

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 11 March 2010

(Extract from book 3)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation.	The Hon. G. W. Jennings, MLC
Minister for Planning and Minister for the Respect Agenda.	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mr Murphy and Mrs Petrovich.

Family and Community Development Committee — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey. (*Council*): Mr Finn and Mr Scheffer.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips.

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

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

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

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 — Acting Secretary: Mr H. Barr

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

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

Mr E. N. BAILLIEU

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

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
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Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew ⁷	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter ²	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André ³	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill ⁴	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William ⁸	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene ⁵	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice ⁶	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 13 February 2010

⁵ Elected 28 June 2008

⁶ Resigned 18 January 2010

⁷ Elected 15 September 2007

⁸ Resigned 6 August 2007

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Thursday, 11 March 2010

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

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

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 7, 95, 96 and 227 to 230 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS**Following petitions presented to house:****Phillip Island: health services**

To the Legislative Assembly of Victoria:

The petition of residents from the electorate of Bass draws to the attention of the house the urgent need for a 24-hour accident and emergency service and bulk-billed medical care on Phillip Island. There is a vital need for this because:

the Rudd and Brumby governments allowed the former Warley Hospital — a community-run bush nursing hospital — to close in January 2008;

the number of permanent residents and holiday-makers on Phillip Island continues to soar;

the main access route from the island can become blocked for hours by congestion or a road accident, leaving residents with no way of reaching Wonthaggi hospital in an emergency;

the current accident and emergency service provided by local doctors is struggling to cope and finishes at 10.00 p.m.;

with very limited opportunities to access bulk-billed medical services on the island, elderly residents are forced to travel a considerable distance for routine medical attention.

We note that the Warley Hospital building was recently sold and is now available for rent. We call on the state government to rent the hospital building and establish an accident and emergency department and bulk-billed medical care under the auspices of Wonthaggi hospital.

The petitioners therefore request that the Legislative Assembly of Victoria immediately fund this much-needed medical service on Phillip Island.

By Mr K. SMITH (Bass) (1387 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from \$800 million to \$2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are in stalled; and

findings by Melbourne University that many families will have to pay around \$300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

**By Dr SYKES (Benalla) (84 signatures),
Mr JASPER (Murray Valley) (96 signatures) and
Mrs POWELL (Shepparton) (222 signatures).**

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (25 signatures).

Rock Eisteddfod Challenge: funding

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the failure of the Brumby government to adequately fund the Victorian Rock Eisteddfod Challenge, therefore threatening the future operation of this important event for Gippsland students, teachers and families.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge to ensure this event continues this year and in future years.

By Mr NORTHE (Morwell) (16 signatures).

Liquor licensing: fees

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognise the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

**By Mr NORTHE (Morwell) (47 signatures),
Mr JASPER (Murray Valley) (23 signatures) and
Mrs POWELL (Shepparton) (34 signatures).**

Paterson's curse: control

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the critical need for continuing state government support for the eradication of Paterson's curse as a noxious weed, recognising that it has been relegated in importance by the Minister for Agriculture, Joe Helper, MP, and the Department of Primary Industries, with other exotic weeds now being given precedence.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to clarify responsibility for the control of noxious weeds and increase funding levels to all government authorities, including local government, to implement appropriate eradication programs, and to include Paterson's curse.

By Mr JASPER (Murray Valley) (37 signatures).

Housing: Northcote

To the Legislative Assembly of Victoria:

The petition of residents participating in the Our Homes Our Health program at Holmes Street, Agg Street and the former Roberts Street public housing estates in Northcote draws to the attention of the house the decision by the Department of Health to change the funding arrangements of the Our Homes Our Health program without consultation with any resident participants. This has resulted in the halting of activities, the ending of funding to Jika Jika Community Centre to employ Annie Hingston, the coordinator, and great distress to residents.

The petitioners therefore request that the Legislative Assembly of Victoria reinstates funding to Jika Jika Community Centre in order to restore this very successful program.

By Ms RICHARDSON (Northcote) (25 signatures).

Rail: Brighton level crossing

To the Legislative Assembly of Victoria:

The petition of the residents of the city of Bayside draws to the attention of the house the urgent need to take the con out of Connex, its successor Metro and the Brumby government to reopen the New Street-Beach Road railway gates for the benefit of Bayside and Melbourne motorists so that traffic delays and motorist inconvenience are eliminated and to avert the dangerous traffic build-up at other intersections along Beach Road.

The closure of the New Street railway gates has caused significant traffic problems and ongoing inconvenience to motorists who are forced to use alternative routes.

Prayer

The petitioners therefore call upon the Brumby government, Connex and the City of Bayside to instigate immediate action so that Bayside and Melbourne motorists are not endangered or inconvenienced any further by the closure of the New Street railway gates.

**By Mr THOMPSON (Sandringham)
(230 signatures).**

Tabled.

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petitions presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petitions presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petitions presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

ELECTORAL MATTERS COMMITTEE

Misleading or deceptive political advertising

Mr SCOTT (Preston) presented report, together with appendices, minority report and transcripts of evidence.

Tabled.

Ordered that report, appendices and minority report be printed.

DOCUMENTS

Tabled by Clerk:

Financial Management Act 1994 — 2009–10 Mid Year Financial Report incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2009

Gambling Regulation Act 2003 — Order under s 2.5A.9

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the disclosure of information by a councillor of the City of Casey — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*

Statutory Rules under the following Acts:

Building Act 1993 — SR 15

Fisheries Act 1995 — SR 13

Road Safety Act 1986 — SR 16

Victorian Civil and Administrative Tribunal Act 1998 — SR 14.

BUSINESS OF THE HOUSE

Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 23 March 2010.

Motion agreed to.

MEMBERS STATEMENTS

Disabled Surfers Association Australia

Ms NEVILLE (Minister for Mental Health) — I was pleased to join the Premier at Ocean Grove to meet members of the Disabled Surfers Association Australia during a surfing carnival day at the beach.

We presented the association with new all-terrain, or surfing, wheelchairs to replace two that had been vandalised. The chairs are specially designed to enable people with a disability to get into the water and enjoy the experience of surfing. The loss of the two chairs had put the program at risk. It was a great occasion, with over 150 volunteers participating to ensure that people could safely participate in the carnival, including some who had never been in the sea before.

I congratulate the efforts of all those involved in the Disabled Surfers Association and its innovative program, which provides access and a great experience to people with a disability right across Victoria.

Bellarine Agricultural Show

Ms NEVILLE — I was delighted to once again be invited to officially open the Bellarine Agricultural Show last Sunday. This is Bellarine's 20th show, and it has continued to adapt, change and grow over that time. The show remains a great celebration of the importance of agriculture to the Bellarine community for food production, wineries, agriculture, research and innovation. Of course it also has the annual gumboot throwing competition.

I congratulate the president, Don McDonald, the secretary, Rick Peacock, and the committee and all the local community members who regularly participate as volunteers to ensure that this show is a great success each year.

Brunswick Special Developmental School: future

Mr DIXON (Nepean) — I join with the member for Pascoe Vale and the federal member for Wills in calling on this government to ensure that the Brunswick Special Developmental School remains within the general Moreland area. The Minister for Education has signed off on closing down the current Brunswick site of the special school and moving it to the site of another school she is closing 11 kilometres away at West Heidelberg.

Next week I will be attending a public meeting to be held at the office of the federal member for Wills to discuss the issue. This is the meeting this government should have had with the school community before the

decision was made. The practical outcome of the minister's decision will be devastating for many of the students. Many students will now have to travel for up to 2 hours by bus to reach the new site, which physically precludes many of the students from making the move. It also means the end of an excellent integration program into local primary schools, which has had positive benefits for children, parents and the community.

What is even more galling is that this minister is riding roughshod over the school community with a project that is not even funded by the Brumby government. The \$5 million grant to rebuild the school is federal Building the Education Revolution money.

Heany Park Primary School: funding

Mr DIXON — On another matter, Heany Park Primary School was damaged in last Saturday's hailstorm, which follows on from the devastating fire at the school earlier this year. I call on the Brumby government to fully fund repairs to Heany Park Primary School, which would be a nice change considering its refusal to replace all classrooms damaged in the fire in January.

Oakleigh Cricket Club: achievements

Ms BARKER (Oakleigh) — Congratulations to the Oakleigh Cricket Club for another very successful year at both a senior and junior level. The club will have all four senior XI teams in the Victorian Sub-District Cricket Association finals commencing this weekend. In addition to this significant achievement for this great cricket club, it has also taken out the 2009–10 Ken Fewster Club Champions award for a record third time. This is a significant achievement, as it records performances in all four XIs and encompasses all 28 clubs in the subdistrict competition. I wish the first XI captain-coach Jarrod Travaglia and assistant coach Ben Pinwill, second XI captain Brendan Pauwels, third XI captain Brian Grace and fourth XI captain John Doig and all the teams every success.

In the junior section, the under 15s and the under 13s have qualified for this week's grand finals in the Southern District and Churches Cricket League, and again I wish both teams every success. The Oakleigh Cricket Club members have worked very hard over recent years to ensure that young people can learn to play cricket and, importantly, to enjoy their participation in this historic and important club in our local area. Oakleigh Cricket Club had its foundation meeting in 1879 and still proudly wears the Oakleigh

'colours' of purple and gold; the club's motto is 'purple and gold, proud and bold'.

My thanks to all the committee members, the coaches and trainers and, importantly, the parents who volunteer their time to ensure that the Oakleigh Cricket Club can continue to provide opportunities for young and older players to participate in the great game of cricket. Well done Oakleigh!

Police: Pyramid Hill

Mr WALSH (Swan Hill) — The issue of community safety and concerns about a lack of police services are not limited to Melbourne and large regional cities. Pyramid Hill in my electorate is in the situation where its one-man police station has not had an officer since late last year and the community is unaware of when that position will be filled.

A recent event highlighted the community's concerns about having no police in the town. An obviously drunk and possibly drug-affected man — who had not been in the Pyramid Hill Hotel — was refused service when he went to buy packaged liquor. This particular person, as it was described to me, then 'went feral', abusing the hotelkeeper and patrons who were enjoying their evening meal and then smashing the glass door of the hotel, showering patrons with glass. The hotelkeeper, fearing for his own safety and that of his patrons, rang 000 to get assistance. The 000 operator told him there were no police available and in the course of the next hour rang back twice to say that no police could be found to come to the town to deal with this particular issue. This is despite the fact that the hotelkeeper has had a huge increase in his liquor licensing fees, supposedly to pay for more police. The people of Pyramid Hill are quite concerned that these sorts of events are happening in their town with no police there and that when they ring 000 there are no police available to come.

Clean Up Australia Day: 20th anniversary

Mr NOONAN (Williamstown) — Last Sunday, 7 March, marked the 20th anniversary of Clean Up Australia Day. This year's event focused on Melbourne's Port Phillip Bay and our various waterways. In Williamstown I joined volunteers at the Jawbone Marine Sanctuary for the clean-up and was surprised by the level of accumulated waste along our beautiful shoreline.

The Jawbone Marine Sanctuary is a unique haven for coastal marine life. It consists of a sandy beach flanked by basalt rock outcrops formed by ancient lava flows. It

is home to a diversity of marine plant and animal life, including one of Port Phillip's few mangrove stands, as well as salt marsh, seagrass beds, tidal reefs, fish, sea snails, sea star, mussels, abalone, seaweeds and algae. It is also a feeding and roosting area for local and migratory birds. The natural beauty of the Jawbone sanctuary that we can all enjoy today is thanks to decades of hard work rehabilitating what was formerly a rifle range by volunteers from the Friends of Williamstown Wetlands, who were joined more recently by the Jawbone Marine Sanctuary Care Group.

It is important that I acknowledge and thank all those who took part in the clean-up, including Ian Kiernan and the Clean Up Australia team; Parks Victoria staff, in particular Elaine Carbines, Emily Matheson, Edena Critch, Sherrie Chambers and Kim Sullivan; the Friends of Williamstown Wetlands; the Jawbone Marine Sanctuary Care Group; the major sponsors, the Commonwealth Bank of Australia and the Qantas Foundation; and finally, the volunteers, both local and visiting.

Tourism: government performance

Ms ASHER (Brighton) — Yesterday in question time we heard the Premier boasting about his government's performance in international tourism, and well may he boast about international tourism. The reason not one word was mentioned about domestic tourism is that his government's performance in this is woeful. In fact domestic tourism statistics are worse now than they were in 1999 when this government was elected to office.

In 1998–99 domestic visitor numbers were 18 million. In 2008–09 domestic visitor numbers were down to 16.24 million. The number of domestic visitor nights were down as well. In 1988–99 there were 55 million domestic visitor nights. In 2008–09 that number was down to 52.07 million. If you look at Tourism Victoria annual reports, which is where these figures are from, you see that regional Victoria is missing out badly on tourism. The number of interstate visitors staying overnight in regional Victoria fell from 11.4 million in December 2007 to 10.76 million in December 2008 — a decline of 643 000 in that one year. There has been a decrease in all regions except Daylesford, the Macedon Ranges, the high country and the Grampians. Occupancy rates are down and domestic daytripper rates are down. The government's performance in domestic tourism is woeful.

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

Greensborough Hockey Club: funding

Ms GREEN (Yan Yean) — Last week I was very pleased to host yet another welcome visit from the Minister for Sport, Recreation and Youth Affairs, who made another great announcement to assist one of the finest sporting clubs in my electorate, the Greensborough Hockey Club. The club serves the whole region, from little kids — boys and girls — right up to veterans and even people older than me! It has one of the most well-used facilities in the shire of Nillumbik, and it offers a great outlet.

Now, with the establishment of a second pitch, the club will continue to go from strength to strength. The government has provided a total of \$931 000 for this fantastic project, including \$750 000 from the Commonwealth Games dividend and now another boost of \$181 000 from the synthetic surfaces program. This will mean that the club can continue to produce the great standard of players that it has. The club has had a number of players compete at national, state and international level, and the junior side is currently touring overseas. It is well led by a fantastic committee that has raised \$350 000 of its own money, and Nillumbik Shire Council has also made a contribution. I am pleased that the government has provided 66 per cent of the funding for this great project. Go the Burras!

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — Yesterday the Auditor-General tabled his report into the decommissioning of Lake Mokoan. It would be fair to say that the Auditor-General's findings did not meet my expectations, something which the Minister for Water made patently obvious. Having been a fierce advocate for the Justice for the Broken Valley group and having given a bit over the past seven years, I accept that yesterday it was my turn to take it on the chin. That aside, my constituents remain concerned about unresolved fundamental issues such as the absence of an independent assessment of the basic assumption that blue-green algae causes the closure of Lake Mokoan 95 years out of 100. The Auditor-General noted this failure but saw fit not to criticise it.

Similarly the Auditor-General noted poor communication, especially during the first 20 months of the project, but also stated that later communication was voluminous. However, he did not appear to look at the content of the communications, which many would argue was misleading at best and straight-out untrue at worst. Accordingly whilst I respect the independence of the office of the Auditor-General, I must make it clear

that my constituents reserve their democratic right to maintain a different view.

As for the hurly-burly of politics, I welcome the continuation of robust debate on this and many other issues, on which my constituents expect me to vigorously represent them. I look forward to the state election on 27 November, when the people of Victoria will cast their vote for the people and party in whom they place their trust to govern — —

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

Glen Iris District Basketball Club: achievements

Mr STENSHOLT (Burwood) — I congratulate Glen Iris District Basketball Club — the Mighty Scorpions — as it finishes its first season as a new club in the Waverley basketball competition. I pay special tribute to the efforts of Kate Bellamy, a mum at Glen Iris Primary School, and Andrew Cavell, a teacher, for their efforts in turning a germ of an idea into a thriving basketball club in only a few months. The idea of a club started in July last year, with a call for players in August leading to the club fielding 11 teams with over 80 players in the summer competition. Players and parents come from Glen Iris Primary school, Hartwell Primary School, Lloyd Street Primary School and Malvern Central School. The club is now fully established and incorporated.

I congratulate the members of the first executive committee — president Anthony Moore, vice-president Sam Pinbeck, treasurer Grant Currie, secretary James Cox, registrar Kate Bellamy and coaching coordinator Andrew Cavell, who were appointed at the club's first general meeting last December. The club is now well on the way and preparing for the winter season; registrations are being finalised and the club expects to field around 13 teams. The club is a wonderful example of grassroots action for our kids. It is good to see that the parents got together with the school to start this new club, the Mighty Scorpions, and I wish it every success for the future.

Electricity: smart meters

Ms WOOLDRIDGE (Doncaster) — I rise to ask the Minister for Energy and Resources to freeze the rollout of smart meters until there has been a full and independent cost-benefit analysis of this project. I have been receiving calls from constituents, especially those who are elderly or on fixed incomes, who are concerned about how much consumers are going to end

up paying for their electricity. One Doncaster East resident has been told that one of the benefits will be that it will enable remote connection of his electricity when he moves into a new home. As he has lived at his current home for some decades, he does not believe this will be of great advantage to him.

This project is yet another sorry tale of how the Brumby government treats Victorians. The Auditor-General found that project faces a blow-out from \$800 million to \$2.25 billion. It has also been beset by delays, poor functionality and poor risk management. A report prepared by the University of Melbourne found that Victorian families will be paying up to \$152 this year for smart meters that have not been installed, and face electricity price increases of an extra \$150 once the smart meters are installed.

The rollout should be frozen so that Victorians will not have to pay through the nose for the meters, even if they do not have them, and then pay again through massive increases in peak charges when the meters are installed.

Helen Jurcevic and Kristen Chapman

Ms WOOLDRIDGE — I want to congratulate the City of Manningham's citizen and young citizen of the year. Helen Jurcevic is the founder of the Women's Friendship Group, and Kristen Chapman is a young woman who has overcome a moderate intellectual disability and gone on to excel as an exceptional sportsperson. They really deserve this honour and are role models for us all.

Lara electorate: achievements

Mr EREN (Lara) — As usual, it was quite a busy lead-up to the end of the 2009 year in my electorate, and I would like to put on record the wonderful things happening there. Lara electorate has once again proved itself to be one of the best places to live, work and raise a family, thanks to the Brumby Labor government. I am delighted to indulge members by referring to some fantastic news particularly in relation to jobs. Business is booming in Lara. The \$20 million expansion of the Chemring Australia facility, which is a defence pyrotechnics manufacturer, is well under way. This expansion will create an extra 40 highly skilled and well-paid jobs. In December last year I had the pleasure to be with the then Minister for Industry and Trade, Martin Pakula, and we were delighted to see the progress that had been made.

I was also pleased to officially open, along with the federal member for Corio, Richard Marles, and a local

councillor, Cameron Granger, the newly developed Lara swimming pool. It was fantastic to see the happiness it brought to the families of Lara that they can now swim, play, laugh and come together as a community.

May I also say how impressed I was with the students of Lara Primary School who produced and starred in their very own movie on DVD to educate their fellow students about fire safety. Congratulations to all involved. At about the same time in December I was with the Premier at Avalon Airport to announce that the refurbished DC-10 water-bombing aircraft would be on guard and ready to fight fires if needed.

Housing: loan schemes

Dr NAPTHINE (South-West Coast) — I wish to bring to the attention of the house and particularly the Minister for Housing the serious plight of a constituent of mine who is trapped in very difficult financial circumstances due to her involvement in the fundamentally flawed home loan scheme introduced by the economically discredited former Cain and Kirner Labor governments. Since signing the unreasonable contract with the director of housing in November 1990 my constituent has paid in excess of \$110 000 in rent and loan repayments yet still owes \$8600 on the initial borrowed amount of just \$28 073. My constituent is currently on a disability support pension and is forced to pay nearly 50 per cent of her income each month to meet rental and repayment charges under this flawed home ownership scheme.

Tragically my constituent is not alone. There are thousands of Victorian families who have been trapped by these fatally flawed home loan schemes promoted to low-income Victorians by the Cain and Kirner governments. These families are facing higher and higher repayments and rentals, leaving them with less and less money for basic necessities. My constituent and other trapped families have also paid all rates, insurance costs, repairs, improvements and maintenance over the past 20 years and often have seen the capital value of their homes diminish or fail to keep pace with inflation. A Labor government started these schemes, and I believe the current Labor government has a moral responsibility to fix these unfair and flawed schemes once and for all in fairness to my constituents and all affected families.

Belmont Primary School: achievements

Mr CRUTCHFIELD (South Barwon) — I recently had the pleasure of attending a Belmont Primary School assembly with principal Mark Arkinstall and an

enthusiastic school community. The school thanked me for the \$3 million that the Brumby government provided to complete the school's transformation.

I had the pleasure of presenting leadership badges to some impressive school leaders. They are school captains Callum Edwards and Emma Egan and school vice-captains Tom Harrison and Courtney Smith; gold house captains Kieran Longmuir and Keziah Lewis and vice-captains Rhys Barnes and Jessica Robinson; red house captains Josiah Gomes-Camp and Katie Bindemanis and vice-captains Jacob Dalitz and Brittany Harper; and blue house captains James Feaver and Chloe Musgrove and vice-captains Jarryd Taylor and Taylor Fitzpatrick. Well done to the students and the school, which continues to provide very high-quality educational outcomes for the Belmont community.

Doug Warbrick

Mr CRUTCHFIELD — Torquay surfing identity and Rip Curl founder Doug Warbrick was inducted into the sports hall of fame at the recent Australian surfing awards. He and Brian Singer founded Rip Curl which has been based at Torquay in my electorate for over 40 years. He is also responsible for starting in 1973 the Bells Beach Surf Classic, widely known as the Rip Curl Pro and held during Easter each year at Bells Beach. Doug is also a founding member of the ASP World Tour and the Surfrider Foundation Australia. I take this opportunity to congratulate Doug and also to urge people to attend this year's Bells Beach classic in Torquay this Easter.

Cycling: Morwell–Traralgon bike path

Mr NORTHE (Morwell) — Tourism in the Latrobe Valley continues to gain greater prominence, particularly through the vision and efforts of the Latrobe City Business Tourism Association. Individuals such as Linda Brock, Ian Southall and Janine Hayes have been instrumental in engaging with local businesses to both promote and grow this important yet untapped industry. Events hosted within the city of Latrobe serve our community well; however, I believe it is investment in infrastructure that will develop tourism to its full potential in our region. Projects such as the Gippsland Plains rail trail, upgrading facilities at Hazelwood pondage or the development of cycle links between townships within the Latrobe Valley are all worthy of investment.

With respect to cycle links, the long-touted Morwell–Traralgon bike path would provide enormous health, social and financial benefits to our community. Latrobe City Council currently has a funding

application before VicRoads, and if successful this would enable a feasibility study of potential routes to be undertaken.

The Morwell–Traralgon bike path is noted within Latrobe City Council's *Bicycle Plan 2007–2010*, and the state parliament's Rural and Regional Committee's recent inquiry into rural and regional tourism recommended the Brumby government establish cycleways linking the Latrobe Valley townships of Morwell, Traralgon and Churchill as a priority.

Organisations such as the Traralgon and Morwell Pedallers, better known as TRAMPS, have been extremely active in ensuring the Morwell–Traralgon bike path comes to fruition. Significant community support and interest has been forthcoming, and one trusts that VicRoads and the Brumby government will likewise get behind this important project.

Police: Ballarat

Mr HOWARD (Ballarat East) — I note two articles from the Ballarat *Courier* this week. An article headed 'Police are out in force' published on Saturday, 6 March, advised that the traffic management unit had been out in force targeting speeding, drink and drug drivers as well as hoons. On Tuesday, 9 March, an article headed 'Street patrols hailed a success' advised of the first foray over the previous weekend of the new operational response unit in the city, working to patrol city streets and licensed venues. I congratulate our police and police operations on their ongoing efforts to act proactively to avert crime in Ballarat. Our government will continue to support our police with record resourcing, including record recruiting and training which has seen 5500 new police graduate from the police academy since we came to office.

Daylesford: fire information centre

Mr HOWARD — On another matter, I was pleased to recently be in Daylesford with the Minister for Police and Emergency Services at the opening of the community fire information centre. This project, costing \$12 000, is jointly funded by the Department of Planning and Community Development and the Victorian Bushfire Appeal Fund. This initiative of Hepburn shire's community recovery committee, working with the Daylesford fire brigade, has seen an information centre opened within the new Rex retail complex, where proprietor Tony Grosso has offered the site at a reduced rental. The information centre will be run by volunteers. It will not only provide information about fire protection but about the history of the Daylesford fire brigade, which is now 149 years old.

Rail: Brighton level crossing

Mr THOMPSON (Sandringham) — The continued closure of the New Street railway gates has caused major traffic disruption within the Sandringham electorate for over two and a half years. The build-up of traffic in Hampton Street and the dangers presented on Hampton Street, Bridge Street and Small Street represent major traffic hazards as well. It is quite extraordinary that over a two-and-a-half-year time frame the Brumby Labor government has still not resolved the impasse. The question has to be asked by the Victorian community: if the government cannot in two and a half years open rail gates that have been operating for over 120 years, what hope does it have of establishing a ticketing system, or for that matter governing Victoria with a \$40 billion budget?

Public transport: myki ticketing system

Mr THOMPSON — In relation to the myki ticketing system, which was launched just after Christmas, there is no machine that is operational at the Sandringham railway station, a major station within the southern part of Melbourne. You cannot update your myki card from the Sandringham railway station. In addition, a constituent wrote to me recently lamenting the fact that \$30 had been taken out of his myki account. After 40 minutes on the phone he was told someone would get back to him. After 14 days no-one has got back to him. It is a disgrace.

Roads: Liberal Party policy

Ms GRALEY (Narre Warren South) — I am often amazed by the sheer hypocrisy of the Liberals. They always seem to say one thing and do another. Take the federal member for La Trobe, Jason Wood, for example. Mr Wood voted against the Rudd government's Nation Building stimulus package but is running around Berwick claiming credit for the school infrastructure funded by the package.

Mr Wood has also betrayed the people of Berwick on the issue of the Clyde Road duplication. When it came to a vote in the commonwealth Parliament to support federal funding for the duplication project, he voted against it. *Hansard* records indicate that he voted against it even after the federal Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese, highlighted to him the potential implications of his vote on Clyde Road. I quote from the federal *Hansard* record of Minister Albanese's speech on 1 June 2009:

I will wait and see what the member for La Trobe does on this amendment, whether he wants \$30 million to be spent on Clyde Road in the electorate of La Trobe.

Thankfully, Mr Wood did not succeed in destabilising the project.

Then we have Mrs Peulich, a member for South Eastern Metropolitan Region in the Upper House, also running around my electorate claiming to support the duplication of Hallam Road. The truth is that she and the Liberal Party have other plans. The Leader of the Opposition has made it clear that duplication projects will be in jeopardy when he tears up the \$38 billion Victorian transport plan. This would be a major blow to the community in my electorate. The Liberals are a threat to the duplication of Clyde and Hallam Roads and cannot be trusted to deliver important road infrastructure.

I will continue to pursue these concerns with the Minister for Roads and Ports, the Treasurer and the Premier. On this side of the house we are not into cheap political stunts. Only the Brumby Labor government has a plan to deliver upgraded roads to the people of the outer suburbs — —

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

Planning: Mornington development

Mr MORRIS (Mornington) — The Minister for Planning, Justin Madden, is at it again — saying one thing and doing the opposite. With great fanfare the minister last year finally conceded that his failed Melbourne 2030 strategy was inappropriate for Mornington and endorsed the Mornington commercial centre plan. The community rightly felt that its five-year battle to protect the character of the town had been largely won, and yet on 22 February a ministerial press release finally revealed a secret plan to bypass the council and approve a large-format Woolworths hardware store at Mornington.

The retail area of Mornington has been developed in a planned incremental manner over many years. The process has ensured that retail outlets are appropriately located. Now the minister wants to turn that on its head. Another big hardware store may well fit the mix, but its location should be in accord with retail planning to ensure minimal disruption to the town and viability of the business.

An advisory committee has been appointed, and the minister has made it clear that locals will have no say, apart from the typical sham process which, thanks to

the minister's media plan, we now know is his standard operating procedure.

On another matter, last week it became apparent that Minister Madden had refused to grant heritage protection to 743 Esplanade, Mornington. That decision means the loss of a priceless piece of Mornington's heritage and the destruction of one of the principal gateways to the town. Local residents have fought a long, hard but ultimately futile battle to protect the character of this precinct.

I would like to commend Genevieve Rogers, the councillors of the Mornington Peninsula Shire and all who have worked so hard to preserve our living history.

Women: violent and abusive images

Mr HUDSON (Bentleigh) — On 8 March we celebrated International Women's Day. Recently Roger David, a men's clothing store, promoted as its latest fashion statement a new line of boys T-shirts which dehumanise women. One T-shirt, by Los Angeles-based company Blood is the New Black, shows a woman who appears gagged, exhausted and roughed up. The other, by US brand ChaserLA, features two semi-naked women with a strip across their eyes.

Melinda Tankard Reist best describes these images in her blog in which she says:

The designs are not iconic ... They're not art ...

What we are seeing here is the glamorising of abuse, the suggestion of sexual aggression, a hint that women want to be treated roughly.

The abuse is glamorised not just for the perpetrator, but for the victim too. As though it's not only hot to be the pimp, but it's sexy to be dominated, coerced, submissive, abused — possibly even raped.

This new brand line follows others available from online stores where rape is treated as a joke and girls as little sluts. They contain slogans such as 'It's not rape if you yell Surprise!', 'It's not rape, it's surprise sex', 'Sometimes no means yes' and 'Your little princess is my little slut'. These images are being used despite a code that says designers are not allowed to use images deemed abusive, vulgar, harassing, pornographic, indecent and socially and morally objectionable. Retailers selling these T-shirts should withdraw them from sale immediately.

I hope customers will express their outrage by boycotting the stores that sell them, as I will. If the industry is unable to regulate itself, the government has to think about what action it should take.

Essendon Rowing Club: achievements

Mrs MADDIGAN (Essendon) — On the last Saturday in summer the Essendon Rowing Club held its 100th Henley on the Maribyrnong regatta. I congratulate the club, its secretary, Erin Cordwell, its president, Paul Parker, members of its committee and all the people involved in the club for the great effort they put into running this event each year. For the first time the Saturday event was part of the Moonee Valley festival, and it proved to be a great day for the rowing club.

The Essendon Rowing Club has had an exceptionally successful year, claiming six titles at the Rowing Victoria state championships in Nagambie the following week, and I congratulate all the rowers involved.

The club has now been granted a state championship level, the Henley on the Maribyrnong being the home of the third leg of the Victorian sprint quad championships. The Essendon Rowing Club has perhaps one of the most delightful aspects of any rowing club: the front of the Maribyrnong River. Over the years it has been operating — it is an extremely old rowing club — I think its reputation has continued.

One of the nicest things about the Essendon Rowing Club is the large number of previous rowers who are still involved in the club. It can look forward to a very successful year of having a large number of young men and women rowing with it, and I look forward to the club going from strength to strength in the future.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

Debate resumed from 9 March.

Mr HERBERT (Eltham) — It is a pleasure to rise today to speak on the 2010 annual statement of government intentions. I recognise there has been a broad and good debate on the statement, and I am looking forward to adding my contribution to debate on the forward agenda for Victoria as outlined in this statement.

When we look at the statement and the achievements of the last 12 months we can see that it continues the government's legacy of strong economic growth, absolute economic responsibility, social reform and social justice. This is an important legacy. It was more important in 2009 than at any other time in our history, because it came at a time when we were experiencing the impact of the global financial crisis, which could

have had a devastating effect on the hopes and aspirations of many Victorians.

When we look at what happened in terms of strong economic management we see that the Victorian economy led to the creation of more jobs in Victoria than in any other Australian state and that our budget remains in surplus, an incredible achievement given the circumstances. We see that over the past 19 to 20 consecutive months we have led the nation in building approvals. Anyone who seeks to do a renovation on their home or building knows that the building construction industry in Victoria is booming, and that is good for everybody because it is one of the great job drivers that underpin our economic prosperity.

We also see that Victoria's debt levels are the lowest amongst Organisation for Economic Cooperation and Development countries. What an achievement for a manufacturing high-tech state like Victoria, which relies so heavily on exports to countries whose economies were shattered during the global financial crisis, that we have managed to get through the crisis with a strong economy and with debt levels lower than those of other countries in the OECD.

In my electorate of Eltham this economic performance is crucial because the electorate relies on strong economic growth to keep people in work. It has one of the highest numbers of two-income families in the state — hardworking local people, small businesses, tradespeople, professionals, two-income families raising kids and paying off mortgages. Jobs are crucial to them. We also have one of the highest educational levels and one of the lowest unemployment levels in the state, and we continue that history. For the residents of Eltham there is nothing clearer than that jobs, jobs, jobs equals prosperity, prosperity, prosperity. The economic management that we saw in 2009 and going through into 2010 is absolutely crucial.

Local residents and young people finishing university courses have benefited from the more than 75 000 jobs created over the last 12 months. Those 75 000 jobs are equivalent to 67 per cent of all the jobs created in the nation — members should think about that. Western Australia is a huge resource state, but small Victoria generates 67 per cent of all new jobs. It is an achievement to be proud of, not only for the government and businesses in this state but also for every Victorian.

Whilst that performance is impressive, it highlights an aspect of the statement in terms of the important role education and training plays in setting the basics of our economic fundamentals for future growth. There is no

doubt that if we want to continue the economic growth in our state, we can have the macro formulas in place for policy settings but we also have to have the skilled workforce underpinning that growth. No-one wants to see that growth whittled away by our having to import large numbers of people who have the necessary skills and expertise. That is why, in conjunction with this statement, the government has paid enormous attention to the skills agenda.

