the 2006 election the member for Narre Warren North in the other place, Luke Donnellan, promised a Timbarra 7–12 secondary college. I note that a P–9 was recently announced, with the bulk of funding to be treated as remaining expenditure. I ask: where is the second half of the school?

Mr LENDERS (Treasurer) — I suggest that Mrs Peulich should have listened to my answer to Mr Koch before the dinner break and she would have the answer.

Mrs PEULICH (South Eastern Metropolitan) — What is the reason for the government’s reduction in land acquisition over the 2010–11 financial year — a reduction of \$8 million, as listed in budget paper 1, page 40, when compared to that of the 2009–10 financial year, which was \$31 million, as listed in budget paper 1, page 45.

Mr LENDERS (Treasurer) — Before the dinner break, in response to a question from Mrs Peulich, I referred her to a discussion about measuring things in values versus measuring things in outputs, and Mr Kavanagh’s view that you do not necessarily measure things in money. In this particular four-year term the government has a program to build 500 schools. The program now is that the government will build, modernise or renovate 553 schools. We have exceeded our target by more than 10 per cent — in fact, by 10.6 per cent to be precise — so we are delivering on the schools we said we would build, modernise or renovate.

Measuring land acquisition for schools on a year-by-year basis does not recognise the existing assets owned by government or the needs of individual schools. We measure school procurement in numbers and need, and while there is a correlation between this and the amount of land that is required for the future program, it is over a period of time, not on a year-by-year basis, as any analysis of the budget papers will show.

Mrs PEULICH (South Eastern Metropolitan) — I have one last question, if I may, Deputy President. Since 2008 the government has incorporated school maintenance into the school modernisation scheme, and the figures for actual school maintenance no longer exist, as they did previously.

In the Victorian Auditor-General’s report *School Buildings — Planning, Maintenance and Renewal* the Auditor-General stressed the need for improvements to prioritisation of Victorian school building works and

maintenance of school buildings. I quote from page v of the report:

Failing to formulate and apply adequate long-term maintenance plans is likely to leave future generations of students with a legacy of poorly performing facilities.

Can the Treasurer indicate what funding has been allocated to the maintenance of Victorian school buildings in the 2010–11 financial year?

Mr LENDERS (Treasurer) — It is in the appropriation bill on page 6, at item 1.

Mrs PEULICH (South Eastern Metropolitan) — Lastly, a supplementary question: given the increase in the school asset base due to the Building the Education Revolution funding, can the minister indicate where the increases in funding for maintenance of Victorian school buildings constructed under BER are set aside?

Mr LENDERS (Treasurer) — In the appropriation bill they are listed on page 6, schedule 1, at item 1. In the budget they will be listed under the outputs for schools. School maintenance funding comes in three forms. The largest portion comes under the student resource package, under which each school gets an amount. Above and beyond that, under the appropriation for the Department of Education and Early Childhood Development, there is an amount for maintenance that goes to individual regions, which is at the discretion of the regional director — it goes a bit beyond the school. Because of the risk of inflaming Mrs Peulich I will not use examples — she does not like that — but I could provide examples of the sorts of maintenance if she wanted me to. And then there are the major maintenance programs undertaken by the Department of Education and Early Childhood Development on a statewide basis, funding for which is allocated to schools on a needs basis. Again because of the risk of inflaming Mrs Peulich, who does not like examples, I will not give them, but if she wishes me to provide them, I would be happy to do so.

Mr O’DONOHUE (Eastern Victoria) — The *Pakenham-Berwick Gazette* of 4 February 2009 reports the member for Gembrook in the other place, Tammy Lobato, as saying a new public secondary college in Cardinia was a key educational priority and that ‘The state government has made the commitment to purchase land for a new secondary college in Officer’. The *Pakenham Journal* of 11 May this year states:

... Tammy Lobato said the state budget had allocated \$8 million to purchase land in growth areas for future schools, including in the south-east growth corridor.

As Mrs Peulich said before, that figure is on page 40 of budget paper 1.

Can the Treasurer confirm that the comments made by Ms Lobato are indeed accurate and that some of the money allocated for land acquisition has been allocated to the south-east growth corridor, in particular for a new school in Officer?

Mr LENDERS (Treasurer) — Firstly, I am puzzled: budget paper 1 is my speech, and it does not go to 40 pages.

Mr O'DONOHUE (Eastern Victoria) — As I said, I was citing Mrs Peulich. Regardless of that, can the Treasurer confirm that the comments made by Ms Lobato to local newspapers over the last two years — that the government has allocated funds in this year's budget to purchase land for a new school in Officer — are indeed correct?

Mr LENDERS (Treasurer) — We are discussing the appropriation bill and the budget papers. Mr O'Donohue referred to page 42 of budget paper 1, which does not have a page 42. When that did not work, he referred to a statement by a member of the Legislative Assembly which is somehow or other linked to the budget papers. We are discussing page 6 of the appropriation bill, which has two items — one for outputs and one for capital — for the Department of Education and Early Childhood Development. I have answered a substantive part of Mr O'Donohue's question in response to questions from Mr Koch and Mrs Peulich.

Mr O'DONOHUE (Eastern Victoria) — On the contrary, I am asking the Treasurer to clarify whether a member of his government's statements are accurate with regard to the appropriation bill that is before the house at this moment.

Mr LENDERS (Treasurer) — On the contrary, Deputy President, the member referred to page 42 of budget paper 1, which does not have a page 42.

Mrs Peulich — You are the Treasurer.

Mr LENDERS — Mrs Peulich has helpfully said I am the Treasurer; I had noticed! Mr O'Donohue has asked me to refer to budget paper 1, page 42, which does not exist.

Mr O'Donohue — I did not say page 42.

Mr LENDERS — You did, Mr O'Donohue, say page 42 of budget paper 1. Budget paper 1, which is my speech, does not refer to individual school sites as the

member suggests. I would respectfully suggest that if the member is going to quote the budget papers, he should get the right paper and read it. If he wants to rely on a statement from a member of Parliament, he should refer to it out in the community and not during the committee stage of the appropriation bill.

Mr O'DONOHUE (Eastern Victoria) — I do not mean to labour this issue, but the question is straightforward. The Treasurer can play games with the words that I use, but the proposition being put forward is a simple and straightforward one. A member of his government has gone out into the local community and said that a new school will be built in a marginal electorate with funds that are to be allocated pursuant to the bill before the committee at this moment, and I am asking the Treasurer to confirm or clarify whether those comments made by a member of his government are correct.

Mr LENDERS (Treasurer) — That is it.

The DEPUTY PRESIDENT — Order! The minister has no further response than that.

Mr KOCH (Western Victoria) — Mr O'Donohue has brought to my attention another matter in relation to education which is of concern. I note that the Horsham Special School is not included in the current appropriation bill, and I wish to pose a question to the Treasurer. This facility has been visited by community cabinet on a couple of occasions. The community of Horsham had been given indications that funding would come forward, and the provision of land has been secured. All the planning criteria have been met and assurances of funding were given. I pose the question to the Treasurer: is there any likelihood that there may be some contingency funds running up to the election that might secure an outcome for the Horsham Special School, which operates in very difficult circumstances as he is aware?

Mr LENDERS (Treasurer) — I am sure Mr Koch can go back to my answer to his question about the Torquay school and my response to him on the finite nature of the budget and that these programs are all being considered. For his benefit I would remind him that he said this appropriation bill lists schools but not the one in Horsham. It has two lines — one line is outputs and one line is capital works — and it does not list any schools. As he well knows, this government is spending \$1.9 billion over four years to renovate and modernise 553 schools, which is significantly more schools than have ever been renovated before.

Mrs Peulich interjected.

Mr LENDERS — The member who was the member for Bentleigh in the other house during the Kennett government scoffs, but \$100 million was spent on school capital works in the last year of the previous government — during this four-year term this government has been spending \$450 million a year on school construction. What we are seeing above and beyond that is that 553 government schools are receiving a form of treatment under this capital works program.

I say to Mr Koch that schools in his electorate and across the state probably have a much better opportunity than ever before in the history of this state to get access to funds. They are assessed on their merit, and if Mr Koch believes that one school in his electorate should be elevated up the list, then I respectfully suggest that he indicate which ones should be lowered down the list, unless he wishes us to cut services or go into debt.

Mr O'DONOHUE (Eastern Victoria) — Budget information paper 1 at page 40 states that the total investment for land purchases, including the land for Echuca West Primary School, is \$8 million. Does the Treasurer know how much of that \$8 million has been set aside for Echuca West Primary School?

The DEPUTY PRESIDENT — Order! Budget paper 1 is in fact the Treasurer's speech; it runs for 12 pages.

Mr O'DONOHUE (Eastern Victoria) — I said budget information paper 1.

Ms Broad — You want to announce the price the government is willing to pay for land so that the owner knows what price to put on the land because the government has already set it. That would be really smart, wouldn't it?

Mr LENDERS (Treasurer) — I think Ms Broad absolutely hit the nail on the head. Firstly, I am delighted Mr O'Donohue has worked out there are six budget papers and has wandered to the fifth one, getting it right, rather than budget paper 1 that he was referring to before.

Secondly, Ms Broad's point is correct. If Mr O'Donohue wants us, in a negotiating process where government is purchasing land from the private sector — —

Mrs Peulich — There is always an excuse.

Ms Broad — It is called being prudent.

Mr LENDERS — I take up Mrs Peulich's interjection — there is always an excuse. She quoted the Auditor-General just 10 minutes ago about probity, just 10 minutes ago about appropriateness. Mr O'Donohue says what are we going to say — and it is a legitimate question on his part to ask what it is. Ms Broad has responded, saying the reason you do not disclose those individual amounts is because if you are wishing to purchase land from a developer, to say what price you would be prepared to pay before you sign a contract would be not just foolish but something the Auditor-General would comment on adversely.

Mrs Peulich may say that is an excuse. There is always an excuse. I would have thought if an excuse is good public policy, then it reflects badly on Mrs Peulich's view of what probity is.

I endorse Ms Broad's response. I think that answers Mr O'Donohue's question. It is a very effective, succinct response from someone who understands the public sector remarkably well. For the record I, too, would like to congratulate Ms Broad on her good friend today becoming Prime Minister of Australia.

Mr O'DONOHUE (Eastern Victoria) — I asked a specific question about the school that has been listed, because I assumed there was a possibility that contracts had been signed with a view to settlement taking place in this financial year, which would remove any issue around negotiation if indeed commercial negotiations had been settled and contracts had been signed.

The DEPUTY PRESIDENT — Order! We will move on to the Department of Health. Are there any questions in respect of the budget allocations for the Department of Health?

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I have a question about the impacts of the new federal-state health agreement with respect to its impact on health funding, and in particular the state's obligations with respect to GST commitments. Can the Treasurer outline to the committee the exact quantum of the state's commitment under the GST side of that agreement? I am well aware that the figures of one-third and 30 per cent have been bandied around. Can he explain to the committee what the actual commitment of the state is under that agreement?