In terms of higher education, Professor Kwong Lee Dow is head of a panel set up to develop a tertiary education plan to position our universities and research institutions for the needs of the next century. When it comes to the skills agenda, the \$316 million 'Securing jobs for your future — skills for Victoria' initiative is bringing about necessary improvements and strengthening our TAFE system. It is important because part of that plan is about universal entitlements for vocational educational and training no matter who you are and no matter what your age. As our industries change, as global markets change, as we position Victoria's industry for high-tech, high-value-added biotech, nanotech and emerging green industries, we will see our state continue to prosper. We will have an agenda to skill up people as they shift from old industries to new industries to make sure they can maximise their capacity to participate in this economic growth.

Social justice is also part of the plan. One of the great things is that if people work, they want to have a bit of time off, they want to be happy. One of the great social things that is important for people is their health. No matter how rich and prosperous you are, unless you have strong health your life choices and the quality of your life will not be good enough. I am delighted that we see in the statement a lot of money being put into health. Our hospitals are being rebuilt. It does not sound like much to rebuild a hospital but they are incredibly important and hugely expensive infrastructure. With the massive changes in technology, a rebuild not only fixes the bricks and mortar but also gives hospitals the capacity to bring in modern technology and new approaches to help people with severe illnesses to change the quality of their lives.

The Box Hill Hospital redevelopment will be one of the biggest rebuilds in Australia. The integration of the Peter MacCallum Cancer Centre is costed at \$1 billion. The Peter Mac will become renowned as one of the 10 best cancer centres in the world. For me what is really important and exciting is the new Royal Children's Hospital. It will be great for young people and is one of the government's great achievements. If a society cannot look after its young, then we are missing

something. The Royal Children's Hospital will be a great addition to health care, as well as great for Australian jobs. Some 2000 people are working on that project. Whether it is rebuilding hospitals, whether it is a really exciting agenda to tackle the age-old scourge of cancer that ruins so many lives, or whether it is putting money into research, new approaches and new facilities, the health agenda is right on track and of major benefit to people in this state.

Turning to public transport, there have always been difficulties when massive growth in a system overloads it. As we have seen in the statement, if you want to drag 100-year-old technology, 100-year-old approaches into a modern, efficient public transport system, it is going to be tough, and it will take a lot of money. The \$38 billion transport plan will underpin this massive increase, the biggest in our history in terms of trying to modernise the public transport system. It is the biggest transport investment in Australia, and we are starting to see the benefits of it already.

If members consider my electorate of Eltham, in under a month we will see the new SmartBus service from Chelsea going right through Eltham, to the Eltham railway station and Greensborough. The bus service will be welcomed by local residents because it will give them the capacity to travel across town. We have seen enormous increases in bus services in the Eltham area, which is pretty important because it does not have small, constrained streets; it tends to have big properties and it is hilly with winding roads. Many people rely on a bus to get to the train station to get to the city.

In terms of train services, we have had an enormous increase in funding for the Hurstbridge line. It is worth spending a little bit of time talking about this line because we still have 110-year-old technology at Eltham railway station. All of that is changing: after 110 years a revolution is happening. We have spent \$50 million on the bottleneck bridge over the Merri Creek. Another \$50 million is allocated for the Eltham railway station upgrade. We are connecting into the Metrol central control system past Greensborough for the first time in our history. There are new stabling facilities, new trains and new services. This will mean massive benefits for people living in Eltham. The line was badly in need of an upgrade, and a large amount of money is going into that upgrade.

Mrs SHARDEY (Caulfield) — I rise to speak on the annual statement of government intentions. The approach of the Liberal-Nationals coalition in response to the Labor government's third annual statement of intentions provides a very different message to Victorians, and in particular to Victorian families. It

spells out the appreciation of the Liberal-Nationals coalition of what Victorians want, what Victorians need and what Victorians expect from their state government.

As the Leader of the Opposition pointed out in his response, previous statements of this ilk by the Brumby government have been a dismal failure. They focus only on government activity, with a catalogue of previous announcements and promises which are an admission that not only 'is there more to be done' but that also there is much that has not been done.

The Leader of the Opposition gave a strong commitment that in government the coalition will deliver an annual families statement. This means that Victorians will not be kept in the dark about the performance provided by government in key service areas that affect their health, wellbeing, safety and future. The annual families statement will provide a means by which Victorians can judge the extent of improvement and not merely be hoodwinked by the spin doctors and data manipulators, as happens under this Labor government. The coalition in government will honestly report the state of the economy, the effect of Labor's taxes, charges and borrowings on Victorian families and the standard of basic state government services after 10 years or more of Labor on the job.

After nearly 14½ years as the member for Caulfield I can say that, while I have enjoyed immensely representing my constituents and living and working among them, I will leave this place with a great sense of disappointment that over the past decade so little has been achieved by this government, despite the enormous opportunity and resources made available to Labor through the hard work of the coalition in repairing the Victorian economy. In 1999 the Labor government inherited a healthy budget surplus, a growing economy and the opportunity to plan for the needs of a growing and ageing Victorian population. That wonderful opportunity has now been squandered, and we see a tired Labor government lurching from one crisis to the next, desperately trying to spin its way out of trouble.

Over the last 10 years until my retirement from shadow cabinet at the end of last year I had represented my party and the coalition as shadow minister or spokesperson in five key social policy areas that dramatically affect the daily lives of Victorian families, particularly newcomers to Australia, often from very different cultures: the deeply disadvantaged; those born with or with acquired disabilities; at-risk children; the elderly; and the sick. I have been able to examine and comment on this Labor government's performance

standards over a long period of time in many areas. As I said, the record is not only disappointing, but it means that Victorian families have been deprived of so much when the opportunity was there to build on a strong foundation and provide a stable future for all Victorians. I was spokesperson for the key portfolio areas of multicultural affairs; housing; community services, including child protection and disability; aged care; and health.

As spokesperson for multicultural affairs and representing the majority of the Jewish community in this Parliament, I played a strong role in supporting racial and religious tolerance legislation. But the first truly significant case of anti-Semitism and physical assault did not result in a case being brought under this legislation. Menachem Vorchheimer had to fight for nearly one and a half years to get any justice at all, and even then it was not complete justice.

In the public housing area, despite all the promises of money, not only did waiting lists grow but needy people who were recognised as priority cases had to wait months and years instead of days and weeks while the net stock of public housing units in Victoria declined. Recently the Minister for Housing announced with great fanfare that the public housing waiting list had dropped by a huge 295 families. What he forgot to say was that the number of Victorian families recognised as needing urgent accommodation jumped by more than double that, by 536, on the December 2009 waiting list. The outcome is that while the Victorian population rises and house prices and rents soar and become unaffordable, social housing stock in this state declines, particularly on a per capita basis, according to the National Housing Supply Council. The Australian Institute of Health and Welfare showed that Victoria has the largest waiting list of all the states, and experts predict that, even with some announced new money, the problem of housing needs will not be met and that it is worse in Victoria than any other state.

The issues around child protection have been an utter disgrace under this government, with one minister after the other, including the current one, failing to protect Victorian children, with the child protection system continually being in gridlock because of poor management and too few staff, who, despite their hard work, simply cannot cope.

In some respects the disability area, because of my own family experience, brought me so close to the heartache and struggle of aged parent carers and other carers, who under this government still wait for supported accommodation for their children. They have been promised so much and their hopes have been raised so

high, but they still live in fear of what will happen to their children when they die.

The health portfolio is the area which probably touches nearly all Victorian families at some time. Yet this is the portfolio where there has been the greatest amount of spin doctoring and deception. There has been a lack of planning and investment to meet the needs of a growing and ageing population. Even when new hospitals are built, tens of thousands of patients are hidden on secret waiting lists and continue to suffer — and we see examples every day, including today with the case of Pauline Holmer — and basic performance benchmarks in hospitals are not met. In fact many of them have never been met under this government's changed reporting system — for example, this government cannot even meet the number of hospital separations it plans in its budget papers and, supposedly, provides funds for.

Finally, there is the disgraceful saga of virtual beds and data manipulation and fraud, which is a deep-seated attempt to hide the truth about the treatment of sick Victorian patients in our hospitals. The Minister for Health is trying to hide the truth, and in doing so claimed that raising such matters was an attack on Victoria's doctors and nurses. He knows the truth is about exposing the deceit and seeking to protect Victorian families. Now we have the Prime Minister of Australia wanting to take majority control over the public hospital system because, he claims, John Brumby 'is kidding himself if he thinks Victorian hospitals do not need significant improvement'.

On the other hand the Rudd federal government has demonstrated its total ineptness in being able to deliver basic services. The insulation saga is a disgrace; it is a disgraceful environmental con, as we heard in the media today. It would not surprise me if Victorians come to the conclusion in relation to this area of great importance that there should be a pox on both their houses, federal and state, when they come to vote this year in the federal and state elections.

Mr PERERA (Cranbourne) — I am pleased to speak in support of the annual statement of government intentions. The story in Cranbourne is the opposite of what the member for Caulfield was trying to portray is the situation under the Brumby government. I will come to that in a minute.

I am so pleased to be a member of a government which is open, transparent and brave enough to declare its intended program of work for the year at the very beginning of each year. This has been the practice of the Brumby government since 2008, and it will

continue to be the case in the future. It is an important and exciting tradition. I am sure we are the envy of many governments here and overseas. The Brumby government in Victoria has been the first in Australian political history to take this unprecedented measure. The fundamental question is whether these intentions are real and deliverable. It is a matter of trust whether the government is genuine in its attempt to deliver what is stated in the annual statement of government intentions.

When you look at the Brumby government record, it indicates that the politically savvy electorate will give the thumbs up to this statement and ridicule the lazy opposition, which is always looking for a cheap shot to collect some votes. The presentation of an annual statement of government intentions became a tradition only from 2008, but this Labor government started delivering in office from day one.

The story of the 2009 statement is that 94 per cent of the initiatives specified in that statement were delivered. What a fantastic performance by a government which does not even have a majority in the upper house. The story does not end there. Another 3 per cent of these initiatives were reliant upon the Council of Australian Governments and national reforms, which means a total of 97 per cent of initiatives were actioned. What a record! What a report card! The Brumby government will deliver the largest infrastructure project in Victorian history by the end of this term in office and record investment in health, education, roads, sports, public housing, public transport et cetera.

Let me focus on the Brumby government's performance in the electorate of Cranbourne, which I represent. In 2009 there were 8798 students at government schools in the Cranbourne electorate. This is a 22.6 per cent increase since this government came to office. As of June 2009 the number of teaching and administrative staff in government schools in Cranbourne had increased by 56 per cent from the levels inherited from the previous regime. Since coming to office the government has invested \$116.2 million in the government schools in the Cranbourne electorate. The Brumby government is committed to investing in every single school in one form or another. The Brumby government built a brand-new secondary school in Carrum Downs after the seven years of neglect by a Liberal government. All requests for a secondary school went unheeded during the time the Liberal-Nationals coalition held power. The brand-new prep to year 12 school will soon be completed in Cranbourne East, and \$37 million has already been committed.

The brand-new Cranbourne North East Primary School will also be completed soon, and \$11 million has been committed to that project. When the Brumby government talks about its educational priorities for 2010 such as supporting vulnerable families to strengthen their home learning environment, the strategy for improving Victoria's early childhood workforce, the ultranet IT portal for Victorian government schools to enable parents to access their children's homework, attendance records, assessment, curriculum and teacher feedback, extended school hubs to support students from low socioeconomic communities and the many other initiatives detailed in chapter 5 of the statement, the constituents of my electorate believe the government will deliver every single thing because of its impressive track record in delivering the best educational outcomes in Cranbourne.

The Brumby government has committed nearly \$450 million to fund the construction and refurbishment of over 160 police stations and police residences across Victoria. This is the largest police station building program in Victoria's history. By the end of 2010 the Labor government will have increased the total number of police officers in Victoria by 1870. This is in comparison to a decline of 800 under the last Liberal-Nationals coalition government.

There are now more uniformed police in police service areas covering the Cranbourne electorate and crime rates have fallen. Since Labor came into office the number of front-line police has increased by 75.1 per cent in the Casey police service area and by 93.4 per cent in the Frankston police service area. Since 2000–01 the crime rate has fallen by 8.1 per cent in the Casey police service area and by 15.9 per cent in the Frankston police service area. The Cranbourne police station has been rebuilt from scratch to make it a modern, state-of-the-art police station. A brand-new Carrum Downs police station is being built. It will have 1 senior sergeant, 2 sergeants, 18 other ranked police and 20 additional police.

It is crystal clear to my constituents that Labor has a better public safety record than the opposition. That is why when the Brumby government says it will implement new powers and make resources available to Victoria Police to address growing problems, it will strengthen Victoria's laws where necessary to bring sentencing into line with community expectations and deter crime and it will deliver all the other commitments in chapter 3 of the statement, my constituents have no reason to doubt the government — because of its record investment in this space.

The state Labor government has invested in roads and public transport in the local government areas in the Cranbourne electorate. These arterial roads were left as goat tracks when the Liberal-Nationals coalition left office. Since coming to office the Labor government has invested over \$418 million in roads in the city of Casey and over \$90 million in roads in the city of Frankston. Peninsula Link will be starting from my electorate, and the construction work for that project is progressing well. Other investments include the 23-kilometre Cranbourne-Frankston Road duplication — a total investment of \$90 million; the duplication of Thompson Road between the Mornington Peninsula Freeway and Dandenong-Frankston Road; and the widening of Thompson Road between Dandenong-Frankston Road and Evans Road.

Since 1999, 160 additional weekly services have been added on the Cranbourne line and 61 additional weekly services on the Frankston line. The Cranbourne train station has been upgraded to a premium station and six trains are now stabled at Cranbourne at night. The Cranbourne station car park has been extended with 490 additional parking spaces. The Frankston station car park has been extended, and the Seaford station car park has been extended with 70 additional parking spaces.

That is the Brumby Labor government's record investment in Cranbourne. My constituents know that more needs to be done. However, they also realise that these investments are lot more than what the electorate received when the currently whingeing Liberal-Nationals coalition was in office. That is why my constituents believe the Brumby government when it says in this annual statement:

As part of the Victorian transport plan, new projects will commence each year to deliver more trains and trams, new routes and stations and more transport choices in Melbourne and across regional Victoria.

Although the so-called elected representatives opposite are unable to understand that the \$38 billion transport plan will be funded over a number of budgets, the people in my electorate understand that well. That is why they do not have any doubts about the government's transport plan and why the opposition has been the laughing-stock of Cranbourne.

Why did the Liberal-Nationals coalition not introduce an annual statement of intentions when it was in office? The answer is simple: the conservatives are not innovative by definition, not visionary by nature and not open and transparent by temperament. The annual family statement proposed by the coalition in

opposition is a direct copycat of the annual statement of government intentions. It is a poor attempt by the coalition to be different by trying to do the same. I am confident that we will see at least a dozen more great annual statements produced by Labor governments in the coming years.

Mr HODGETT (Kilsyth) — I rise to speak on the annual statement of government intentions, the third in this series of annual statements from our Premier, who loves speeches, media opportunities, glossy publications and talk and spin rather than listening to the very real issues and concerns of Victorians, and in particular the residents of my electorate of Kilsyth.

The Premier inherited his position and christened himself a decisive leader, but he refuses to listen to the community. He never listens. He never has listened, and he is not listening now. The Premier and the government have their heads in the sand, running around at every opportunity, chanting the message that Victoria is the best place to live, work and raise a family. But if the Premier wants to contribute and assist me in my efforts to deliver real improvements to the people of my electorate of Kilsyth, I will give him a few ideas that he should have included in the statement of government intentions.

I note the Minister for Consumer Affairs is at the table, so I might start with lemon laws, which is one of the minister's favourite topics. The minister would be familiar with the fact that in 2006 the Brumby state election policy, as outlined at page 18, was:

Labor will introduce 'lemon laws' by amending the Fair Trading Act to limit the number of repairs that will be tolerated before replacement of motor vehicles and other major product purchases.

The minister would be familiar with the case of one of my constituents, Ms Helen Moss, who is on a crusade for the introduction of lemon laws, having had a very long, difficult and stressful experience with a vehicle. She was keen to see Labor introduce a policy on lemon laws. Lemon laws even got a run in the first annual statement of government intentions. We waited and waited. I raised the matter a number of times in Parliament. The issue generated some good local and daily media coverage. But nothing happened. There were delays, delays and delays. The government sat on its hands and was not going to do anything with it.

Then I think the minister wrote to Helen Moss in October 2008 — a letter that Helen very much appreciated receiving — saying the proposed laws had been scrapped pending the creation of a national law. The matter been handballed off to Canberra. Again we

waited and waited, and Helen continued on her crusade, having had that terrible experience.

It was not until December last year that the federal government baulked at introducing a separate lemon law specifically to protect new and used car buyers.

Mr Robinson interjected.

Mr HODGETT — It is accurate: the federal government has baulked at it; it is not going to do it.

Helen Moss is waiting to see whether the state government will now pick it up and deliver on its 2006 state election promise to introduce lemon laws. Where to from here? Where do Helen Moss and those many people out in the community who have had these experiences stand? They are still waiting for Labor to deliver on lemon laws. Perhaps that is something the minister can take on board, and we look forward to seeing whether that will be delivered this year as part of the government's legislative intentions. The minister should think about how Helen feels having waited since 2006 for something to be done. The minister would be familiar with her case. She is still waiting to see if people will be protected.

The statement mentions the idea of transforming our transport network, but it delivers nothing to my electorate of Kilsyth. I refer to some of the ideas that have been tossed around. Whatever happened to the Knox-Yarra Ranges-Maroonah bus review? I believe Booz and Co. were the consultants running around consulting the community. I went along to one of those consultations. I put my name on the email list for information to be distributed, and I have heard nothing since. I hear on the grapevine that there is no money, so it will be interesting to see what announcements are trotted out this year or when the findings of that review will be released.

We need more low-rider buses in the Kilsyth electorate, particularly in the suburb of Kilsyth. Many constituents use the bus networks to get to and from shops and to do their daily business. They await the delivery of more low-rider bus services on those routes.

On the Mooroolbark railway station, where has the Mooroolbark community hub gone? Where in the statement of government intentions is there mention of finishing that off, or completing and delivering some of these projects? Words with which Labor is not familiar are 'finishing off', 'completing' or 'delivering' things. I refer to practical things like parking at railway stations. I fought hard and delivered 90 extra car-parking spaces at the Ringwood East railway station, where people can now park and not take up trader car-parking spots; there

is now plenty of parking there. But what about Mooroolbark?

For some time I have been requesting the former Minister for Public Transport, and I will take the opportunity to raise it with the new minister, to look at a land swap deal to release more land so that some more parking can be delivered to Mooroolbark station. I note Labor has people running around the electorate now who are saying we have to get more parking for Mooroolbark railway station. The traders and residents there will not be fooled. They know this issue has been going on for some time now, and they will not accept someone coming along and plucking it out, thinking it is a new idea and that they will deliver on this.

The issue has been ongoing for quite sometime, and we need ministerial intervention to deliver on this deal so that the car park can be redeveloped and so that issues where people are parking in trader car-parking spots or parking in the wrong areas, thus preventing people from being able to shop — for example, parking all day in short-term parking spots — can be resolved.

Croydon is another example where there is not enough parking, and it has a few other issues as well. It does not have land available, but it is an issue that we will have to come to and deal with.

The statement dreams about a better health system, but it contains nothing of substance. There is not one mention of the Maroondah Hospital or about delivering anything there.

The Premier says in the statement that 2010 will be about making our streets safer. What can be said about the lack of action from the Brumby government in the 10 minutes available to me to speak on this matter? I will touch on one thing — graffiti — because a lot of people raise matters with me when I am out and about in the community, or they come to my office, seek meetings with me, and write to me and email me about the ongoing problem of graffiti. To pinch words from government members, 'More needs to be done'. There is never enough done to deal with the graffiti issue. You need only to ride a train from Ringwood East to Croydon or Mooroolbark, or walk around the backs of shops, or even the fronts of shops, in our strip shopping centres in Mooroolbark, Croydon and Ringwood East to see the problem of graffiti.

We need to strengthen the laws there. But there is nothing about that in the statement of government intentions. In fact it was only late last year that I had to seek assurances from the Attorney-General that community-based orders were not at risk of being

jeopardised in terms of offenders being made to clean up graffiti.

The statement does not mention one major road project to be progressed or completed in the Kilsyth electorate in 2010. What a joke! What an embarrassment for the government. What about some policy to help local government in dealing with some of the local roads, as well as concentrating on some of the VicRoads issues? I can point to Canterbury Road, Eastfield Road and Dorset Road as examples.

The local intersection of Morinda Street, Eastfield Road and Railway Avenue is a black spot which I believe is no. 1 on the priority list of the City of Maroondah. However, this government is just expecting ratepayer funds to be used to deal with that issue. Perhaps there should be some policy to provide some assistance.

There is not a mention in the statement of any housing projects to provide affordable housing or to address the rental housing supply issue, or to reduce social housing waiting lists. What about some assistance to the growing Chin and Sudanese communities in my electorate such as much-needed advice and assistance in relation to housing, employment and education, amongst many things. There is not one mention of a replacement or upgrade of the Mooroolbark police station.

What about greater support for small business? What about assisting business to compete in a highly competitive environment by having a fair dinkum look at land tax, payroll tax and insurance costs and levies? I invite the Premier and the Treasurer to come out to talk to some of my local businesses, to talk to Gary at Outdoor Timber on Canterbury Road about land tax or talk to one of the trailer manufacturers about payroll tax. They should get off their hands and come out to the community and listen instead of trying to rule the state from behind their desks.

In conclusion, I think Victorians deserve better from the government. It is out of touch and arrogant; it is taking Victorians for granted. This is just another statement of intentions that is all about spin and glossy publications.

Mr ROBINSON (Minister for Gaming) — I am very pleased to contribute this morning to debate on the 2010 annual statement of government intentions. This is, as the member for Kilsyth has said, the third statement of government intentions. The annual statement of government intentions was an initiative of the now Premier John Brumby.

Mr McIntosh interjected.

Mr ROBINSON — By interjection, the member for Kew, the manager of opposition business, says it is a dud. In the time that I have been in this place we have seen a number of reforms. We have seen reforms to question time. When I was first elected to this place Labor in opposition on some occasions was lucky to get a total of five questions. We had things like omnibus bills, where 12 or 13 pieces of legislation were gummed together. We had very late-night sittings.

The annual statement of government intentions has been a positive reform for this place. I find it interesting that I cannot find anywhere on the record the alternative government's position in relation to this practice. As the alternative government I think the opposition is obliged to tell Victorians whether it would keep this discipline or scrap it. The member for Kew, the manager of opposition business, says it is a dud, so I will infer from that that he would like to scrap this practice, that he thinks it is a negative. I disagree; I think it is a positive initiative, I think it does add value, and I would very much urge the opposition to commit to retaining it. As always 2010 presents a series of challenges — —

Mr McIntosh interjected.

The ACTING SPEAKER (Mr K. Smith) — Order! The member for Kew is listed to speak later, so perhaps he could let the minister conclude what he is saying.

Mr ROBINSON — But the great thing about Victoria is that of all the states in Australia we are the best placed to meet the challenges. We are the best placed because we have had a very solid performance, particularly economically, over the past year. Perhaps when you think about challenges as they confront the state and they confront families, you can sum them up as being really about jobs and about vital services: things like education and health and transport services. I just want to run through where the state is placed, in particular my electorate of Mitcham, in relation to those aspects of day-to-day life.

In relation to the economy and jobs, Victoria has seen over the past 12 months through 2009 the creation of some 99 000 new jobs, which is over half of all the new jobs created in Australia in the past 12 months. That is an extraordinary state of affairs. It is extraordinary that Victoria has so clearly outperformed every other state. It is a long time since Victoria has so clearly led the pack in terms of job creation. This achievement must reflect the inherent strengths of the state and the way it has been led and managed over the past few years.

That is even more the case when we look at unemployment rates in Victoria. The unemployment rate was 5.3 per cent at the start of this year, which compares incredibly favourably with other jurisdictions — for example, the benchmark of the United States, where overall unemployment is running at close to 10 per cent but in a number of jurisdictions is running much higher than that. For a generation or more the state of California has been held up as a yardstick for economic performance. It is a huge economy in its own right; it is the fifth or sixth largest economy in the world, by measure. Unemployment there is much higher than the overall US rate, and the state of California has struggled to even pay its bills in recent times. When we are in a situation where the Victorian economy is outperforming most economies in the world, including some economies that have been held up for a generation or more as worthwhile yardsticks, I think that clearly reflects the fact that Victoria is doing very well, and that in turn reflects good management. We are standing up for Victorian families by having such a strong economy, where Victorians can with a high degree of confidence go out and secure jobs and plan for the future.

In respect of Victorian families, education remains a key consideration. In the Mitcham electorate we have an extraordinary record of achievement with schools. That reflects the very substantial investment that this government has made. We see that investment over the past decade paying dividends, with rising enrolments in schools across the electorate. The school situation in Mitcham electorate now compared with the situation in 1999 is markedly different; the comparison is extraordinary. Schools that were literally falling down, like Mitcham Primary School — I remember visiting the Mitcham Primary School and putting my hand right up to the wrist into one of the cracks in the wall of the old building there — have been entirely rebuilt, as has Antonio Park Primary School. We have seen very substantial investment at Laburnum Primary School and Blackburn Lake Primary School. We have seen Box Hill High School have a major rebuild and Blackburn High School and Blackburn Primary School are in the planning phase.

This work has been supplemented generously by the federal government. All the schools in the Mitcham electorate have received very substantial grants. I think it is instructive that in his first press conference as new Liberal leader Tony Abbott said that he thought a lot of the Building the Education Revolution (BER) expenditure was a waste of money. In his first press conference he came clean. He said he would not have spent the amount of money; he would not have invested what has been invested in schools. That I think sends a

very negative message to people in the Mitcham electorate, who very much appreciate governments making contributions to rebuilds. Rebuilds do a lot to also rebuild pride in those school communities, and as I said, have paid dividends in terms of rising enrolments in recent years.

In health, Box Hill Hospital is to be rebuilt with a \$407 million allocation — —

An honourable member interjected.

Mr ROBINSON — We are told it is half a hospital by a member on the other side. That is interesting, because the size of the hospital will double. How a hospital can double in size and still be half a hospital is beyond me, but perhaps that is the way the opposition does its sums — a doubling in size represents a reduction of 50 per cent. Staff at the hospital have reacted positively to the initiative, and we look forward to working with them towards seeing the vision of a modern, 21st century hospital in Box Hill on the hospital's current site come to fruition over the course of the next few years. It is a great investment.

In the Mitcham electorate we have seen fantastic outcomes in respect of the removal of two level crossings, one of which, at Springvale Road, has been completed largely over recent weeks. This has delivered extraordinary benefits to the people of Nunawading in particular, who are now able to traverse the road much quicker as there is far less congestion. The project has been undertaken in conjunction with the federal government. It has been delivered ahead of time and on budget, and it is a great tribute to all the alliance partners, which have done an extraordinary job. The project has been commented on by just about everyone in the electorate. Residents are mightily impressed with the speed and efficiency of the construction work. I commend all the alliance partners, which have done an amazing job.

Three railway stations in my electorate had been rebuilt in recent years; the most recent of which is Nunawading railway station. It is now a sensational, premium station with a fascinating design that is causing much positive commentary. We have also seen improvements in bus routes and services, and those improvements will continue.

In the brief time still available to me I will comment on one pressing issue — that is, the road toll. Victoria has had a significant reduction in the road toll, which is a huge achievement. Over the past 20 years the number of deaths on our roads has been reduced from 766 to 295 last year. I place on record my appreciation of the

tireless work of Victoria Police, which does a very tough job. We need to have continued bipartisanship on this issue, and I urge the opposition to demonstrate that. We need to reject the dog-whistling policy on the road toll that the opposition put forward in 2006, when it said:

Despite the Bracks government's obsession with fixed and mobile speed cameras the reduction from 377 deaths under the previous Liberal government in 1994 to 348 in 2005 is small.

That is an appalling comment to put in an election brochure. We need to recognise that the improvements achieved through enhanced compliance in the state over a number of years equal lives saved. It is beneath the dignity of any political party to trade further reductions to the road toll for electoral gain. That is an appalling state of affairs. I urge the opposition to reject the dog-whistling approach it adopted in 2006 and come to the next election with a genuinely bipartisan policy on the road toll.

Mrs VICTORIA (Bayswater) — I too rise to make my contribution to the debate on the annual statement of government intentions. This is yet another statement and yet more spin. I have often heard those on the other side talk about their no. 1 priority. So far education, health and water have been described as the government's no. 1 priority, depending on which minister is on their feet at the time. Water does not seem to be the government's no. 1 priority at the moment. I have not heard government members say it is for a long time, and it took the government 10 years to start doing anything about that issue.

Let me talk about some of the issues that are pertinent to my electorate of Bayswater, as well as to people across the state of Victoria. Law and order has been in the news at a saturation level for the last few weeks and at escalated levels for the last few years. This is with good reason: we hear about stabbings and that sort of thing, and it is simply unacceptable. We have to ask why this sort of thing is happening. Does it go back to education? Does it go back to the police force?

In the annual statement of government intentions there is the heading 'Stronger enforcement — safer streets'. In my area there are three 24-hour police stations that service the district; they are not all in the Bayswater electorate but they service the district. They are still — it is no different from last year when I spoke on exactly the same topic — up to 30 per cent down on operational members. As a result there is a reduced ability to produce the proactive police services that the public want and expect.

One of the things we treasure is the interaction of police officers with students in our school system. With the reduction in the number of police officers in the area, or the non-replacement of police officers, the policing that they do is basically reactive, not proactive. Public perception is often reality, and the public perception at the moment is that there are no police. Members of the public have come to me and said they were pelted by bottles by hoods in the local area — this was on a Saturday night a little while back — but they could not get a police car to turn up. These people were terrified, but they could not get a police response because the local police were responding to another incident. There were not enough police officers in the police service area to go around. For the couple involved the perception was reality. There were no police on the streets; there was nobody there to defend them.

Many seasoned police officers are being taken out of local police stations and moved into town to work in the operational response unit (ORU). The ORU is not necessarily a bad idea, but when the police officers replacing experienced officers at a local level are straight out of the academy — they are well trained, but they have no practical operational experience — and are being thrown into police work, day after day, shift after shift, they simply cannot cope. We are taking all the experienced officers, putting them in one place as a flying squad, and then replacing them with officers who need their hands held. It is not good enough. The government promises us more police personnel, but they have to be assigned to the front line and there has to be a good mix of new police and experienced police on the beat in suburban locations.

I will go back to education. There are more than 20 schools in my electorate. I will briefly talk about Fairhills High School. It has been adversely affected by the too little, too late approach to funding the Rock Eisteddfod Challenge — and I know many other schools have been affected by this. The school has won the Rock Eisteddfod for the last two years and it put on a fantastic performance last year. It is now in the planning stages towards putting on another performance. It has said, 'We don't know how, we don't know where, but for the sake of the students and the volunteers who assist with the Rock Eisteddfod every year we will put on another performance'. However, it will do it under its own steam. It is not just Fairhills that this affects, because it is the great winner, but all the kids who have been involved in the Rock Eisteddfod. We also need to secure its long-term funding.

The students from Bayswater West Primary School have a fantastic, proactive principal in Peter de Wacht

who encourages them to take advantage of so many opportunities. He is at the forefront in the area of children participating in the Construction project for those oriented towards engineering. Those who might be oriented towards the dramatic or performance arts may want the opportunity to go from Bayswater West Primary School to Fairhills High School. That is a great supportive environment, but if the Rock Eisteddfod ceases to exist, it will be a travesty.

I get sick of talking about this, but I have to keep talking about it. Bayswater Secondary College is a fantastic school. Trish Arico and Kerry Cavanagh are doing the best they can with the resources they have but we are still waiting on stage 2 of the building project promised before the last election. It was in writing, and there was plenty of fanfare. The then Minister for Education came out and made all the announcements: 'Yes, we are going to do this. Aren't we fantastic?', and there have been assurances since from consecutive education ministers. Then along came this education minister who said, 'No, you are not going to have stage 2'. The statement of government intentions talks about the 'best start in life', but where is the best start in life for the people of Bayswater? Why do we not have adequate facilities for these children to learn? These students will go on to be future leaders, workers and taxpayers for the benefit of all governments, and they are not being given the best start in life.

Speaking of the best start in life, let us look at the smaller children. Last year I brought up the subject of the nursing program for preps. It has been diminished. The government denies this, but fewer preps now have the opportunity to have nurse health checks. There is an opportunity provided if you request it, but in previous years it was compulsory for all students to see a nurse and have a health check. That was where so many early interventions began, but now it is just not happening.

Speaking of our health-care system and being fair to all, the system stinks. There is no other way of putting it. The Premier is playing word games with the Prime Minister at the moment, denying that we have a problem with our health system and especially our hospital system in Victoria. The proof of the pudding is in the eating; it is in the number of cases that come through the door of my office every month. We are not getting any more hospital beds, and we are not getting more people seen. In fact fewer people are being seen.

Take for example the case of Paulina Holmer, which has been all over the news. She is a lovely lady who lives in my electorate, and her case is indicative of secret waiting lists, or the waiting lists for the waiting lists as I like to call them. She cannot even get on the

waiting list at a hospital. A year ago her GP asked the local hospital for an orthopaedic outpatient appointment, knowing she needed a hip replacement. She has still not had an appointment at the outpatient clinic. Her hip severely restricts her physical activity and causes complications for her diabetes, weight and depression. This is a saga for this woman, and she is not alone.

The cost is growing for these people. Had they been seen and treated, everything would have been terrific. Now the burden on the health system and on taxpayers is growing because of the complications. The problem is escalating.

In public transport we have more spin and more advertisements. The government says, 'Get on the bus'. Fantastic! I would like to get on the bus. The only problem is there are no regular or reliable services in my electorate that connect up to other public transport, so people complain to me about public transport. I sat through the Meeting Our Transport Challenges review for Knox and Maroondah, as did the member for Kilsyth, but I have not heard anything back from it.

I should not even start on the rail services. We need better connections. An on-demand bus needs to fill in the substantial gaps; some people call it a telebus or an orbital bus. Service delivery has not changed.

The statement of government intentions says the government is helping Victorian businesses grow. I want to know why this government hates small business so much. The liquor licensing fees are disgraceful. They are a cash grab, and they are hurting the small businesses that make up the backbone of the Bayswater district. Businesses may well be forced to close because of the implications of what they are being asked to cough up. This is yet another chest-pounding performance by a Premier who is unelected and unelectable. I look forward to the November election. Maybe then the ALP will start listening.

Ms LOBATO (Gembrook) — I am pleased to be able to speak in response to the annual statement of government intentions on behalf of the Gembrook electorate. The Premier outlined a number of priorities for the coming year which are guided by the principles of standing up for families and jobs, and building resilient communities. My constituents will welcome this focus for the coming year, as in both the urban and rural areas of my electorate there are hardworking parents who want excellent education for their children, timely and efficient health services, and roads and other infrastructure that allow for a good quality of life.

The Brumby government has been delivering on these priorities, with many schools already benefiting from the government's commitment to rebuild all schools — schools such as the Gembrook, Beaconsfield, Berwick and Beaconsfield Upper primary schools — along with its significant investment in the Emerald, Berwick and Upper Yarra secondary colleges. Last week it was announced that Emerald Primary School is being included in the Building Futures program, meaning another of my schools is set to gain from the government's commitment to quality education.

This year also marks the opening of two landmark educational facilities that will serve my communities well. The Berwick select entry school and the Berwick Technical Education Centre are increasing the educational opportunities available to families.

The past year has seen other notable infrastructure achievements in my electorate, with the delivery of \$12 million noise walls along the Monash Freeway, a new bus service from Gembrook to Pakenham, a redeveloped community centre for Gembrook, an expanded car park at Berwick train station and major road upgrades including along Beaconsfield-Emerald Road. We will also see the commencement of a new train station in Cardinia Road, Pakenham, between the Pakenham and Officer railways stations.

However, as for the rest of the Victorian community, 2009 will always be remembered by my constituents as a solemn period because of the devastating bushfires which claimed so many lives and homes, and shattered communities. On 9 February last year I accompanied the Deputy Premier to witness firsthand the devastation around the town of Labertouche in Gippsland. Even on a day when the scope of the tragedy was still unfolding I was inspired by human resilience and dedication as I witnessed the principal of the local primary school diligently extinguishing smouldering embers in the school grounds with a bucket of water and I heard the tale of CFA (Country Fire Authority) volunteers from Beaconsfield saving the school from burning down on Black Saturday.

For three weeks afterwards I spent my time with my Gembrook, Warburton and Upper Yarra communities as we faced the threat of two separate fires. As many within these communities relocated in advance of yet another potentially devastating day, my Belgrave Heights and Belgrave South communities were presented with a most fierce fire that was stopped by our firefighters just before it impacted on homes.

In the wake of the 2009 bushfires the Premier identified the need for continued strong leadership to rebuild

communities and act responsively to key recommendations delivered by the royal commission. Last year's fire season was a wake-up call for all of us, and residents in my communities are certainly keen to ensure that their families and communities are well prepared for any future bushfire threat.

I had the pleasure of hosting the Premier in my electorate last year for a community cabinet during which he announced that a new memorandum of understanding had been reached with a number of radio and television stations to improve the capacity of residents to have adequate warnings about impending bushfire threats. This is just one example of the initiatives the government has adopted in the wake of the bushfires which are making a tangible difference to community safety. However, I am pleased to report that my communities themselves are also taking action to make adequate preparation for bushfires. I have established two community bushfire reference groups — one for the Cardinia Hills and one for the Upper Yarra — that are dealing proactively with local initiatives to improve preparation for and response to bushfires.

These groups, whose membership includes CFA captains, community group representatives and local government councillors, have met regularly over the summer months and will continue to meet throughout the year to ensure a shared understanding about everything from vegetation removal to neighbourhood places of last resort.

I am also pleased to report that since the 2009 bushfire season two new CFA stations have been opened in my electorate — one at Warburton East and a satellite station at Powelltown — to strengthen firefighting capacity. The amount of \$1.6 million has been provided for a new fire station for Warburton, which will be constructed as soon as a suitable site is identified, and a new fire tanker has been handed over to the Hoddles Creek CFA brigade.

Another of the government's priorities is managing our transition to a low-carbon future while still supporting families and protecting our environmental assets. It is vital to take action on climate change and ensure that future generations can enjoy the beautiful environment that I witness in my electorate every day. I was extremely pleased to be able to attend the launch of the biodiversity white paper at the Cornucopia Living Heritage Centre at Tynong late last year and see the \$105 million plan as part of Securing Our Natural Future, the Brumby government's framework for protecting our natural assets, including those in the Western Port area. I also welcome the

community-based approach for managing regional natural assets through biolinks, and I look forward to seeing the benefits of this white paper emerge in the months and years ahead.

There are two other key areas in the statement of government intentions that I wish to highlight today. The first is the commitment to the respect agenda, which is all about cracking down on antisocial behaviour and encouraging a culture of respect and tolerance among members of the community. I am supportive of the government's steps towards toughening laws on hoon driving, carrying weapons and alcohol-fuelled violence. These public displays of aggressive and criminal behaviour display a lack of consideration and respect for others, and the respect agenda will certainly address those. However, I also think the agenda has particular relevance in the field of family violence, as women in particular are still suffering enormously from violence taking place within what should be the safe confines of their homes.

This type of criminal activity is still often hidden and hard to eliminate. It is a leading cause of ill health and death in women. Therefore I welcome an integral component of the respect agenda — a 10-year strategy entitled A Right to Respect, which is Victoria's vision to stop violence against women. The strategy is based on the premise that fostering equitable and respectful relationships will reduce violence against women.

Preventive health, including addressing family violence, is another key objective of the government this year. Preventive health is also achieved through adequate exercise and activity, which supports good health, assists in maintaining a sensible weight and provides an opportunity for socialisation within communities. The government has a key role in providing community facilities to enable participation in sport. The Holm Park Road facility in Beaconsfield, which is under construction through funding from all three levels of government, is one that I would like to mention since it will have such a critical role in providing numerous sporting activities for residents within a major growth corridor.

Preventive health is also achieved through healthy eating habits and being conscious of the food we put in our mouths. Many of the diseases in our society, including diabetes, attention deficit hyperactivity disorder (ADHD), heart disease and cancer, are affected by our diet, which consists of many highly processed and refined foods. Understanding the key role that food plays is part of what drives my passion for natural organic food, free of preservatives, artificial colourings and flavourings and genetic modification.

Canadian doctor Shiv Chopra proposed a resolution to ban five contaminants from foods in his country — genetically modified organisms, hormones, antibiotics, rendered animal proteins and pesticides — and to make it a constitutional right for people to eat naturally produced food. We know that a diet free of contaminants is so powerful that it can cure cancer. We know that the same diet can eradicate behavioural disorders such as ADHD, whereas medications such as Ritalin can exacerbate the apparent disorder. I am encouraged that more families are realising this and researching ways to naturally feed their children.

The final but vital point about preventive health is to recognise that having a meaningful life that is fulfilling, in which people can develop skills and talents and feel they can make a difference to the world around them, is a key not just to mental health but to overall wellbeing. Being connected to other people and a part of a community is not only a protective measure against mental illness but a way forward to leading a rich and fulfilling life. That could be through being a CFA volunteer or participating in a men's shed or a University of the Third Age, known as U3A, or a neighbourhood house or a choir, to name just a few possibilities.

I am excited at the emphasis on preventive health, which gives us numerous opportunities to work with communities and develop tangible, practical ways to improve quality of life and continue to make Victoria a great place to live, work and raise a family.

Mr McINTOSH (Kew) — It is perhaps with some sadness that I rise at the present time to deal with the Premier's statement of government intentions. This is the third of these statements which can be added to the list of glossy magazines drafted by the various spin doctors and which promise so much but deliver so little. What this government has demonstrated over the last 11 years is that it is driving taxes up and these basic services down.

We just need to take a look at our public hospital situation to see that. I note that the member for Bayswater mentioned Paulina Holmer, who has been waiting for some 15 months to get onto a waiting list to have elective surgery — that is, she is not on the list for elective surgery; she has been waiting 15 months to get onto that waiting list. The Auditor-General recently exposed the declining performance standards in Victorian hospitals. The Australian Medical Association estimated that Victoria is short some 600 public hospital beds.

I refer to schools. Schools are important in my electorate and would be the principal industry conducted in my electorate, which contains some of the best public schools, private schools as well as Catholic schools, of which I am enormously proud. The Australian Education Union published a review of standards right around this state, and it identified that 72 per cent of Victorian principals of public schools say they do not have sufficient funds to provide even basic services. Some 85 per cent of those school principals in public schools desperately need new equipment to maintain those basic standards. Some 88 per cent of them say they have to rely upon private fundraising mechanisms through the schools to ensure the provision of those basic services. An indictment of the government from a union that has traditionally been very supportive of Labor would seem to demonstrate that education is anything but a no. 1 priority of this government.

A litany of other disasters have manifested themselves in the last 12 months that this government has failed to address, failed to even acknowledge as a problem or, most importantly, failed to do something about. We have the smart meters, the cost of which has now blown out by \$1.4 billion, leading to additional costs for Victorians all around the state. Whether or not people actually wanted the smart meters they are now having to pick up the bill for this disastrous rollout.

We have also seen a significant blow-out in the cost of myki. Nobody wanted it, but it has been imposed on them and it still does not work. This ticketing system, which has been a catastrophic failure, will provide little or no benefit for Victorians in the short term. In relation to rail transport the member for Polwarth identified a tender document from Metro Melbourne Trains in April of last year which indicated that there are systemic problems with our train network that could lead to a catastrophic failure. That issue is something this government has chosen to completely ignore and, apparently, not even pass on to the rail safety commissioner. Train delays and cancellations — trains that will not stop or just will not go — are an indictment of the way this government has gone about managing our public transport system.

Clearways are something that are particularly important in my electorate and have a profound impact. I pay tribute at this stage to the role that has been played by the Boroondara City Council in opposing this oppressive regime which is designed to provide a reduction in the time spent by vehicles on our roads by an average of some 14 seconds over certain distances, notwithstanding that this will impact on a number of small businesses in my electorate because of the way

clearways have been imposed. When it comes down to it, it is a demonstration that these clearways have been introduced as an ad hoc measure by this government because it has completely failed to address probably the no. 1 transport problem in my local area — that is, the car park which exists at the end of the Eastern Freeway where it connects with Hoddle Street. The failure to address that issue by way of a link-up to the Greensborough bypass or some form of tunnel under Melbourne General Cemetery to the Tullamarine Freeway is something that needs to be addressed with a plan.

On top of those problems we have significant problems with crime in this state. We know that since this government has been elected assaults have increased by some 70 per cent and that over 40 000 violent offences are committed in this state each year, which is a significant increase. Weapon offences alone have increased by some 57 per cent. Violence is manifesting itself on the streets and on public transport, and regrettably we are now becoming increasingly aware of violence and weapon offences being perpetrated in our schools. Reports in the last 24 hours demonstrate that there is a significant problem with bullying and knives in our schools.

What has the government done to address this matter? The opposition has welcomed the government's recent announcement about knives and, as I said publicly, the Premier must be embarrassed that he promised many of these measures over 11 years ago. It has taken him 11 years to come at that problem, and it was only an announcement by the Leader of the Opposition on the opposition's knives policy that propelled the Premier into action. In 11 years he did nothing, but within a week of the Leader of the Opposition announcing the opposition's policy on knives he moved on that issue.

The member for Gembrook mentioned the significant issue of hoons. The Premier made his announcement on hoon laws, but it was again an embarrassing backdown. Within hours of the Leader of the Opposition announcing the opposition's hoon policy the Premier had matched it.

The problem with violence is that it is all-pervasive and there can be many causes, but there certainly needs to be a significant addition to Victoria Police numbers. We know for a fact that Victoria has the lowest number of police per head of population, it spends less than any other state on its police force and, most importantly, it has the lowest number of front-line police in this country. The biggest impact of that situation is that there are police vacancies all around this state. Under freedom of information the opposition was able to

obtain police rosters. On our calculations they demonstrate that some 1400 police are missing from the front line. The Police Association says that the situation is worse than that. There are police stations around this state where 20 per cent or 30 per cent — I have even seen up to 40 per cent — of front-line officers are not available for duty, yet they are on the police force roster. Something desperately needs to be done about that.

In our courts we have significant delays which in turn not only delay trials but impact on victims, their families and the community in relation to justice being done. Sentencing is a significant problem. It is not just members of the opposition saying that; I noted the recent comments of Justice Cummins on his retirement, when he said that sometimes the sentencing in this state is pathetic. Those are my words, but it is an interpretation of what Justice Cummins said on his retirement.

Another issue that is becoming all-pervasive is the growing concern about corruption and the integrity of this government. We have seen evidence of donations for deals, we have seen problems with public servants trading information with police officers — that came out of the Office of Public Integrity hearings — and we have seen the government deliberately locking away documents relating to the Southern Cross station tender for some 50 or 60 years, well in excess of the period for which they would normally be locked away, even for cabinet-in-confidence documents. Most recently we have had the unedifying experience of a minister of the Crown having a second no-confidence motion passed against him in the space of 12 months — the first time that has occurred in over 100 years — all based on the premise that he has brought the whole issue of probity of planning in this state into question. From media reports it appears there was a sham consultation with a political outcome that was predetermined prior to that consultation.

As I said, all of these issues have lead the opposition to continue its call for an independent, broadbased anticorruption commission in this state, something that every single credible commentator, including people like former New South Wales Premier, Morris Iemma, former Queensland Premier, Peter Beattie, and the Prime Minister, have called for. Most recently, at our own anticorruption summit at Melbourne University, people such as Jerrold Cripps, QC, the head of Transparency International Australia, also called for this anticorruption commission.

Mr EREN (Lara) — I am pleased to be speaking on the annual statement of government intentions today. I

thank the Premier for making his statement of government intentions and for yet again being so transparent to the people of Victoria about the government's plans going into the future.

I do not know why, but the opposition inherently has an issue with transparency. There is nothing wrong with a government making very clear early in the year its intentions going forward. That is because we consult with the wider community. The wider community has certain expectations and so we want to make our intentions clear. This is now our third statement of government intentions, but the opposition does not learn — every single time it whinges and carps on about the government's intentions. This statement is about making sure that when we make decisions we take the Victorian community with us, making sure that it understands those decisions and that we understand the needs of Victorians going into the future.

This government's record is outstanding. During the last 10 years the Labor Party has held government in this state and finances have been managed with incredible accuracy, leading us to the point where Victoria was, and is still, best placed to weather the economic crisis the world recently found itself in. I say that proudly because since 1999 under Premier Bracks ably assisted by the then Treasurer and now Premier we have been awarded a AAA rating by financial institutions around the world. That says a lot, because Liberal governments have always considered themselves to be fiscally and financially responsible and Labor to be no good at managing the bank account of the state. In the last 10 years we have always had a surplus in our budget and it has always been in the black despite increased spending on infrastructure. I am proud to be part of the Labor government, because it is well able to deal with issues relating to financial crises, as we saw last year. Victoria has done well as a result of its fiscal and financial policies.

The Brumby Labor government has prepared a plan that will tackle head on the biggest threats to our economy. We are bringing forward major infrastructure projects to keep people employed during difficult times, as that is the most practical way to help Victorians through an economically challenging and difficult period in our history. This was and continues to be possible because of the Brumby government's exceptional financial management, as I said before. The Labor government has delivered surplus budgets with AAA ratings from the financial institutions since it was elected in 1999.

As I indicated earlier, the global financial crisis and major economic downturn rocked, and continues to

rock, the whole world, and many Victorians would never have seen anything like it in their lifetimes. A lesser government may have struggled to put together any plan to deal with this crisis, but ours has soldiered on with our principles of reducing regulation, increasing competition, building human capital and, most importantly, driving economic growth with record investment in Victoria's infrastructure, which now sees us lead the nation in jobs growth and economic activity. Rather than ducking for cover and waiting for this economic crisis to pass us by, this government is getting on with the job of planning our next era of prosperity.

In the plans are some major projects which will increase Victoria's assets, both material and human. At the pinnacle of our infrastructure plan is the renovation or modernisation of all our schools. We are delivering on that promise so Victorians can send their children to world-class facilities.

In my electorate I was fortunate enough to open two newly developed schools. One was the North Shore Primary School, which was jointly funded with the federal government and saw over \$3 million being invested in that school, which is now a fantastic learning environment. Another school that has been redeveloped to the tune of \$3 million is the Little River Primary School, and I was fortunate enough to open that redevelopment as well. Works are being done throughout my electorate, and indeed all the electorates throughout Victoria, to modernise our schools. At the moment a regeneration project is being undertaken in a cluster of about eight schools in the Corio-Norlane area, and I very much look forward to those works progressing.

I also want to mention the more than \$500 million boost to public, social and affordable housing, which has already delivered hundreds of new homes and will continue to renew the government's housing stock. Along with this investment the construction sector is providing crucial and good quality jobs to our community. I was proud to announce with the then Deputy Premier, John Thwaites, and the Minister for Housing an investment of over \$500 million by this state government into public housing, of which \$40 million was committed to my electorate of Lara. I was proud of that investment and continue to be proud of it, because we are seeing some really good accommodation being built for those people who need it. I am proud of this Labor state government for its interest and investment in crucial infrastructure such as social housing.

In the limited time I have to speak there is much to say about this government, because it has been doing a lot and it is all coming to fruition. They are not just empty words; they are being fulfilled in many different ways.

I want to talk about the Victorian transport plan, which will provide \$38 billion in state funding over the next few years to improve our transport system in the short, medium and long terms. There is an increasing reliance on public transport, which is an indicator that people are leaving the car at home and reducing their carbon footprint. That is fantastic.

The successful policies of this government in the last decade have seen a huge influx of migrants from the world and throughout Australia. We recall that people were leaving Victoria in droves in the mid-1990s, but they are all coming back now and we are seeing great population growth. That is because people are seeing that Victoria, as opposed to other states, is really a good place to live, work and raise a family because of the investments this government is making. We are seeing an increase in population, which means there is an increased demand on our public transport system.

In terms of growth, it is estimated that over the course of the next 10 years there will be an extra 100 000 people living in the Wyndham Vale part of my electorate, which is where Manor Lakes is. There are challenges and demands on the state, federal and local governments to accommodate that growth, and we have been making announcements down there about our transport plan. It was only recently that we announced some extra bus services which will accommodate that need, not to mention the joint investment of \$4.3 billion by the state and federal governments in the regional rail link, which will link the regional centres, go through my electorate and have a dedicated platform at Southern Cross station. We are very much looking forward to that investment occurring.

There is investment in a brand-new fire station in the Lara electorate, and I am also looking forward to the opening of a brand-new police station. We as a government have been concentrating on those regional areas which have seen — —

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

Mr CLARK (Box Hill) — In addressing the annual statement of government intentions I want to look in particular at the intentions of Victoria's Attorney-General. The Attorney-General is well known for two characteristics. The first is his grab for power and control, not only over individual citizens of this

state but also over his parliamentary colleagues through the agenda that he is pushing. It is spearheaded through his so-called Charter of Human Rights and Responsibilities but backed up by a plethora of other legislation predicated on the assumption that lawyers know best in all things and that judges and tribunals should be given ever-increasing powers to determine public policy questions under the guise of law — law framed on terms drawn up by the Attorney-General and imposed on the rest of the community.

The second characteristic of the Attorney-General is that while he has been pursuing his own radical grab for power and his attempt to remake society in his own image, he has been neglecting what is really important for Victorian citizens. In particular he has been neglecting public safety, neglecting the laws that are needed to uphold justice and ensure that we have sentences that protect the community from violent crime, and neglecting the need for timely and effective justice as the waiting lists in our courts build up daily.

The so-called programs the Attorney-General has put before the Parliament as his component of the annual statement of government intentions reflect both of these aspects of our current Attorney-General's approach to his role. We have a miscellaneous collection of pieces of actual legislation to be brought before the Parliament, many of them long delayed and others which continue to pursue his own agenda. We have a collection of open-ended and uncommitted references to doing things at some time in the future, and we have totally missing what the community is crying out for in terms of tougher and more effective sentences and measures to get the court system working properly.

We have a proposal for a Victims of Crime Assistance (Amendment) Bill. The Attorney-General has highlighted the ability of victims to read their statements in court, which is a worthwhile step forward, building on the work pioneered by former Attorney-General Jan Wade. But at the same time as the Attorney-General is trumpeting this measure, he is failing to act on the rapidly escalating delays before the Victims of Crime Assistance Tribunal, up 21 per cent in just one year, and on the fact that out of around 44 000 victims of crime against the person in Victoria at the moment barely 3600 are receiving any assistance from the tribunal.

We have a proposal for a criminal investigation powers bill to be developed and introduced this year. This proposal was included in the 2009 statement of government intentions. It did not arrive then; let us see whether it arrives now. Building on a report of the Victorian Law Reform Commission (VLRC) from a

considerable time ago, at long last we have some concrete references in a civil procedures bill to try to improve the operation of the civil side of the court system. However, again it reflects the Attorney-General's single-minded faith in alternative dispute resolution, giving it a priority ahead of other reforms that is somewhat questionable.

At long last we have reference to a bail amendment bill, which comes from of a 2007 Victorian Law Reform Commission report. We only have a commitment to what is referred to as stage 1, 'codifying, clarifying and promoting efficiency' — whatever that may mean. Stage 2 will implement remaining VLRC recommendations with no time lines specified. We have no reference to what the Attorney-General intends to do to deal with the chronic difficulty in attracting bail justices, the chronic problems of rostering and the lack of appropriate reimbursement of expenses for bail justices.

We have a brief reference to a judicial conduct bill, which reminds members of the disgraceful attack on judges launched by the Attorney-General last year. He attempted to insinuate that they did not want to be accountable when it was he himself who had to be dragged kicking and screaming towards the measures for greater accountability which the judges had been calling for.

We have a proposal for a native title settlement framework bill to give effect to what the Attorney-General announced some time ago, which was an agreement — after 10 years in government — on a system for trying to agree on native title outcomes. Even that system is to go ahead only if it is funded by the commonwealth government, but at the time the commonwealth declined to fund it, and the framework to be implemented by the bill before the house is still specified to be requiring commonwealth funding.

The Equal Opportunity Bill 2010 is already before the house and therefore the capacity to discuss it in this debate is constrained. We heard last night that although the Attorney-General has spent years putting his thoughts onto paper in this regard and committing himself to seek to achieve equality of outcomes in Victoria, he is only prepared to allow the community two weeks to examine this massive bill. It is clear that he then wants to force it through the Assembly when we sit in two weeks.

The Attorney-General is being pushed into action against hoon drivers, which is a response to the Liberal-Nationals coalition policy announcement for tougher action in response to the government's first

ineffective attempt to act on hoon drivers. However, the government has announced only a one-week impoundment for a first offence, compared with the one month impoundment proposed by the Liberal-Nationals coalition.

We then have a long list of items that are mentioned as look-intos or further-work-to-be-done-ons, including potential hate crimes legislation which is set down for report in September, even though we have only just amended sentencing legislation to require certain motivations to be treated as aggravating factors. There will have been little time to see how that has worked out.

There is a reference to a Crimes Act offence and penalty redrafting with a view to preparing a bill for the next Parliament. This is also something that was referred to in the 2009 statement of government intentions but has not made it to the Parliament. We have reference to a range of strategies of an unspecified nature in relation to high-volume crimes. We have the Attorney-General supporting national legal profession reform, but he seems to be using it as an excuse for failing to take action to provide for proper enforcement and upholding of professional standards and legal profession regulation in Victoria in the meantime. There is reference to identifying options for new court processes in relation to child protection. We have reference to developing a third phase of the Victorian Aboriginal justice agreement. Reference is made to examining options for electoral reform.

Then there is a reference to sentencing and the consideration of maximum penalties as part of a Crimes Act review. Let it be made absolutely clear that changing the maximum penalties for offences is going to do next to nothing to achieve tougher and more effective sentences. We already have a situation where intentionally causing serious injury carries a maximum penalty of 20 years imprisonment, but more than four out of five offenders convicted of that offence get a minimum penalty of two years in jail or less. That highlights the chronic failure of the Attorney-General to act on probably the single most pressing issue in his portfolio at the moment, which is to ensure tougher and more effective sentences to better protect Victorians from violent crime.

Where is the Attorney-General's action to pick up on what the coalition has committed to do: to totally get rid of suspended sentences and home detention? Where are the long-awaited and long-needed reforms of community-based sentencing so that people who are sentenced to community-based orders do not get let off with just a slap on the wrist? Where is the reform of

finer so you do not get an automatic accumulation of fines against the homeless or persons with mental illness or other problems without there being any effective action, while others who can pay get off scot-free? Where are the reforms to jury directions based on the sensible recommendations of the Victorian Law Reform Commission, which would do a huge amount to improve the operation of our court system? Where is the action on bikie gangs, double jeopardy and the Innocence project? What is happening with the Attorney-General's attack on the appeals cost fund? What is he going to do about genuine reform of freedom of information? The Attorney-General is neglecting all these issues of vital importance to ordinary Victorians while pursuing his radical and esoteric agenda.

Mr BROOKS (Bundoora) — It is a pleasure to be able to contribute to the debate on the annual statement of government intentions this year. At the risk of repeating comments I have made in the past, I just want to say that it is fantastic for this government to be able to lay down its agenda for the coming year and give the Victorian community, including the business community and local residents, the chance to see what the government plans to do over the year. That stands in stark contrast to the opposition's plans. When you look at its policies and platform you see they really are a hotchpotch of expanded media releases and media grabs rather than a comprehensive plan for Victoria's future.

One of the key areas set out in the statement this year is around sound financial management and further economic development here in Victoria. Through the hype of the global financial crisis (GFC) last year we saw, despite the doomsayers opposite, Victoria power through that crisis. You could say that the Victorian community and the Victorian economy stared down the global financial crisis. The figures that have been released show that the Victorian economy in fact grew by 4 per cent over 2009, which is a fantastic result given the impact of the GFC on all jurisdictions, both here in Australia and overseas. Many countries went backwards by quite a rate of knots.

The December quarterly growth rate for Victoria was the best of every state in Australia. That was followed up by strong private business investment in Victoria. In the December quarter we saw business investment in Victoria spike by 14 per cent. Regardless of what politicians on any side of politics say, if you look at where business is investing and how much it is investing and you see a 14 per cent jump in investment in Victoria, you know without having to look at the spin put forward by the opposition, which talks about

recession and our budget putting the state in the red, going backwards and negative growth, that in fact it was a great budget for Victoria.

This government's sound financial management has helped steer Victoria through a difficult financial period. That was possible because this government decided to stimulate the economy through investing \$11.5 billion in infrastructure. That of course flows on to job creation. Last year's budget was all about job creation. We have seen from the figures that have come out that in the year to January 2010, 99 000 jobs were created in Victoria, which is about half of all the jobs created in the nation. Victoria is punching well about its weight when it comes to job creation through, as I said, the government investing in infrastructure, maintaining the budget surplus and keeping the AAA credit rating.

We also brought in targeted tax cuts for business to ensure that it had the confidence to get through the global financial crisis. There was targeted assistance to various sections of Victorian industry. We also created over 170 000 skills places to make sure that Victorian businesses have a skilled workforce and they are able to provide skilled jobs for Victorian working families.

The performance of the Victorian economy is in stark contrast to the predictions of members opposite. We had the shadow Treasurer and the Leader of the Opposition trying to talk up the prospect of Victoria heading into recession. We now know that was a lot of nonsense, and I should say quite a lot of irresponsible nonsense, because people who aspire to be leaders of this state should not be going around talking down the Victorian economy, particularly at such a precarious time.

It is through a strong economy and strong financial management that the government has been able to set a great social agenda in this statement of government intentions. One of the key areas I want to focus on is the area of health. In the north-eastern suburbs of Melbourne we are well-served by good public health services. Northern Health does a fantastic job. I have the Bundoora Extended Care Centre located in my electorate, virtually just across the road from my electorate office. It does a fantastic job. There is also the Northern Hospital and the Austin Hospital at Heidelberg where a lot of people seek health care.

As I have said before, the Austin Hospital is built virtually on the top of a hill and is a concrete example of the stark contrast between the health policies of the Liberal Party and those of the government. People out my way well remember that the Liberal Party ran down that hospital in an effort to try to sell it off. I remember

it tried to sell a car park across the road so it could prop up operating costs. That is in stark contrast to the style of this Labor government, which invests in health and health workers. We have seen that hospital rebuilt from the ground up in conjunction with the Mercy Hospital for Women. It is now treating more patients than ever before.

One of the key planks of health reform by this government here in Victoria is the fantastic initiative of the Victorian cancer action plan. Cancer is the biggest killer in Victoria. According to the cancer action plan around 500 Victorians are diagnosed with cancer every week. When you think about the trauma and anguish caused when people are diagnosed with cancer, even if eventually they go on to be treated successfully, you realise that is a huge number of Victorians who face that battle with cancer every week. It is a laudable thing that the Victorian government, through the leadership of the Premier and the Minister for Health, has set about a plan to tackle the rate of cancer, in fact to reduce the rate of cancer among the Victorian population.

One of the factors set out in the cancer action plan is the prevalence of cancer occurring more often in older people, and with an ageing population it is anticipated that there will be an increase in the incidence of cancer, so this plan will become all the more important. The plan sets out a range of actions for government, medical experts, medical workers, health workers and the community in general to tackle the incidence of cancer. These involve identifying behaviours that add to cancer risk, such as smoking, poor diet, lack of physical exercise, excessive alcohol consumption and exposure to ultraviolet sunlight. That is one of the actions. Others include ensuring access by most Victorians to screening programs, particularly in relation to breast cancer, bowel cancer and cervical cancer, because those can be treated before they show any symptoms; increasing early diagnosis so that cancers can be treated early; and importantly, ensuring that cancer treatment services are as close to people's homes as possible.

There have always been disparities in the survival rates for people with cancer who live in rural and regional areas and also for those people who live in lower socioeconomic circumstances. It is vitally important that those disparities are as much as possible removed.

A major part of that work in the cancer action plan takes place at the cancer centre at the Austin Hospital in Heidelberg. The Olivia Newton-John Cancer Centre initiative is planned for that site and there is also the massive \$1 billion Parkville Comprehensive Cancer Centre, which just recently took its next step forward

with the short-listing of three consortiums to construct that facility. That will go on to be one of the leading cancer centres in the world, one that will lead the fight against cancer here in Victoria and one that many Victorians will be very proud of.

In the limited time left I want to mention a number of education initiatives in my electorate. On top of the federal government's Building the Education Revolution stimulus spending on schools, the state government has put in funding to Norris Bank Primary School, which is a great local primary school in my electorate. That funding of around \$500 000 will help to virtually finish the complete rebuild and renovation of that great local school. Streeton Primary School in Yallambie is another local school that does a great job in the community. It has received up to \$500 000 funding, and it has been working with the department to plan its works. There is also \$7 million for the upgrade of the Greensborough pool, which will be launched tomorrow.

Ms DUNCAN (Macedon) — It gives me great pleasure to rise this afternoon to speak about the Brumby government's annual statement of government intentions. I am very proud to be part of this government and of the many good things that it has done over the last 10 or so years and that it will continue to do. I am also proud that we have introduced this annual statement of government intentions. I know that the opposition is quite cynical about this and sees it all as a bit of a joke. This is the third statement that the Premier has delivered in this chamber. Going through what has previously been flagged and what has been achieved, it is a very impressive achievement, with the vast majority of programs that were flagged in the previous statements having been delivered. I think something like 94 per cent of those initiatives that were flagged in the last statement have been delivered, with some further 3 per cent of those being reliant on the Council of Australian Governments and other national reforms.

I am pleased that we have introduced this statement. It is a terrific contribution to democracy and to trying to encourage more participation in our democratic processes. It gives people an opportunity to better understand what we are intending to do and to then judge us on what we have done. I am at a loss as to why the opposition would see it and treat it so cynically. I suspect it is something that all governments will do in the future, because it is a good initiative and a way of allowing people to make judgements about the performance of governments in between elections.

Unfortunately politics is becoming more and more cynical and it is in oppositions' interests to promote that cynicism, but I would remind all members that tides turn and oppositions eventually form governments. It does not do anyone any good for us all to be as cynical as we tend to be in this game. I can see that only getting worse. It is beholden on all of us to deal with things in an open and honest way. If something is good, it should be stated as such, and if something needs some criticism or tinkering, then that should occur as well.

We have this view now that if a government tries to set an aspiration or have any kind of target, and it falls short of that, it should be beaten over the head quite dramatically. Whether it is the government's fault or not, whether there is good reason for those targets not to have been met or not, all of that is lost in the cynicism of Parliament, the cynicism of the media and also I guess the cynicism of communities towards governments of all persuasions. Coming from an educational background, I do not see this as a healthy way forward.

I suspect if we criticise government so thoroughly for not reaching a target, no matter what it is, the outcome will be that governments will stop setting targets and that is not a good thing. We become a bit like turtles and we pull our heads in. We do not take any risks and stop being up-front about what it is that we intend to do or hope to do for fear that we may not achieve exactly what we set out to do.

Presenting this annual statement of government intentions is a brave initiative of this government. It gives a really good broadbrush outline of what the government hopes to do in its legislative program over the next 12 months.