Mr LENDERS (Treasurer) — There is no change whatsoever from what it was previously for the next financial year.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for that. I was referring to the new agreement moving forward. Given

the committee is being asked to consider these appropriations for the 2011–11 financial year, it would be helpful to the committee to understand what will follow in subsequent years, given this agreement has been put in place.

Mr LENDERS (Treasurer) — There are two parts to the question. The first part is for the appropriation bill before the house, and I stand by my answer. There is absolutely no difference from what it would have been if the agreement were not in place. Let us go back to absolute basics. We are seeking to appropriate from the Consolidated Fund — and in the case of the Department of Health we are seeking to appropriate, between outputs and capital, \$8.751 945 billion. This is no different from what we would have done if the Consolidated Fund had received money as a general purpose payment as part of the GST or a specific purpose payment as part of an alternative arrangement to the GST, which has not been finalised.

I suspect it will not happen in this financial year. As Mr Rich-Phillips would be well aware, most of the changes regarding the GST operate at the end of the forward estimates period. The detail between the states and the commonwealth is no more advanced than that, but as far as the Appropriation (2010/2011) Bill goes, we are seeking appropriation for that amount to run our health system. It is no different from what it would be if it was a general purpose payment or a specific purpose payment going into the Consolidated Fund.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I accept the point the Treasurer is making about the appropriation, but what I am seeking to understand through this committee stage is the way in which this mechanism is going to work into the future and out into the forward estimates period, and I do not think it is unreasonable for the committee to have an understanding of what the future arrangements are going to be. They have been the subject of negotiation and apparent agreement, given we are being asked to appropriate these sums today.

I was seeking from the Treasurer an understanding of what the trade-off on that agreement is going to be with respect to GST, and indeed with respect to changes in Victoria's future GST allocations in the event that the Commonwealth Grants Commission comes up with a different allocation to the one that was finalised in February this year. If that allocation to Victoria changes, what are the implications with the health deal?

Mr LENDERS (Treasurer) — I repeat: the appropriation bill seeks to authorise that out of the Consolidated Fund warrants be issued to fund the

Department of Health to the tune of \$8.7 billion. Mr Rich-Phillips asked an absolutely legitimate question about public policy as to how these arrangements will work in the future, and going beyond what is in the appropriation, because with the appropriation we do not as a house spend time asking whether the portion received this year from payroll tax is likely to be \$3.5 billion or \$3.6 billion; or whether a portion from stamp duty is likely to be \$3.5 billion or \$3.6 billion; or whether the portion from gaming revenue is likely to be \$1.2 billion or \$1.3 billion, or whatever the figures are — and therefore, somehow or other, that is relevant to the appropriation being sought to fund the hospitals.

The appropriation bill is not about seeking revenue; it is about seeking approval for expenditure.

Mr Rich-Phillips has asked a legitimate question about public policy, but I do not think it is necessarily one for the appropriation bill. What I can say to

Mr Rich-Phillips is: as he would have seen from the intergovernmental agreement, there are general principle arrangements where the commonwealth seeks to fund 60 per cent of the hospitals from its revenue, rather than, as is now the case, 45 per cent. The commonwealth wants to say it funds 60 per cent, therefore it makes up the difference out of GST revenue, and what was a general purpose grant becomes a specific purpose grant, and there is no net change by 1 cent.

Where it becomes an issue is at the end of the forward estimates period. At the end of the forward estimates period — outside our forward estimates period and outside the appropriation period — there will be a reconciliation period that the commonwealth and the states have not yet reached a final landing on. However, as far as the appropriation bill goes, it makes no difference whatsoever, and towards the end of the forward estimates period it will literally be the case that a portion of the general purpose grant will become a specific purpose grant, but the net of the two will be not 1 cent different.

It is only outside the end of this forward estimates period where Mr Rich-Phillips's legitimate question of public policy comes in, and at this stage the commonwealth has not come up with a level of detail beyond general terms, other than to say no state will be worse off. The commonwealth has signed a series of further agreements beyond the end of its forward estimates to show there will be a graduated approach, which is way outside ours.

Mr Rich-Phillips is asking for information, and all of that is in the intergovernmental agreement that was

announced; there are further agreements that need to be signed between the states and the commonwealth, and that detail has not been completed.

Mr D. DAVIS (Southern Metropolitan) — I will follow up on precisely this point. I am pleased with the Treasurer's comments, because they help to clarify it. Both Mr Rich-Phillips and I have read the new agreement. However, as the Treasurer actually outlines himself, although the allocations in this revenue period — or this allocation period, this forthcoming year — may not change, it does affect the forward thinking on capital allocations, because it seems there is likely to be some impact on the adjustment between the state and the commonwealth at the end of the forward estimates period, and perhaps beyond.

I put it to the Treasurer that there have been announcements by the government about capital projects, for example, that go beyond the forward estimates period. There have been announcements that, in effect, commit political parties to these points, and if projects are begun, that will have a consequence for whatever government is in power in the future.

My point is that whilst he may be right in a technical sense, there is no immediate impact in this period. There is an impact on forward planning and scheduling because capital projects and capital budgets need to be scheduled into the future, and there is now some uncertainty about what will occur in the latter period of the forward estimates and in the period immediately beyond.

I draw the Treasurer's attention to schedule C of the national health and hospitals network agreement, which has some words in it that go to the following point:

... dedicating a proportion of the goods and services tax (GST) such that in the period to 2011–12 to 2013–14 the new health care SPP and the dedicated GST will fund 60 per cent commonwealth hospital funding contribution ...

I understand the Treasurer's point that this is a balancing up, but that agreement also points to the potential for changes in the weightings between the states. I would be interested to hear how the Treasurer believes planning into the future can operate where capital components will require scheduling into the future but where there is some uncertainty in those forward periods.

Mr LENDERS (Treasurer) — The only uncertainty is in Mr David Davis's mind. I think I answered his question succinctly in my response to Mr Rich-Phillips. The only thing I did not probably do in response to Mr Rich-Phillips was to say that the commonwealth has

kicked \$900 million more into Victoria over the forward estimates period than we would have got prior to the Premier intervening and getting the agreement.

Mr D. DAVIS (Southern Metropolitan) — Will the Treasurer provide the house with a schedule of the amount of GST money retained by the commonwealth for each of the budget estimates years pursuant to the health-care agreement under the arrangements?

Mr LENDERS (Treasurer) — If Mr David Davis had understood my answer to Mr Rich-Phillips, he would know the answer is no, because there is no such schedule available.

Mr D. DAVIS (Southern Metropolitan) — We discussed earlier in this committee, in the first clause, matters surrounding hospitals and health. By way of an example the Treasurer mentioned an earlier budget committee at which there had been a request for information, and I put on the record that that information was not provided when requested. The Treasurer was at that time the Minister for Finance, and I understand he was not providing the figures himself. However, since the money, as he has pointed out, the \$8.7 billion, is allocated in the schedule, in terms of the various health services around the state, would the Treasurer provide for the committee a schedule of the number of beds that are open, perhaps at a census date that is convenient to the government, in each of those facilities? It is quite important. It is relevant to local communities, and it is directly about the appropriation of money here that is to be used for public health services around the state.

Mr LENDERS (Treasurer) — I answered that in my response to clause 1.

Mr D. DAVIS (Southern Metropolitan) — Perhaps the Treasurer might like to reiterate that. Will the Treasurer provide that information or will he not?

Mr LENDERS (Treasurer) — I answered it. Mr Davis did not listen.

Mr D. DAVIS (Southern Metropolitan) — I am sorry, that answer was not clear to me. Perhaps the Treasurer would like to clarify it?

Mr LENDERS (Treasurer) — Mr Davis can read *Hansard*.

Mr D. DAVIS (Southern Metropolitan) — So the Treasurer will provide the information?

Mr LENDERS (Treasurer) — I answered in response to clause 1.

Mr D. DAVIS (Southern Metropolitan) — I do not think the Treasurer gave a satisfactory answer, and I take it that he will not provide that information. Is that what the Treasurer is saying?

Mr LENDERS (Treasurer) — Mr Davis's version of a satisfactory answer in an election year versus my measured response, which he clearly chose not to listen to, are quite different. I do not think we will agree on what he thinks is a satisfactory answer. I answered his question fulsomely in response to clause 1.

Mr D. DAVIS (Southern Metropolitan) — I want to put on the record my disappointment that the Treasurer will not provide that information. It was not provided in a previous budget committee hearing or in a follow-up to that. I make the point that it is disappointing.

Mr LENDERS (Treasurer) — I put on the record my disappointment about Mr David Davis not listening to an answer and then getting up to make a subsequent political point.

Mr D. DAVIS (Southern Metropolitan) — I would like to ask the Treasurer a question directly about the number of beds that will be funded across the state to deal with growth. We have population growth, and we have growth in terms of the need that follows population ageing. I wonder if the Treasurer would explain to me, in relation to the allocation for the Department of Health, what underlying assumptions have been made in terms of population growth and what underlying assumptions have been made in terms of additional need and the demand that will flow from population ageing.

Mr LENDERS (Treasurer) — I draw Mr David Davis's attention to the Department of Health output measures in budget paper 3. In whichever part of the departmental output he wishes to look at, he will find the measures. He will find the results from last year and what the state is seeking to achieve from this appropriation. There is a lot of detail. If he gets budget paper 3 and reads the chapter on the Department of Health, his questions will be answered.

Mr D. DAVIS (Southern Metropolitan) — What I am seeking is some link between those output measures and bed numbers, and it does not appear that there is likely to be anything provided here, so again I put my concerns on record.

I follow up with another question which relates to bush nursing hospitals. I wonder if the Treasurer would assist the committee with information as to what allocations will be made out of this budget for bush nursing hospitals in the budget period.

Mr LENDERS (Treasurer) — Firstly, I will respond. I will comment on this clause — and I can comment on what I choose to — and on Mr David Davis's earlier observation about beds. If he thinks the only measure in the health system — —

Mr D. Davis interjected.

Mr LENDERS — Mr David Davis gets up and pontificates about me not being prepared to answer on the number of beds as a measure after I thoughtfully drew his attention to budget paper 3, where there are numerous measures for the outputs and outcomes of the Department of Health, which is about treating patients and preventive measures in health.

If Mr Davis finds that the input on bed numbers is the only measure he wishes to use, rather than looking at how effectively patients are treated in those beds, rather than looking at throughput or whatever else the government, the health system, health practitioners and clinicians will use as a measure; if Mr David Davis wishes to use another input measure, he certainly can do that and he will undoubtedly put out his media release with his views on that. But he has asked a question on that output measure and now he is asking a question on bush hospitals.

If he cares to read budget paper 3, which outlines the measures on the Department of Health, he will find that his answers are there; he just needs to look for them.

Mr D. DAVIS (Southern Metropolitan) — Again I express my disappointment. I want to talk to the Treasurer about HealthSMART, and he might have a particular interest in this issue, given that he is also the Minister for Information and Communication Technology. Obviously he has a significant overview role, and I wonder if the Treasurer will provide the house with a list of allocations made by the Department of Health in the current year to support the HealthSMART project and the allocations made by each of the individual health services, funded by the department, to support the HealthSMART project.

Will he also provide a similar list of allocations to be made in 2010–11 by the department and the individual health services and hospitals to support and introduce the various facets of the HealthSMART program?