From my perspective, there are a couple of areas I have a particular interest in, not just for my own community, but for the state generally. One of my interests is the issue of water, and not only because I am a member of the Environment and Natural Resources Committee, which has done a bit of work on water — I have come to appreciate how complicated the issue of water is.

It seems on the face of it very simple and straightforward. Water falls from the sky, we capture it, we use it, it evaporates and it falls again. However, it is quite a complicated area of government policy and obviously a very expensive part of government action. Over the past 10 or 11 years this state has had the worst drought on record, and enormous amounts of money are being invested in water infrastructure in a way not seen probably since the Snowy Mountains scheme. As we know, that scheme was not really about water, but

in terms of major infrastructure we have seen in the last decade a level of investment in water infrastructure that we have not seen for probably 100 years or so.

I would just like to touch on a few of those projects that we sometimes forget about. The goldfields super-pipe is one project I would like to highlight. It has secured the water supply of Bendigo and Ballarat. Recently we have seen Ballarat easing its water restrictions. Some 40 towns around the Wimmera and Grampians regions has also eased water restrictions as a result of the Wimmera–Mallee pipeline project, which was the largest water infrastructure project in Australia. This has been a fabulous piece of infrastructure which, as I said, has delivered great dividends for farmers and residents; and many towns in those regions have moved from stage 4 to stage 1 water restrictions as a result.

The Sugarloaf pipeline is also on stream, as well as the desalination plant. Just briefly, a lot of people wonder whether the desalination plant is worthwhile. I guess it is difficult for people to understand because it is such an expensive piece of infrastructure and the first in this state. The government and I are absolutely convinced of the need for it.

Advice that has been clearly repeated time and again to the environment committee is that almost every country around the world is facing similar problems with rainfall and future rainfall predictions. The one message that came through loudly, clearly and consistently was the need to diversify water resources — that is, to move away from water supply that is rainfall dependent. Virtually the only source of water that is not rainfall dependent is desalination. I know it is expensive to desalinate water, but it is much less costly than it would be to actually run out of water. I am convinced this is the only way for us to go in the future, and I know time will show that is true. This government has often made hard decisions on the huge investments needed to make sure that our future water supply is secure.

In the short amount of time I have left in this debate I will quickly talk about this government's economic management record. I know the opposition is often cynical, and basically just scoffs, regardless of the facts before it. Victoria has a good standing in Australia and across the world and has managed well through the global financial crisis. However, despite that the opposition, as is its wont, just continues to talk down the economy and criticise the government. That is regardless of what the government does and what third-party commentators say.

Victoria has managed the crisis well. Its economy has created more jobs than any other Australian state, and

its budget remains in surplus. We know the creation of jobs is the best way we can support families in Victoria. This government is committed to creating jobs, standing up for Victorian families and making sure that through jobs growth we have a healthy economy.

Victoria has led this nation in building approvals for the past 19 consecutive months, which again is a good indicator of the state of the economy. Our debt levels are among the lowest in the Organisation for Economic Cooperation and Development countries. This is on top of the worst natural disaster we had at the beginning of last year with the bushfires here in Victoria. Despite all of those things, this government continues to do a great job.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the annual statement of government intentions for the third year running. I pick up on a point the member for Macedon raised about the importance of having such a statement in Parliament and, unfortunately, the cynicism of oppositions. One thing I can say, wearing a different hat as a member of the international executive of the Commonwealth Parliamentary Association, is that not many jurisdictions do similar things, and people are watching what we are doing here.

We are still in the learning process when it comes to statements of this type. The government, prior to the beginning of the parliamentary year, has to consider its actions agenda, put it on paper and present it to the Parliament. That results in a transparency which is important and significant. We can be cynical about those sorts of things, but even if not very many other governments in the world do similar things, we are on a good thing. Like so many other examples in Victoria that other countries have picked up on, this is another great idea and another ongoing reform from this government which supports the transparency of Parliament. We need to applaud that.

We will have the opportunity also to be able to refer to previous statements and what was not delivered, as some members have done in their contributions. However, the government at least is accountable in that it will try to answer why these things did not happen. In responding to some of those things the Premier has said exactly why some things did not happen. Last year there were very good reasons — the global financial crisis and the catastrophic bushfires. Of course such things divert attention away from government, but that is exactly what this is about. It is a plan and a focus for the bureaucracy and for government. It gives the community an understanding of the government's agenda. Some things do not work out in the time frame

that is set. That is just reality. It happens to us in our private lives. Some things go out of sync and out of the time frame we set for them. However, it is important that we are transparent and highlight what we want to do.

In saying that, I just want to focus on a few areas. Because of the financial crisis, the particular focus in 2010 is about jobs, the economy, infrastructure projects and an ongoing improvement in services. These are the core functions of government. When you consider what has occurred in many other countries in the world, you see not only that Australia has come out of it strongly but that Victoria has come out of it more strongly than any other jurisdiction. That is something the state should be commended for. When we look at countries across Europe and in other parts of the world and at the way they handled their economies we should feel very fortunate that we were thinking ahead and that we had a number of infrastructure projects in the pipeline from previous years which in effect buffered the impact of the financial crisis on the Victorian economy.

Because we have all these infrastructure projects and because Victoria is a great place to live, work and invest, we have seen ongoing population growth as well. That was a deliberate strategy to turn these things around when we were elected to government. We wanted to grow our population and move away from where we were back in the 1990s, when people wanted to leave the state rather than come here. Even though we have a record infrastructure spend, of course people want more.

In some respect we are victims of our own success. We have continuous growth in the numbers of people moving here, and they are not only new migrants but also many returning expats. Things like the mining boom in Western Australia also had an impact. Australians who worked in the financial services sector in London and New York are now coming back to Melbourne, where it is all happening. We are benefiting from that investment, but we are also getting squeezed because of the infrastructure issues around a growing population. The annual statement of government intentions talks about how we manage that growth, which is difficult for us, but I think the government is certainly on the right track.

Infrastructure projects are very important for jobs and delivering that economic growth. I get frustrated when I hear people asking, 'What's the government doing about roads?', and I think about all the roads we have built. This is a government that invests in road construction and freeway construction. Roads have been built all over the place, and there are more

planned. The Minister for Roads and Ports has announced, as part of the Dingley bypass project, the building of an overpass over Cheltenham Road in Keysborough, which affects my electorate. This will link the Dandenong southern bypass, which we built, with the Westall Road project, which was done years ago with federal funding from the Keating government.

In those days the state government accepted the money but never did its job — it never finished all the missing links. It would wait for Labor governments to come and do that. This is one example of a phenomenon we have seen time and again in so many other parts of Victoria. The opposition has been talking about its transport blueprint, its infrastructure blueprint. We have been waiting for over two years, but we have still not seen anything on it. Meanwhile we have opened stage 3 of the Geelong Ring Road, not to mention the finishing of the Calder Highway works, the opening up of the Deer Park bypass and all the other projects we are doing.

As part of the infrastructure in my region I am really pleased that works have started on Peninsula Link, which will allow those of us who live east and south of the Yarra to travel down to the Mornington Peninsula, particularly in holiday seasons. I know how important it is for the tourism industry that people are able to get down to the Mornington Peninsula. I know how important the opening of EastLink has been for people in the Frankston area. You can leave Preston and be in a place like Dandenong in just over half an hour while travelling at the speed limit. This was not reasonably achievable four years ago. Traffic now builds up at Frankston and work is being done to free up traffic and get people straight down to the peninsula to enjoy the great tourism attractions down there.

We have seen big hospital investments. These are part of increasing services but are also part of our job strategy. The emergency department at Dandenong Hospital is under reconstruction. The Minister for Mental Health will be out in the next sitting week to turn the first sod for the totally reconstructed mental health facilities, which will have extra beds for this growing population. By the time these projects are finished Dandenong Hospital will have been totally rebuilt and will have more beds as a result of this Labor government's program of extending services, renewing infrastructure and increasing jobs. That is, again, something we have never seen before, but all we hear from the other side is continuing criticism that there is no job strategy, that we are not extending services, that we are not meeting population growth.

We are investing record amounts. I know people love more. We all love more — I would love to have a

bigger house, I would like to have a different car, I would love to do all sorts of things — but we all live in an economy and we have got to manage the resources that we have. Thankfully this government has managed the financial crisis so well that it has some extra money to spend.

Some things will take time; I get frustrated when people complain, for instance, about public transport. I keep reading about it in the paper, and I want to put on the record that I do not get much complaint in my electorate about our railway lines. I think people recognise there has been a big growth in patronage, and I think they recognise that it takes time to improve things. The important thing people in my electorate tell me when they raise these issues is that they know that until this government came along no-one was putting money into basic maintenance and upgrades of the system. No-one was putting money into upgrading signalling, no-one was putting money into upgrading tracks, let alone doing up railway stations and extending lines. We have seen work commence on the third track around the Westall station area to allow an increased number of trains for people on the Pakenham and Cranbourne lines as the new rolling stock is brought on board. These are the sorts of things that people recognise: that others have not invested and it is this government that is doing that.

The statement of government intentions focuses on a lot of these things. I am pleased that so many of these things are benefiting my electorate. I am pleased that we have got an economic strategy that is diverse, that is about jobs. If you look at the tourism numbers that have just come out — and tourism is something I am passionate about — you see that we have got a record number of tourists and a 30 per cent market share of international tourism. When I became the minister responsible for tourism we had a 19 per cent share of the international market. Yesterday's figures show that whilst international tourism grew 0.2 per cent for Australia, overnight visitor stays for Victoria grew 3.5 per cent and the amount of money spent, the economic value, showed a 9 per cent increase. People are coming in larger numbers to Victoria, they are staying longer and they are spending more. This is a record amount. We also saw record overseas expenditure in regional Victoria; a 16 per cent growth in economic value of international spend in regional Victoria.

This is part of a clear economic strategy, a diversified economic strategy, which is about jobs, which is about sharing it around the whole state — not just Melbourne, like we used to see with the previous government — with a clear growth strategy for sectors like tourism and

other parts of the economy. I am pleased the government has taken this initiative. I know other parts of the world are looking at what we are doing, and I think we should be commending the government for its efforts.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my contribution to debate on the annual statement of government intentions. This will be my last contribution to the annual statement of government intentions, because as of November I will not be here. Hopefully all my colleagues, on all sides, will be. Again, it is a great pleasure to add to the debate.

Before I commence speaking about the statement itself I would like to say that I have witnessed over the last 12 months that with every government business program motion moved members of the opposition have mentioned time and again that last year we did not spend a lot of time on the annual statement of government intentions and suggested that that means it was a devalued statement. I just want to put on record some facts and figures. This is the third annual statement of government intentions. We had a total of 66 speakers — 36 government, 29 opposition and 1 Independent — in the debate on the first one, and we spent 11 hours and 12 minutes on that debate. Those figures have been confirmed by the clerks. In 2009 we had only 16 speakers and a total of 3 hours and 48 minutes was spent on the debate. There were eight government and eight opposition speakers. I do not know the exact amount of time spent on the debate so far in 2010, but I think I may be the 68th speaker. There have been 36 government and 31 opposition speakers, and the Independent has spoken.

Let us go back to last year and the constant comments from the opposition that we had devalued the statement of intentions. The disastrous Black Saturday fires occurred on 7 February, after we introduced the statement of government intentions. That was a horrific event, and this house appropriately moved a condolence motion. Debate on that condolence motion lasted 13 hours and 13 minutes, and 86 members — all bar two members — spoke on it. That was entirely appropriate.

So when the opposition criticises the government for not having members speak on the annual statement of government intentions it should note that last year a lot of the time that would have been spent speaking on the statement of government intentions was spent speaking on the bushfires. That was a far more noble, worthy and appropriate thing to do. I listened with great interest to your exceptionally moving contribution to that debate, Acting Speaker, and I commend you for the way you

painted a picture of what happened in your electorate. We should note that this was a good and valid reason in case in the future the opposition wishes to criticise the government for not spending time on the statement of government intentions in 2009.

I now move to this year's annual statement of government intentions. It is a great pleasure to add my contribution to the debate. This year's statement allows the opposition to scrutinise the government, which is something oppositions always like to do. The government has announced what it wishes to do this year in terms of legislation and its overall program. If we do not do these things — and there are often many reasons that we do not — the opposition can then call us out on it. When the Premier introduced this year's annual statement of government intentions he said that, I think, 94 per cent of the commitments made in last year's statement were implemented, and that includes legislation and what have you. That is not a bad effort considering we also covered the cost of bushfires, and I think Black Saturday cost \$350 million — an extraordinary cost.

The annual statement of government intentions gives the opposition the opportunity to scrutinise the government, and it gives the government a way of keeping a check on itself. Being the Government Whip I know that many ministers get frustrated with their departments when legislation is not brought to the house at the speed they wish. That happens on both sides of politics. From speaking with former ministers on the other side I know that it also happened when they were in government. Government intentions and the ability of departments to deliver on these intentions are sometimes not on the same playing field, although they are not always far away from each other. These statements also allow departments to know well in advance what their ministers want.

I hope annual statements of government intentions will keep oppositions, governments and departments on their toes, which is not a bad thing at all. I commend the government for introducing annual statements of government intentions, and I hope they continue for some time to come. If there is a change of government, be it at the next election or five elections from now, it will still be a good concept.

It is disappointing that the opposition has now run out of speakers on the statement. I am sure it will not be mentioned in any debate on the government business program this year that opposition contributions to this debate have ceased.

The government has done a lot. The Minister for Children and Early Childhood Development is at the table, and I note that we have had recent discussions about her portfolio. One of the things that has come out in these discussions is the wreck we inherited in that area. The combination of the former Liberal Kennett government and in particular the former Liberal Howard federal government left many services in a disadvantaged position. This government is putting a lot of money into this area.

An honourable member interjected.

Mr LANGDON — Yes, and the advice from the Children's Protection Society, representatives of which I saw last night, is a prime example. They said there is a lot of work to be done. The government is putting money into it like never before, but there is still a lot to be done.

An honourable member interjected.

Mr LANGDON — This is not coming from me; it is coming from that organisation. I acknowledge that good work was done under previous governments — all governments have their strengths — but in some sectors a lot of work has had to be done.

Regarding my electorate, I am proud that jobs are continuing to be created at the Austin Hospital redevelopment. On the Burgundy Street site cranes are currently building the pleuroscience development, at a cost of at least \$35 million. Work on the Olivia Newton-John cancer and wellbeing centre has finally started. The old Heidelberg House building has been bulldozed. The project is starting — and it is creating jobs in the heart of my electorate. Again, I have not worked out the exact figures — I am sure it would be very hard to — but in my opinion well over \$500 million has been spent on the redevelopment of the Austin Hospital site.

Work is also being done at the Heidelberg Repatriation Hospital, with a hydrotherapy pool and new wards 17 and 18, which is also creating jobs. I believe veterans have been waiting for this for 20 or 30 years — a long time. Veterans are very patient — they have learnt how to be patient — but they are pleased that work has been done at the repatriation hospital. Hopefully some of those developments will come on line midyear. Some will take until later in the year, but hopefully the hydrotherapy pool will be in operation by about July. It has been delayed, but hopefully we will be able to get it going.

This government has made a great effort to create jobs. In my assessment and from what I have read, Australia

has come out of the global financial crisis that hit the world far better than any other country and Victoria has come out of it better than any other state. That is a credit to the work of this government — to the work of the Premier, the Treasurer and all the ministers, for which I commend them.

The Minister for Roads and Ports is now at the table, and while he is here I would like to mention his portfolio. The Minister for Roads and Ports has been exceptionally good to the Ivanhoe electorate. I was working it out the other day — and I am writing to local residents to this effect — and I calculated that the minister has provided Ivanhoe with three pedestrian crossings in the last three years.

Mr Pallas interjected.

Mr LANGDON — As the minister said, the demand for pedestrian crossings never seems to wane. I am aware of that, and I am working with members of the local community to work out what they would like regarding another pedestrian crossing. The council has not been the greatest asset, as it has wavered a bit over the years. However, we are working on that. Hopefully at some time in the future we will get another pedestrian crossing, but what the council has to do is find me a location for this crossing. It is being airy-fairy about where it wants such a crossing. While local residents want a pedestrian crossing, they also want to know where it will be installed. The jury is still out on where local residents will support such a crossing. The council needs to pinpoint exactly where it wants the pedestrian crossing to go and come back to the government so that we can get on with assessing the proposal against the criteria and other demands. I personally support the push for a pedestrian crossing on Burke Road North, south of Keam Street. There is a fair section of road south of Keam Street, but the council has not told me where it wants the pedestrian crossing to be.

The main point of my raising this is to note that the Minister for Roads and Ports, who is at the table, has been exceptionally good at improving pedestrian safety in the Ivanhoe electorate, and for that I commend him. That is the way the government has operated.

It is with great pleasure that I have contributed to the response to the annual statement of government intentions, and I look forward to hearing many more of these statements from this government in the future.

Ms MUNT (Mordialloc) — I am very pleased to have been given the opportunity to rise today to speak about the annual statement of government intentions.

As other speakers have noted, this is the third annual statement of government intentions. The statements were initiated to allow openness with and accountability to the people of Victoria about what the government intends to do in a 12-month period. It is a novel approach that is very welcome and worthwhile.

As other speakers have also noted, the statement gives the opposition an opportunity to look at what the government has planned for the following 12 months and to keep us accountable for delivering on what is proposed. Sometimes that is not possible, as has also been noted, with major natural disasters such as the bushfires where government resources were diverted to put processes in place to deal with that natural disaster. In particular the need after the bushfires was to rebuild schools, kindergartens and other services in those areas that were completely destroyed.

I diverge a little to say that I visited the bushfire-affected areas shortly after the bushfires last year and saw the total devastation that was wrought on those communities, and I congratulate everyone who has been involved since then in providing the expertise and labour to rebuild those communities. In large part the communities themselves have come together to support each other and to make them the thriving communities they were before the terrible bushfires. I hope I never again in my lifetime see devastation like that and the terrible human toll it took. My congratulations go to all those who have worked so hard to put those communities back together.

There are particular parts of the statement of government intentions that I would like to focus on, being education, health and consumer affairs. I note in education a few things in particular. The statement is a very big document that covers a lot of ground, but I note in particular the ultranet rollout. This initiative came about in part as a result of the work of the Parliament's Education and Training Committee, which includes members of the Liberal Party, The Nationals and the Labor Party. The committee hit the road and talked to people in schools about what would be useful in achieving a safe internet environment. The internet is a tool that all schools use for information and learning, and a safe environment for students to use the internet and be able to research whatever their teachers want them to is very important.

At that time it was also intended that this would be a mechanism for parents to become involved in their children's learning. They would be able to go to the ultranet and communicate with their children's teachers to find out how their children were going. That is particularly important in the modern world where in

many families both parents work full-time and it is more difficult to speak to a child's classroom teacher one to one, because mothers and fathers are working in the interests of their families. I will be particularly interested to see the ultranet progress and be rolled out through our schools. It is a very worthwhile initiative.

In my new role as Parliamentary Secretary for Health yesterday I spoke in this place on the national registration scheme for health professionals, which is a part of the statement of government intentions that has come to this Parliament in this very sitting week. It brings in a national registration scheme for all doctors so they do not have to register in each particular jurisdiction, which will give safety and security to the patients of Victoria and Australia. It is interesting to read the statement of government intentions and see it coming to fruition during the year.

Women's health and wellbeing is another area that I will be involved in. This year marks the end of the current women's health and wellbeing strategy, and I will be putting together an advisory committee to speak to all interested groups and constituencies and as many women as I can speak to about the strategy for the next four years. This will be an umbrella strategy from which other government initiatives and funding will come. I see that as a very important part of my responsibilities.

A couple of years ago I was involved in putting together some recommendations for a lemon law for cars in Victoria. Shortly after it was elected the new federal government said it would look, through the Council of Australian Governments, at new consumer protection laws for all of Australia including in the area of cars. Also mentioned in the statement of government intentions are new federal consumer protection laws, and I will be interested to see what is included in those laws, in particular for the protection of car purchasers. The regulations and laws covering protection for consumers making major purchases such as cars need to be strengthened to give consumers more rights in that area.

In the short time that is left to me I would like to talk about a few of the thoughts that have come to me while I have been thinking about the annual statement of government intentions and how it impacts on my electorate. Government plans have an enormous impact on electorates locally. Since I have been elected, for instance, every school, state and private, including Catholic, in my electorate has undergone building works. This is of enormous benefit to the families and children of my electorate, who can be safely educated in a wonderful environment where the children have

every possible support that we can provide them, including smaller class numbers in fresh, new classrooms to maximise their potential for learning. This is a lifetime gift we can give our children.

The statement includes major benefits in the area of health investment, and I will name just a couple. For seniors and others in my electorate the major increase in funding for radiotherapy bunkers at Moorabbin hospital has been very important. Those who are suffering from cancer should not be made to wait for treatment, and with the availability of these radiotherapy bunkers that has been improved out of sight. Anything we can do to relieve their anxiety and help their health is well founded and the money well spent.

I see the Minister for Roads and Ports is in the chamber. In the area of roads and public transport, the Frankston bypass is going ahead, and we have had the South Road extension and three stages of the Dingley arterial road. We were out there this morning talking about the third stage. Two stages have been completed, the third is about to start construction and I am going to be hassling the minister very hard for the completion of the entire Dingley arterial road. None of this — the schools, hospitals, roads and public transport — was even started when I was elected. It is absolutely vital for our local community that we build on these investments and take them forward. We cannot say, 'This is what we have done'; we have to say, 'This is what we will do', and ask the people for a chance to complete these projects and move on to do even more for our local communities.

I welcome the annual statement of government intentions. It is a very good document on which to build government investment.

Mr Delahunty interjected.

Mr TREZISE (Geelong) — Thank you, Acting Speaker. As the member for Lowan says, it is not before time. I must say that I have been chewing on the bit to make my contribution to the debate on the 2010 annual statement of government intentions. I stand up as a very proud member of the Brumby government and representative of my electorate of Geelong. This is our third statement of government intentions, the first being delivered in 2008. The 2009 government statement committed to protecting our economy and our state in the face of the global financial crisis that was confronting this state, this nation and the world at the time.

As the Premier has noted, in the 2009 statement of government intentions there was an agenda of 82 pieces of legislation and 195 non-legislative initiatives. I am proud of the fact that this government has delivered on those intentions — 94 per cent of those initiatives have been delivered. This government has got on with the job of ensuring that we protect our state's economy and the people of Victoria from what was then and what continues to be a major crisis. As all members are aware, we on this side of the house are proud that over the last 12 months this state has produced something like 75 or 80 per cent of the jobs that have been created across Australia. As the member representing the electorate of Geelong, I have been pleased to be able to go to the people of Geelong and talk about our major initiatives or major priorities in areas such as health, education, transport and water, which is a major concern to the people of Geelong.

In relation to one of our major health priorities, I hark back to 1999 when I was a candidate for the electoral district of Geelong. At that time the site of the Grace McKellar Centre, now known as the McKellar Centre, which had been in the hands of Geelong people for more than 40 years, having been bequeathed from the McKellar family, was up for sale by the Kennett government. The Kennett government had run the centre down and was intending to sell it. As a candidate I worked with a number of people who had formed the Friends of Grace McKellar. We fought tooth and nail through 1998 and 1999 to save the centre. I am proud to say that following the election of the Bracks government we not only saved the Grace McKellar Centre but have seen the renaissance of the centre over the last 10 years. More than \$100 million has been spent on the McKellar Centre. We have transformed it from what was then just an elderly folks home to a state-of-the-art world-class rehabilitation centre incorporating services for the elderly. The McKellar Centre is just one example of our story in relation to health.

We have also spent something like \$46 million on transforming our emergency department and the Andrew Love centre, the oncology ward, at Geelong Hospital. I was proud to work with people like the cancer after-care people in Geelong. I know other members of Parliament were more than willing and happy to work with the cancer after-care group in securing funding for the Andrew Love centre. Today we have transformed the Andrew Love centre into a world-class emergency department at Barwon Health. I have not mentioned the literally hundreds of extra nurses who have been employed on the wards at Geelong Hospital over the last 10 years.

Schools and education are also this government's and my personal priorities. I am proud to say that over the last 10 years I have seen every primary school upgraded across the electorate of Geelong. East Geelong Primary School, South Geelong Primary School and Tate Street Primary School have all been upgraded. Tate Street Primary, for example, servicing a low-socioeconomic area, has been literally transformed from a school that was run down in 1999 and really up against it at the time. The school now has a new classroom and a new multipurpose hall, and it is a school that has really kicked on in servicing the area of East Geelong and Thomson tremendously. From Tate Street we go to South Geelong Primary School, which has been upgraded, and Chilwell Primary School, which has also been upgraded. Then there are Newtown, Manifold Heights and Herne Hill primary schools, and the list goes on.

From a secondary college perspective, Western Heights College, which is on three sites, is now to be totally rebuilt at one campus on Vines Road following a lot of work by the state government, the school community and the City of Greater Geelong. Currently works are taking place that will transform Western Heights College and create a world-class education facility that will include a community centre for a number of groups that form the Vines Road Community Centre, including the Vines Road Senior Citizens Club. I have been pleased over the last seven or eight years to work with the Western Heights College community and the wider community to get this project up and running. I am also pleased that earlier this year — I think it was earlier this year, it might have been last year — the Minister for Education, together with local members, turned the first sod, and that work is going ahead in leaps and bounds.

The Minister for Roads and Ports, who is the minister at the table, agrees with me that roads are a magnificent story for the Bracks and now Brumby government. Through the 1990s former Premier, Jeff Kennett, essentially pork-barrelled the rebuilding of Geelong road; his government was always going to rebuild that road but never got around to it. An average of 1 person per month — 12 or 13 per year — was killed on the Melbourne–Geelong road back in the 1990s, which is a disgraceful figure. It took the Bracks government to upgrade that road between 1999 and 2002, and now there is an average of less than one death per year on that road — I think that is the figure. From a road safety perspective alone, the upgrade of Geelong road has been a great initiative of this government.

Of course we cannot ignore the Geelong Ring Road. This road was promised by numerous governments, both Labor and Liberal, over the last 40 or more years.

It took this state government to bite the bullet, with the then Howard federal government tagging along, and get that road up and running. The ring-road has been a great boon not only for people bypassing Geelong and heading to western Victoria but also for people in the inner suburbs of Geelong, whom I represent. We no longer see roads such as Latrobe Terrace clogged. I can now travel from the east of Geelong to the west of Geelong in 2 or 3 minutes during peak hour. That trip used to take 15 minutes, and although that might not sound like a long time to people in Melbourne, it was a big issue for Geelong. People heading out to western Victoria now bypass something like 29 sets of traffic lights. The ring-road has been a great boon for the people of Geelong and that is thanks to the Brumby government and, as I said earlier, with the then Howard government tagging along behind.

The statement of government intentions is a great document, and I congratulate the Premier on this initiative. In 2010 we are as a state government firmly focused on standing up for Victorian families, and I know that members on this side of the house will be doing that. Over the coming year I will be working hard in my electorate to ensure that families in Geelong continue to be well served by the Brumby government.

Ms RICHARDSON (Northcote) — I am pleased to rise and make a contribution to the debate on the annual statement of government intentions because it gives me an opportunity to congratulate the Premier, the ministers and the government on this document. This is in stark contrast to members opposite who have not delivered any plan; they have not come forward with any detailed propositions for the people of Victoria or for working families. This statement is a detailed plan of the government's intentions moving forward.

The preparedness to have a plan and the willingness to do the hard work is illustrated clearly in the statement made by the Premier. Members opposite, I am sad to say, have again regarded this effort as some sort of joke that should be dismissed, and that is a very sad state of affairs. I guess any good news that comes forward in any statement by the government is always bad news as far as members of this lazy and incompetent opposition are concerned. They would achieve their goals by letting working families suffer rather than having a detailed plan to put forward.

Labor's preparedness to do the hard work has served our state well. We have the leading state economy in Australia, and we have clearly weathered the largest financial crisis in a generation better than any state. This has not happened by accident. Labor has acted to protect Victorian families from the global financial

crisis (GFC) in a number of key ways. In the first instance the government has invested a record \$11.5 billion in job-creating infrastructure to generate 35 000 full-time Victorian jobs this year. The government's statement details the transport plan, new road infrastructure, new hospitals and education initiatives. We will continue to create jobs with our infrastructure build.

The other key element to protecting Victoria's economy has been our focus on securing a budget surplus and a AAA credit rating. The plan also goes into detail in respect of our determination to achieve this goal.

This government has also brought in the biggest tax cuts in a decade. We saw the GFC coming and took account of that in the 2008–09 budget. As a consequence we saved businesses and households \$1.43 billion; and we did not raise taxes as other states have done. We capped public sector wage increases, allowing Victorians to stay in their public sector jobs. This was done despite pressure on our budget. We have also created 173 000 new skilled places, and I am pleased to say that further work is going to be done on that important initiative. These measures, and more, have buffered the Victorian economy, and indicator after indicator shows that our economy has defied the ongoing impact of the global financial crisis. Again, the statement goes into some detail about how we will ensure that these measures will be continued as we move forward this year.

Let us look at some of the indicators we have coming out of these measures. The Victorian economy's growth rate exceeds the national average and was the best of all of the states. If you look at jobs, you see that 99 000 new jobs were created in Victoria over the last 12 months. That is more than three times the number of jobs created in any other state. Another important indicator is the unemployment rate. While there is obviously more work to be done — we would always like to drive down unemployment rates — Victoria still has the lowest unemployment rate in Australia. In fact it is lower than most of the major economies around the world. Other nations are looking at how we have been running our state and are trying to get a sense of what they need to do to secure their economies as we move through the global financial crisis.

All of this has come about because we have a clear plan, as this statement of government intentions outlines. It is sad that members opposite have simply turned their noses up at it and are dismissive of its intent.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Member for Narre Warren North: former staff member

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Ombudsman's report into the corrupt activities of Mr Kevin Bradford which was released today, and I ask: is it not a fact that these corrupt activities commenced while Mr Bradford was a key adviser to one of the Premier's parliamentary secretaries, the member for Narre Warren North?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As he is probably aware, the Minister for Local Government has considered the matters detailed in the report tabled today, and he has referred this matter to the Local Government Investigations and Compliance Inspectorate. It is appropriate that he do that.

That inspectorate was created in September 2009 to enhance the capability of local government investigations. It has the responsibility to investigate — —

Mr K. Smith — Answer the question.

Mr BRUMBY — I have been going for 20 seconds.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast knows better than to constantly interject. I ask the member for Bass for some cooperation.

Mr BRUMBY — The independent office has the responsibility to investigate alleged breaches of the Local Government Act and where sufficient evidence exists to prosecute those matters. This is a matter that is with the minister and the inspectorate.

Bushfires: support

Ms GREEN (Yan Yean) — My question is to the Premier. Can the Premier update the house on the support the government is providing to those affected by the Black Saturday bushfires?

Mr BRUMBY (Premier) — I thank the honourable member for her question. I was delighted earlier today to

join the Sound Relief organiser, Michael Gudinski, and his team and also the hip-hop group Bliss n Eso — —

Ms Allan — Oh! Bliss n Eso?

Mr Hulls — Yes, of course.

Mr BRUMBY — Yes, Bliss n Eso — along with Robert Tickner from the Australian Red Cross as the Sound Relief group handed over a further \$1 million towards bushfire and disaster relief in this state.

This has been a truly remarkable feat by the live music industry in Victoria and across Australia. In fact today marks almost 12 months to the day since the Sound Relief concert. The simultaneous concerts in Melbourne and Sydney, involving so many of the best Australian bands, raised more than \$7 million.

In talking today to the members of Bliss n Eso I heard that they performed in pouring rain at the MCG but the crowd stuck there with them. It is just an extraordinary story about community spirit and support after the bushfires.

The live music industry in Australia, when we have been faced with challenges and major disasters, has never, ever let our state or Australia down, and so it was with the Sound Relief concert. Today's \$1 million comes from the sale of the DVDs. I know many members of the house have bought the DVD pack — —

Mr Hulls — I am sure they have.

Mr BRUMBY — I am sure the Deputy Premier can tell us all about Bliss n Eso and can describe hip-hop for us as well.

More than \$1 million has been raised from the sale of the DVDs, and this is now a triple-platinum exercise. This is a great story about community spirit and our live music industry. Today I thank the industry and also Michael Gudinski, who has been such a wonderful supporter of those in need after the fires.

I will just say very quickly that the support provided today goes to the Red Cross. The Victorian Bushfire Appeal Fund itself has closed, as honourable members know. That fund raised \$389 million including interest. Of that, \$374 million has been allocated — 91 per cent of the fund has been announced and \$245 million has been dispersed. The work that the current chair, Pat McNamara, and the former chair, John Landy, have done has been quite outstanding.

Today I am announcing further projects across the bushfire-affected areas to be funded from the Rebuilding Together fund. The Rebuilding Together fund consists of money from our government, the federal government and the appeal fund. This is out of the \$193 million the Prime Minister and I announced last year.

I am pleased to announce today more than \$350 000 for the Baw Baw district walking tracks, \$315 000 for the Kinglake men's shed, \$33 000 for the Traralgon South historical project and \$110 000 for projects in the Yarra Ranges.

Reconstruction is progressing very well across the bushfire-affected areas. As of today more than 1500 building permits have been approved, 600 residents have been assisted by rebuilding services and more than 6500 kilometres of fencing have been replaced. The first stage of the Marysville Community Learning, Health and Recreation Hub, which includes the primary school and the early learning centre, is well under way and due to be completed in April this year. An architect has been appointed and building plans have been drafted for the Marysville police station. Construction has started on the Callignee community centre, and I was there with the Minister for Police and Emergency Services just a little while ago. That project is due for completion this year. I am delighted to say too that construction of the Strathewen Primary School and multipurpose community centre is due to get under way this month and is expected to be completed by September this year.

Finally, and very quickly, I take this opportunity to thank the SES (State Emergency Service) volunteers who did such a magnificent job over the long weekend. We had nearly 8000 call-outs across the state. Many people returned from a weekend away to find that their houses had been destroyed. Many of those volunteers would have been looking forward to a weekend off as well. Those volunteers have done a magnificent job; there were more than a thousand of them at the peak time, and over 300 of them are still working on outstanding issues.

Mr K. Smith interjected.

Mr BRUMBY — I think all members of this house, including the member for Bass, would join me in thanking our SES volunteers for the magnificent work they do.

Member for Narre Warren North: former staff member

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to questions to the Premier and the Minister for Local Government in June 2009 about an earlier workplace investigation report into Mr Kevin Bradford, then a staff member of one of the Premier's parliamentary secretaries, which found that he had engaged in behaviour that bullied, victimised, threatened and humiliated a Casey council staff member, and I ask: given that the government received a copy of that report in October 2008, why did the Premier fail to immediately instruct his parliamentary secretary to dismiss Mr Bradford, or is bullying and intimidation acceptable conduct for this government?

Mr BRUMBY (Premier) — As the honourable member is well aware, the government has put in place legislation which means a councillor cannot be employed by a member of Parliament, and those people who were councillors and who were employed by members of Parliament — —

Honourable members interjecting.

The SPEAKER — Order! Members will come to order.

Mr Walsh interjected.

The SPEAKER — Order! The member for Swan Hill!

Mr BRUMBY — As a result of that legislation, which we introduced to the house, those people who were employed as — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked why he did not do anything after October 2008. This has got nothing to do with it!

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition's question clearly referred to a councillor who was an employee of a state member of Parliament. The Premier's answer is entirely relevant.

Mr BRUMBY — We introduced that legislation, and what that provided for was that you can be a councillor or you can work for an MP, but you cannot do both. In relation — —

Honourable members interjecting.

The SPEAKER — Order! Members will come to order.

Mr BRUMBY — In relation to the Ombudsman's — —

Mr McIntosh interjected.

The SPEAKER — Order! I warn the member for Kew.

Mr BRUMBY — In relation to the Ombudsman's report which has been tabled today, as I said, that has been referred to the Minister for Local Government.

Health: government initiatives

Dr HARKNESS (Frankston) — My question is for the Minister for Health. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of steps taken by the government to improve Victoria's medical workforce to improve outcomes for patients?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Frankston for his question and his longstanding support for Frankston Hospital and better health outcomes for families in his local community. I was very pleased this morning to join with the member for Frankston to officially open an important redevelopment of the emergency department of Frankston Hospital.

The state government has provided \$2 million to increase the total number of treatment spaces in that emergency department by 10. It is important infrastructure and these are important changes to benefit patients and their families. It includes a dedicated paediatric area in this emergency department for the first time. As the member for Frankston knows, it is a busy emergency department: 49 300 patients went through the emergency department last year. It provides service and support to people right up and down the Mornington Peninsula area.

An honourable member interjected.

Mr ANDREWS — I would have thought this was a project that every member could have supported.

Honourable members interjecting.

Mr ANDREWS — I hear support from this side of the house. It is a very important investment, and we were delighted to celebrate that investment with the dedicated clinicians who work so hard at Frankston Hospital.

Carrying out capital works and providing health services and their staff with the physical environment they need is one practical way in which we can improve outcomes for patients. Another way in which we can improve outcomes for patients is to provide funding and support to train more nurses and more doctors to make sure we have the health workforce we need right now and in the years to come.

That is why as a government we very proudly have put into our system 10 516 extra nurses on top of the number we inherited back in 1999. We have put more than 3000 additional hospital doctors across our system, on top of what the oracle left us back in 1999.

Mrs Shardey interjected.

The SPEAKER — Order! I ask the member for Caulfield to stop the constant interjections.

Mr ANDREWS — One of the ways in which you can provide practical support for patients is to recruit, train and then properly reward the medical workforce and the health workforce in a broader sense — nurses, doctors, dentists and allied health professionals — right across the whole scheme of things. That is one of the ways in which you can provide practical support for patients right now and well into the years to come.

That is why today the Premier has made it clear that part of national reform and building a better health system must be about training more doctors and more nurses — not in four years, but right now. We need a proper partnership, a 50-50 partnership, to support the training, education and retention of the health workforce we need, not in four years, not on the slow drip, but right now. That is what will benefit patients in Frankston and every other community right across our state.

There is no time to waste with these matters. It is instructive to look at some recent figures that show that between 2001 and 2006 the total number of health workers over the age of 55 across Australia went from 12 per cent to 16 per cent. What that means is that we have a trend in terms of the number of people leaving the workforce, and we need to redouble our efforts in a proper, fair and equitable partnership with Canberra to train, recruit and retain more of those highly skilled health professionals. That is what this government wants to see happen. That is what the Victorian community wants to see happen. Just as words will not cut waiting lists, words will not train more nurses, words will not train more doctors and words will not see us treat more patients and treat them more quickly.

Government: advisers

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the office of his parliamentary secretary, whose former advisers include his campaign manager, Mr George Droutsas, who has been charged with fraud; Mr Roland Abraham, who has been charged and convicted of making and using false documents; and Mr Kevin Bradford, who has been engaged in bullying and intimidation as well as corrupt activities, and I ask: is it not a fact that at the highest levels of this government the Premier has fostered a culture of corruption, bullying and thuggish behaviour?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question, and I reject his imputation.

Cancer: women's services

Ms GRALEY (Narre Warren South) — My question is for the Minister for Women's Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how this government is supporting women with cancer?

Ms MORAND (Minister for Women's Affairs) — I thank the member for Narre Warren South for her question. It probably will not come as a surprise to people that today is the first day of the Leukaemia Foundation's annual World's Greatest Shave. I am proud to be 1 of 125 000 people right across Australia who will be either colouring or shaving their hair over the next couple of days.

Honourable members — You should have shaved!

Ms MORAND — I am thinking that perhaps I should have shaved, yes! The money raised by the Leukaemia Foundation will support patients and their families and continue research that will lead to better treatments and cures for these families.

Every year blood cancer seriously impacts on families right across Victoria. It is the second most common cause of cancer death in Australia. Around 10 000 people will be diagnosed with leukaemia, lymphoma or myeloma this year in Australia, and every 2 hours someone loses their life from this form of cancer. Lymphoma affects more women than ovarian and cervical cancer, and leukaemia is the most common cancer in children.

More broadly, 26 000 Victorians are diagnosed with cancer every year, and sadly, 10 000 Victorians die

from cancer every year. I am sure that everybody in this place knows someone who has been affected by cancer. As a former nurse and someone who worked at the Cancer Council of Victoria for several years, I know the huge impact cancer has on Victorian families.

Victoria's cancer action plan commits \$150 million over four years to increase the survival rate among patients with cancer and reduce the impact of cancer on those affected by cancer. It focuses on initiatives that detect cancers earlier, improves treatments, expands our cancer service infrastructure and better supports the people who have cancer where there is no cure. Our aim — and I know the Minister for Health is focused on this aim — is to increase the survival rate from 67 per cent to 74 per cent over the next five years.

The Victorian Cancer Agency has been allocated \$78 million as part of Victoria's cancer action plan to advance translational cancer research. The Victorian government in partnership with the Australian government supports three cancer screening programs for women. They are for breast cancer, cervical cancer and bowel cancer, and they are all vital services. I am proud that Victoria has the highest two-yearly participation rate in cervical cancer screening: over 500 000 women are screened every year. The participation rate among Victorian women in the bowel cancer screening program is 40.5 per cent, which is really pleasing at this early stage of this new screening program. We have also increased the availability of breast screening for women in the target age group by funding an additional 20 000 screening appointments per annum.

In conclusion, the government is doing an enormous amount in delivering cancer services for women in Victoria. I hope by colouring my hair today I help to raise money and awareness of cancer and help raise money for the Leukaemia Foundation.

Rail: infrastructure

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to his claim on 30 November 2009:

... I have full confidence in our transport operators ...

...

... we ... took the view that the system would work better with new operators.

And:

... you're going to see improvements in the things that really matter to the passengers in our state — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Health and the member for Melton. I ask the member for Polwarth whether he could repeat his question because I could not hear it.

Mr MULDER — My question is to the Premier. I refer the Premier to his claim on 30 November 2009:

... I have full confidence in our transport operators — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr Batchelor — On a point of order, Speaker, my task as Leader of the House is often to help protect people from making fools of themselves.

Honourable members interjecting.

The SPEAKER — Order! I suggest to members of the opposition that I — and I am sure the member for Polwarth and the Leader of the House and the Premier — would like to continue with question time. I ask for all members' cooperation.

Mr Batchelor — Clearly the member for Polwarth is making a mockery of question time. He is making a fool of himself.

The SPEAKER — Order! There is no point of order. Before I call the member for Polwarth, I suggest to all members that I will hear his question in silence.

Mr MULDER — My question is to the Premier. I refer the Premier to his claim on 30 November 2009:

... I have full confidence in our transport operators ...

...

... we ... took the view that the system would work better with new operators.

And:

... you're going to see improvements in the things that really matter to the passengers in our state. That means ... better standards of punctuality, better standards of reliability.

And I ask: is it not a fact that the Premier has not provided Metro Trains Melbourne with the new trains he promised or the ticketing system he promised, nor has he fixed the faulty brakes, signals, points, tracks and air conditioning, leaving Metro struggling with a run-down and decaying infrastructure?

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc, the Minister for Health and the member for Eltham are all warned.

Mr BRUMBY (Premier) — Members of the house will have a good look at the member for Polwarth, because the member for Polwarth is plan B. The member for Polwarth is the alternative Leader of the Opposition.

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

Mr BRUMBY — Plan B, and an embarrassing spectacle; the most embarrassing I have ever seen in this place.

In relation to the public transport system, on this side of the house we are proud of the fact that we have a \$38 billion transport plan which sets out — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby is warned and so is the member for Lara. I suggest to all members that even though it is 2.30 p.m. on a Thursday afternoon there is still time for standing order 124 to be used quite effectively. The Premier to continue, without debate.

Mr BRUMBY — It is a \$38 billion transport plan which sets out a very clear vision for the transport network in our state and provides the largest investment ever seen by any government in the public transport system and in the road system in our state. The alternative, here we are after 10 years in opposition — —

The SPEAKER — Order! The Premier will not debate the question.

Mr BRUMBY — The alternative, I am allowed to talk about alternatives, after 10 years is a big fat zero, nothing, zilch — no policies at all. As I explained to the house yesterday, in terms of the investment being made in the maintenance of the system, it is \$1.8 billion under the terms of the agreement with Metro Trains Melbourne. In relation to Metro, it had the best bid, it is a company with an international reputation, and I have faith in its ability to deliver improved transport services across our state. But I made the point yesterday, from which I do not resile, that it needs to lift its performance.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth was provided with protection from the Chair to ask his question; he could have the courtesy to listen to the answer.

Mr BRUMBY — Metro has specific contractual requirements with us, and we expect it to meet them. From the government's point of view, all the things we have committed to doing in terms of that contract, we are doing. We are injecting record levels of funding, we are adding record levels of rolling stock and we are adding more new railway line than at any time since Federation, and this contrasts remarkably with the wholesale closure of lines that occurred right through the 1990s. Our plan is the right plan for the future. Just as in so many other areas, like channel deepening, where we have had to push on with projects despite the opposition of those opposite — —

Ms Thomson interjected.

The SPEAKER — Order! I warn the member for Footscray.

Dr Napthine — On a point of order, Speaker, the Premier is debating the question. I ask you to bring him back to answering the question.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — In relation to the transport plan to which the member for Polwarth referred, since the announcement of that plan we have opened the newly upgraded \$38.6 million North Melbourne station and we have finished the \$52 million Clifton Hill rail project, which includes a second track and a new rail bridge. We have started work on the — —

The SPEAKER — Order! The question was not about the transport plan, and I rule that the Premier is debating the question.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for South-West Coast

The SPEAKER — Order! Under standing order 124, I ask the member for South-West Coast to depart the chamber for half an hour.

Honourable member for South-West Coast withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Rail: infrastructure

Questions resumed.

Mr BRUMBY (Premier) — As I have indicated in the answer, the government’s transport plan provides our blueprint and our vision for the future. Metro Trains Melbourne is a key player in that. I have made it clear that I expect it to lift its performance. I am confident that it will do that. I am confident that the combination of its experience, its skill and its endeavour to do well, in partnership with our record investment, will provide a sustained and measurable improvement in services through the course of the year.

Regional and rural Victoria: government initiatives

Mr TREZISE (Geelong) — My question is for the Minister for Regional and Rural Development. I refer the minister to the Brumby Labor government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby government’s approach to creating jobs and investment in regional and rural Victoria, and are there any other approaches?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Geelong for his question. As he and indeed many members of the house know very well, it has been the approach of the Brumby Labor government to look at how we can create jobs to attract investment to communities right across regional and rural Victoria. Critical to that is making sure that we have the right policies and programs in place and, most importantly, that we are working closely on the ground with local communities to ensure these programs are meeting their needs.

A critical element to this approach is the network of excellent work that is undertaken by the staff of Regional Development Victoria (RDV). We well remember that back in 2002 this government — indeed the Premier himself — through legislation established Regional Development Victoria as a dedicated statutory body that has as its single focus working with local communities, councils and organisations. It is about making sure that we have the right investment in infrastructure and job creation opportunities right across the state.

One of the very important tasks the staff of Regional Development Victoria perform is working on projects that are funded under the Regional Infrastructure

Development Fund. A very good example of the sorts of projects that are funded under RIDF was highlighted only last week by the Premier and me when we were in Morwell. We announced \$12.6 million worth of funding through our Local Roads to Markets program. These are funds that will go to 54 road infrastructure projects across 32 councils right across the state. This is an important program because it is all about making sure that local farmers are connected and that they have the road infrastructure in place to help them to get their produce to market.

Like so many of our regional programs, this one also receives great support. I would like to share with the house the thoughts of Corangamite farmer Ross Powell, who said of the \$339 000 in funding for repairs on the Cooriemungle Road in the Corangamite shire that ‘the funding was a relief’. He further stated that it ‘would benefit milk companies running tanker fleets ... to district milk suppliers’. The comments from Ross Powell are a very good example of regional Victorians benefiting from a project where the staff of RDV have gone out — they are out there on the ground in locations right across the state — to deliver real local results that are benefiting local communities.

I said that to get this right you need to have the right policies and programs in place, but you also need to have the hardworking staff to deliver on these projects. Unfortunately not everyone agrees with this approach, and the member for Geelong asked me about some alternative approaches. I am disappointed to share with the house that there is another approach, and that is an approach that was exposed recently in the *Weekly Times*.

The *Weekly Times* has let the cat out of the bag on behalf of the Victorian coalition and has reported that the Victorian coalition has vowed to sack public servants who refuse to implement its election policy. This is a very strong warning from the *Weekly Times* to public servants that they are for the chopping block. The coalition has revealed that it would sack public servants who did not agree with it. This approach is from the same people who opposed the establishment of the Regional Infrastructure Development Fund and who called regional Victoria the toenails of the state. This is the secret policy that has been revealed by the *Weekly Times*.

Mr O’Brien — On a point of order, Speaker, the minister is debating the question, and it does not sit well for her to debate the question given that only 24 hours ago this government sacked the independent mining warden.

The SPEAKER — Order! I do uphold the point of order from the member for Malvern, and I warn him that in the future the making of comments in debate in taking a point of order will be viewed quite harshly.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass is quite free to leave question time if that is his wish.

Ms ALLAN — Without the hardworking staff of Regional Development Victoria we would not have been able to deliver that \$12.6 million in grants to those councils right across the state. If members of the house have a sense of familiarity about this approach, they might think it is a bit like the sequel to a horror film that came out in 1990 that could be titled the ‘Baillieu Witch Project’. Regional Victorians should be very afraid.

Honourable members interjecting.

The SPEAKER — Order! The minister has been speaking for more than 4 minutes, and I ask her to conclude her answer without further debate.

Ms ALLAN — Thank you, Speaker. We on this side of the house will be getting on with the job of delivering investments and infrastructure for regional and rural Victoria. While Victorians might still like a good slasher film, they remember well the record of those opposite in the 1990s.

Minister for Mental Health: performance

Ms WOOLDRIDGE (Doncaster) — My question is for the Minister for Mental Health. I refer to an article from the *Age* of 5 March 2010 by Rob Mitchell, a member of the Minister for Sport, Recreation and Youth Affairs’s ministerial advisory committee for the governance and inclusion project, in which he acknowledges the cooperative approach to the project, and I quote:

With one critical exception. In a display of recalcitrance that was unfathomable, Lisa Neville’s department of mental health was unwilling to engage with the project — to the extent that the lines of communication went dead after just one meeting with her advisers.

Given that evidence shows that reducing discrimination and abuse in sport will reduce suicide rates, why did the minister refuse to be involved in this project?

Ms NEVILLE (Minister for Mental Health) — I thank the member for Doncaster for her question, but I must say that, given the unreliability of the information that the member for Doncaster has been releasing

recently, I would like to see the article. It is this government that has been leading major reform — the biggest reform in mental health that we have seen anywhere in the nation. We have invested over \$300 million in mental health reform.

Mrs Shardey — On a point of order, Speaker, the minister is obviously debating the issue, and I ask you to bring her back to the question asked.

The SPEAKER — Order! I do not uphold the point of order. The minister has only just started her response.

Ms NEVILLE — Thank you, Speaker. As I was saying, we have been leading the biggest reform in mental health, which is focused on prevention, early intervention and a reduction in the need for crisis intervention. The focus is across our whole community: it is in sport, it is in schools, it is in children’s services. We have a commitment to ensuring that we are able to get early services to those who need them in order to prevent the chronic nature of mental illness in our community.

Water: Gippsland dam

Ms LOBATO (Gembrook) — My question is for the Minister for Water. I refer to the Brumby Labor government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: is the minister aware of a proposal to build a dam on a tributary of the Mitchell River; has the government evaluated such a proposal; and if so, what were the outcomes of the evaluation? Does the government have any plans to proceed with such a dam?

Mr Ryan — Which question out of the three is to be answered?

The SPEAKER — Order! I will take the opportunity to respond to that interjection by the Leader of The Nationals. There has been a worrying practice this week of multiple questions being asked under the guise of one question, but it has been allowed, and I ask the Leader of The Nationals to check the record.

Mr HOLDING (Minister for Water) — I thank the member for Gembrook for her question. In answer to the first part of her question, I am aware of a proposal to build a dam on a tributary of the Mitchell River. This is a proposal that has come from some irrigators on the Lindenow Flats and it has in fact been supported recently, endorsed recently, by none other than the federal member for Gippsland, Darren Chester, who also had the opportunity to take with him the Leader of The Nationals and, as I understand it, the shadow minister for country water resources on a tour of the

river, the Wentworth River, which is a tributary of the Mitchell River.

I just want to make some points about this proposal. Firstly, there have been a number of proposals over a number of years to investigate dams and storages on the Mitchell River or its tributaries. In fact this government considered a number of proposals back in 2007 when the Victorian government and Southern Rural Water provided \$20 000 to the Mitchell River Catchment Agricultural Business Association for a report into different options to address some of the concerns being raised by irrigators in that area. This report, which was provided and released publicly in November 2007, looked at a number of different proposals, including a dam on the Mitchell River, a dam on tributaries to the Mitchell River, on-site or on-farm storages for irrigators in that region, groundwater recharge and the use of recycled water.

In evaluating these options this consultants' report, which was prepared on behalf of irrigators in that area, actually found, firstly, that a dam on the Mitchell or on a tributary of the Mitchell would have serious consequences for tourism and those who depend on the fishing industry in the Gippsland Lakes and surrounds. This consultant's report also found that it would have impacts on farmland and on national parks in the local area. This report found that the cost impacts of creating such a storage would be significant for the irrigators. What it actually found was that if the irrigators were left to pay for the infrastructure themselves, the cost per megalitre, in 2007 dollar terms, would be \$349. These irrigators currently pay between \$10 and \$15 per megalitre.

I was surprised to see the endorsement of this proposal, or a variation on this proposal, described as an on-stream storage by the federal member for Gippsland, because last time I checked an on-stream storage in the quantum being proposed by the member for Gippsland and those who support this project — in the order of 20 to 25 billion litres of water — is nothing other than a dam.

The member for Gembrook asked of me: what is the government's response to these proposals? I have to say that we have been opposed to additional dams in this region and in other parts of Victoria for some time. Although the federal member for Gippsland went to great lengths to say that this was not a dam but an on-stream storage, that would be news to many people who would be concerned about the environmental impacts of a proposal such as this. Certainly the government is concerned about the environmental impacts of these sorts of proposals, the impacts on the

fisheries industry, the impacts on farmland, the impacts on national parks in the area, the construction challenges that a project like this presents, and also, of course, the cost for irrigators of having access to such expensive water.

We take the view that if it looks like a duck and it quacks like a duck, chances are it is a damn duck! In this particular case we reject the secret proposition that is being sold to these irrigators by the federal member for Gippsland. On the one hand he says one thing publicly and on the other hand he says privately that a 20-billion-litre to 25-billion-litre storage on the Mitchell River would not have devastating consequences for the Wentworth River, the Mitchell River or whatever river it might be.

These were the first people to scream when the state government qualified rights on the Thomson River and said that additional water was required to make sure that we could meet critical human needs. They are the last people who can stand up in front of communities in Gippsland and now say that they support the proposal for a 20 to 25 billion litre storage on the Wentworth River, when we know this will have, according to the reports prepared for irrigators and partly paid for by the state government and Southern Rural Water, devastating impacts on surrounding river systems, on the Gippsland Lakes, on the cost of irrigators' water and on farmland and national parks in the area.

We take the view that the proposal ought to be rejected; we do not support it. It is nothing more than a dam by another name, because we know the Leader of the Opposition is preparing to ditch the opposition's commitment to building a dam in Victoria at the same time that The Nationals say they support it.

The SPEAKER — Order! The time set down for questions has expired.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

Debate resumed.

Ms RICHARDSON (Northcote) — I am pleased to resume my contribution to the debate on the annual statement of government intentions. As I said before the luncheon break, the statement builds on the plan that has been implemented by the Brumby Labor government. It has done a great deal to ensure that the Victorian economy is buffered from the worst effects of the global financial crisis. Jurisdictions around the world and across Australia are looking to Victoria to

see what we have done for the Victorian economy to ensure that working families do not suffer the worst ill effects of the global financial crisis. In particular we have invested a record \$11.5 billion to create jobs in infrastructure, and the plan builds on that record investment. As I said earlier, it is a clear plan, and it is sad to witness members of the opposition again turning up their noses at such an endeavour.

In terms of the detail of the statement, I will focus on some of the education measures. The ultranet rollout, which is detailed in the annual statement of government intentions, is aimed at boosting parental engagement in children's education. This is an important initiative that has been put in place by Labor. Study after study shows that if parents are engaged with the school curriculum, school activities, out-of-school programs and the school system itself, their children's academic results improve. Children feel rewarded by their parents being engaged in their school lives. I see the ultranet as an important way in which parents can take a measure of control and charge of their child's education.

I also touch upon the significant investment Labor has made in schools, in particular in my electorate of Northcote. Northcote Primary School, Alphington Primary School, Westgarth Primary School and other schools like them have received significant funds. As detailed in the statement, in putting forward this plan it was the federal government that followed the Victorian government's lead in investing in schools. All schools in the electorate of Northcote have benefited from the federal investment.

In terms of health, the statement is important and significant for my electorate. The northern part of my electorate — in Preston and, a little beyond, in Reservoir — has the highest incidence of chronic illness in Melbourne. Labor's focus on fighting cancer in particular is welcome indeed. This \$150 million plan was launched in December 2008. It is all detailed in the document I hold. It is about trying to increase the life expectancy of sufferers from this terrible disease. That will go a long way towards improving the life expectancy and obviously the wellbeing of people in my electorate.

I would also like to touch upon the significant infrastructure investment in roads. The Minister for Roads and Ports is a favourite in my electorate because of a \$5.1 million investment in fixing a black spot at an intersection along St Georges Road. It is a credit to him, to the Premier and to all the other ministers that this statement has been put forward.

Debate adjourned on motion of Ms BARKER (Oakleigh).

Debate adjourned until later this day.

LIVESTOCK MANAGEMENT BILL

Second reading

Debate resumed from 9 March; motion of Mr HELPER (Minister for Agriculture).

Mr WELLER (Rodney) — It is a pleasure to speak on the Livestock Management Bill. The Deputy Leader of The Nationals, the member for Swan Hill, has circulated an amendment that would insert in clause 63 at page 39 after line 22:

The regulations are subject to disallowance by a House of the Parliament.

It is very important that this amendment get through. I have sat on some of these committees that work with the government, and pressure is put on to accept changes. If an opposition in a Parliament does not have the opportunity to be able to disallow regulations, some regulations may be pushed through that will be very difficult to manage in the livestock industries.

As most members would know, I am a dairy farmer. We have 600 cows, and the area of bobby calves is one where the dairy industry has worked very hard over the last 20 years to improve its performance, and indeed it has. The industry has agreed that calves should not be made available for sale until they are in their fifth day of life. Since those changes have come through we have seen a drastic reduction in the number of calf deaths from when they leave the farm to when they present at the abattoir, which is a good thing. The industry should be quite proud of the improvements it has made in that area.

The standards that the minister is talking about are being developed via a national process where the Primary Industries Ministerial Council in consultation with industry agreed to the development of Australian animal welfare standards and guidelines. This is an example of peak councils having enormous pressure put on them.

It is a shame that the member for Albert Park is not in the chamber this afternoon. I well remember when I was president of the Victorian Farmers Federation and the member was the chief of staff to the primary industries minister, and the member for Albert Park would come to tell us what we should accept, which was contrary to what the members of the VFF were

willing to work with. We would go about getting those things fixed. If neither house of Parliament were able to disallow these things, it would mean more power for the standover tactics of people who are not in the industry.

In the second-reading speech the minister says:

It is considered that these actions would result in a market-driven approach which would likely result in a higher degree of compliance ...

When it comes to land transport, which is one of the first areas that will be investigated, it will not have a market-driven approach; it will be by regulation. As I have said, we have had very good results and improvement by working with industry.

In her contribution last night the member for Yuroke said members on this side of the house do not support quality assurance (QA). Of course we support quality assurance programs; we have always supported quality assurance programs. On my farm we are part of Goulburn Murray Hume Agcare. We are into QA, and we make sure that anyone who comes to the farm knows just by going to the board in the dairy which cows have been treated and which paddocks have been sprayed. They can see it there, and they can see the withholding notices as well. For the government to claim that the opposition does not support quality assurance is a straight out lie, and the member should know better than to make such a claim here.

The member for Yuroke also said that the opposition says regulations should be subject to disallowance by a house of Parliament. We support the national approach. All we are saying is that when it comes to regulations there should be a disallowance clause. We support a national approach that takes away the border anomalies that my colleague the member for Murray Valley regularly mentions.

Mr Delahunty — What about the member for Swan Hill?

Mr WELLER — As does the member for Swan Hill. In the livestock industry there have been problems in moving stock from one state to the other with the different Johnes' regulations in each state. I very much support a national approach, and we support quality assurance, but we insist that there be a disallowance clause in this bill.

With those few words, might I say that the livestock industries should be proud of their animal welfare credentials and of how they have managed and improved things over the last 10 years. They should be

proud of the quality assurance programs they have implemented. We must ensure that this bill and any later regulations the minister brings in do not impose extra costs on industry. If there are quality assurance programs such as Murray Goulburn's milk care, or clip care for wool, or flock care, those are the programs that should be used rather than their being duplicated, causing extra red tape for farmers.

Mr INGRAM (Gippsland East) — I rise to speak on the Livestock Management Bill, which sets out the capability for the development and implementation of national standards across a range of areas in the livestock industry. One of the first stages is livestock transport. As I understand it, an enormous amount of work is already being done in the development of the national standard in transport. Some of my constituents in the industry have contributed to that. The livestock transport industry is a very active group and is very good at making sure that everyone knows its views on a whole range of things that impact on its industry.

There are some challenges with industries that do not have the proper standards or QA (quality assurance) in place, and the move to having consistency across borders is a very good one. We see many instances where that lack of consistency across state boundaries causes problems for industry players. My family is involved in the beef industry, and as many members have indicated there are QA programs already in place across the agricultural sector.

My parents have quality assurance for their beef property. These are voluntary programs, and they set fairly high bars for what can be done on properties. Most of the leaders in the agricultural sector accept the need for quality assurance and voluntarily go down that path to make sure that their stock receive premium price through the market system.

Clearly for our international reputation as producers of high-quality produce it is important that we establish quality assurance programs, and some of that is done through the livestock identification system. But the QA system that my family is involved in is tracking everything that happens to livestock. It includes when a calf is born and traces back to its parents and also what happens to it, which paddocks it has been in and whether it has been drenched or treated so that when that cow or steer is sold, you can track back to exactly what has happened to that stock. This is important for the industry to make sure that we know what the cattle have been through.

I think it is a good system. I understand the national standards will recognise most of what is already in the

QA programs. Most of those QA programs will be of a higher level than the national standards. This will set basic minimum quality assurance for those sectors. In the transport sector it will make sure those operators who probably are not doing as good a job as they should will come up to what is an accepted minimum standard in the industry. I think that is something that we should all support in this place.

I am quite happy to support the Livestock Management Bill. It is a good step forward to develop consistency across a whole range of industry sectors in the agriculture sector, for buyer security management and for other sectors. I understand why the amendment by the coalition has been put forward, and I will be supporting the amendment.

Mr TILLEY (Benambra) — I rise to make a contribution to debate on the Livestock Management Bill 2009. As has been outlined by colleagues, the coalition certainly will not be opposing the bill. The bill establishes a framework for the implementation of nationwide standards relating to aspects of livestock management, standards of animal welfare, biosecurity, animal health and traceability.

While not opposing the bill, I do have several concerns. Firstly, Victoria faces many and varied challenges when it comes to animal welfare and biosecurity, whether they be domestic or international. As we have witnessed, such threats do not respect borders. A case in point was the equine influenza outbreak in 2007–08. This being so, Victoria's interests must be paramount in the minds of the Victorian government at a time when Victoria's interests will not align with other states.

As it stands, this bill will permit codes of practice and national animal handling standards to be prescribed in Victoria under legislation without reference to this Parliament. I support the amendment circulated by the member for Swan Hill, which will seek to ensure that the Victorian Parliament still retains the ability to disallow any regulation in the interests of Victorians.

In doing some research into this matter, I was reminded that in 1998 the Scrutiny of Acts and Regulations Committee in an annual report concerning statutory rules said:

... it is imperative in our parliamentary democracy that members of the Parliament have opportunity to examine them and ensure that law thus being made is not inappropriate.

While a collaborative and national approach to livestock management may be of benefit to the Victorian agricultural industry, Victorians have the right to expect that the Victorian Parliament will

consider their interests in the face of competing national interest and threats from other jurisdictions. If regulations are made at the national level which negatively impact upon the Victorian agricultural industry, the Victorian Parliament must be given the ability to disallow their implementation. Whether this is an honest oversight or another example of Labor's poor legislative drafting, it is something that must be rectified, and I call upon the government to support the amendment.

It must be remembered that any new regulation passed by any Parliament makes it harder for businesses to do business. I am concerned about the further regulatory burden being placed on the agriculture industry by this bill and the codes of practices to follow.

The bill before us makes many vague references to the powers of inspectors, who will have the right to enter private property. The bill makes several references to the term 'reasonable'. Victorian agriculture industry stakeholders need more specificity, as such vagueness will add risk and complexity to the industry, given there are many and varied prevailing attitudes as to what is reasonable when it comes to animal welfare — going from that of the primary producer to, say, other animal welfare of groups.

Mr Ingram — Like PETA.

Mr TILLEY — Such as PETA.

Mr Ingram interjected.

Mr TILLEY — I beg to differ. The test of reasonableness is a wide-ranging debate.

The idea of 'reasonableness' in relation to animal welfare issues can mean vastly different things, as I have already said. This turns me particularly to the bill, where I refer to clause 50, which deals with offences under the bill, and in particular subclauses (1)(b) and (1)(d). Clause 50 states:

(1) A person ... must not knowingly, negligently or recklessly act or fail to act in a manner that results in serious risk —

...

(b) to animal welfare; or

...

(d) of spreading disease —

amongst other things.

This brings me to the major concern in my local community, which is that this Labor government's attitude to practical policies on livestock safety and livestock welfare have been largely non-existent. In particular there are the curious policies under this Labor government in relation to wild dogs, foxes and vermin.

Mr Helper — On a point of order, Acting Speaker, although in the spirit of cooperation in this chamber this has been a far-reaching debate, clearly pest animal management is not within the ambit of the bill whatsoever.

The ACTING SPEAKER (Mr Howard) — Order! The member for Benambra needs to speak within the area of the bill.

Mr TILLEY — Specifically on the point of order, as I have outlined in my contribution, clause 50 deals with disease and the like. Further, specifically we are talking about wild dogs, which largely affect the livestock industry with the spread of neosporosis and the spread of hydatid. Clause 50 specifically outlines the spread of disease.

The ACTING SPEAKER (Mr Howard) — Order! I have ruled on the point of order. The member can continue, but he is to keep within the bounds of the legislation.

Mr TILLEY — This demonstrates the agricultural industry by and large has been hung out to dry by the Labor government with a lot of practices that have been undertaken over the last 10 years. It is simply a disgrace. I will refer to a letter from the acting deputy secretary of the Department of Primary Industries, Anthony Hurst, on the orders of Labor's Minister for Agriculture.

Mr Hurst said, in response to a local inquiry — —

Mr Helper — On a point of order, Acting Speaker, I renew my previous point of order, and that is that the member for Benambra is clearly straying a long way from the content of this bill.