Mr LENDERS (Treasurer) — Part of my response in principle is really much the same as my response to Ms Lovell on the issue of apportioning things, because the same principle applies. In her case it was in the school and preschool areas, while Mr Davis is clearly talking of a much smaller number of organisations where HealthSMART money goes than Ms Lovell was.

I am not a specialist on HealthSMART. It is an IT program administered by the Department of Health, and it answers to the Minister for Health through that department. It is an IT project that involves hardware and software issues, management and, if it is like any of the other procured computer projects, it is a project where probably a vast amount of the money goes to those central components. Then obviously the program is rolled out to the individual health organisations, whether they be hospitals or — —

Mr D. Davis — Services.

Mr LENDERS — Or services, yes, and I thank Mr Davis for that term. Then it starts blending in how much is the IP (intellectual property) that goes into it, how much is the central hardware and how much is applied at the individual places. I imagine that there are not a lot of records kept to the level that Mr David Davis is asking about, but I am happy to take on notice the rest of that question — I think I have answered it in general terms — and I will see what response I get from the Minister for Health.

Mr D. DAVIS (Southern Metropolitan) — I thank the Treasurer for that and reiterate that it is quite important, because many of the large health services are now being hit with millions of dollars of additional costs which are coming straight out of their bottom line budget in terms of treatment of patients. It would also be helpful, if it is possible, to have the total of what has been expended on HealthSMART to date, if the Treasurer felt able to do that.

I want to come back to the population estimates that underlie the health budget. I wonder if the Treasurer would give some additional information as to the background that is used by the department. We have obviously had a significant growth in the Victorian population, and that generates necessary and predictable demand, but I wonder if the Treasurer might indicate what growth rate is underlying this section of the budget in terms of health costs and which estimates he relies on in terms of population, in particular.

Mr LENDERS (Treasurer) — If Mr David Davis goes to budget paper 2, he will see the estimates we have of population growth for Victoria in the current year, the year of the appropriation bill, and the three years in the forward estimates going beyond that. That is where he will see those figures. He knows those figures come from the Australian Bureau of Statistics and local government, and the Department of Treasury and Finance does work on that. He also knows that departments will have their own budget inputs on

where they think there is something different in a particular demographic in their area.

The Department of Health is clearly funded under the departmental funding model (DFM), as all departments are. As a general rule it is based on the inflation rate as comes in the midyear budget update, unless it is varied. He knows that the departments put in bids for demand funding if they make a case that in a particular area demand is stronger than that DFM would indicate. There is no rocket science to that and there is no particular formula to that. Again, he is at liberty to put a question to the Minister for Health if he thinks there are particular areas in health. That is how it is dealt with in a budget sense. The underlying assumption for the base is the population figure which is published in budget paper 2, and anything beyond that is decided by departments on a case-by-case basis at budget time.

Mr D. DAVIS (Southern Metropolitan) — I want to ask something further regarding the home and community care (HACC) funding under the new Council of Australian Governments agreements. As the Treasurer will be aware, Victoria is the only state that has a separate arrangement under the HACC agreement with the commonwealth. I wonder whether the Treasurer will explain the involvement of local government in HACC funding and whether it will continue unchanged under the new formula.

Mr LENDERS (Treasurer) — We are being asked to deal with page 7 of schedule 1 of the bill, which is the appropriations for the Department of Human Services. We are not being asked, I would think, to deal with the individual budgets of 79 municipalities in Victoria.

Mr D. DAVIS (Southern Metropolitan) — The Treasurer may not be aware, but the municipalities are funded in large measure, but not entirely, by the state government. The federal money comes to those municipalities through the state government, and I want to record that by and large they do an excellent job. It was quite a serious question, because there is concern there, and this is an opportunity to ask detailed questions about the funding as it comes through the state budget. Therefore I ask: will the Treasurer provide a guarantee that no home and community care provider will receive less funding under this go-it-alone funding strategy?

Mr LENDERS (Treasurer) — We have moved, and the house has adopted, the earlier clauses of the Appropriation (2010/11) Bill. I suggest that Mr David Davis should go back to clause 3 in his own time, given the house has already agreed to it, and he

might start to understand that we are dealing with the annual appropriation bill. He is asking me to comment on things that are not part of the annual appropriation bill. If he wishes to have a general discussion about things we may be interested in, I could ask him, because I am curious, how the preselection went in Southern Metropolitan Region last Sunday. I am interested, but that has nothing to do with the annual appropriation bill either.

If he is interested in having a general discussion about how government works, there are a lot of formal ways he can do that, but the item he is referring to is not part of this appropriation bill. He has an interest and he is asking questions, but he also has an interest in a matter I could raise and I could ask him questions about that too!

Mr D. DAVIS (Southern Metropolitan) — I thank the Treasurer for his response, but I record my disappointment at his approach.

I wonder if we could look at some of the capital items that have been announced by the government for which funding will start to flow in the current period. I note there is a helpful schedule provided in budget information paper 2, the one on health. Table 4 on page 8 lists the arrangements for a number of new hospitals. The Box Hill Hospital redevelopment is described as a:

New emergency and surgery block —

with —

Additional emergency department capacity

Additional surgical capacity —

and there is a figure of \$408 million. The Treasurer will remember earlier budget discussions in this chamber on precisely that hospital, and it is a very important hospital in Melbourne's eastern suburbs. Members of this chamber have debated the matter at length, as the Treasurer will remember; indeed, if I recall correctly, on your motion, Deputy President. In the context of this budget, I wonder whether the Treasurer will indicate precisely what the government intends to build with the \$408 million. It is considerably less than earlier figures put out by the Treasurer, if I am not wrong, but certainly by the Premier, which ranged from more than \$800 million to \$1 billion. I wonder if the Treasurer might lay out for the chamber precisely what the \$408 million will build.

Mr LENDERS (Treasurer) — I am pleased Mr David Davis referred to budget information paper 2 entitled *Putting Patients First*, which is obviously a

very easy one to read because it has pictures in it. Budget information paper 1, which shows the money that goes through year by year, is what we are seeking to spend on capital.

We have an appropriation bill here which, correctly, appropriates money for the Box Hill Hospital. Mr David Davis has asked this question on many occasions, and the Minister for Health and Eastern Health have put out clear specifications of what is in the project. Mr David Davis will easily find that if he goes to the Eastern Health website. What I would say to him is the budget appropriates funds and the information is clear and transparent on the Eastern Health website, if he wishes to look for it.

Mr D. DAVIS (Southern Metropolitan) — I have read the Eastern Health website and I am very familiar with it. I am interested in hearing the Treasurer say those words in the chamber.

The DEPUTY PRESIDENT — Order! Treasurer?

Mrs Peulich — For the benefit of Hansard, he is shaking his head.

Mr D. DAVIS (Southern Metropolitan) — Let me put on the record that the Treasurer will not repeat in the chamber the words that have been put out publicly.

Mr LENDERS (Treasurer) — Chair, let me repeat for Hansard that the absolute — —

Mrs Peulich interjected.

Mr LENDERS — I will speak as I wish to, Mrs Peulich. I will put on the record that the Minister for Health and the Premier clearly outlined the plans and the specifications late last year. I put it that they are clearly available, to anyone who wants to see them, at the Box Hill Hospital or at Eastern Health.

If Mr David Davis thinks it is important politically to make a statement in this chamber, he will do so; he is entitled to do so. But I put it clearly on the record that if he cannot draw the conclusions from Eastern Health or from the Box Hill Hospital himself, then he cannot read the diagrams.

Mr D. DAVIS (Southern Metropolitan) — As I said, let *Hansard* record that the Treasurer would not repeat in the chamber what has been said publicly.

Mr LENDERS (Treasurer) — Chair, let me put on the record, then, that Mr David Davis does not read the website, which is publicly available.

Mr D. DAVIS (Southern Metropolitan) — I do read the website, I have read it, but I note that the Treasurer will not say those words in this chamber where clear rules apply.

Mr Lenders — Your rules?

Mr D. DAVIS — No, the Parliament's rules that require you not to mislead the house.

The DEPUTY PRESIDENT — Order!

Mr D. DAVIS — I seek to ask about another important health project, the Monash Children's hospital. I wonder if the Treasurer would outline for the house precisely what the \$11 million budget allocation will provide?

Mr LENDERS (Treasurer) — Chair, I repeat my previous answer — different website.

Mr D. DAVIS (Southern Metropolitan) — I am aware that Southern Health has a website, and it is very informative, but it does not explain everything, and the Treasurer could have explained more.

The other important location is the Bendigo hospital. As the Treasurer is aware, \$473 million has been allocated in the recent announcement, on top of a portion of an earlier announcement of \$55 million, bringing it to around \$500 million in round figures that the government has announced for allocation to build a new Bendigo hospital. This is of course substantially less than the business case. I wonder if the Treasurer would explain to the chamber precisely what the \$500 million, in round figures, allocation will be for and what it will build at Bendigo.

Mr LENDERS (Treasurer) — Chair, two things. I go back to my earlier comments, on Mr Kavanagh's advice, that I would think people would measure services by what is actually on a website, what is actually displayed in a hospital and what is designed to treat patients rather than a member of Parliament's imagination as to what an appropriate amount would be. Beyond that, I say to Mr David Davis: I repeat my answer to his previous two questions — different website.

Mr D. DAVIS (Southern Metropolitan) — I am interested in following up a number of these important capital announcements that have been made, announcements that communities are very much determined to see come to full fruition; certainly the opposition is determined to see the best health services in each of these locations. I wonder if the Treasurer would provide by way of notice, by way of follow-up,

the business case that has been submitted and is forming the basis for the redevelopment at Bendigo hospital.

Mr LENDERS (Treasurer) — Mr David Davis says opposition members care about hospitals. I am pleased they have learnt to care. This government is investing more in hospitals than was invested in the seven years before we were elected to government, and Mr David Davis was part of that previous government. We are investing heavily in health services. I say to Mr David Davis that if the citizens of Bendigo and the north-west are interested in seeing the details of this hospital, which they definitely are, I suspect they will rely more on the website.

Mrs Peulich — Through their parliamentary representatives.

Mr LENDERS — Their parliamentary representatives are not members for Southern Metropolitan Region. I would suspect they would probably use the information available in the Bendigo *Advertiser*, the information available in the hospital, the information available on the website, rather than necessarily have my description of that information in *Hansard*, as asked by Mr David Davis.

Mr D. DAVIS (Southern Metropolitan) — What I sought from the Treasurer was whether he would provide the business case that has been submitted for Bendigo hospital. I would seek that from him as a follow-up. Obviously he does not have that here tonight, but it would be extremely helpful if he would make that publicly available. It would enable communities to see precisely what was proposed and to see the precise arrangements to which the government is working. Equally I wonder whether he would provide for the chamber — not tonight but in reasonable time — the business case for the Box Hill Hospital.

Mr LENDERS (Treasurer) — They are not documents that are mine, but I will put the member's request to the Minister for Health.

Mr D. DAVIS (Southern Metropolitan) — Equally I wonder whether the Treasurer would provide for the chamber's assistance the business case for the proposed larger redevelopment at the Monash Children's site.

Mr LENDERS (Treasurer) — Ditto.

Mrs KRONBERG (Eastern Metropolitan) — The Treasurer would know of my interest over a number of years in the Box Hill Hospital and my passion for a complete rebuilding program there. I would just like to draw his attention to page 48 of budget information

paper 1 and the allocation of \$407.5 million for the rebuilding of one block at the rear of the hospital. My concern centres on the actual provisioning for building and construction inflation costs for year 2010–11 and also in the forward estimates period. Can the Treasurer elucidate and explain to us how those additional costs, which are quite predictable, will be met?

Mr LENDERS (Treasurer) — I do not see how that relates to the appropriation bill.

Ms LOVELL (Northern Victoria) — I also wish to ask a question about Bendigo hospital, which the Treasurer would know I have had a longstanding interest in. As Mr Davis quite rightly points out, the allocation in the budget is far less than was in the business case for the new Bendigo hospital. The model of hospital that has been put forward is quite different to the one that the Premier and the Minister for Regional and Rural Development said earlier in the year the community would get. They indicated there were to be two new buildings built and a new allied health wing and a new acute wing. What we have in this budget is half a hospital, almost half the amount of funding that was in the business case and a hospital that will be over two sites, with buildings on two separate blocks divided by streets. I wonder, in the Treasurer's decision to cut back this project to this reduced-sized redevelopment of the hospital, what consideration was given to the additional ongoing cost over many years of running a hospital over two sites?

Mr LENDERS (Treasurer) — Firstly, I do not see how it relates to the appropriation bill, and secondly, if Ms Lovell has this business case, perhaps she will share it with Mr David Davis.

Mr D. DAVIS (Southern Metropolitan) — Just to elucidate for the Treasurer, there is ample economic and health evidence that consolidated sites can provide significant efficiencies. There are studies on the Bendigo site and the potential versions of that siting that show that a single location would provide recurrent efficiencies into the future. That might help the Treasurer.

We do not have the business case — it is not in the public domain — but some of the figures around that case are current knowledge in and around Bendigo.

I ask a different question, though, which relates to the health-care agreements and Victoria's compliance with them. One of the reasons I ask is the risks associated with non-compliance. If hospitals are not compliant and states are not fully compliant with the Australian national health-care agreements, there are penalties. I

ask the question whether the Northern Hospital has been fully compliant with section 19(2) of the Health Insurance Act 1973 and with section 19C of the Australian national health-care agreement.

The reason I ask this is that the allocations to that hospital are being made as part of the large funding allocation made for the Department of Health this year and any cases where hospitals such as the Northern or any other hospital do not comply with the agreements the state has signed potentially put at risk a share of Victoria's GST.

Mr LENDERS (Treasurer) — Chair, this has nothing to do with the appropriation bill, as Mr David Davis knows. He quotes two sections relating to future issues. And if Ms Lovell does not have the business plan, why did she quote from it?

Mr D. DAVIS (Southern Metropolitan) — I will respond to the second bit first. There are a range of numbers from the business case that have had wide currency in and around Bendigo, as I think the Treasurer well knows. The business case itself has never been released by the government, which has denied the community the opportunity to fully engage in a debate on the nature of the new hospital.

The reason I have asked questions about the Australian health-care agreements and Victoria's compliance with them is that it is quite important that those agreements are complied with and that the money budgeted for here goes to those hospitals precisely. I wonder if the Treasurer can explain what arrangements are in place to ensure that hospitals to which these budget allocations are made comply with agreements that are important for Victoria?

Mr LENDERS (Treasurer) — I repeat my response to Mr Davis's earlier question. We are dealing with schedule 1 to the appropriation bill, at page 7, and Mr Davis is talking about general risk mitigation issues. He is not talking to the appropriation for the year 2010–11.

Mr D. DAVIS (Southern Metropolitan) — I am talking about specific allocations, and I have named a specific hospital. I want to make it clear that there have been changes at that hospital. A new cardiology group started activities at Northern Hospital in late 2007, and up to the time of the office of the Auditor-General's review in 2008 inpatient echocardiogram access was manipulated to maximise Medicare rebates in a way that may have compromised patient care. Where allocations are made is an important issue in terms of ensuring through this large budget that health services

comply with agreements that are important to the state and its sources of revenue.

Mr LENDERS (Treasurer) — I have answered the question twice.

Ms PULFORD (Western Victoria) — Referring to the commitment in the budget of \$20 million over four years for dental services at Melton and Mildura, would the Treasurer be able to explain by what process those communities are targeted ahead of other communities that might also have poorer than average dental health outcomes?

Mr LENDERS (Treasurer) — In response to Ms Pulford, they are decisions made by the Minister for Health. When he seeks to have appropriations made, he will undoubtedly be advised by his department on areas of need. He has formed that conclusion, sought the appropriation and been successful.

Mrs KRONBERG (Eastern Metropolitan) — Going back to the budget allocation of \$407.5 million for the Box Hill Hospital, I would like a straightforward answer from the Treasurer. Will inflation costs have to be met out of that sum of \$407.5 million?

Mr LENDERS (Treasurer) — Chair, I am quite happy to organise for Mrs Kronberg a basic quantity surveying review of how costs are operated for hospitals. If she believes the state of Victoria is not aware of basic quantity surveying and business methodology, then she should perhaps refresh herself and take up an opportunity, either from a briefing from the government or perhaps a very basic TAFE course, and she might understand.

Mrs Kronberg — How patronising!

The DEPUTY PRESIDENT — Order! Throughout the course of this committee — and I understand the Treasurer might be frustrated by it — some of his answers have been quite patronising, and very early in the debate bordered on bullying in response to a particular question from Ms Lovell. She did not take umbrage, but as Chair I was a little concerned about his demeanour when dismissing some of the questions. As I said, I can understand the Treasurer's frustration, but I would hope his demeanour might be a little better than that. I think that last response was somewhat uncalled for.

Mr LENDERS (Treasurer) — I will make this point because the Chair talks about a patronising response. I find it interesting that in a parliamentary debate where we have 1138 pages of budget papers that provide great detail, cite further sources and basic information, and

where briefings on the budget are available to members, that members ask questions in the chamber that are either designed to embarrass the government politically or lack what you hope would at least have been a fairly thorough review of the 1138 pages over six budget documents. If we are talking of aggression, a patronising response, bullying or whatever, that is an aspersion on the public sector of Victoria. That a quantity surveyor would not take into account inflation is an extraordinary attack on public servants and on the professionalism of the public sector. I take umbrage, Chair, if there is an assumption made that our public service is unprofessional. I am rising to the defence of the public sector; that is where I am coming from.

The DEPUTY PRESIDENT — Order! I ask Mr Leane to take the chair.

Mr ATKINSON (Eastern Metropolitan) — I am quite concerned about that dismissive answer by the Treasurer and, as I said, I understand his frustration. The Box Hill Hospital project is a particularly interesting one. In May last year the government claimed this project would have a capital cost of \$800 million. By September the Premier was out in the electorate saying this was a \$1 billion project. The government has allocated \$407.5 million for this project over the next four years, a very small portion of which — being \$20 million according to budget information paper 1, page 48 — has been allocated for the current financial year, leaving the remaining sum of money, \$385 million, to be allocated over the next four years.

If the minister is right and says, 'Quantity surveyors have already taken this building inflation cost into account', then the value of the Box Hill Hospital project to the community is not \$407.5 million because with building construction costs having an inflation rate at this time of between 10 to 20 per cent per annum, then the amount of the allocation in the forward estimates to this hospital project needs to be reduced by that sum of money over four years.

Therefore the government's budget allocation does not match the rhetoric in terms of the value of the project to be delivered to the people of the eastern suburbs. It is actually a project with a lesser value if the quantity surveyors have built in inflation costs over the four-year period. It is a project that is worth less in value terms than the \$407.5 million quoted in press releases and mentioned in the budget. That is a serious issue for the local community; it is an issue Mrs Kronberg has raised in the course of this debate tonight but which has been dismissed summarily on the basis that she ought to have understood that a quantity surveyor would get this

right and that the public service is indisputable in terms of its preparation of these budget estimates.

Can the minister explain what is the true value in today's dollars of the Box Hill Hospital project? If in fact those building inflation costs have been built in, then its true value is less than \$407.5 million, which is way short of the billion dollars that the Premier said it would cost last year; and it would be around half of the cost the government estimated this time last year.

Mr LENDERS (Treasurer) — Firstly, I thank Mr Atkinson for going to his place and engaging in the debate. I think that is highly admirable —

Mrs Peulich interjected.

Mr LENDERS — I think it reflects well on his ability to separate being the chair and being a member. I appreciate that.

I do not retract for one moment from making a statement in this house, regarding a statement that was unfounded by Mrs Kronberg, that assumed our public servants would get something basically wrong and not have basic quality surveying skills, that rigorously defends the public service. I make no apology because this is a coward's castle where people can come up and attack the professionalism of our public sector on any whim and assume that nobody is going to defend it. The public sector cannot be in this chamber.

As a minister, I am not going to stand by while people who have no ability to defend themselves in this place are attacked. I do not resile for one nanosecond from the comment I made about Mrs Kronberg.

But I say to Mr Atkinson, there are a couple of assumptions here. Is it being said here that somehow or other the quality of service being offered through the Box Hill Hospital project is inadequate because there is a view amongst opposition members that somehow or other a \$400 million-plus project does not deliver good service? There is not a particular discussion about what beds; there is not a particular discussion about what service; there is not a particular discussion about how it interrelates with new services in the Royal Children's Hospital, the Royal Women's Hospital and the Parkville Comprehensive Cancer Centre.

There is no discussion about whether there is a service that is provided to the people of Box Hill and it is best provided in the Box Hill Hospital, or if it could be better provided in other hospitals built in the east, could it be better provided in hospitals that are located along Flemington Road or could it be better provided in other services that are available in this day and age. No, there

is just this blinkered view that because there is opinion out there that unless it is \$800 million, \$900 million or \$1 billion, somehow or other we are not delivering health services in the east.

My basic response is, firstly, let us work out whether we are talking holistically about services across the cancer centre, the women's hospital, the children's hospital, Box Hill Hospital and other regional hospitals, or are we saying all services should be in Box Hill and we should not have specialist hospitals along Flemington Road? Let us get that right first.

Secondly, we are debating the annual appropriation bill which is seeking to appropriate money to build the hospital, as specified in the documents released last November or December or whenever it was by the Premier and the health minister, which are fully available to anybody who wishes to check at Eastern Health or at Box Hill Hospital itself. That is my response to Mr Atkinson; I am sure we will have an ongoing dialogue.

Mr ATKINSON (Eastern Metropolitan) — I have tried to seek out the information on Eastern Health, as I know Mrs Kronberg has and I dare say Mr Dalla-Riva has. I have also met with Eastern Health, and I have also put questions on the notice paper to the minister. In each of those areas I have asked what exactly was left out of the original Box Hill Hospital plan to enable the government to halve the cost estimate of the construction.

Mrs Peulich — Patients?