Mr Burgess — On the point of order, Acting Speaker, the minister has not even allowed the member to complete what he was saying about the letter. How would he know whether it is within the ambit of the bill or not?

Mr Helper — Simply because I know about the letter.

Honourable members interjecting.

The ACTING SPEAKER (Mr Howard) — Order! I accept the comments made by the member for Hastings. I am not aware of where the member for Benambra is leading us. I advise the member to keep his comments relevant to the bill.

Mr TILLEY — In summing up on this matter, the bill tackles a whole range of issues that face primary producers.

An honourable member — Read the letter.

Mr TILLEY — I will refer to the letter. As I said, the acting deputy secretary of the Department of Primary Industries, Anthony Hurst, on the orders of the Minister for Agriculture said in response to a local inquiry by constituents that 'wild dogs are recognised as an important top order predator in Australian ecosystems. They can also aid in the control of rabbits and foxes'.

The ACTING SPEAKER (Mr Howard) — Order! Now that I am aware of the contents of the letter I understand that it appears to be about wild dogs, and I am not clear on how that relates to the legislation before the house.

Dr Napthine — On a point of order, Speaker, I put it to you, that wild dogs are very relevant to this legislation, which is about the management and welfare of livestock. One of the important things about protecting the welfare of sheep and cattle is to effectively protect them from being ravaged by wild dogs. This bill is about protecting their welfare and making sure that they are looked after in accordance with the codes and rules set by this legislation. It is extremely relevant to this legislation.

The ACTING SPEAKER (Mr Howard) — Order! In regard to the point of order, I do not understand how the issue of wild dogs is relevant.

Dr Napthine — It is relevant to animal welfare.

Mr Burgess — It is also relevant to the member.

The ACTING SPEAKER (Mr Howard) — Order! I advise the member for South-West Coast that further interjections are unruly. I ask the member for Benambra to confine his comments to the bill. I believe the bill deals with quality assurance issues associated with livestock and on — —

An honourable member — Read the bloody bill!

The ACTING SPEAKER (Mr Howard) — Order! I have read the bill, and unless the member for

Benambra can show how wild dogs are relevant, I do not quite understand how that issue is particularly relevant to the bill. I ask the member to continue explaining how his issues are relevant to the bill.

Mr TILLEY — Clause 50(1) of the bill states that it is an offence to:

... knowingly, negligently or recklessly act or fail to act in a manner that results in serious risk —

- (a) to human health;
- (b) to animal welfare; or
- (c) to biosecurity; or
- (d) of spreading disease.

That is exactly the point I am making in my contribution to the debate. Wild dogs, as I have already stated, contribute to the spread of neosporosis and hydatids. We are talking here about protecting our primary producers from a threat from the neighbours from hell, from public land. Over the last decade this government has mismanaged the protection of primary producers from the spread of disease. That is exactly what I have been trying to explain while I am trying to make a reasonable contribution to the debate on this bill. It is not a matter of rambling.

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

Ms DUNCAN (Macedon) — I rise to speak in support of the Livestock Management Bill. I am pleased this is a completely new bill. We do not get those too often in this Parliament. Generally, as I have said in contributions to other debates, we amend existing acts.

As previous speakers have said, this legislation will provide a framework to underpin agreed Australian and Victorian standards relating to aspects of livestock management, including standards for animal welfare, biosecurity, animal health and traceability. We have seen the importance of this sort of legislation in the past and no doubt we will be reminded of the importance of it again in the future when there is an outbreak of livestock diseases. We need to ensure that we can track livestock and we need to have agreed standards for dealing with the outbreak of diseases.

This bill deals specifically with managing animal welfare issues. People who are working with livestock, as well as those who are not, are increasingly concerned about animal welfare issues. We currently have a number of acts that cover the management of this area,

but the framework in this bill will help to underpin new Australian standards. Governments of all persuasions across the country receive complaints relating to aspects of livestock management and standards adopted by primary producers, and many of those complaints are difficult to resolve under the current guidelines. This legislation will help in dealing with that issue in the future. With those few words, I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I want to make a few comments on this very important Livestock Management Bill. In representing the Lowan electorate, the largest in the state, I am aware that agriculture has a big bearing on our economic and employment fortunes. Apart from that, I was formerly a farmer and a meat industry standards officer, so I have sound experience in working with animals.

This bill is totally new legislation designed to regulate livestock management in Victoria by introducing new national standards. I strongly support the amendment which has been circulated by the member for Swan Hill. There will be 22 codes of practice developed into regulations under this bill. We will not get the opportunity to look at those, it will be done by unelected people, so it is important that there is some control over what comes into Victoria. We have seen threats to the farming industry from people not only in Australia but from around the world who are uneducated and uninformed about a lot of these matters.

I am a strong supporter of biosecurity and animal welfare, but I am also a strong supporter of ensuring that our farmers' terms of trade are sufficient to allow them to make some money, because at the end of the day the best farmers will be good animal welfare officers.

This is enabling legislation, as we all know — a code of practice has been proposed — but when I look at the notes that have been provided to me, when I consider the discussions and look through the bill itself, I see references to 'reasonable' 18 times. What 'reasonable' means in relation to reasonable animal welfare issues can be different things to different people. We see that in relation to inspectors. Having previously been an inspector — and I heard the members for South-West Coast and Benalla speaking from their experiences as veterinarians — I looked for a definition of 'reasonable' but there is none except if you look in the dictionary.

I know that the Livestock Transporters Association of Victoria and a couple of other groups do not have any real worries. At the end of the day we have the national livestock identification system, with ear tags and tail

tags. Importantly, though, we also need to have the proper arrangements around the issue, which is why I am strongly supporting the amendment proposed by the member for Swan Hill and why I support the bill.

Mr FOLEY (Albert Park) — It gives me great pleasure to make a few brief comments on the Livestock Management Bill 2009. Whilst the Albert Park electorate might not have too many livestock, this is an area in which in a former life I took some active interest.

It is in regard to that former life that I am advised my role had some passing mention in this chamber. I want to take the opportunity to make sure — having not actually heard those comments but having had them reported to me by a number of sources — that the record shows there was no activity on my part or on the part of the office of the then Minister for Agriculture other than to make sure that the issues of quality control and standards in the livestock industry and across all areas of the agriculture portfolio were addressed in an inclusive manner that brought all stakeholder groups — particularly the Victorian Farmers Federation, being such an important peak body — to support the industry standards in this area.

In this regard I note in particular that this bill has been through a very long development period and has been through a number of Primary Industries Ministerial Council arrangements to ensure that there is national consistency on this very important issue. This bill provides confidence for consumers and to everyone in the value chain all the way back to the paddock.

In that regard I would have thought that those on the opposition benches would support this bill — as indeed has been the case — and would do so in a fulsome manner, knowing that it will bring confidence and security to this important sector, which provides so much of the base of Victoria's economic activity. Insofar as my electorate is concerned, it provides so much of the exports through the port of Melbourne. It is with great pleasure that I support this important bill.

Mr HELPER (Minister for Agriculture) — I thank the house for the opportunity to sum up on the Livestock Management Bill. I am pleased that there has been very positive input in many contributions to the debate about the real issues involved in this legislation. At the outset I thank the members who have made contributions: the members for Swan Hill, South-West Coast, Mornington, Benalla, Rodney, Gippsland East, Benambra, Macedon, Lowan and Albert Park.

I understand that by agreement this legislation will go into the consideration-in-detail stage, so I will reserve until that stage the opportunity to discuss the fundamental point raised in the amendment circulated by the member for Swan Hill.

In response to general comments made by the member for Swan Hill, we should acknowledge the hard yards done by the Victorian livestock industry in achieving the very high standard that it has achieved in Victoria. I make that acknowledgement often, and I am happy to do so here again. It is for the very reason that the Victorian industry has reached high standards that we are comfortable as a government that the regulatory framework proposed by this legislation is particularly relevant and efficient for Victorian livestock producers.

Another point that was raised falls broadly under the category of wanting to see reduced red tape and industry costs. That is very much what the legislation is about, to be frank, and that is why industry, including the peak farmers organisation in this state — the VFF (Victorian Farmers Federation) — strongly supports this legislation. It frankly expressed the view to me privately, as did many other industry stakeholders, 'Let's get on with it. It is good legislation. It is a good framework. Let's do it sooner rather than muck around and do it later'. In that sense we would not have industry support for this legislation if it were not for the fact that industry sees this as being an efficient way to regulate.

The issues that many of the codes will draw on are currently legislated for under cruelty legislation that is effective in this jurisdiction and other jurisdictions. Therefore compliance with that cruelty or animal welfare legislation is a responsibility that livestock owners on the whole carry out very effectively now. This regulatory framework provides that those responsibilities will be drawn together into one code. The bill will most certainly reduce red tape by providing a consolidated approach in the legislation, enabling industry to meet multiple standards through a single system.

Another issue raised was the quality assurance standards and frameworks that are put forward by various players in the industry and the undesirability of those in effectively providing livestock producers with the need to basically work to different quality assurance systems. I will say that in many senses that is a market and commercial issue, but I am confident that livestock producers and the livestock supply chain will work through that in a constructive way.

It is already the case even without this legislation that suppliers to certain entities in the supply chain have to meet quality assurance standards. This legislation in effect says nothing other than that if those quality assurance standards meet the requirements of government, they will be recognised. It does not change the fact that in the supply chain, certain producers come to quality assurance arrangements with certain processes and with certain end customers, and therefore have to be exposed to multiple quality assurance systems, as happens now.

In many forums I am a strong advocate for harmonisation between industry-driven quality assurance processes. I will continue to be that, and I am sure the members who have raised that as a legitimate concern will also continue to be strong advocates for that. I would argue though that the commercial arrangement that is reached between a livestock producer and the processor or the end retailer to whom they supply that livestock is something that government best keep a distance from, because they are private commercial arrangements.

I will comment on issues broadly raised under the query about how national standards will fit with the Victorian standard in other jurisdictions. If I remember correctly, the example raised in the debate was that a Northern Territory cattle-producing enterprise has a different set of standards to adhere to from that of a cattle producer in Victoria. I recognise that difference: it is stating the reality of a vast continent. The national process for arriving at standards currently allows variations between states where there is a genuine reason for that variation to exist as opposed to introducing unnecessary non-harmonisation of standards across different jurisdictions. When there is a real practical issue that affects the cattle industry — for example, enterprises in the Kimberleys in Western Australia work differently from those in the south-west of Victoria — a different standard is quite reasonable, and it has been in the past. There will be a variation in the standards that apply in each jurisdiction which take into account local circumstances, but the overarching principle driving the development of the standard is to have as much national harmonisation of the standard as possible. This is very much what industry is calling for: as much national harmonisation of the standard as is possible but recognising local conditions.

A number of speakers queried how the term 'reasonable' is defined in the legislation. There is an often upheld legal determination of what 'reasonable' is: most reasonable people realise what 'reasonable' is. How do you like that!

Mr Walsh — I am not reasonable!

Mr HELPER — I note that the member for Swan Hill interjects that he is not reasonable. I clearly do not believe that! Suffice to say — —

Mr Ingram interjected.

Mr HELPER — I could put that on the record, but in the spirit of a good debate I will not. Suffice it to say that there is quite extensive training involved of officers, inspectors et cetera in what is meant by the word 'reasonable'. We see the term 'reasonable' in lots of other legislation. We do not twist ourselves up in knots over the definition of 'reasonable'. It is an understood term that is well discussed in training relating to the codes as they go through their gazettal process.

A member contributed a question about the need to keep paperwork to a minimum, to absolutely minimise the amount of red tape. That point is something that is drawing the attention of the industry to the reasonable approach that this regulatory framework brings about. I know how to define 'reasonable' and it is therefore the cause — —

Dr Napthine — How is it defined in the code?

Mr HELPER — The member for South-West Coast has entered the chamber. I draw attention again to the farcical situation where the member for South-West Coast tried to describe some sort of a conspiracy: codes developed in the dark of night and kept secret. I asked the advising staff in the box to print out the code while the member for South-West Coast was making his contribution. We produced it in the library in the span of about 10 minutes. I sought leave to table the code for the information of the member for South-West Coast but leave was refused — I do not know why. If we take the definition of 'reasonable' into account, to refuse the tabling of the code was a very unreasonable position to be taken firstly by the member for South-West Coast and then by the opposition.

Let me continue with another point made, I think, by the member for Swan Hill — I hope I am not doing him an injustice. Basically his point was that no-one reads the *Government Gazette* so how would it work that a code published in the *Government Gazette* will be known by the broader community? The gazettal process is merely the formal component of the process. The codes, and this is an important point to stress, have been developed with an extraordinary amount of direct industry input and a great degree of community consultation. Making the community, and particularly producers, aware of a code through its publication is

admittedly a very small practical component of the government gazettal process, but it gets addressed quite fulsomely through the process of developing the code.

A slightly more spurious argument that was made concerned the issue of future standards — that is, some sort of a conspiracy and a worldwide plot by the European Union to ban sheep farming et cetera. I dismiss that theory because one of the very important reasons underpinning this legislation is for us to have standards with which we can meet the ridiculous trade bans and trade impositions that, say, the EU from time to time brings forward. The method of production here in Victoria and across Australia demonstrates a positive and well-regulated supply chain which provides for biosecurity, animal welfare and the production of livestock as expected by the wider community. In that sense I dismiss the calls that this is some sort of a world conspiracy by the European Union.

In the last few seconds remaining to me I will touch on the point made by the member for Benambra when he tried to link wild dogs with the legislation. Given that he has established the tenuous nature of that link, can I say that the numbers of wild doggers that have been operating, including in his area, have doubled since we came to government. I am proud of the record we have in terms of committing resources to wild dog control.

Coming back to the bill, as I said, I am happy to discuss in more detail during the consideration-in-detail stage the amendment circulated by the member for Swan Hill. I thank all members for making positive contributions.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 62 agreed to.

Clause 63

Mr WALSH (Swan Hill) — I move:

Clause 63, page 39, after line 22 insert —

“() The regulations are subject to disallowance by a House of the Parliament.”.

We have come to the nub of the bill. Effectively this bill is enabling legislation, and what we are talking about in terms of clause 63 is the regulation-making power of this bill. That is the part the coalition would like to make disallowable by either house of Parliament under the Subordinate Legislation Act.

The issue was canvassed in the second-reading debate on this bill. The issue is that these regulations will be formed nationally by the Prime Minister’s Primary Industries Ministerial Council and industry groups at a national level. They will form national standards that will then be prescribed in regulations under this legislation as law in Victoria without ever coming back to the Parliament of Victoria for any sort of scrutiny.

Every member of this house was elected as a member of Parliament to be in this chamber and look after Victorian law in the interests of Victorians. We all have a responsibility to do that, and to pass this particular clause without the amendment we have proposed is an abrogation of our responsibility as members of the Victorian Parliament acting on behalf of the Victorian people.

We do not have time to go through all the different parts of clause 63, but it says that the Governor in Council may make regulations for or with respect to a long list of things. The Governor in Council will prescribe these standards in regulations without reference back to this house or the other place. The particular regulations are with respect to prescribing livestock standards — we have talked about the process for doing that; offences for breaches of the prescribed livestock standards; the matter of compliance with the prescribed livestock management standards; the grounds for approval of a compliance arrangement; the criteria to be included in a letter of approval; the grounds for suspension or revocation of an approved compliance arrangement; and in particular clause 63(1)(g) deals with the prescribing of fees and charges for the provision of services under these regulations. The Governor in Council will be able to prescribe fees and charges under these particular regulations without any reference to this Parliament, which is one of the reasons we believe they should be disallowable.

I turn to clause 63(2). It states:

The regulations —

- (a) may be of general or limited application; and
- (b) may differ according to differences in time, place or circumstances; and
- (c) may leave any matter to be approved or determined by an inspector or the Secretary ...

We are going to have these particular issues prescribed in legislation in Victoria, which will give the secretary or inspectors powers to do whatever the Governor in Council or the minister chooses to do without any reference back to the Parliament we all sit in and the

powers we were given when we were elected to represent the people of Victoria. This clause also provides that the regulations:

- (d) may confer powers or impose duties on an inspector; and
- (e) may apply, adopt or incorporate by reference any document ...

The subclause goes to paragraph (h), which is the one I want to spend the last bit of time available to me on. It states the regulations:

- (h) in the case of fees, may provide for any or all of the following —
 - (i) specific fees;
 - (ii) maximum fees;
 - (iii) differential fees;
 - (iv) fees to be fixed and collected by the Secretary.

I put it to the minister that all those things that will be prescribed are things the Victorian Parliament should have the opportunity to have a say on. This is the responsibility of good government here in Victoria. We all accept that the development of national standards is a good idea, but the process for doing that is going to exclude the Victorian Parliament. When those particular regulations do come to Victoria to be prescribed under Victorian legislation either house of the Parliament of Victoria should have the opportunity to scrutinise them and have the opportunity under the Subordinate Legislation Act to disallow all or part of them if it believes they are not appropriate.

Dr NAPHTHINE (South-West Coast) — I agree with what the member for Swan Hill has said. He has put it eloquently and well. He explained in great detail why it is very important that this amendment be supported by both sides of the house.

The way the process works with the Livestock Management Bill is that it is an enabling piece of legislation such that the national standards will be developed externally to Victoria by national processes and national committees. Most of the people on those committees will be people who are not elected by any process and who are not accountable to the people of Victoria in any way, shape or form. This bill provides that those national standards drafted by unelected, unaccountable, nameless, faceless people will automatically become law in Victoria. They will apply directly to Victorian farmers and livestock managers, and they will be administered and policed by Victorian departmental officers. Under those circumstances the

least we can do as a democratically elected Parliament is say there ought to be, as a fair and reasonable approach, some oversight, supervision and consideration of those standards and ultimately the power to disallow them in the democratically elected Parliament of Victoria which is accountable to and responsible for the people of Victoria and is ultimately the organisation that should be responsible for this.

Let me give a recent example of where we have been caught by national rules that have inadvertently affected Victoria. The minister knows it well; it is the issue of mako sharks. Through international agreements and national rules Victoria was significantly disadvantaged and there was the potential for huge damage to the recreational fishing industry, tourism and our economy. I must say that because of the groundswell of views from the Victorian recreational fishing fraternity, supported by the coalition and last-minute climbing aboard by the member for South Barwon and the Minister for Agriculture, the federal government changed the legislation to stop what was going to be a disaster in that situation.

I foresee a similar situation here. It will be exactly the same: you will have people in Canberra who are unelected and unaccountable writing standards to cover all of Australia, inadvertently or by some oversight failing to understand the peculiarities and nuances of livestock management in Victoria, and fundamentally getting it wrong with respect to welfare and management standards that should apply in Victoria. Therefore a system is needed that provides protection for Victoria, and the best protection is provided by the democratic process and by the democratically elected members of the Victorian Parliament. Therefore I strongly support this provision which allows the regulations to be disallowed by either house of Parliament. It is a sensible move, it is a move in the interests of the democratic process, it is a move in the interests of Victorian farmers and I believe it should be supported by all sides of the house.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution on clause 63 of the bill and the amendment. The range of powers with respect to regulations that may be made has been fully explained. As I indicated, I support the amendment. The reason for that is there is a large amount of legislation in this place — I think a large proportion of the bills we are debating this week — that actually refer part of the powers of this Parliament to the commonwealth or to outside bodies. I have always been of the view that as elected members of Parliament we are elected to represent our constituents, and as long as this Parliament sits we should have the right to ensure that

any rules, regulations or legislation that impacts on our constituency reflects the needs of our constituents. That is why I am supporting the amendment.

Mr WELLER (Rodney) — I rise to make a brief contribution. I have actually sat on Animal Health Australia — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Can we let the member for Rodney go on without interruption? I remind members we are rapidly approaching 4.00 p.m. The member for Rodney, without assistance.

Mr WELLER — I sat as a livestock industry member on Animal Health Australia. If this bill was adopted, you would take the power away from those industry members because the government would say, ‘We have the power, we will go and do it anyway’. I remember very well the pressure that is put on livestock industry people at Animal Health Australia. For instance, for biosecurity reasons there was a proposal to double-fence all the farms in Australia. What a cost and impact that would have been! Industry members on those committees need to have the opportunity to go and lobby those on the other side of Parliament so that those industry members have some voice that will be heard.

Mr HELPER (Minister for Agriculture) — In the few brief minutes I have, I acknowledge that the set of views represented by the amendment is a valid set of views to come to. I suggest that the view the government has come to should also be respected. When members go through what is envisaged and what is put down in this proposed legislation for the development of standards, they will come to understand the extraordinary amount of input by industry and by wider consultation; the assessment of any regulation through a publicly-consulted-about regulatory impact statement; and the publishing of regulations for further consultation. The list goes on and on, describing a process which is very thorough in order to ensure that the regulations very much have a full airing.

Dr Napthine interjected.

Mr HELPER — Come on, mate, I did not interject on you.

There is a full, proper and frank public disclosure of the evolution of any standard, and there are many opportunities for the public, members of Parliament and interest groups, be they industry interest groups or community interest groups, to have an input that is appropriate. I believe, and the government believes, that

is an appropriate way to develop these standards. Finally, the standards that will be referred to by this proposed legislation will of course become statutory rules in Victoria and do indeed lie before the Parliament — —

Mr Walsh interjected.

The DEPUTY SPEAKER — Order! The minister without interruption.

Mr HELPER — The process allows for the Scrutiny of Acts and Regulations Committee to recommend to either chamber of the Parliament the disallowance of those regulations. The government has come to the view that the regulation-making provisions within this legislation are appropriate. However, I do acknowledge that those who have a different view have that view based on respect for the Parliament of Victoria. The government’s view is also one that is based on respect for the Parliament; in other words, allowing the process that I outlined before to be used if ultimately, after that long, laborious, thorough process, there is a view within the Parliament that a regulation should be disallowed. On that basis the government does not accept the amendment moved by the member for Swan Hill, albeit I thank him for the good spirit in which he has put it forward.

Mr WALSH (Swan Hill) — I believe the minister is inadvertently misleading the house in how he describes the Scrutiny of Acts and Regulations Committee process. My understanding is that SARC actually has to review a bill and then make a recommendation that it be laid before the house. The bill does not come before the house without SARC coming to the conclusion that it should. SARC has very narrow criteria as to what it looks at with a bill, and what it looks at in this case is not the content of the regulations, how they may impact on agriculture, what the charges may be or some of the other issues that I have raised.

Finally, in this consultation with the Victorian Farmers Federation, which the minister and the member for Albert Park make great fanfare of, the federation supports these amendments — —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for the conclusion of consideration of items on the government’s business program has arrived, and I am required to interrupt business.

House divided on amendment:*Ayes, 33*

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

Noes, 52

Allan, Ms	Kairouz, Ms
Andrews, Mr	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Lim, Mr
Brooks, Mr	Lobato, Ms
Brumby, Mr	Lupton, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Overington, Ms
Graley, Ms	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Pike, Ms
Helper, Mr	Richardson, Ms
Hennessy, Ms	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr

Amendment defeated.**Clause agreed to.****Bill agreed to without amendment.***Third reading***Motion agreed to.****Read third time.****SEVERE SUBSTANCE DEPENDENCE
TREATMENT BILL***Second reading***Debate resumed from 10 March; motion of
Mr ANDREWS (Minister for Health).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****STATUTE LAW AMENDMENT
(NATIONAL HEALTH PRACTITIONER
REGULATION) BILL***Second reading***Debate resumed from 10 March; motion of
Mr ANDREWS (Minister for Health).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****JUSTICE LEGISLATION AMENDMENT
BILL***Statement of compatibility***Mr HULLS (Attorney-General) 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 Justice Legislation Amendment Bill 2010.

In my opinion, the Justice Legislation Amendment Bill 2010 (the bill), as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

Home detention

The bill makes amendments to the Corrections Act 1986 and the Sentencing Act 1991 in relation to home detention. It amends the home detention scheme currently provided under the Sentencing Act, and makes minor amendments to home detention granted at the end of a sentence under the Corrections Act. While the bill changes the status and availability of home detention — to be granted as either a home detention order or a pre-release home detention order — the way home detention is administered in each of these scenarios remains essentially unchanged. Where home detention is ordered as a sentence, oversight will be by the court rather than the Adult Parole Board.

Breach of a sentencing order

The bill removes the offence of breach of each of the intermediate sentencing orders available under the act: being combined custody and treatment orders, intensive correction orders, community-based orders, home detention orders and orders for release on adjournment. Instead of a criminal offence, the bill provides new procedures to ensure the attendance at court of an offender who is alleged to have breached his or her order. To allow this breach to be dealt with, the bill makes substantial amendments to the procedure that follow from a breach of an intermediate order available under the Sentencing Act 1991. The bill also alters the time limits within which a breach action may be taken, to create a fairer outcome for offenders.

Criminal procedure

The bill makes a number of procedural amendments that build upon the landmark changes introduced by the Criminal Procedure Act 2009.

The bill also makes some amendments to the Children, Youth and Families Act 2005 in relation to sentencing in cases where a child gives an undertaking to assist authorities and DPP appeals.

This statement does not include analysis of every clause in the bill, but focuses instead on reviewing the amendments that raise substantive charter issues.

Human rights issues

The bill has been assessed against the charter.

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

The principal rights under the charter relevant to the bill are:

Section 10: protection from torture and cruel, inhuman or degrading treatment

Section 13: privacy

Section 17: protection of families and children

Section 21: right to liberty and security of person

Section 23: children in the criminal process

Section 24: fair hearing

Section 25: rights in criminal proceedings

Section 26: right not to be tried or punished more than once

Section 27: retrospective criminal laws

Due to the nature of the amendments and the scope of the rights engaged, this statement will deal in turn with:

the amendments to home detention;

the new procedures relating to breach of intermediate sentencing orders;

the amendments relating to criminal procedure and the Children, Youth and Families Act 2005.

Home detention amendments

Liberty — clauses 4, 14 and 47

Section 21 of the charter relevantly provides:

- (1) every person has the right to liberty and security;
- (2) a person must not be subject to arbitrary arrest or detention;
- (3) a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

The liberty right is modelled on article 9(1) of the International Covenant on Civil and Political Rights. Although serving any kind of custodial sentence clearly restricts an individual prisoner’s liberty, the ‘deprivation of personal liberty in the form of imprisonment or as a preventative measure has long represented the most common means used by the state to fight crime and maintain internal security’, and continues to be one of the legitimate means for exercising sovereign state authority.¹ As such, it is only deprivations of liberty that are arbitrary and unlawful which are prohibited by section 21 of the charter.

The bill provides that eligible offenders ordered to serve a term of imprisonment not more than one year may do so by way of home detention (clauses 4 and 14). The home detention provisions in the bill replace the provisions relating to home detention orders in subdivision (1D) of division 2 of part 3 of the Sentencing Act and are in similar terms. Clause 47 of the bill replaces the pre-release home detention order available under the Corrections Act which enables eligible prisoners to be released from prison before the completion of their sentences to serve their remaining time in home detention allowing for better rehabilitation and reintegration into the community. The bill also makes provision for dealing with persons who have breached other community-based orders, including detention of persons in particular circumstances.

Home detention

Home detention orders made under clause 14 of the bill restrict physical liberty by requiring an offender to reside at premises approved by the secretary (section 26U(c)) and to

¹ M Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (2005, 2nd Ed), 211.

remain at the approved residence at all times unless authorised to leave, or where it is unsafe to remain there or a person residing at the residence objects (section 26U(d)). The restriction on liberty permitted by section 26U will not, however, always comprise 'detention' or a 'deprivation of liberty' for the purposes of section 21(2) and (3) of the charter. In the context of curfews or house arrest, English courts have emphasised that the prohibition on depriving a person of his or her liberty has an 'autonomous meaning' and will only extend to orders confining a person to an approved residence where the daily period confinement and ancillary orders are sufficiently stringent so as to severely limit interaction between the person and the outside world. This analysis is undertaken in light of the impact of the particular order on an offender in his or her situation, taking into account the nature, duration, effects and manner of the penalty or measure in question. Thus, in some circumstances, the implementation of the core conditions governing home detention (section 26U) and the undertakings given by him or her (section 26S) may comprise a deprivation of liberty for the purposes of section 21(3) of the charter, but ultimately it will depend on the combination of those measures and the extent to which they are tantamount to imprisonment.

In any event, I do not consider that home detention orders made under clause 14 of the bill will limit section 21 of the charter. The liberty right prohibits detention which is arbitrary or deprivations of liberty that are made without grounds or procedures established by law. Clause 14 establishes a procedure whereby a person convicted by a court of an offence is sentenced to imprisonment and if the sentence is not more than one year, the court can order that it be served by way of home detention. The person must be eligible, and the circumstances appropriate (section 26M). The court is required to determine the suitability of an offender to serve a home detention order after consideration of a home detention assessment report (clause 14, section 26Q of the bill).

The order comes with core conditions that are implemented by the Secretary to the Department of Justice and relate to where the offender will reside (section 26U(c)); the duration of daily confinement (section 26U(d)); and the conditions governing the offender's absence from the approved residence (section 26U(e), (o), (r) and (s)).

Further, the court oversees the revocation or cancellation of home detention orders (see section 26X, section 26Z(1), section 26ZK(c) and section 26ZO).

In summary, home detention is clearly a less restrictive and socially isolating alternative to a prison sentence. In my view, home detention in these circumstances may not even engage the liberty right and even if it does, there is no unlawful or arbitrary detention.

Role of the board

Clause 47 enables the board to make a home detention order at the request of a prisoner and in defined circumstances as part of a pre-release scheme. I do not consider that the decision to make a home detention order in this context engages the liberty right because the deprivation of the prisoner's liberty has arisen by reason of the order of the sentencing court so as to fully comply with section 21(3) of the charter.

Privacy — clause 14

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 information about a person's physical condition, identity, interpersonal relations, day-to-day activities and whereabouts) 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.

The conditions of home detention are relevant to the offender's right to privacy in section 13(a) but do not interfere with it in a manner that is unlawful nor arbitrary. The bill re-enacts the offender's undertaking (currently required for home detention in section 18ZZ of the Sentencing Act), including that the offender must give an undertaking to submit to any monitoring or testing required or directed under the home detention order to ensure compliance with the obligations imposed by the order (clause 14, section 26S). Clause 14 (section 26U) of the bill also re-enacts the core conditions of home detention, currently imposed by section 18ZZB, including that:

the offender must advise the secretary as soon as possible if arrested or detained by a member of the police force (section 26U(b));

during authorised absences from the approved residence the offender must adhere to a specified activity plan (section 26U(e));

the offender must advise the Secretary to the Department of Justice as soon as practicable after departure from the approved residence because it was unsafe to remain there or because the person residing at the approved residence has withdrawn his or her statutory consent (section 26U(f));

the offender must comply with any reasonable direction of the secretary in relation to association with specified persons (section 26U(k));

the offender must not consume alcohol or use prohibited or unlawful drugs or abuse drugs (sections 26U(l) and (m));

the offender must accept any reasonable direction of the secretary in relation to obtaining employment (section 26U(o));

the offender must inform any employer of the home detention order and, if directed by the Secretary to the Department of Justice, of the nature of the offence that occasioned it (section 26U(p));

the offender must facilitate contact with any employer and the secretary (section 26U(q)); and

the offender must engage in personal development activities or in counselling or treatment programs (section 26U(r)) and undertake unpaid community work as directed by the Secretary to the Department of Justice (section 26U(r) and (s)).

These limitations are clearly prescribed and are proportionate to the objective of ensuring an offender's compliance with the

home detention sentencing order. As such, the provisions are neither unlawful nor arbitrary.

Restrictions on privacy imposed by other core conditions in proposed section 26U are closely connected to the purpose of the proper administration of home detention orders. The restrictions described in the following paragraphs are necessary for, and proportionate to, that purpose.

Subsections 26U(g), (h), (i) and (j), which also re-enacts the core conditions of home detention currently imposed by section 18ZZB, require a person to accept visits, submit to searches, and submit to electronic monitoring which are necessary features of ensuring compliance with the order. The ability to search in section 26U(h) is confined to places and things under the immediate control of the offender. To this extent, account is taken of the privacy rights of other people living in the home. It should be noted that a home detention order may only be made if other residents consent, and consent may be withdrawn at any time (section 26W). Any interference with the privacy of other residents is therefore not arbitrary. The provision requiring the offender to submit to electronic monitoring in section 26U(i) involves the use of a system consisting of a signal-transmitting bracelet worn around the wrist or ankle, a monitoring unit installed in the offender's home, and a central computer which communicates with electronic monitoring centre staff. Should the offender fail to comply with curfew requirements or attempt to tamper with the bracelet or with the monitoring unit, the supervising officer of the offender will be notified by the electronic monitoring centre staff. Corrections Victoria staff are also equipped with mobile monitoring units that may be used to unobtrusively monitor an offender's compliance with approved activities such as attendance at programs, education or training.

While electronic monitoring interferes with the privacy of offenders, the interference is clearly prescribed by law and necessary for the proper function of home detention orders as it enforces restrictions on the liberty of an offender (without which the offender would need to be imprisoned) and ensures an appropriate level of protection for victims and the community. Electronic monitoring adds flexibility to the order so that the offender can attend employment or personal development programs while remaining subject to strict monitoring. In my view, the use of electronic monitoring in this context does not amount to an arbitrary or unlawful interference with the right to privacy under the charter.

Subsection 26U(n) requires the offender to submit to test procedures for detecting drug and alcohol risk. These procedures are also necessary to ensure compliance with the reasonable core conditions of the order of ensuring offenders do not use or obtain prohibited drugs or consume alcohol and are lawful and not arbitrary.