Mr ATKINSON — It could be patients. Nobody is prepared to say what has been left out. The fact is that this hospital's allocation has been reduced to less than half of what was the estimated cost. It was not reduced because of any change in the service delivery that would envisage specialist hospitals, such as the Royal Children's Hospital, the Royal Women's Hospital or the cancer hospital picking up the services and Box Hill Hospital no longer being required to deliver those services. By the way, Box Hill Hospital services a population the size of the city of Adelaide.

The reason that the Box Hill Hospital budget was halved was because the federal government did not come to the party and provide an equivalent amount of capital funding to what the state government was prepared to put in. The state government was seeking \$500 million. The minister knows that, because I dare say he was actively involved in the negotiations in and around May last year.

This Box Hill Hospital situation is of great concern to the eastern suburbs. Nobody can say what has been left out. It is an absolute miracle project if the government has been able to halve the cost of the budget and deliver exactly the same hospital services and hospital facilities that were envisaged in May last year, when it was double the cost and, as Mrs Kronberg alluded to in her line of questioning tonight, before any building inflation was built in. Can the minister explain that?

Mr LENDERS (Treasurer) — I will explain this. To listen to Mr Atkinson's argument, he is talking about a project that he says was to cost \$1 billion. I am sure it was \$1 billion in the aspirations of a number of people, but what is amazing about this is that he says he does not know what was taken out of it. We have a proposal in the appropriation bill to fund a hospital according to the specifications which are public. Mr Atkinson is saying that there are secret further specifications that got it up to \$1 billion that nobody knows about.

It is interesting; I am not the Minister for Health and my electorate is not Eastern Metropolitan, but I have yet to hear a great cacophony of people saying what is missing. I have heard and I have seen that the community of the east is saying, 'Thank goodness! Finally a government is investing in the largest regional-metropolitan hospital building program in the history of this state'.

The debate is about how there is a mystery amount more that somehow or other has been taken away, so it would have been the largest regional-metropolitan hospital building program in the history of this state multiplied by two. We are having an argument about what a government should have put in when what we have before us is an appropriation bill seeking appropriation to build, at more than \$400 million, the largest regional-metropolitan hospital in the history of this state.

In the appropriation bill we have money to build a hospital. Mr Atkinson and Mrs Kronberg are arguing, 'It should have been more, because everyone knows it should have been more, and no-one will tell us what the should-have-been-more was'. We have been asked to deal with the appropriation for 2010–11, and this is a debate about aspirations in previous years for something that should have been different but that no-one can quantify.

Mr ATKINSON (Eastern Metropolitan) — The Treasurer started off by dismissing Mrs Kronberg on the basis that she should have consulted the quantity surveyors' reports and the public servants who had done the case for this hospital that had obviously got

the numbers right as they appear in today's budget. As I understand it, perhaps we should have done some more homework, but can I ask a simple question: how then did the quantity surveyors and the public servants get the figures so wrong last May?

Mr LENDERS (Treasurer) — I have answered.

Mr O'DONOHUE (Eastern Victoria) — I just want to pick up this issue of the cost inflation and the role of quantity surveyors, following on from the Treasurer's remarks. Does the Treasurer apply, as a government, the same principles with regard to measuring future cost inflation when releasing government policy and position statements, such as the transport plan or many other transport challenges?

Mr LENDERS (Treasurer) — We are debating at this stage page 7, schedule 1, appropriation for the Department of Health. I think the answer is that Mr O'Donohue's question, while of interest as to how calculations are done, has nothing to do with the Department of Health and, if it was on a health project, what we are about here is appropriation in the current year for the Department of Health. It is a policy question that does not relate to the appropriation bill.

The DEPUTY PRESIDENT — Order! Is there anything further in respect of health?

Mr TEE (Eastern Metropolitan) — In terms of the figure there for the net asset base, which I think is some \$83.931 million in terms of the capital spend — acknowledging, of course, that this is the first time we have actually got the new configuration in terms of the Department of Health — I am wondering how that compares to the capital spend of previous years?

Mr LENDERS (Treasurer) — Apples with apples, as Mr Tee alludes to, is a challenge because previously we have had the Department of Human Services, which included both health and what is now the human services component. But I think it is fair to say in addition to the \$83 million that is in the additions to the net asset base under section 29 of the Financial Management Act, there is approximately of the order of \$670 million or \$680 million of depreciation out of the output appropriation, which also goes into capital works. In the budget the government announced for Box Hill Hospital, \$400 millions plus; Bendigo, \$400 million plus and the cancer centre in the order of over \$1 billion. These were formalised in the budget, although announcements were made on the cancer centre and Box Hill last year. This is the largest capital spend on health infrastructure in the history of Victoria.

The DEPUTY PRESIDENT — Order! Is there anything further in regard to health? If not, we will move on to the Department of Human Services. Are there any questions in regard to this part of the schedule?

Mr D. DAVIS (Southern Metropolitan) — I have just one question for the Treasurer. It concerns the \$45.9 million that was committed in the 2010 state budget to open new beds nearing completion at the Northern Hospital and youth parks at Bendigo, Frankston and Geelong. How much funding and over what time frame is each of those facilities allocated and has there been previous recurrent funding allocated for these facilities?

Mr LENDERS (Treasurer) — We have in clause 1 a good discussion as to how much we deal with the specific appropriation for the coming year, and I think we all agree is a lot of information. We have a discussion as to how much is in the forward estimates as it has a relationship to the current year. Mr David Davis raises a new thing he is looking at — historical expenditure. I am not going down the path of historical expenditure. The only thing in the budget papers, as opposed to the appropriation bill, is in the later chapters of budget paper 4 where there is a historical analysis going back to the 1950s or 1940s, or whatever, in high level terms. This is an appropriation for the year 2010–11.

This can be broken into three parts. On the issue of what there is for the current year, Mr Davis will find in budget paper 3, and I have drawn his attention to that a number of times, table A.5 at page 306, which breaks down some of that funding. It breaks it down more generally from the macro. That information is in there, and if Mr Davis is seeking further information, that is a question I am happy to take on notice for my colleague the Minister for Health.

Mr KOCH (Western Victoria) — My final question in relation to health in the appropriation is — —

The DEPUTY PRESIDENT — Order! This is on human services.

Mr KOCH (Western Victoria) — Health is gone? My apologies.

Mr HALL (Eastern Victoria) — The Treasurer yesterday invited me to explore some of the issues related to the regional blueprint and also as part of that the Regional Infrastructure Development Fund. While I expect some of those questions will be relevant to the Department of Treasury and Finance, I have a question with respect to the schedule at page 9 in the bill, the

component in item 4 listed as payment to Regional Infrastructure Development Fund pursuant to section 4 of the Regional Infrastructure Development Fund Act 1999 which identifies a sum in 2009–10 of \$77.2 million but zero for 2010–11. Given that at least some of the funding for the regional and rural blueprint would be funded from a \$260 million component of the Regional Infrastructure Development Fund, why does the allocation in the appropriation for 2010–11 for this fund show as zero in the appropriation bill?

Mr LENDERS (Treasurer) — Mr Hall's question is a good one, and it really goes partly to my response to him in question time I think on Wednesday. Without going through the whole response because it is in *Hansard*, it relates to what the government quite often does — this government, governments before it and governments in other jurisdictions. In fact the commonwealth has a wonderful line that is 'projects funded but not announced', but the state is a bit more subtle where there are things in contingencies. Clearly with the regional blueprint, if I draw the analogy back to two budgets ago when things were called the innovation statement, the manufacturing statement and the skills statement and all of those had components very similar to this, announcements were made because policy was not finalised.

In the instance of the regional blueprint, from government's perspective, we had a pretty good idea of what would go into the regional blueprint but it was not finalised and therefore it was in unfinished policy announcements under the Department of Treasury and Finance.

I answer Mr Hall now, because, as I said earlier, we are not seeking to use the different departments to avoid answering questions. Relating to the two of them, some of those decisions not finalised are in the Department of Treasury and Finance, and we will undoubtedly have some discussion on them now.

The Regional Infrastructure Development Fund was a lapsing program. The government clearly had a view to roll that program into the future. The quantum was not finalised, the form was not finalised and whether it would be a RIDF rollout or something different was not finalised. This particular allocation was ending, and it is a zero in the Department of Innovation, Industry and Regional Development, but when the midyear budget update is presented these figures will be appropriately adjusted to reflect that part of what is the new RIDF coming out of DTF into this department.

Mr Hall's question is a good one: how do you reconcile the two? But in many ways it is not that different in

some sense to the debate we had before on Box Hill Hospital and how it was treated in the budget papers last year. The government had not finalised its policy decision on exactly where it was going; so that is how it was recorded.

Mr HALL (Eastern Victoria) — I thank the Treasurer for that explanation and therefore I expect that next year when I look at budget paper 3, under ‘regional development’ I will see an allocation being made in that year similar to this year in the table in budget paper 3, at page 126. I will ask the Treasurer about that particular table in budget paper 3 that reveals quite clearly what the expected targets and outcomes are for each of the years and shows the 2010–11 target as \$56 million. Given the advice provided to the Public Accounts and Estimates Committee on 20 May 2009 that all the funds in the Regional Infrastructure Development Fund would be allocated by June 2010, the figure of \$56 million in that particular column suggests to me that these funds will not be spent according to budget paper 3. I seek a reconciliation from the Treasurer between the comments made to the Public Accounts and Estimates Committee that that fund would be fully spent, despite there being a figure of \$56 million sitting there, suggesting that is going to be an unspent component.

Mr LENDERS (Treasurer) — I am happy to take this question on notice and get back to Mr Hall with that reconciliation, but I make the general statement that governments as a general rule are reluctant to commit that every part of a line item will be expended, for the obvious reason. We had a discussion on carryovers earlier; if the culture of a department dictates that if you do not spend such funds by 30 June, you will spend them on crazy things. As a general rule governments are reluctant to make those commitments. My colleague the Minister for Regional and Rural Development, Ms Jacinta Allan, has made the commitment because on this particular line, the Regional Infrastructure Development Fund, there is sufficient and clear unmet need to allocate the entire fund by 30 June. I think it is fair to say that there is a strong political debate about whether our intentions are there or not. Ms Allan has made the commitment that we will spend that money by 30 June. I am absolutely confident that she, as the minister, with the multiple good projects that have been presented to her, will be able to do that. However, regional Victoria is different. We are making an absolute commitment here that we will bring forward that investment in regional Victoria, so I have no doubt it will be met. I am happy to provide Mr Hall with a reconciliation, but clearly not this evening.

Mr HALL (Eastern Victoria) — I thank the Treasurer for taking that on notice and I look forward to his response in due course.

Moving on from the Regional Infrastructure Development Fund, under the Department of Innovation, Industry and Regional Development there is funding for skills and workforce participation. I want to ask a couple of questions that I raised during my second-reading speech some weeks ago when I spoke to the budget papers and foreshadowed some of these questions for which I seek an answer this evening. They simply are with respect to the government’s program Securing Jobs for Your Future — Skills for Victoria. Budget paper 3, on page 12, talks in general terms about that and the government has frequently spoken about a \$316 million commitment to that particular program. There is some detail about that on page 12 of budget paper 3. I want the Treasurer to tell me where in these budget papers I can find details of that \$316 million project and in particular how much has been spent in the 2009–10 financial year and how much is expected to be spent in 2010–11. I am seeking some advice about where I can actually find that sort of information.

Mr LENDERS (Treasurer) — I am happy to take on notice from Mr Hall the specifics of the skills expenditure. It is a serious commitment on my part. I made comments earlier to Mrs Peulich and Mr Rich-Phillips. I hope Mr Hall will now support the financial bill that is coming out in the Assembly that Mr Hallam signed off on as a great bill at the Public Accounts and Estimates Committee. Mr Rich-Phillips thinks I am unfairly putting words in Mr Hallam’s mouth. I think Mr Hallam did endorse it as a process and I thought PAEC did as well.

Mr Hall’s point is a good one. These budget papers are for very different purposes. Budget paper 2 is all about the macro programs, the economic forecasts and new initiatives; a range of these things are in budget paper 2. It is designed to be a macroeconomic forecast. Budget paper 3 is all about individual departments, outputs, performance delivery and how you measure it. It is designed for an entirely different purpose than budget paper 2.

When you get to budget paper 4, which essentially addresses the actual state accounts, the Auditor-General signs off on chapter 1 as the statement of accounts for the state of Victoria — and I am obviously simplifying the budget papers. The point I make to Mr Hall is that many figures in budget paper 1 are there for an entirely separate purpose than for the main budget papers 2, 3, and 4 — they are in there for a separate purpose.

So quite often the reconciliation between budget paper 1 and those three parts becomes a challenge. In the skills area the money will be acquitted — part of it will be the appropriation for DIIRD (Department of Innovation, Industry and Regional Development), part of the skills money will be previous Treasurer's advances in the 2007–08 financial year which are reconciled in schedule 2 to the appropriation bill, and then some of them will be Treasurer's advances in the current year that, literally, in the current year will not be reconciled until the budget for next year — that is the 2009–10 financial year, but 2010–11 will not actually come into the appropriation bill until 2012–13.

The obvious thing from all of that is why the government brought forward efforts to reform the financial legislation and had the long process with the Public Accounts and Estimates Committee and Roger Hallam, and why we are seeking to get this legislation through the Parliament. There will obviously be debates over the fringes of this legislation, but fundamentally it is about dealing exactly with the clarity issues that Mr Hall is raising now.

Budget papers 2, 3, and 4 are designed for very different purposes, let alone budget information paper 1 which is just a pure cash-accounting method statement for capital projects. The idea is to bring them all together, and I am happy to reconcile for Mr Hall all those components of the skills program that he is seeking, but I genuinely say to him: when the coalition party room has a look at the financial bill that is in this house, we should have a serious discussion about why it is there, because his question addresses the fundamental purpose; it is to bring clarity across accrual accounting, cash accounting and economic forecasting — it is a historical mesh that comes into our budget papers and, often, it is difficult to reconcile if you are actually trying to say, 'Well, where does the skills program go?'

Mr HALL (Eastern Victoria) — I thank the Treasurer for that response because I agree with what he says and, indeed, if you look at schedule 3, which we will get to soon, entitled 'Payments from Advance to Treasurer, 2008/2009' there is a component for skills reform package of just over \$17 million listed there. That was 2008–09, and I can well understand that that was an initiative in that particular year and therefore could not be explicitly stated.

Now, virtually two years later, we find how much was spent in 2008–09. But it was not an initiative in 2009–10, and I would have thought that we should be able to find out exactly how much of that \$316 million was expended in that year. I appreciate

that the Treasurer has given me a commitment to go back and find out information on how much of that \$316 million has been spent.

I will make this point, too: in respect of initiatives announced by the government — skills reform is one and the regional blueprint is another — I think there needs to be in the budget papers a method of reconciliation such that people can read the budget papers and find out just how those particular initiatives are tracking. If this is what the reforms to the Financial Management Act bring about, I will be all for it, because I think governments should be open, transparent and accountable, and we should be able to track the progress of these matters.

Related to this are two other matters I want to quickly mention. In writing, on page 12, it says the government will continue with the apprentice/trainee completion bonus, and that is terrific — I think that is a great initiative — but again it does not say how much that could require in terms of appropriation for this year, and there is no detail about it in any of the documents, so perhaps the Treasurer would be so kind as to also provide details about that in his written response.

The final point about skills reform which would be of interest to me is the level of student fees that have been raised as a result of the increased fees at diploma and advanced-diploma level. I sought this information by way of a question on notice some time ago and got a zero response — zero in the sense that the response from then Minister Allan was, 'Yes, the fee increases will generate additional revenue — full stop'. It was an insufficient answer to a genuine question asked to find out how much extra revenue would be generated by the increase in student fees. I simply pass that request on to the Treasurer. If in his response to me in respect of full details about the school reforms he could also include those two matters, I would be most appreciative.

Mr LENDERS (Treasurer) — Further to my earlier response to Mr Hall, the back part of budget paper 2 seeks to reconcile the differences between budgets year to year and also between midyear budget updates and the budget. That will address some of the issues Mr Hall has raised. Again I commit to the reconciliation, and there will be more done. Obviously the annual reports of departments assist with this.

I go back to my discussion of clause 1 with Mr David Davis. We passed over clause 3 of the bill on the issue of moneys, but I want to go back to it in order to give Mr Hall an explanation. Mr Hall asked, 'What happens to the fees coming out of those TAFEs?'. Again this is a legitimate issue of interest to a member of Parliament

and a legitimate question. He put a question on notice about this to which he said he received an unsatisfactory response from the then Minister for Skills and Workforce Participation.

Mr Drum interjected.

Mr LENDERS — Mr Drum says I should know. He should let me finish my answer; I am answering Mr Hall's question in good faith.

We passed over clause 3, and that is fine; I am happy to just use it to explain my point, with your leave, Deputy President. If you look at clause 3, you see that Parliament is being asked to approve an appropriation of approximately \$36 billion from the consolidated fund for the budget. As we know the budget papers show a budget closer to \$45 billion. I am going back to why Mr Hall should support the next bill. We are talking about a gap of nearly \$9 billion that the state spends, for which we do not seek parliamentary approval through the appropriation bill.

The revenue raised by TAFE institutes technically goes through the books of the state of Victoria because they are part of the government and they obviously receive part of their money through appropriation, but they also receive a large amount of their money from fees charged to students. One of the vagaries of the budget process is that surpluses go up and down, and often it is totally out of the control of the states. For example, if a school council has accumulated \$1 million and decides to spend it on something, the state — in fact the Treasurer — is held accountable for a budget bottom line that has moved.

In the TAFE situation, TAFEs raise fees from students, so that is revenue to the state — but it is not revenue. Then it is spent by the TAFEs. TAFEs are ultimately accountable to the Minister for Skills and Workforce Participation under the act and all the rest of it, but they are effectively autonomous organisations that make those decisions.

Part of the explanation for Mr Hall as to why the money is not there goes back to clause 3 of the appropriation bill, where the Parliament is being asked to authorise me as Treasurer to issue warrants to draw down \$36 billion, but the reality is that the state of Victoria is spending \$9 billion more than that. The fees Mr Hall was asking about make up part of that \$9 billion, but they are not part of the appropriation bill, hence in a sense he will not get an answer from me here because this is not the matter we are debating. However, I ask him again to seriously consider whether this is not the best form of accountability for this legislation.

The DEPUTY PRESIDENT — Order! I do not necessarily want to curtail debate and questioning on the budget, but I indicate to members that if we have not completed debate by 10 o'clock, we will be coming back tomorrow, so perhaps members should make sure that any questions they have are apposite to the schedules with which we are dealing.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Just quickly, I would like to take the Treasurer back to the issue he started to raise earlier on clause 1 in respect of the desalination plant and where it fits within the general government sector. I note that the statement of finances shows in the general government balance sheet an advance paid of roughly \$4 billion, which suggests that the asset will be held outside the general government sector.

The reason I raise this issue is that, as I understand it, the contract for the desalination plant is with the state of Victoria. When the chairman of AquaSure gave evidence at the Standing Committee on Finance and Public Administration last week she indicated the obligation would be with the state of Victoria. What I am seeking, firstly, from the Treasurer is to know where that obligation will fit within either the general government sector or outside the general government sector; and secondly, whether the consequential issues of the cash flows associated with that project will impact on the general government or the non-general government sector.

Mr LENDERS (Treasurer) — Mr Rich-Phillips asks a technical question about a detailed area, but it is a valid question that he asks, and he has an ongoing interest in it. In simple terms, it is not in the appropriation bill because it is in the public non-financial corporations (PNFC) sector as part of Melbourne Water. Therefore it would not appear in here. Even if it did, the reality is it is a finance lease that will commence in 2011–12, so it will not be in this particular year's budget by the nature of how it is structured. Mr Rich-Phillips had a series of questions at the Public Accounts and Estimates Committee hearing, and there is a big debate on this, but finance lease, PNFC, 2011–12 are the reasons we do not see it here.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for that. There is no obligation on the general government sector with respect to this finance lease?

Mr LENDERS (Treasurer) — Firstly, the finance lease is in budget paper 2. Mr Rich-Phillips's general question is about the guarantee from the state that was issued at the time, which in a sense is non-quantifiable.

It is a risk that will be listed, but it is not in here in a quantifiable sense. Obviously there was a guarantee at the time of the PPP (public-private partnership) on the desalination plant, but we do not expect that that will cost us.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer. The only other element I wish to ask about is the reconciliation between the finance lease for the \$4.3 billion listed and the \$3.5 billion capital cost of the project. I think the Treasurer said he had written to the Public Accounts and Estimates Committee about that. In response, PAEC has not received it as yet, so I ask whether the Treasurer can add information now.

Mr LENDERS (Treasurer) — There was a long debate at the Public Accounts and Estimates Committee hearing. I have prepared an answer to PAEC. In the interests of time I will get that to Mr Rich-Phillips tomorrow. It was sent to PAEC, I think, on Monday, but sometimes these things can be slow. I will get the answer to PAEC to him tomorrow.

Mr HALL (Eastern Victoria) — During questions without notice yesterday I sought from the Treasurer an answer as to the funding for the rural and regional blueprint, which is a government initiative of \$631 million, \$260 million of which the government claimed would be funded through the Regional Infrastructure Development Fund. I asked the minister where the remaining funding for that blueprint would come from, and the minister invited me to ask this question in committee today, suggesting that there is a line of appropriation for the Department of Treasury and Finance from which the remainder of that blueprint funding would be sourced. I ask the Treasurer tonight if he could identify for me exactly what line in the appropriation bill he was referring to.

Mr LENDERS (Treasurer) — We are jumping ahead, but the significant one is line 4, advances to the Treasurer. That is where the bulk of the blueprint funding will come from. There are small amounts that will come from appropriations for other departments, but the lion's share is from that line.

The DEPUTY PRESIDENT — Order! Is that satisfactory for Mr Hall in terms of a query on the Department of Treasury and Finance?