Clause 14 (section 26Q) of the bill provides that a court may only make a home detention order if a home detention assessment report has been prepared on the offender in accordance with section 99F of the Sentencing Act. Although assessment reports engage the right to privacy, the collection of information is pursuant to a court order and for the purpose of enabling the court to assess the suitability of the offender for an order and subject to disclosure restrictions (see sections 99F and 99J of the Sentencing Act).

The home detention regime under clause 14 of the bill also protects the privacy and family life of offenders by enabling

them to live in an approved residence of their choice and with others with whom they share important personal ties. Thus, home detention provides an alternative to imprisonment which facilitates ongoing contact with friends and relations, including children and partners.

In my view, the bill engages, but does not limit the right to privacy.

Protection of families and children

Section 17 of the charter provides for the protection of families and children. I have already concluded that clause 14 reinforces the privacy interests of offenders under section 13(a) of the charter insofar as home detention enables an offender to live in an approved residence of his or her choice and maintain domestic relations with partners and children. For the same reasons, I conclude that clause 14 respects the interests protected by section 17 of the charter.

Compulsory medical treatment — clause 14

Section 10(c) of the charter protects a person from medical treatment without his or her full, free and informed consent. The protection is modelled on article 7 of the International Covenant of Civil and Political Rights which prohibits subsection to medical or scientific experimentation without consent.

A core condition governing home detention is that the offender must engage in treatment programs as directed by the secretary (clause 14, section 26U(r) of the bill) which, depending on the direction, may limit the offender's right not to be subjected to medical treatment without his full, free and informed consent, as protected by section 10(c) of the charter. I nevertheless consider that any limit is reasonable and demonstrably justifiable in the terms of section 7(2) of the charter.

(a) the nature of the right being limited

The right in section 10(c) of the charter provides protection from compulsory medical treatment without full, free and informed consent. An important purpose of the protection is to ensure that vulnerable persons, such as prisoners or other detainees, are not subjected to non-therapeutic medical procedures. The Human Rights Committee has noted in relation to the prohibition on medical experimentation under article 7 of the ICCPR that the consent of persons who are deprived of their liberty (such as prisoners) is inherently suspect because of their particular vulnerability. The prohibition on medical 'treatment' is considerably wider than the prohibition on medical 'experimentation' and ensures that vulnerable persons are protected from compulsory treatment, unless reasonable and justified.

(b) the importance and purpose of the limitation

The requirement that offenders in home detention undertake compulsory treatment programs directly addresses the shared interest of the community and individual offenders in the rehabilitation of offenders.

(c) the nature and extent of the limitation

The secretary's discretion to direct participation in a treatment program will be exercised in accordance with the purposes of the Sentencing Act 1991, which include the prevention of crime and to promote respect for the law by providing for

sentences that facilitate the rehabilitation of offenders. Consistent with these purposes, a direction under section 26U(r) of the bill will only be made where the treatment order is reasonably necessary for the rehabilitation of the offender. In making a direction for treatment under section 26U(r), the secretary also acts as a public authority under the charter.

Further, the offender must give an undertaking to comply with the core conditions attached to his or her home detention order, including treatment programs, if directed. The offender can refuse to undergo a treatment program, but as a result may forgo the benefit of the home detention and be required by the court to serve the remaining portion of his or her sentence in prison. Refusal to participate in a treatment program does not, however, comprise an offence, punishable by a further sanction.

(d) the relationship between the limitation and its purpose

A treatment order will only be made where it is necessary for the rehabilitation of the offender and the prevention of crime.

(e) any less restrictive means available

The requirement that an offender in home detention undertake treatment programs is narrowly tailored to addressing the purposes of his or her rehabilitation and the prevention of crime. The amendment alleviates the harshness of a prison sentence by enabling an offender to serve his or her sentence at home while also supporting such offenders in their rehabilitation. In these circumstances, offenders who participate in treatment programs choose to do so as a condition of obtaining the benefit of home detention and avoiding the more restrictive requirements of imprisonment.

In conclusion, therefore, to the extent that clause 14 (section 26U(r)) of the bill limits section 10(c) of the charter, I consider that the limit is reasonable and proportionate to the objective of supporting offender rehabilitation while alleviating the harshness of serving sentences in prison.

Freedom of movement — clause 14

Section 12 of the charter provides that ‘every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live’. Freedom of movement recognises that persons are entitled to move from one place to another and to establish themselves in a place of their choice, irrespective of the purpose or reason for the person wanting to move or stay in a place.

(a) the nature of the right being limited

The right to move freely does not require any particular purpose or intention in movement, and encompasses both physical and procedural impediments. The requirement that an offender reside only at an approved residence limits him or her choosing where to live and restricts the activities that a person can undertake outside of that residence. It is a core condition of a home detention order that the offender must remain at the approved residence at all times other than when the absence is authorised by the secretary, when it is unsafe to remain there due to an immediate danger, or when a person residing at the approved residence has withdrawn his or her consent.

(b) the importance of the purpose of the limitation

The purpose of a home detention order is to allow a court greater flexibility to impose a less restrictive order than imprisonment where appropriate, potentially leading to a reduction in sentences of imprisonment with advantages such as the promotion of the offender’s rehabilitation. This supports the broader purposes of the Sentencing Act to prevent crime and promote respect for the law through providing for sentences that achieve deterrence and allow the court to denounce the offending conduct; sentences that facilitate the rehabilitation of offenders; and ensuring that offenders are only punished to the extent justified by the offence, their responsibility and any other factors.

(c) the nature and extent of the limitation

Clause 14 of the bill re-enacts several limitations on the freedom of movement of offenders subject to a sentence of home detention, in particular:

the requirement that the court be satisfied that the home detention program is located close enough to the place where the offender will reside during the period of the order to ensure adequate support and supervision (clause 14, section 26Q(1)(c)(ii) of the bill);

the requirement that the offender must reside only at premises approved by the secretary (clause 14, section 26U(c) of the bill);

the requirement that the offender must remain at the approved residence at all times other than when the absence is authorised by the secretary, when it is unsafe to remain there due to immediate danger, or when a person residing at the approved residence has withdrawn his or her consent (clause 14, section 26U(d) of the bill);

the requirement that during authorised absences from the approved residence the offender must adhere to a specified activity plan approved by the secretary (clause 14, section 26U(e) of the bill);

the requirement that the offender must advise the secretary as soon as practicable after departure from the approved residence because it was unsafe to remain there or that a person residing at the approved residence has withdrawn his or her consent (clause 14, section 26U(f) of the bill); and

the requirement that the offender must submit to electronic monitoring of compliance with the home detention order (clause 14, section 26U(i) of the bill).

(d) the relationship between the limitation and its purpose

Home detention restricts the movement of persons who have committed offences punishable by custodial sentences and allows their activities to be monitored to ensure their good behaviour and compliance with the order. Restriction of movement in this manner also affords appropriate offenders an opportunity to serve their sentence without the additional burdens of formal detention, including isolation from family and the comforts of home. For home detention, the restrictions on freedom of movement are both directly linked to the objective of the custodial sanction and are a necessary feature of the sentencing order.

(e) *any less restrictive means reasonably available to achieve its purpose*

Restrictions on prisoners' rights, especially the right to freedom of movement, are a necessary and reasonable aspect of any custodial sentence, including home detention.² The limitations on sections 12 are clearly prescribed by the proposed provisions, are not unreasonable, are proportionate to the purpose of the sentence, and provide necessary protection for the community. The bill appropriately balances the punitive, deterrent and rehabilitative aims of the sentence. Importantly, a home detention order already constitutes a less restrictive means than the alternative, being a term of imprisonment. Further, the core conditions allow for authorised absences geared towards assisting the offender's transition back in to the community (for example, under sections 26U(e), (o), (r), and (s)), and to ensuring safety of the offender, the community and residents of the approved residence (for example, section 26U(d)).

(f) *any other relevant factors*

None apparent.

Sentencing Act amendments

Proceedings for breach of an intermediate sentencing order

This bill repeals a number of offences of breaching intermediate sentencing orders and replaces those offences with new proceedings in the Sentencing Act. The new proceedings will cover a breach of a combined custody and treatment order (clause 206), intensive correction order (clause 209), home detention order (clause 210), community-based order (clause 213), and orders for release on adjournment (clause 217).

Right to liberty and security of person

The charter states at section 21(2) that a person must not be subject to arbitrary arrest or detention. The amendments to the Sentencing Act provide powers of arrest or detention following an allegation of a breach of a sentencing order, but these powers are not arbitrary. Warrants of arrest may be authorised in limited circumstances by a registrar of a court. Although these powers are no longer triggered by an allegation of an offence of breach of a sentencing order, the procedure and surrounding safeguards attendant on the old offence of breach remain.

Rights in criminal proceedings

Section 25(2) of the charter sets out minimum guarantees in criminal proceedings, including the right to be tried without unreasonable delay and to be informed promptly and in detail of the nature for the charge.

The changes to the procedure for dealing with breaches of intermediate sentencing orders remove an additional and unnecessary offence and reduce the time frame for bringing a breach proceeding. The courts oversee the breach proceeding, including variations or cancellations of intermediate sentencing orders (section 18WJ — combined custody and treatment order; section 26ZK — home detention orders; section 26J — intensive correction order; section 47J —

community-based order; and section 79J — orders for release on adjournment). Cancellation of an intermediate sentencing order will, in some cases, lead to a jail sentence.

Although the offence of breach is repealed, an offender will still enjoy all the rights guaranteed by section 25(2) of the charter. The bill states that the practice and procedure applicable to the hearing of a summary charge in the Magistrates Court applies to the determination of a breach proceeding.

Section 25(4) provides a right to appeal a conviction and any sentence imposed. Although the additional breach offence is removed, the right of offenders to challenge an alleged breach and appeal a resentencing following a breach is preserved within the sentencing scheme. The new proceedings for breach of an intermediate sentencing order engage section 25 positively.

For these reasons the proceedings for a breach of a combined custody and treatment order, intensive correction order, home detention order, community-based order and orders for release on adjournment are consistent with the charter.

Criminal procedure

I will now address the amendments relating to criminal procedure. For each right under the charter, clauses in the bill that will have an impact on that right are identified and analysed to determine whether they limit or restrict the right and, if so, whether they are compatible with the right. Where a clause or process involves considering more than one right, I have made that clear.

Section 24: fair hearing

Section 24 of the charter guarantees the right to a fair and public hearing. The purpose of the right to a fair hearing is to ensure the proper administration of justice — including the right of a party to a fair hearing and to respond to allegations made against them as well as the requirement that the court be unbiased, independent and impartial.

Section 25 of the charter sets out specific minimum rights in criminal proceedings and gives much of the content to the section 24 right to a fair hearing in the criminal law context.

With the exception of amendments relating to the power to close proceedings, the abolition of the allocutus and sentence indications, all of the clauses in the bill that relate to a fair hearing are discussed in relation to the specific minimum guarantee that they relate to in section 25 of the charter.

Power to close proceedings

The Criminal Procedure Act 2009 provides for alternative arrangements for the giving of evidence by complainants in sexual offence cases, including a power for the court to specify who may be present in the courtroom at the time that a witness is giving evidence. These provisions recognise that all proceedings that relate to sexual offences may cause distress and further trauma to witnesses.

This bill broadens the existing provisions in the Magistrates' Court Act 1989, the County Court Act 1958 and the Supreme Court Act 1986 to ensure that witnesses have the same protections as complainants. The existing provisions allow the courts to close proceedings when a witness gives evidence in proceedings that relate to a charge for an offence involving an

² *R (Hirst) v. Home Secretary* [2002] 1 WLR 2929, 2943-44.

act of sexual penetration. The bill broadens the application of the courts' power to close proceedings, so that it now includes any proceeding that relates wholly or partly to a charge for a sexual offence. This is consistent with other protections afforded to complainants and witnesses in sexual offence cases under the Criminal Procedure Act 2009.

On the face of it, these amendments limit the right of an accused to have a public hearing. Section 24(2) of the charter qualifies this right, however, in providing that a law may exclude the public from a hearing.

While the law may codify an exception to section 24(1) it is important that any such law be precise and circumscribed. It is appropriate in sexual offence proceedings for the law to permit the court to exclude the media and public in certain circumstances.

The law is important in a free and democratic society to protect witnesses from the trauma and distress of giving evidence that may be of a highly personal, sensitive and traumatic nature. The power to close a hearing is important in more broadly addressing the problems with low reporting and prosecution rates for sexual offences by providing a level of protection from public exposure and embarrassment for witnesses.

I am satisfied that the law is sufficiently circumscribed and precise. It is also a discretionary power, therefore the court has the opportunity to assess the appropriateness of such an order on a case-by-case basis. As such, the right of the accused to have a public hearing is not limited by this amendment.

Abolition of the allocutus

The bill abolishes the allocutus procedure and introduces a clear process to specify when a person is found guilty of an offence (clause 62).

The allocutus is an antiquated process in which the court asks the accused, after a plea of guilty or a jury verdict of guilty, 'Do you know of any reason or have anything to say why this honourable court should not pass sentence upon you according to law?'

This procedure was important when sentences were mandatory. It provided an opportunity for the accused to either:

claim 'the benefit of clergy', meaning that they would be sentenced by the ecclesiastical courts; or

stop a judgement from being executed because of some irregularity, which was necessary because there was no appeal against conviction.

Given that there is now a right of appeal against conviction, and no ecclesiastical courts, the traditional reasons for the allocutus no longer exist. The only contemporary significance of the allocutus is that it is a means of signifying when an accused is convicted of an offence.

In June 2009, the Court of Appeal considered the uncertainty surrounding the question of exactly when a person is convicted (*DPP v. Nguyen; DPP v. Duncan* [2009] VSCA 147) and called for the law to be clarified and the allocutus to be abolished.

The bill replaces the allocutus with a modern procedure to indicate when an accused is found guilty of an offence. The new procedure is simple and consistent with the modern case management procedures in the County Court and Supreme Court. Clause 62 amends the Criminal Procedure Act 2009 to provide that if a plea of guilty is entered to a charge on arraignment, or a jury delivers a verdict of guilty on a charge, the accused is taken to have been found guilty of the offence unless the court sets aside that plea or verdict of guilty.

This change establishes a simple, uniform process which determines the timing of when an accused is found guilty of an offence. Timing can be critical in relation to time limits such as those that apply under the Confiscation Act 1997 concerning the forfeiture of restrained property.

By making the timing of a finding of guilt certain, clear and consistent, this amendment ensures that the criminal justice system operates in a way that is predictable and comprehensible to the accused. The court may also set aside the finding of guilt. In certain cases the court may permit the accused to change their plea or ask a jury to reconsider its verdict (for example, where the verdicts returned are inconsistent with one another). The circumstances in which the court may set aside a finding of guilt are not changed by this bill; that continues to be governed by the common law. In this way, the amendment both engages and supports the right to a fair trial.

For the sake of completeness, I mention that abolishing the allocutus neither engages nor limits an accused's freedom of expression under section 15 of the charter. It may be thought to do so as it removes words that appear to invite the accused to speak. In practice, however, the allocutus is directly followed by counsel for the accused announcing their appearance (even when appearances have already been announced). The question posed in the allocutus is not used to prompt the accused themselves to speak but rather to signify the acceptance of a plea or verdict of guilty. Abolishing the allocutus does not limit the right to make submissions on sentencing. As such, the accused's right to freedom of expression is neither engaged nor limited by the change to this procedure.

Sentence indications

The bill repeals the sunset provision in relation to sentence indications in the Criminal Procedure Act 2009 (sections 2(2) and 437 of the Criminal Procedure Act 2009) to allow for the continued operation of the existing scheme set out in part 5.6 of that act. The sentence indication scheme under the Criminal Procedure Act 2009 provides that the decision to give or not to give a sentence indication is final, limiting the right of appeal in regard to that decision.

On the face of it, this scheme may be considered to engage the right to a fair hearing. The purpose of this right is to ensure the proper administration of justice. The right is concerned with procedural fairness and involves the right of a party to be heard and to respond to any allegations made against him or her. The decision to grant or not grant a sentence indication does not infringe this right because it in no way limits the information that may be presented to the court. If a decision not to grant an indication has been made, the hearing or trial proceeds as normal and the accused may produce any material that was already available to them to produce before the indication was requested. The bill also provides that the application for, and determination of, a

sentencing indication are inadmissible in evidence against the accused. Furthermore, the bill does not limit the accused's right to appeal the final sentence imposed.

The bill, by allowing for the continuation of the sentence indication scheme, may also enhance the right to a fair hearing. Sentence indications are aimed at helping an accused to make their plea decision at an earlier stage, by having more knowledge and certainty about what sentence he or she is likely to receive. Further, the bill provides that if the accused does not wish to plead guilty after receiving an indication, the case must be listed before a different magistrate or judge. This preserves the fair hearing requirement that the court or tribunal be unbiased, independent and impartial. The Sentencing Advisory Committee's report demonstrates that the scheme has operated fairly and has not placed any improper pressure on the accused to plead guilty. Indeed, the outcomes of the report indicate that the ability for an accused to apply for a sentence indication may enhance the accused's right to a fair hearing.

Section 25(2): minimal guarantees in criminal proceedings

Section 25 sets out detailed procedural rights in criminal proceedings and the relevant rights are addressed in the context of the bill.

Section 25(2)(g) — the right of a person charged with a criminal offence to examine, or have examined, witnesses against him or her, unless otherwise provided by law

Alternative arrangements in sexual offence cases

Clause 66 expands the range of offences for which a court can allow alternative arrangements for the giving of evidence by different categories of complainants and witnesses. Currently, alternative arrangements (such as the giving of evidence by closed-circuit television) can be made in proceedings that relate to a sexual offence as defined within the Criminal Procedure Act 2009 (these are all indictable offences). The bill expands the protections afforded by these provisions to cases involving the summary offences of obscene, indecent and threatening language and indecent exposure. Both of these offences may involve inappropriate sexual conduct and therefore warrant the special protections.

While a fair hearing right incorporates the concept that an accused should be able to 'face their accuser' this is not always appropriate, such as in sexual offence and family violence proceedings where the witness often has a personal relationship with the accused. The alternative arrangements do not limit the accused's right under section 25(2)(g) of the charter. The accused is still able to challenge the evidence against them either by presenting their own evidence or through cross-examination of witnesses for the prosecution.

The scheme for arrangements also positively engages a number of rights including the section 13 right to privacy and reputation of the victim as well as the obligation in section 17 to provide special protection to families and children.

The criminal justice system must ensure fair outcomes not only for the accused but also complainants and witnesses. The scheme recognises the special issues which arise in sexual offence and family violence cases, in relation to the trauma and embarrassment experienced by the victim as well as the domestic and personal nature of such offences. The scheme provides appropriate protections to witnesses as well as

ensuring there are appropriate safeguards in place to ensure fairness to the accused.

Section 25(2)(k) — the right of an accused person not to be compelled to testify against himself or herself or to confess guilt

This section protects the right of an accused person to be free from compulsory self-incrimination. This right means that a person charged with a criminal offence must not be compelled to testify against himself or herself or to confess guilt and is an important element in the right to a fair trial. There are no clauses that limit this right but there are two issues that, arguably, raise it, namely summary case conferences and sentence indications.

Summary case conferences

The bill expands some of the new case management processes in the Magistrates Court introduced by the Criminal Procedure Act 2009.

Under that act, in cases where a notice to appear is issued and a preliminary brief is served within seven days of a charge being filed, a summary case conference must be held before the case is set down for contest mention, a summary hearing or a request for a full brief is made. The bill expands this requirement to all cases where a preliminary brief is served within seven days of filing a charge sheet, rather than only notice to appear cases.

A summary case conference is designed to make the most of court time by creating an early opportunity for cases to be resolved or cases to be managed to a hearing.

The bill provides more flexibility in cases where the accused is not legally represented. Because of the broad description of what may constitute a summary case conference, section 54 may prevent any discussions between the prosecution and the accused, including such matters as whether the case will be contested or whether the accused requires further disclosure of the prosecution case. The flexibility provided by clause 59 of the bill restores the practical manner in which the criminal justice system has operated for many years. The Magistrates Court, both magistrates and registrars, is well placed to regulate this process, including through practice directions, to ensure that the process operates fairly.

Further, in order to ensure that an accused is not at risk of making statements against interest, the bill provides that the content of a summary case conference is inadmissible in any hearing of the charge. An accused is not compelled to admit guilt or testify, and the risks associated with the process are ameliorated by the evidential protections. As a result, this clause does not limit the right in section 25(2)(k).

Sentence indications

As mentioned above, clause 73 provides for the continuation of the sentence indication scheme in the County and Supreme courts.

When the Criminal Procedure Legislation Amendment Act 2007 (which first introduced sentence indications) was before Parliament, the Scrutiny of Acts and Regulations Committee raised the issue of whether sentence indications will compel an accused to plead guilty. In particular, concerns were raised that the possible combined effect of the sentence indication

scheme and the discount for a guilty plea might increase the pressure on all accused to plead guilty.

When considering sentence indications in 2007, the Sentencing Advisory Council addressed this issue and tailored its recommendations to operate in a way that would not result in any compulsion or improper inducement. The scheme set out under the Criminal Procedure Act 2009 is based on the council's recommendations and provides that a sentencing indication may only be given where the accused has sought an indication and the accused is free to choose whether to seek an indication.

The council has monitored the scheme since its commencement and, in its sentence indication monitoring report (released in February 2010), the council has recommended that the scheme continue. The council reported that while it was recognised that a sentence indication could act as an incentive to plead guilty (particularly if given for a non-immediate custodial sentence) it did not mean that the incentive was improper or infringed the right of an accused against self-incrimination.

This bill allows for the continuation of an existing scheme that is consistent with the council's recommendations and I remain of the view that the sentence indication scheme is compatible with the accused's right against self-incrimination.

Section 27(1): no retrospective criminal laws

Special transitional provisions

The bill provides for a new transitional provision to two permutations that may arise with a trial on indictment.

First, where there are co-accused, one of whom was committed for trial prior to 1 January 2010 and one of whom is committed for trial under the new laws contained in the Criminal Procedure Act 2009. The bill creates a mechanism which means that both accused will be dealt with under the new laws. This avoids the need to hold separate trials, one under the Crimes Act 1958 procedural provisions and one under the Criminal Procedure Act 2009. This new transitional provision will reduce stress for victims, witnesses and the accused and costs to participants in the justice system.

Second, where an accused is committed for trial or directly presented for trial on a charge prior to 1 January 2010 and on another charge is committed for trial or directly indicted after 1 January 2010. The bill creates a mechanism which means that all of the charges may be joined in the one indictment and the provisions of the Criminal Procedure Act 2009 will apply to those charges.

In each situation, the provisions under the Criminal Procedure Act 2009 will continue to be relevant in determining whether the charges are appropriately heard together or whether separate trials should be conducted or a committal proceeding conducted before the trial commences. Further, the court retains the power to prevent an abuse of process, for instance, where the court considers that it is necessary to conduct a committal proceeding to ensure that the accused has a fair trial (e.g. see *Barton v. R* (1980) 147 CLR 75 and *R v. Dupas* [2006] VSC 481).

The bill also provides for special transitional provisions to allow the Court of Appeal to impose the new test for determining leave application to all pending applications for leave to appeal against sentence, regardless of when the

sentence was imposed. The new test is simpler and should assist the Court of Appeal in managing its appeals workload.

Currently, the new provisions only apply to applications filed in respect of a sentence imposed on or after 1 January 2010. The new test is simpler and should assist the Court of Appeal in managing its workload.

These transitional arrangements do not limit section 27(1) of the charter. This is because the scope of section 27(1) does not extend to prevent retrospective changes to procedures that do not form part of the penalty or punishment of an offender or to changes in procedure laws. It is possible that changes to criminal procedure may infringe this right where they affect the basic elements of a fair trial. However, this is not the case here.

Amendments to the Children, Youth and Families Act 2005

Children involved in criminal proceedings are afforded special protections under the charter because of their vulnerability as minors. To avoid repetition, these are considered together below.

Section 17(2) provides:

Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Section 23 provides:

- (1) An accused child who is detained or a child detained without charge must be segregated from all detained adults.
- (2) An accused child must be brought to trial as quickly as possible.
- (3) A child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

Section 25(3) provides:

A child charged with a criminal offence has the right to a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation.

Sentencing and a failure to fulfil an undertaking

Clause 30 provides statutory authority for a court to impose a less severe sentence on a child at the time of sentencing in cases where the child undertakes to assist the authorities after sentencing, in the investigation and prosecution of another offence.

Clause 34 also amends the Children, Youth and Families Act 2005 to provide that the DPP may appeal against a sentence imposed where a child receives a lesser sentence and subsequently fails to fulfil an undertaking. Similar provisions already apply to adult offenders.

The extension of these provisions to child offenders recognises that there may be instances where a child is able to assist the authorities in the prosecution of offences against others, such as an adult co-accused. Currently, where this occurs a child may not receive the benefit of a reduced

sentence despite any assistance they provide to authorities after sentencing or sentencing may be significantly delayed until after they have completed assessing the authorities.

Clauses 30 and 34 engage but do not restrict section 23(3) of the charter. Importantly, clauses 30 and 34 must be considered in the context of the special sentencing considerations that apply to children, because it is in that context that the clauses must be applied. A sentencing court must, as far as practicable, have regard to matters such as the need to strengthen and preserve the relationship between the child and the child's family, the desirability of allowing the child to live at home and the need to minimise the stigma to the child resulting from a court determination.

The special sentencing considerations reflect the right of a child convicted of an offence to be treated in a way that is appropriate for his or her age. They also reflect the right of a child charged with a criminal offence to have a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation (as provided for in section 25(3) of the charter).

Appeals against sentence

The bill removes restrictions on appeals against sentence from the Children's Court. There are currently specific restrictions on an appellate court's power to determine an appeal from a sentence imposed by the Children's Court. Firstly, if the DPP appeals against an undertaking or a good behaviour bond the appellate court cannot increase the sentence. Secondly, if the child or the DPP appeals against a sentence of detention in respect of two or more offences for an aggregate period, the appellate court must not impose a longer period of detention.

Restrictions only applied to this specific sentence.

Restrictions did not, for instance, apply to a single sentence. The Court of Appeal in *DPP v. MN* [2009] VSCA 312 found that this restriction was in fact inoperative and has been since 1989. All remaining protections to ensure procedural fairness will continue to apply, for example, the court must still warn the accused if it is considering imposing a sentence which is greater than that imposed by the original court.

As with clauses 30 and 34, clause 33 engages but does not limit section 23(3) of the charter. When sentencing a child on appeal, the appeal court applies the special sentencing dispositions that apply in the Children's Court. These dispositions recognise the special needs of children in the criminal justice system and the importance of rehabilitation as a sentencing outcome for children.

Section 26: right not to be tried or punished more than once

This provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

There are no provisions in the bill that raise this right. However, the bill does make some amendments to an appellate court's power to determine a DPP appeal against a sentence from the Children's Court. It also allows the DPP to appeal against a sentence imposed by the Children's Court where there has been a failure to fulfil an undertaking as discussed above. The right not to be punished more than once does not apply to prevent prosecution appeals against sentence, or to increase a sentence on an appeal by an accused. That is because an increased sentence on appeal

involves substituting one sentence for another, not imposing a second sentence on top of the first. I also consider that, as the Supreme Court of Canada has held in relation to an identical right, this right applies only after appeal proceedings are concluded (*R v. Morgentaler* [1988] SCR 30).

Conclusion

The bill is compatible with the charter.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Justice Legislation Amendment Bill will contribute to fulfilling the government's commitments for 2010.

The bill focuses on changes to the criminal law, ranging across sentencing laws, the provision of home detention and procedural reform that will continue our work to modernise and simplify Victoria's justice system. The bill will also enhance the operation of Victoria's gaming and racing sector.

In particular this bill will:

give effect to recommendations in part two of the Sentencing Advisory Council's final report on suspended sentences, that breach of an intermediate sentencing order should no longer constitute an offence and that breach proceedings should commence promptly;

amend the Sentencing Act 1991 to ensure that the County and Supreme courts may use aggregate sentences when they are sentencing offenders pursuant to their new powers under the Criminal Procedure Act 2009;

amend the Corrections Act 1986 and the Sentencing Act 1991 to extend and strengthen Victoria's home detention program, and to ensure that it will interact appropriately with the Family Violence Protection Act 2008;

make further improvements on the landmark reforms introduced by the Criminal Procedure Act 2009, consistent with the government's commitment to modernise and simplify Victoria's justice system, including its criminal procedure laws;

amend the Sentencing Act 1991 to give effect to the Sentencing Advisory Council's recommendation that the sentence indication scheme should continue to operate in the County and Supreme courts;

amend the race fields provisions of the Gambling Regulation Act 2003 to remove any doubt about the capacity of the Victorian racing industry to charge and collect fair and reasonable fees for the use of its product from overseas and interstate wagering service providers;

vary the structure of the Victorian Commission for Gambling Regulation to enhance its capacity to meet its existing regulatory responsibilities as well as the challenges associated with transitioning to the new venue operator gaming industry model.

I now turn to each of the bill's components in more detail.

Amendments to the Sentencing Act 1991

Last year, the government implemented a series of Sentencing Advisory Council recommendations on sentencing; changing sentencing laws in relation to sexual offences against children and enacting new sentencing laws to target crimes motivated by hatred or prejudice.

The bill continues this work by implementing the Sentencing Advisory Council's recommendation that breach of an intermediate sentencing order should no longer constitute an offence. This unnecessary criminal offence has been repealed and instead, an administrative procedure, similar to the one that currently applies to suspended sentences, will operate to bring the offender back before the court and allow the court to re-sentence him or her.

These amendments are modelled on the existing procedure in the Sentencing Act 1991 which provides for an offender who breaches a suspended sentence by further offending to be re-sentenced. This procedure will apply to breaches of other orders under the Sentencing Act 1991, including breaches of:

- combined custody and treatment orders
- intensive correction orders
- home detention orders
- community-based orders, and
- orders for release on adjournment.

In each case, the prosecutor or corrections officer will have two ways to proceed on the breach — as is the case with a breach of a suspended sentence. If the offender is before the court being sentenced for an offence committed during the term of the intermediate order, the prosecutor may ask that the breach

constituted by the new offence be immediately dealt with. The court will have powers to list the matter immediately in the appropriate jurisdiction of the court, and remand or bail the offender to that date.

If this procedure is not appropriate or if the breach is constituted by behaviour other than a new offence, the corrections officer will be able to seek a warrant or a breach summons to take the offender back before the appropriate court.

In addition to implementing the Sentencing Advisory Council's recommendation that a breach of an intermediate sentencing order no longer constitutes a separate offence, the bill also implements the recommendation to reduce the time frame for bringing a breach proceeding from three years after breach. The bill amends the Sentencing Act 1991 to require breach proceedings to be commenced within six months of a finding of guilt or within two years of the expiry of an order where the breach was constituted by the commission of a further offence; and within one year of the expiry of an order in all other cases.

This amendment will speed up the process for dealing with offenders that breach an intermediate sentencing order and enable courts to quickly address the breach while also removing an unnecessary offence.

Aggregate Sentencing

The bill will also amend the Sentencing Act 1991 with respect to aggregate sentencing.

In 1997, the Magistrates Court was provided with the power to impose an aggregate sentence of imprisonment. In 2006, the County and Supreme courts were provided with the power to impose an aggregate sentence of imprisonment. In *DPP v Felton* [2007] VSCA 65 the Court of Appeal indicated that there were important differences between imposing an aggregate sentence of imprisonment in the summary jurisdiction of the Magistrates Court and indictable offences tried in the County and Supreme courts.

The Criminal Procedure Act 2009 provides the County and Supreme courts with significantly increased powers to deal with summary offences that are either related or unrelated to the indictable offence before the court. The bill expressly addresses issues raised in *Felton's* case to make clear that the power to impose an aggregate sentence in relation to related and unrelated summary offences in the County and Supreme courts should operate in the same way as aggregate sentences of imprisonment currently operate in the Magistrates Court.

Amendments to the Children, Youth and Families Act 2005

Part 3 of the bill makes the following amendments to the Children, Youth and Families Act 2005.

Sentencing under the Children, Youth and Families Act 2005

Currently, under the Sentencing Act 1991 a court may, at the time of sentencing an offender, impose a less severe sentence because of an undertaking by an offender to assist the authorities after sentencing in the investigation and prosecution of another offence. This provision does not apply to children.

There may be instances where a child is able to assist the authorities in the prosecution of offences against others, such as an adult co-accused. Where this occurs, a child may not receive the benefit of a reduced sentence despite any assistance they provide to authorities after sentencing. The bill addresses this by amending the Children, Youth and Families Act 2005 to ensure that a court may at the time of sentencing a child, impose a less severe sentence because of an undertaking to assist the authorities after sentencing.

The bill also amends the Children, Youth and Families Act 2005 to provide that the DPP may appeal against a sentence imposed where a child receives a lesser sentence and subsequently fails to fulfil an undertaking.

Aggregate sentences and DPP appeals against sentence under the Children, Youth and Families Act 2005

The bill repeals a number of redundant provisions in the Children, Youth and Families Act 2005 that concern the imposition of aggregate periods of detention.

These provisions purported to restrict the power of appellate courts in relation to a sentence that imposed an aggregate period of detention order. In December 2009 the Court of Appeal in *DPP v MN* [2009] VSCA 312 found that the sections of the Children, Youth and Families Act 2005 that impose these restrictions are inoperative. This is because they are premised upon the Children's Court having the power to impose aggregate period orders, which it has not been able to do since the Children and Young Persons Act was introduced in 1989.

This bill repeals these redundant provisions to ensure that the appeals provisions under the Children, Youth and Families Act 2005 are up to date and clearly reflect current sentencing practice in the Children's Court and appellate courts. The removal of these redundant

provisions also makes clear that there is no inappropriate restriction on DPP appeals against sentence. Further, where the child is the appellant, if the appellate court is considering increasing the sentence on appeal, it must provide the child with a warning that it is proposing to do so as a matter of procedural fairness.