Mr HALL (Eastern Victoria) — Yes, it is, almost. The figure of \$1 085 797 000 is notionally moneys that could be used for initiatives as they arise during the course of the year but have not yet been announced as part of the budget process; is my understanding correct?

Mr LENDERS (Treasurer) — The line that Mr Hall refers to is a very interesting line which has always been in budgets. His description of it is fair, except there will always be various contractual arrangements that the state has entered into that we do not wish to disclose in that line. Clearly if you are in contractual negotiations, you do not want to tell the people you are contracting with what the amount is. Sometimes it is other governments — federal, state and local — with which you are negotiating, and clearly it is not in Victoria's interest to give the amounts away in that situation.

Included in that line are amounts for decisions that the government has already made, of which the lion's share has come out in the regional blueprint. Other things such as the Treasurer's advance are in there. For example, I have recently authorised out of that line \$40 million-plus for the battle against the locusts, which Joe Helper has announced. We have battles against fire ants, potato cysts and a number of areas. So that line is an amalgam of all of those items.

If Mr Hall is alluding to an election war chest, I think it is fair to say the Auditor-General crawls all over that more closely than probably any other part of the budget.

Mr HALL (Eastern Victoria) — Would an example of the use of that money be those items detailed in schedule 3, which lists all payments from the advance to the Treasurer for 2008–09?

Mr LENDERS (Treasurer) — That is certainly not just an example but rather an accurate reflection of what happened in that financial year. But without wishing to give Mr Hall too much grief, that was a very different year from the current one, and there are a lot of live negotiations going on at the moment and a lot of live issues that are not those of three years ago.

The DEPUTY PRESIDENT — Order! That completes our deliberations on schedule 1.

Schedule agreed to; schedules 2 and 3 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr LENDERS (Treasurer) — It is with pleasure, after 52 days, that I move:

That the bill be now read a third time.

I wish it a very speedy passage on the last bit of its journey.

Motion agreed to.

Read third time.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Treasurer) — I move:

That the Council, at its rising, adjourn until Tuesday, 27 July 2010.

Motion agreed to.

ADJOURNMENT

Mr LENDERS (Treasurer) — I move:

That the house do now adjourn.

Housing: homelessness strategy

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Housing and concerns his failure to produce a new homelessness strategy. My request to the minister is that he immediately release the draft Homelessness 2020 strategy for consultation and set a deadline that he will stick to for the release of the final Homelessness 2020 strategy.

Last Thursday night in Melbourne more than 100 chief executive officers slept rough for charity in support of Victoria's homeless, but the Brumby government cannot even produce a homelessness strategy by its own deadline. Last October the government released its Homelessness 2020 discussion paper. Page 2 of that document states that a draft Homelessness 2020 strategy will be released for consultation in early 2010 and the Homelessness 2020 strategy in May 2010. We are now almost to the end of June 2010, yet the government has not even released the draft strategy, let alone the final strategy that was promised by May.

Unfortunately this lazy Labor minister failed to meet either of the deadlines he set for himself, and we have not heard a thing from him about the status of the strategy. This shows a complete lack of commitment to assisting vulnerable families and addressing Victoria's housing crisis. The most recent figures available from 2006 suggest that 20 511 people were homeless in Victoria on census night. Another 2789 vulnerable

Victorians were also classified as marginal residents of caravan parks at the time of the 2006 census, bringing the total to 23 300 Victorians who are homeless or at real risk of homelessness.

A reflection on the Brumby government's housing crisis is a rapidly increasing public housing waiting list. An incredible 1013 families joined the waiting list in the March 2010 quarter, taking it to 39 794 families. The Brumby government's failure to produce a new homelessness strategy makes a mockery of Labor's Council of Australian Governments commitment to halve homelessness by 2020 and shows that this 11-year-old government is tired and devoid of any ideas to address Victoria's chronic housing crisis.

This Labor government is so devoid of ideas it has adopted 62 coalition policies, including an increase in police numbers and the establishment of an anticorruption commission. It took 1264 days for Labor to produce the Victorian integrated housing strategy. Now it seems that vulnerable Victorians will have another marathon wait for Labor's promised homelessness strategy. Something is very wrong in Victoria, because the Brumby government continually fails to meet its own targets and deadlines. It is time Labor took responsibility for its ongoing failure to help families. It is time Labor realised it has been making life harder for Victorians.

Bellarine Peninsula: foreshore committee

Mr KOCH (Western Victoria) — My issue is for the Minister for Environment and Climate Change and relates to the ongoing mismanagement of the Bellarine Peninsula foreshore between Portarlington and St Leonards. In March I presented a petition to Parliament with over 1600 signatures. The petition called on the Brumby Labor government to address concerns relating to the structure and performance of the Bellarine Bayside Foreshore Committee of Management, known as Bellarine Bayside. Those concerns continue to be ignored by a government that remains out of touch with communities, particularly those outside metropolitan Melbourne. Adding to the urgency of this already untenable situation, Bellarine Bayside was allowed to languish in a non-operational state between February and June while it waited for the Brumby government to appoint new board members. As a result this already struggling agency was left without a quorum to hold meetings for more than four months. The new board, effective from July this year, will now need to make up for four months of inactivity. Clearly a functioning management committee is paramount to Bellarine Bayside gaining positive results for the Bellarine Peninsula.

It should be highlighted that for over four months this organisation operated without committee authority and without scrutiny of or accountability for its meetings or operations. Many people within the Bellarine Peninsula community remain sceptical of a state government that is unwilling or unable to take the time to ensure that organisations responsible for Victorian coastal areas are properly empowered to manage their day-to-day affairs. At a recent public meeting organised by local residents and attended by people from communities across the Bellarine, concerns relating to the mismanagement of the coast between Point Richards and Edwards Point were reiterated. At the meeting residents and long-term camping ground users said that services falling under the responsibility of Bellarine Bayside were not being appropriately managed and not meeting public requirements or expectations. This meeting became tense as occupants called on the organisation to consult with campers and users of the foreshore. It was obvious to all who attended the meeting that a wide communication gap existed between the Bellarine Bayside committee, users and the wider community.

The Liberal-Nationals coalition is committed to reconstructing this organisation and improving facilities along the foreshore. The coalition proposes to review all the issues, to consult with community members, especially foreshore users, and to determine the best way forward.

The action I seek is for the minister to ensure that the Department of Sustainability and Environment guarantees that the backlog of work and the community angst as inherited by the new committee are addressed as a matter of urgency. The Bellarine needs an assurance from Minister Jennings that the situation currently being experienced will not reoccur.

Righteous Pups: relocation

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Community Services, Lisa Neville, and it has to do with Righteous Pups. Righteous Pups is a Bendigo-based organisation that breeds its own labrador dogs — up to about 35 to 40 dogs at any one stage. The dogs are fostered out with families at night, and the families bring them back for extensive training during the day.

Kids who may not be doing well at school, who have behavioural problems or who have disabilities help Righteous Pups with the dog training, and a whole range of kids in the Bendigo region are benefiting enormously from this. At the other end of the program, when the dogs are actually ready to go out and work

with families, they then assist kids with severe disabilities, adding much value to their lives.

One of the groups to benefit from Righteous Pups has been young people with autism. These kids have had their lives enhanced, and they have been able to achieve so much more. They have also been able to engage more in the community, even to the extent of being able to find their way home. Where before some of these young kids would get lost, having one of these dogs has helped them find their way home much more easily. There are a whole range of benefits at both ends of the scale in relation to the Righteous Pups program.

As I said before, Righteous Pups is a Bendigo-based organisation, but it actually supplies its dogs right around Australia. Its dogs are very highly sought after. Each dog is valued at around \$35 000, so in order to get one families have to fundraise. But these dogs are highly trained and very beneficial to their carers.

At the moment Righteous Pups has been operating out of an aged-care facility. However, by early next year it has to move out of this facility. It is therefore in a desperate situation and needs to find a new home. Obviously it does not have a lot of money in order to go and buy a proper facility of its own. The criteria prescribing where Righteous Dogs can operate from is quite complex: it needs to be near public transport, away from residential homes, and also be near the centre of town.

The City of Greater Bendigo is struggling to find Righteous Pups the home it needs. That is why it needs the intervention of the minister. I have given the minister CDs showing the work of Righteous Pups and she has offered to get the organisation help, but I need the minister to intervene so that we can find a home for Righteous Pups into the future.

VicRoads: Bacchus Marsh Avenue of Honour

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport on behalf of the Minister for Roads and Ports. Trucks on residential streets are a major problem for my neighbourhood of Footscray through to Bacchus Marsh, and it is the Bacchus Marsh area that my adjournment matter refers to tonight.

In order to make way for ever more truck traffic, VicRoads is proposing to bulldoze a portion of the Avenue of Honour in Bacchus Marsh. The Avenue of Honour consists of 281 trees across a 2-mile stretch that were hand-planted by the community on 10 August 1918. Each tree was planted by relatives and friends of

soldiers following the bugle call and in honour of a soldier from the district who had fought in World War I — many of whom were never to return. Now 92 years old, these trees today stand up to 30 metres tall, and each bears a plaque naming the soldier for whom it was planted to honour.

Heritage Victoria describes the Avenue of Honour as being of 'aesthetic significance as one of the most visually attractive intact avenues in Victoria and a key landscape feature of the district'. The Avenue of Honour is of immense value. Perhaps its most significant value is that the avenue remains intact, when many other avenues of honour have been lost or destroyed. This memorial, this history, this heritage, is now under threat from VicRoads proposed road and roundabout which would cut through the Avenue of Honour.

This would destroy the integrity of the Avenue of Honour. Trees that would be destroyed include those that commemorate soldiers by the name of Moffatt, two brothers; Moon, two brothers; Medling; Mitchelson; Minnett; Martin; and Moore. Rupert Vance Moon won a Victoria Cross, and George Mitchelson and Albert Martin were both killed in the war.

It does not have to be this way. Alternatives do exist, such as that proposed by the Avenue Preservation Group, which will get trucks off residential streets and ensure the preservation of the Avenue of Honour and all that it represents today and for future generations.

The action I ask of the Minister for Roads and Ports is not to destroy the integrity of the Bacchus Marsh Avenue of Honour and not to bulldoze nine trees that commemorate soldiers from the district. Let us get the trucks off the residential streets of Bacchus Marsh but still preserve the Bacchus Marsh Avenue of Honour.

Police: Werribee

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. I am sure the minister would be very much aware that the issue of police numbers is a major concern in the Werribee area and has been for a decade or thereabouts. There is a significant and worrying lack of ability by police to respond to incidents in the Werribee area, and quite often those police are down to one unit with no wagons on the road at all. That is really quite intolerable in this day and age.

Mr Drum — In Werribee?

Mr FINN — In Werribee, Mr Drum.

An honourable member — No vehicles?

Mr FINN — No vehicles; I am informed that is quite often the case. To cover major incidents, such as we have seen from time to time in Werribee, units are called out from most places in the western suburbs, which leaves the rest of the west without the sort of police coverage that is necessary. It is again a situation, to understate the matter, which is far from ideal.

This issue has been pursued by locals, led by Lori McLean, for quite some years. I have no doubt that the minister would be aware of that, and I am sure many members of the house would be aware of it as well. The lack of police numbers puts enormous pressures and stresses on the police who are on the front line. They are not able to do their jobs properly; they are not able to protect the community in the way they would like to protect it because of the lack of resources provided by the government and certainly the lack of police numbers in the Werribee area. Added to this is the fact that Wyndham, which is in the Werribee area, is one of the fastest growing municipalities in Australia. It has experienced a huge population growth and the same police problems we have had for the best part of a decade. This is a major issue in Werribee and one that I believe should be addressed.

This week on the police website an announcement appeared about the temporary closure of the Werribee police station. The announcement appeared yesterday at 10.32 a.m. It said that the station would be closed to the public from 7.00 a.m. to 5.00 p.m. from Wednesday, 23 June, to Friday, 25 June. There is no explanation and no reason given why the people of Werribee will lose their police station for three days. The announcement was just put on a website at 10.32 yesterday morning.

I ask the minister to provide an explanation to the people of Werribee as to why they have lost their police station for these three days and to ensure that it never happens again.

Bushfires: neighbourhood safer places

Mrs PETROVICH (Northern Victoria) — My adjournment matter today is for the Treasurer. It concerns inadequate funding provided to establish neighbourhood safer places and to control roadside vegetation in bushfire-prone areas. It is particularly disappointing to note that only \$500 000 has been provided to develop neighbourhood safer places across the whole of Victoria. This is totally inadequate when you consider the submission from the Municipal Association of Victoria which, after much consideration, requested an allocation of \$12 million.

Cr Bill McArthur, president of the Municipal Association of Victoria, issued a media release on 4 May. It states:

While a total of \$500 000 was allocated to assist local government to deliver neighbourhood safer places (NSPs) in bushfire risk areas, the funds won't cover costs for this state-imposed obligation.

A critical concern is the maintenance of vegetation around NSPs to meet strict radiant heat and defendable space criteria after the winter growth. Estimated to be as high as \$40 000 per site in some rural areas, it is simply cost-prohibitive for many communities.

We had expected a serious commitment from the government, given the 2009 Black Saturday bushfires in my electorate and the high fire danger risk assessment attached to other areas in my electorate in the Macedon, Mount Macedon and Woodend townships which were badly affected during the Ash Wednesday bushfires. The Macedon region currently has only one neighbourhood safer place, which is located at the Buffalo Sports Stadium in Woodend.

Macedon and Mount Macedon Community Bushfire Group spokesperson Kate Lawrence is disappointed, as they have requested a neighbourhood safer place at Tony Clarke Reserve in Macedon. Macedon Ranges shire mayor, Cr Rob Guthrie, was quoted in the *Macedon Ranges Guardian* of 7 May as saying that this is cold comfort for those living in Bullengarook, Macedon or Mount Macedon, as there are limited roads in and out of those areas in times of fire. He added that the council has no capacity to fund the works recommended in the interim royal commission report.

It is now compulsory for councils to consider the designation of neighbourhood safer places, and if they do not designate, they must demonstrate to government why it was not possible. Mitchell Shire Council is still in the process of finalising neighbourhood safer places. There is also the issue of the ongoing dispute regarding the control of roadside vegetation and weeds which add to the fuel loads. It is yet another example of this government handing over responsibility to local government without providing adequate funding. Mitchell Shire Council was given just \$188 500 by this government to control roadside weeds across the entire municipality.

The action I seek is that the Treasurer provide adequate funding, rather than passing responsibility for these state-imposed obligations to local government and ultimately ratepayers.

Schools: security systems

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. The matter relates to the adequacy of security systems in Victorian schools following a number of deliberately lit fires in Victorian school buildings in the recent past. Premier Brumby and Minister Pike have publicly stated that existing security systems in Victorian schools are adequate, despite three school fires in the past few weeks causing damage approximating \$6.5 million.

A fire destroyed four classrooms at Kambrya College in Berwick, causing approximately \$1 million damage. Another suspicious blaze caused \$200 000 damage to classrooms at Seaford Park Primary School early on Monday. On Wednesday evening last week fires took hold in separate wings of Ashwood Secondary College in Vannam Drive, Ashwood, and caused in excess of \$5 million damage. That is a lot of damage.

The education department says that these schools are currently fitted with movement-based detection systems that can identify intruders, smoke and fire. Despite the assurances, the effectiveness of these systems should receive greater scrutiny following such extensive damage to these schools, in particular to determine whether the damage would have been less if there was a dual system that allowed a fire alarm to be set off at an earlier point. Therefore, following discussions with certain members of school communities, I call on the government to undertake an independent assessment of the current security systems in Victorian schools.

Not only is the damage from a fire a financial cost — and I am not sure whether all schools are insured comprehensively — but there is also a social cost to our school communities. School timetables are thrown into chaos, students lives are disrupted, work and projects are lost, parents must reschedule their working lives as schools are closed, vital equipment and furnishing essentials for learning are destroyed and the school curriculum is not able to be met in the intervening period. Fundraising efforts are of course proving futile, as in many instances school communities are burnt and dislodged.

Quite frankly, in this day and age these systems deserve to be reviewed and independently assessed. There is an enormous need for such assessments and a benefit to be gained. What needs to be investigated is the viability of establishing a dual system which would ensure that the response of our fire authorities is more prompt. Therefore I call on the Minister for Education to ensure that these systems are independently assessed for

effectiveness in all possible instances and that schools have the appropriate security against intruders as well fire. I ask that this be done as a matter of urgency.

Transport Accident Commission: claims management

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. It relates to the unreasonable bureaucracy that the TAC is imposing upon its clients when it comes to reimbursing claims for medication and other assistance.

I have been contacted by Ms Wanda Mitchell-Cook about her experiences in having a pharmacy account paid, and she sent me a copy of the official tax receipt from the pharmacy to demonstrate her particular situation. The document from a pharmacy in Clayton contained the pharmacy's ABN (Australian business number) and was headed 'Official tax receipt'. It detailed the medication that was supplied, the price — in this case \$32.80 — and it was signed by the pharmacist who dispensed it. The account was rejected for payment by the Transport Accident Commission because it did not have the word 'paid' on it and a signature next to the word 'paid'. This account was for a grand total of \$32.80.

We heard from the Treasurer not more than 1 hour ago that members of this house need to have regard to cost when they seek voluminous amounts of information from government agencies with respect to various programs. I say to the Treasurer and to the government that it, too, needs to have regard to the imposition and cost it is putting on clients of the TAC when it requires unreasonable double handling and processing of accounts such as the one in this example. In fact the pharmacist involved in this particular matter has written a letter, which Ms Mitchell-Cook has sent on to me. It states:

Ms Wanda Mitchell-Cook has raised her frustrations with respect to constant delays with payments that she is entitled to. It is for this same reason we are not processing her TAC claims through our pharmacy. It is associated with the cumbersome and laborious process that these accounts are processed by the TAC department. We appreciate that there must be a process in place, however, we cannot understand why it appears to be so cumbersome, which inadvertently results in delayed payments.

It is a serious situation when pharmacies will not handle dispensary claims from TAC clients simply because of the bureaucracy that the TAC is imposing.

What I seek from the Minister for Finance, WorkCover and the Transport Accident Commission is that, recognising there needs to be accountability, he puts in place appropriate measures to protect the financial soundness of the scheme while recognising that to reject claims for \$32.80 and require double handling of accounts in no way benefits the bottom line of the TAC. It would cost more than the cost of the claim to double handle these claims. Where small claims are involved appropriate levels of scrutiny should be put in place, and a signed tax receipt with an ABN on it and the amount of the claim should be regarded as suitable proof that the cost has in fact been incurred.

Police: freedom of information requests

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Police and Emergency Services and concerns police rosters. For the edification of the chamber, every police station has a roster which lists those who are working there, with their rank and obviously their shift details and so forth. My colleague the member for Kew in the other place, Mr McIntosh, who is also the shadow minister for crime prevention, has for the last three years sought police rosters through the freedom of information processes.

For two years running, and after a significant battle, he was provided with the rosters, which gave a snapshot of the position around the state in terms of policing. They also showed a deterioration in the number of stations, and I will give an example in my area of Ashburton police in the lower house electorate of Burwood. Initially the roster for that station showed that it was an 11-person police station. That has now been reduced to 1 part-time person; so the station has gone from 11 people to 1 part-timer. Members can see why the government might be afraid to release the rosters!

However, in the recent period for which Mr McIntosh sought rosters under FOI he was refused point blank. His request was met with vigorous resistance from Victoria Police despite it having provided these rosters in two previous years. Mr McIntosh was forced to appeal to the Victorian Civil and Administrative Tribunal, which held a long and detailed hearing and calculated the amount of time it would take to provide the rosters. The tribunal believed it was reasonable and not voluminous, and it ordered the release of the documents.

You would then expect that the Minister for Police and Emergency Services and the chief commissioner would provide Mr McIntosh with the police rosters statewide to the shadow minister for crime prevention. They are

de-identified: you cannot see which officer's name is there. You can see the ranks and the numbers of officers and whether they are part time or full time, so there is a certain amount of detail, but it is non-identifying detail. This is critical, because people want police in their local community, they want police who are part of their community and they want police who understand and work with the community.

We have reason to believe police numbers are falling in many station areas, police are being stripped out of certain stations and that this is the reason the police minister is determined to fight this to the bitter end. He is now seeking leave to appeal to the Supreme Court. To my knowledge this is the first time a police minister has done this to block access to non-identifying documents such as police rosters. It is extraordinary. This is a cover-up, and it is a scandal that this police minister is using legal resources to block access to information that should be in the public domain.

I ask the minister to reverse this extraordinary decision, to accept the court's judgement and to stop blocking access to information that the public is perfectly entitled to have. It is a disgrace, it is a scandal, and he should hang his head in shame.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have three written responses to adjournment debate matters raised by Mr Philip Davis on 13 April, Ms Lovell on 6 May and Mr David Davis on 26 May.

In relation to the matters raised tonight, Wendy Lovell raised the matter of public housing services, and I will refer that to the Minister for Housing.

David Koch raised the matter of the Bellarine Bayside Foreshore Committee of Management and associated aspects, and I will refer that to the Minister for Environment and Climate Change.

Damian Drum raised the matter of Righteous Pups. I will refer that to the Minister for Community Services.

Colleen Hartland raised the matter of the Avenue of Honour in Bacchus Marsh and associated roadworks. I will refer that to the Minister for Roads and Ports.

Bernie Finn raised the matter of policing in Werribee. I will refer that to the Minister for Police and Emergency Services.

Donna Petrovich raised the matter of funding for neighbourhood safer places, and I will refer that to the Treasurer.

Inga Peulich raised the matter of school security, particularly around fire alarms and other associated elements. I will refer that to the Minister for Education.

Gordon Rich-Phillips raised a matter of claims for reimbursement and other administrative issues. I will refer that to the Minister for Finance, WorkCover and the Transport Accident Commission.

David Davis raised the matter of policing rosters and associated information. I will refer that to the Minister for Police and Emergency Services.

The DEPUTY PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.22 p.m. until Tuesday, 27 July.