Amendments to the Corrections Act 1986

Part 4 amends the Corrections Act 1986.

In 2004 the government implemented a commitment to introduce home detention to Victoria. This was one element of a range of measures to extend the options for rehabilitation and diversion for carefully selected, low-risk, non-violent offenders.

These reforms are important to continue the strengths of the Victorian correctional system and highlight the fact that Victoria remains the most efficient state in Australia in the delivery of correctional services. Victoria also continues to have the lowest overall imprisonment and community corrections rate in the country. Importantly, Victoria continues to maintain a solid downward trend in relation to prisoner recidivism and in the 2008–09 year, completion rates of home detention orders were 97.7 per cent. These are the key highlights of the annual 'Report on government services', prepared by the commonwealth Steering Committee for the Review of Government Service Provision.

Home detention was introduced because, for low-risk offenders, diverting people from prison represents not only significant community savings, it provides increased opportunities to successfully rehabilitate an offender, maintain important links with community, family and employment and will reduce the likelihood of reoffending.

The expanded home detention program will continue to provide a means by which carefully selected, non-violent, low-risk, low-security offenders can serve a period of imprisonment in the community under highly restrictive and intensively supervised conditions.

Home detention programs are a well-established feature of the correctional landscape. The experience in Victoria and other jurisdictions is that home detention is an effective means to enhance the prospects of offender rehabilitation without putting the community at risk.

As was said when this program was first introduced, this government believes that imprisonment should be used solely as a last resort and restricted to serious offenders. Victoria has a proud record in this regard,

and the expansion of home detention will further enhance this.

Reforms to the program

The bill contains amendments to the Corrections Act 1986 and the Sentencing Act 1991 designed to extend and strengthen the home detention program by —

making home detention available as a stand-alone order;

giving judges and the Adult Parole Board greater discretion by allowing more flexibility within eligibility criteria through the application of certain past offences; and

including a judicial veto preventing the Adult Parole Board from making the home detention orders in some cases.

Home detention placement saves taxpayers significant amounts of money. Expanding the home detention program is expected to —

increase the number of offenders participating in the program;

deliver ‘economies of scale’ savings for Corrections Victoria. The current cost per offender under the existing model is estimated to be \$41 000. The expansion of the program is expected to reduce this cost by around 25 per cent.

save up to 85 prison beds within four years of implementing the changes. This is a significant saving to Victorians who currently pay \$108 598 per annum for each prison bed when taking into account capital costs.

Other benefits are expected to flow from these reforms. The reforms will result in greater flexibility in sentencing by the courts, reduced breach rates and increased public safety.

The Department of Justice is supporting rural and regional Victoria with these reforms. The implementation of the expanded Victoria-wide program will result in the creation of around 40 new positions within Community Correctional Services between 2010 and 2013. It is anticipated that around half of these positions will be located in rural and regional areas.

These reforms also aim to contribute to the continued decline in recidivism of Victorian offenders. Importantly, these reforms will increase the likelihood that offenders will maintain employment, family

relationships and continue to contribute to the community. As mentioned earlier, the annual ‘Report on government services’ noted that Victoria has maintained a downward trend in relation to prisoner recidivism for seven consecutive years. In 2008–09 the rate of return to prison was 33.9 per cent, down from 35.6 per cent in 2007–08 and well below the national average of 39.3 per cent.

Key changes to home detention: option at sentencing and pre-release

The expanded Victorian home detention system will continue to operate as a sentencing option and a pre-release mechanism. As a sentencing option, home detention presents an excellent opportunity to successfully rehabilitate and reintegrate relatively low-risk, non-violent offenders into the community while minimising the disruption to family and employment that incarceration can cause. As a pre-release option, home detention offers a means of consolidating the rehabilitative work done in prison by assisting prisoners back into the community under highly restrictive conditions and intensive supervision.

The program will continue to be open to all eligible offenders. It is not a program for the more affluent offenders. During the operation of the pilot program Corrections Victoria staff assisted eligible offenders to locate appropriate housing, assisted them in finding employment and provided other assistance required for successful participation in the program.

Improving community safety

The expanded program will continue to ensure the protection of the public, and in particular, co-residents of the offender.

The bill also has the effect of widening the number of offenders who will be eligible for home detention. Under the current provisions, an offender is automatically excluded from home detention where the offender has been found guilty at any time of a range of serious offences.

As the current provisions leave no scope for discretion in relation to these offences, the existing program limits the range of offenders who might otherwise be appropriate for home detention.

The bill differentiates between current and past offending. For current offences, the offences that automatically exclude an individual from being eligible for a home detention order remain the same, except in relation to the breach of an intervention order. Where the current offence is or includes the breach of an

intervention order, the offender will only be ineligible if the intervention order relates to a person with whom the offender is likely to reside, or continue to resume a relationship with, if a home detention order were made.

In relation to past offences, the amendments will provide the courts and the adult parole board with some discretion in allowing offenders with a history of currently excluded offences to undertake the program. However, prisoners or offenders who have convictions for sexual offences, violent offences and serious violent offences as listed in schedule 1 of the Sentencing Act will continue to remain ineligible for a home detention order.

In relation to past convictions for the breach of an intervention order, the bill will render a person ineligible only where they have been convicted of a breach of an intervention order —

within the last 10 years, or

where the intervention order was made on behalf of a person with whom it is likely the offender would reside, or continue to resume a relationship with, if a home detention order were made.

In contrast to the current provisions that automatically exclude an offender who has a past conviction for drug offences listed in schedule 1 of the Sentencing Act, the bill confers a discretion on courts and the adult parole board to make a home detention order in respect of drug offences.

The bill includes important safeguards: courts and the adult parole board may only apply the discretion if satisfied that doing so would not pose an unjustifiable risk to the community. In considering this risk, courts and the adult parole board must consider —

the period of time since the offender committed the offence;

the sentence imposed for the offence;

the age of the offender at the time the applicant committed the offence;

the nature and gravity of the offence; and

any other matter considered relevant to the application.

Before a home detention order can be made the offender must undergo a comprehensive assessment by a trained supervising officer located within community correctional services.

Before a home detention order can be made the intended adult co-residents of the offender must have acknowledged that they understand the conditions that the offender must fulfil under a home detention order and must have given their written consent that an offender can reside in their home. In the case of a child who will reside with the offender, the court or the adult parole board must be satisfied that the child was consulted about the offender residing with him or her and that consideration was given to the child's view with due regard to the age of the child. Once an order is made, the currency of the co-residents' consent will continue to be regularly assessed by supervising officers throughout the life of the order.

Appropriate ongoing independent support will be extended to co-residents to ensure that, as far as practical, this consent is clearly informed and freely given. If consent is withdrawn by co-residents, the offender must cease living at the residence. If an alternative residence cannot be found the adult parole board has the power to revoke the order and return the offender to prison. The court can revoke the sentencing order and may return the offender to prison or make a fresh sentence concerning the offences for which the offender was serving the sentence of home detention.

In practice, when the offender's suitability for the home detention program is assessed, alternative accommodation options are identified for use if the circumstances warrant relocating the offender.

Supervision

The expanded home detention program will continue to employ continuous, 24-hour-per-day electronic monitoring. The program will be delivered by the Department of Justice community correctional services.

The imposition of a curfew that requires the offender to remain at the approved residence continues as a central element of the program. Offenders will only be permitted to leave the residence where it is unsafe to remain due to immediate danger, or to engage in activities approved by a supervising officer. Approved activities will depend on the circumstances of the offender, but might include employment, education or training commitments.

In addition, it is a core condition of home detention orders that offenders must participate in unpaid community work when not otherwise employed.

The curfew will continue to be monitored by an active system of electronic monitoring. This system consists of a signal-transmitting bracelet worn around the wrist or ankle, a monitoring unit installed in the offenders

home, and a central computer which communicates with electronic monitoring centre staff. Should the offender fail to comply with curfew requirements or attempt to tamper with the bracelet or with the monitoring unit, the supervising officer of the offender will be notified by the electronic monitoring centre staff. Corrections Victoria staff are also equipped with mobile monitoring units that may be used to unobtrusively monitor an offender's compliance with approved activities such as attendance at programs, education or training.

Widely used in other jurisdictions, active monitoring systems are well regarded for their dependability in monitoring compliance without causing undue disruption to the home environment.

Judicial veto

The bill provides that at the time of sentencing, a court may order that a particular offender is not a suitable candidate for home detention. This order — or veto — will prevent the adult parole board from considering home detention as a pre-release option at the end of that offender's sentence. This is an important part of the home detention expansion program.

Granting the courts this discretion provides greater transparency in sentencing. A sentence of imprisonment with a non-parole period usually means that the entire non-parole period is served in prison. When the adult parole board orders a period of home detention, the part of a non-parole period that will be served in prison is reduced. The new clause will ensure that a court is clearly aware, at the point of sentencing, that fixing a non-parole period does not automatically result in the entire duration of the non-parole period being served in a prison in every case.

It is anticipated that changes to the home detention program will be operational by 1 July 2010.

The expanded home detention program is consistent with existing Victorian traditions of reserving imprisonment for serious and violent criminals. These reforms will ensure that home detention is available for a larger group of carefully selected, non-violent, low-risk, low-security offenders to serve a period of imprisonment in the community under highly restrictive and intensively supervised conditions. The offenders will receive targeted interventions aimed at reducing offending and maximising the prospects for rehabilitation.

Amendments to the Criminal Procedure Act 2009

Part 5 of the bill makes a number of amendments which build on the landmark reforms introduced by the Criminal Procedure Act 2009. I will now turn to a discussion of these amendments.

Introducing a clear process to specify when a person is found guilty of an offence

In *DPP v. Nguyen* (2009) VSCA 147 in June 2009, the Court of Appeal made a number of comments about the uncertainty concerning when a person is convicted of a charge. The court called for the law to be reformed in order to clarify when a person is convicted of a charge and to abolish the allocutus. The allocutus is not relevant to contemporary criminal procedure. It is an ancient process where, following a plea of guilty or a jury verdict of guilty, the court says the following, 'Do you know of any reason or have anything to say why this honourable court should not pass sentence upon you according to law?'

This procedure was important when sentences were mandatory. It provided an opportunity for the accused to either:

- claim 'the benefit of clergy', meaning that they would be sentenced by the ecclesiastical courts, or
- stop a judgement from being executed because of some irregularity, which was necessary because there was no appeal against conviction.

Given that there is now a right of appeal against conviction, and no ecclesiastical courts, the traditional reasons for the allocutus no longer exist.

The bill abolishes the common law process of allocutus. It also provides that if a plea of guilty is entered to a charge on arraignment or a jury delivers a verdict of guilty on a charge, the accused is taken to have been found guilty of the offence unless the court sets aside that plea or verdict of guilty. At the sentencing hearing the court can indicate whether the court records a conviction as part of the sentence imposed, in accordance with the Sentencing Act 1991.

This reform demystifies and modernises the law in this area by establishing a simple, uniform process for determining the timing of a finding of guilt.

Sexual offence cases

The bill makes important changes to further protect complainants in sexual offence cases. The bill achieves this through the following:

broadening the factors the court must have regard to, at a sentencing hearing, in determining whether to grant leave to cross-examine or admit evidence of a complainant's prior sexual activities, this includes having regard to the need to respect the complainant's personal dignity and privacy;

expanding the range of offences for which a court can allow alternative arrangements for the giving of evidence by different categories of complainants and witnesses to now include the summary offences of obscene, indecent and threatening language and indecent exposure;

broadening the circumstances in which a court can order that proceedings be closed in sex offence cases to include any proceeding that relates wholly or partly to a charge for a sexual offence so that witnesses have the same protections as complainants.

These reforms further protect and respect the personal dignity, and privacy of complainants and witnesses in sexual offence cases.

Sentence indications

The bill amends the Criminal Procedure Act 2009 to allow for the continuation of the sentence indication scheme in the County and Supreme courts.

The government introduced legislation to implement the scheme in 2008 following the Sentencing Advisory Council's report. Under the scheme, the court may indicate whether it would or would not be likely to impose an immediate custodial sentence if the accused pleads guilty before trial. When the scheme was introduced it was made subject to a sunset clause causing it to lapse on 1 July 2010.

The government asked the council to monitor and report on the scheme's operation in the County and Supreme courts. The council has now produced its sentence indication monitoring report.

The report indicates that the pilot scheme has been very successful and recommends the continuation of the scheme without any changes to the legislative framework in the Criminal Procedure Act 2009.

Sentence indications are an important component of the government's strategy to provide flexible and better ways to identify pleas of guilty at an earlier stage and therefore resolve cases more quickly. Early plea resolution is beneficial to both victims of crime and to the effective operation of the criminal justice system.

Other amendments

The bill further improves criminal procedure by:

providing registrars with new powers to issue a warrant in County Court appeals where an appellant fails to appear at their appeal;

extending the new summary case conference process to all cases in which the prosecution serves a preliminary brief within seven days of filing a charge sheet, irrespective of whether a notice to appear was issued;

addressing some unusual situations in transitional provisions where one accused, or co-accused, is charged with offences before and after the commencement of the Criminal Procedure Act 2009. The bill creates a mechanism which enables these charges to be dealt with under the Criminal Procedure Act 2009;

enabling the Court of Appeal to impose the new test for determining leave applications to all pending applications for leave to appeal against sentence, regardless of when the sentence was imposed. The new test is simple and fair and will assist the Court of Appeal in managing its appeals workload.

Amendments to the gambling legislation

Part 5A of the bill amends the Gambling Regulation Act 2003 and the Casino Control Act 1991.

The bill provides for the racing controlling bodies to impose a fee based on a formula as a condition of an approval to publish or use race fields.

The bill also provides a transitional provision to require wagering service providers who have published or used race fields since 4 September 2008 to pay a fee for the period from that date until the commencement of the amendments.

These provisions will remove any doubt about the capacity of the Victorian racing industry to charge and collect fees for the use of race fields data and ensure that all interstate and international wagering service providers make a fair and reasonable economic contribution to the Victorian racing industry for the use of its product.

The bill varies the structure of the Victorian Commission for Gambling Regulation by removing the office of the executive commissioner and revising how the commission is constituted by providing that the commission consists of at least three commissioners.

Under the amendments, the Victorian Commission for Gambling Regulation will be comprised of at least a chairperson, a deputy chairperson and another commissioner.

The bill provides that the functions of the commission that currently may be performed by the executive commissioner in both the Gambling Regulation Act 2003 and the Casino Control Act 1991 may be performed by any of the commissioners.

This approach provides the Victorian Commission for Gambling Regulation with the discretion to determine which commissioner should be performing the functions or alternatively, to delegate the performance of those functions to staff of the commission.

Varying the structure in this way will separate the statutory functions of the commission from its non-statutory management functions. It is intended that a full-time chief executive will be appointed to oversee the Victorian Commission for Gambling Regulation. The full-time chief executive will provide the dedicated focus and leadership necessary to strengthen the commission's capacity to meet its existing regulatory responsibilities as well as its capacity to meet the challenges associated with transitioning to the new venue operator gaming industry model.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 25 March.

CRIMES LEGISLATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 1, page 2, line 7, after "document" insert "and other matters".
2. Clause 11, line 19, omit "9" and insert "11".
3. Clause 15, line 19, omit "13" and insert "15".
4. Insert the following new clauses to follow clause 7 —

'AA Exclusion and publication prohibition orders

- (1) **Insert** the following heading to section 19B of the **Evidence (Miscellaneous Provisions) Act 1958** —

"Exclusion and publication prohibition orders".

- (2) In section 19B(2) of the **Evidence (Miscellaneous Provisions) Act 1958**, omit "to which an order under subsection (1) applies".
- (3) After section 19B(2) of the **Evidence (Miscellaneous Provisions) Act 1958** insert —

"(2A) The commissioner must not make an order under subsection (2) unless the commissioner is satisfied that the making of the order would facilitate the conduct of the inquiry by the commission or would otherwise be in the public interest."

BB New section 164 inserted

After section 163 of the **Evidence (Miscellaneous Provisions) Act 1958** insert —

"164 Validation of certain orders

An order of a commissioner presiding at a hearing of a commission purported to be made under section 19B(2) and purported to be in force immediately before the commencement of this section is, on and from that commencement, taken to have the same force and effect as it would have had if it had been validly made under section 19B(2)."'. .

Mr HULLS (Attorney-General) — I move:

That the amendments be agreed to.

In doing so I am pleased to move that the Crimes Legislation Amendment Bill, as amended in the other place, be accepted by this chamber. The bill introduces a range of amendments related to the operation of the criminal justice system. Members will recall the most significant amongst the changes is the restructuring of the offence of sexual penetration of a child under 16 by extending the protection of the most serious of the penalties, 25 years jail, to all children under 12.

An amendment was made to the bill to address an issue relating to the process by which the bushfires royal commission issues non-publication orders. The amendment was moved following a request by the chair of the royal commission who last week alerted government to an issue relating to the way the commission had been making non-publication orders.

Non-publication orders are orders that prohibit the publication of evidence, or parts of evidence, heard or received in hearings. These orders are made under section 19B(2) of the Evidence (Miscellaneous Provisions) Act 1958. Currently it is possible to make a

non-publication order only if an exclusion order has already been made that is an order excluding the public from the hearing. This process has not been followed by the bushfires royal commission. This is a concern as about 15 non-publication orders have been made to protect a range of sensitive information such as: personal information about the victims of the fires; the names of witnesses and others in relation to whom privacy concerns arise; commercially sensitive information; and material that has the potential to interfere with police or coronial investigations.

The risk is that without the proposed amendments this sensitive material could now be published and made publicly available. The government has acted swiftly to respond to the commission's request and to rectify the issue by introducing amendments to: validate existing non-publication orders made under section 19B(2), from the time the bill commences operation; and simplify the process for making non-publication orders in the future by enabling the royal commission to make those orders without first having to make exclusion orders.

These amendments are comparable to the powers exercised by royal commissions in other states and the commonwealth. The benefit of the amendments is that it allows royal commissions to have the flexibility of making non-publication orders during the course of a hearing where it becomes known that sensitive information has been or is about to be heard.

The amendments certainly balance the royal commission's ability to protect the rights of witnesses whilst ensuring that as much of the evidence is accessible to the public, by enabling the commission to make such orders where it forms the view that it is necessary to facilitate the conduct of its inquiry or is in the public interest. I commend the amendments to the house.

Mr RYAN (Leader of The Nationals) — The opposition does not oppose these amendments. We have been able to work with the government in the course of this week to ensure that these important amendments are facilitated through the house. They are critical because they touch upon matters which are immediately the subject of investigation through the bushfires royal commission but which also have an impact beyond the current proceedings now before that commission.

I will first refer to existing section 19B of the Evidence (Miscellaneous Provisions) Act 1958. Section 19 B(1) recites:

The commissioner presiding at a hearing of a commission may order the exclusion of the public or of persons specified

by the commissioner from the hearing or a part of it if the commissioner is satisfied that the exclusion of the public, or of those persons, from the hearing or a part of it would facilitate the conduct of the inquiry by the commission or would otherwise be in the public interest.

In the colloquial sense, these are termed 'exclusion orders'. Section 19B(2) recites:

The commissioner presiding at a hearing of a commission may make an order prohibiting the publication of a report of the whole or any part of the proceedings of a hearing or part of a hearing —

and I emphasise these next words —

to which an order under subsection (1) applies or of any information derived from the hearing or part of it except by, or with the leave of, the commission.

The following subsections (3) and (4) are, if I might so term them, machinery provisions of no particular consequence in the context of these amendments.

What happened in this instance was that the chairman of the commission wrote by letter to the Premier on 1 March 2010. In the course of some correspondence he made a request of the Premier, and I think it pertinent to refer to the content of the letter. In the course of the letter, which at my request the government has provided to us, the commissioner said:

As you will be aware, in the course of conducting hearings of the royal commission, I have made a number of non-publication orders relating to material that is personally or economically sensitive.

It recently came to my attention that I do not have power to issue non-publication orders relating to evidence before the royal commission without first making an exclusion order excluding the public, or specified persons, from attending the relevant hearing.

There are a number of circumstances where the making of a non-publication order (without an exclusion order) is desirable on public interest grounds or to facilitate the conduct of the commission's work. Indeed it is for these reasons that I have made the current orders — which I am advised are beyond power.

A full explanation of this issue is contained in the attached memorandum of advice.

The purpose of this letter is to request that Parliament urgently amend the Evidence (Miscellaneous Provisions) Act 1958 (Vic) in the manner suggested in the memorandum. In addition, I also request that the amendment have retrospective effect or that provision be made to validate orders already made.

These amendments would validate important orders already made and would otherwise assist in the conduct of future hearings, particularly those relating to the inquiry into the causes and circumstances of a number of deaths which occurred on 7 February 2009, which give rise to a range of sensitivities for affected families.

And it is signed by the chairman of the commission, Bernard Teague, AO.

I pause to say that we have also requested of the Attorney-General, and have been provided with, the opinion by Mr Rush, QC, which is the memorandum to which the letter refers, and we have had the opportunity of perusing that opinion.

The intention here is to see that the problem contemplated by the chairman is rectified. In effect all this amounts to is that before a non-publication order, as it is colloquially termed, can be made under section 19B(2), there must first be made an exclusion order under section 19B(1). By whatever means it occurred, orders were made by the commission — and those orders are 15 in number under the provisions of 19B(2) — without an order having been made under 19B(1). In other words, those 15 non-publication orders were made without the exclusion orders having been made first, which represents the foundation for the non-publication orders to be made. So it is that I make reference to the expression ‘to which an order under subsection (1) applies’, as stated in section 19B(2).

After careful consideration of all this, counsel assisting, in the memo which was provided, has concluded — and with respect, quite rightly — that there is nowhere to go in this. If the non-publication orders are made, they can only be made properly on the basis of the exclusion orders having initially been made under the provisions to which I have just referred.

The intention here is to remedy that problem. The 15 orders that have been made occurred over a period from 14 May 2009 to 16 February 2010. Those orders are — if not all of them, then most of them — available in a very public sense, and they affect a range of matters. They pertain particularly to matters regarding the evidence of witnesses about victims and matters pertaining to those victims — publication of a particular street address of a victim; some commercial material regarding SP Ausnet’s estimates as to the cost of placement equipment; the publication of a particular document and so on. Therefore the imperative here is to ensure that the non-publication orders which have been made, as the commissioner refers, beyond power are in fact able to be validated in a manner to ensure that the 15 of them will have effect at law.

The amendments before the house are basically to unhinge the nexus between subparagraphs (1) and (2) of section 19B. They will mean, therefore, that given the passage of this legislation, an order can be made under subsection (1) or an order could be made under subsection (2) without any dependence of the two

sections, one upon the other. Insofar as these orders are concerned, when there is also regard to the second major amendment that is referred to in what will be new section 164, it will mean the orders already made will be validated.

It will also mean that orders of this ilk made previously which may come within the category of the circumstances to which the commissioner has referred also would be validated. I was told at the briefing we received from the government that with the most recent royal commission in Victoria, the Metropolitan Ambulance Service Royal Commission — and whilst I could spend the rest of the afternoon talking about adventures surrounding that event I will not do so — the searches that have been conducted reveal there is no problem in relation to that in the nature of which we are now addressing.

Prior to that commission the most recent one in Victoria was the royal commission into the explosion that occurred at the gas plant at Longford in my electorate on 25 September 1998. That was a dreadful event which claimed the lives of two men and injured many others. There is some suggestion that these orders may have relevance to non-publication orders made in that particular commission, but that is a matter yet to be confirmed. The essence of the issue is that the passage of these amendments would achieve the outcome about which the commissioner was concerned and to which the correspondence he has written to the Premier is directed.

I am also advised that the amendments reflect what occurs in other jurisdictions and in that sense Victoria, it is said, will be brought into line with what occurs otherwise. Accordingly the opposition believes in the interests of the matters set out in the letter from the commissioner that Parliament should pass these amendments as a matter of some urgency and that is why they are before the house today.

I want to refer to some other matters which are pertinent to this legislation. This is what one might term an inadvertent error that has occurred. It does not set a precedent; it simply accommodates a need which has arisen. The media, I am informed by the government, has been advised through the commission about what is contained within these proposals. I am also informed that there has been no concern expressed by the media in regard to this matter. I mention that issue particularly because the whole discussion around suppression orders is often a cause of concern and comment by the media, but I am advised that that has not been the case with regard to these amendments.

It is also worthwhile reflecting that as a matter of general course the Parliament should not pass legislation which in effect is retrospective. But, again, circumstances rule cases and although this is a legislative process that is often regarded by parliaments throughout the land, quite rightly, as being repugnant, I believe in this case there are circumstances which require that these amendments be made. I emphasise again that this is an issue about protecting the innocent and protecting commercial sensitivities. Evidence has been given before the commission by various witnesses in the belief that that evidence would be the subject of non-publication orders. Those orders were made in all good faith and it is the circumstances surrounding the process which have brought these matters before the house today.

The principal thing is that the commission has acted very properly in the exercise of its discretion in these various areas with a view to protecting those who have given the evidence which is the subject of the orders already made. In that sense therefore these amendments will give effect to the original intent of the commission. It will ensure the protection of those who agreed to give evidence or who gave evidence under whatever might have been the circumstances and did so in the belief that these orders would be in place. There are no adverse interests that arise or are affected by all of this; there are no conflicts; there are no rights impinged upon in that, I am advised, the media has been briefed. Accordingly I think it is appropriate that these amendments take their course.

It might be said on a reading of section 19B(1) of the Evidence (Miscellaneous Provisions) Act 1958 that there is no temporal aspect around that provision and that theoretically there would be nothing to stop exclusion orders being made today and that the non-publication orders which have already been made could be renewed, if I can so term it, and therefore it could in effect occur from today. The problem with that is that, by definition, exclusion orders are made prior to the evidence actually being given, and it would make a mockery of section 19B(1) of the Evidence (Miscellaneous Provisions) Act 1958 if the matter were to be pursued in that manner. So, again, there is a need to validate the orders that have already been made as opposed to at this point in time attempting somehow to activate the provisions of sections 19B(1) and 19B(2) of that act in a manner which would achieve the desired result.

The other feature of these amendments is that even if the rather obtuse method I have just referred to were employed, that would not resolve one of the core concerns the commissioner has raised in his letter. The

concern is that for the purposes not only of the conduct of this commission but other commissions in the future there should be a break in the nexus between subsections 19B(1) and 19B(2) of the Evidence (Miscellaneous Provisions) Act 1958. The commissioner has made his concern apparent and is supported by memorandum of advice from Mr Rush, QC, that it suits much better the purposes of these commissions that they be able to deal with these matters on the basis that the link between subsections 19B(1) and 19B(2) is broken and the commission is therefore free to make an either/or order, or sometimes both orders, pursuant to those respective sections.

I should also add that it might be said by some that the matters regarding the OPI (Office of Police Integrity) imbroglio which occurred recently are in some way comparable to the events reflected in the course of these amendments. That is simply not the case. It is the case and the fact that insofar as the collapse of what is known as the Ashby trial is concerned, there was an error made in relation to the operation of the relevant legislation. A sequence of events occurred which resulted in the presiding judge being sworn in before he had been properly attributed as a relevant person under the OPI legislation. It might be suggested therefore, just as is being done now, that through some sort of process of validation the problem in that particular instance could equally have been resolved. That is simply not applicable at all by way of comparison with the matters now before us.

In the case regarding the issues surrounding Mr Ashby, there was a man who was facing a criminal trial, there were various issues of conflict with a variety of interests involved, there were issues where evidence had been gathered by coercive questioning, there were a number of instances where witnesses had been called to give evidence in circumstances where they did not choose to be there, and there was the prospect of imminent criminal proceedings which were going to be fiercely contested by the person concerned. In that case there was a man facing the prospect of standing trial, and accordingly it became even more apparent, given that collection of circumstances, that the law as provided by the statute should apply.

The situation we are dealing with in this instance is utterly remote from that which then applied in the case of the OPI legislation. Here, as I have already observed, we have a collective set of circumstances, all of which point to one basic outcome and all of which are supported by the various stakeholders involved. That outcome is to ensure that the 15 non-publication orders that have been made are able to be validated and that

everybody who has been involved in this process from beginning to end recognises the importance of that having occurred to protect those who have been the subject of that evidence.

Moreover, the benefit of these amendments being moved is that they will ensure that in the conduct of future commissions there will be a process able to be employed by the commissioner or commissioners which one might say is likely to lend greater assistance to that process than having to comply with the circumstances which are now set out in the provisions that are being amended. Accordingly, the opposition parties do not oppose the amendments now before the house.

I conclude with some general comments on the conduct of the commission. Right through this Parliament we have supported the work of the commission since the time of its inception. From an opposition perspective, we retain our concerns about the Country Fire Authority in particular not being individually represented. We think the work of the commission would be better if it were, but the government has decreed otherwise; we think that is an unfortunate feature of the current process.

We also renew our concerns about the submissions which have recently been made by the government as to some of the findings of the commission. I think it regrettable that the legal team instructed by the government should be before the commission — —

The DEPUTY SPEAKER — Order! I remind the Leader of The Nationals not to stray too far from the amendment.

Mr RYAN — Certainly, Deputy Speaker. The legal team is in a position which I think is understandably of concern for the community at large. I do not for one moment have any concern that the commission personnel in their various forms will be swayed or concerned by the vigour with which those arguments are put, but nevertheless in the public eye it is an issue of concern. That said, I confirm that the opposition does not oppose these amendments. In all the circumstances, and particularly given the matters set out in the letter from the chair of the commission, we wish this legislation a speedy passage.

Motion agreed to.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Liquor licensing: fees

Mrs SHARDEY (Caulfield) — The issue I raise is for the Minister for Consumer Affairs, and the action I seek is that the minister address the outrageous liquor licence fee increases that have occurred under the Brumby government. This is the second time I have raised this matter. This time the huge increase affects a man who has a small vineyard, and I will quote from his letter to me. He writes:

I have a tiny vineyard in my backyard at Sorrento which in an average year enables me to make a barrel of wine, of which I usually sell a little to friends and in the past I've sold a small amount to fine wine retailers. Last year I sold about 10 cases at an average price of \$150 each. This is a not-for-profit activity; I have no cellar door, sales are by word of mouth, and the small amount I sell is in half-dozen or dozen lots and is invariably consumed in a domestic dining context. I'm quite sure I'm not contributing to the alcohol-related violence issue.

Last year my licence fee was \$50, and I now find myself in the position of having an 800 per cent increase in my annual fee. I can't see any justification for this increase for someone in my position — I'm not making a profit from it, I impose no burden on the licensing authority, and I don't believe I'm adding to community risk. Essentially the scale of my production is at the level of hobbyist.

I call on the minister to now act on this outrageous Brumby government impost.

Clyde Road, Berwick: duplication

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Roads and Ports, and the action I seek is for him to inspect Clyde Road, Berwick, with the member for Narre Warren South and me, to witness the level of congestion and chaos that exists on the road on any given weekday.

I have been advocating for the duplication of this road since being elected in 2002 and thankfully have been working together with the member for Narre Warren South on this issue since she was elected. Clyde Road divides our electorates and we travel this road most days, experiencing the unacceptable level of congestion firsthand.

Clyde Road is an important road with many vital services located along it, such as Chisholm Institute of TAFE, Berwick Technical Education Centre, Monash University, many health and business support services,

as well as Casey Hospital on Kangan Drive, which is mainly accessed from Clyde Road.

The member for Narre Warren South and I arranged for a design plan to be worked on by VicRoads at a cost of \$1 million to identify and design the most appropriate way to duplicate this road. We were also very encouraged by the Rudd government's commitment to allocate \$30 million to alleviate problems on this road.

I spoke in the house the other night about the significant road projects completed recently or currently under way in the Gembrook electorate, and I am proud of this government's commitment to road safety projects through its Arrive Alive strategy. I am also proud of our work on the intersection of Enterprise Avenue and Clyde Road, ensuring the safety of road users until Clyde Road is duplicated.

In conclusion, I urge the minister to join the member for Narre Warren South and me to experience firsthand what our constituents endure and to see why the duplication is so necessary.

Euroa Health: funding

Dr SYKES (Benalla) — My request is for the Minister for Health to immediately familiarise himself with the problems confronting Euroa Health and provide the necessary funding and political support to ensure that the residents of Strathbogie shire have equitable access to health services that Victorians living in metropolitan Melbourne take for granted.

Euroa Health has its origins as a bush nursing hospital starting back in 1925, and it has a long and proud history of serving the health needs of the local community. However, in spite of its best endeavours, Euroa Health is experiencing cash-flow problems due mainly to falling bed occupancy rates. Factors contributing to this situation include the introduction of transitional care beds at other sites. There is also a relatively low private health insurance coverage rate in the local community, and that impacts dramatically on the net income the hospital earns per bed.

The consequences of this deteriorating situation are significant as there are many socially and economically disadvantaged people living in the Strathbogie shire who rely on Euroa Health to meet their health needs, and they are many — for example, Strathbogie shire residents have the sixth highest incidence of diabetes in the state and 22.2 per cent of the Strathbogie shire population is over 65 years of age, compared with the state average of 13.7 per cent.

Despite its small size Euroa Health provides a wide range of health services, including antenatal services and a healthy heart and lung program. They are also involved in a senior citizens register in partnership with the Victoria Police force. That community service is much appreciated. It is also involved in the Euroa men's shed, the Women of Euroa Group, the local palliative care service and the local opportunity shop. It provides an important and much-appreciated service.

Euroa Health believes it has a number of options available to address the current cash-flow crisis. These include locating transitional care beds on site or locating two to four publicly funded beds on site. Another option is funding a locally based and managed community health team on the Euroa Health site. I reiterate my request to the Minister for Health to immediately meet with the CEO and board of Euroa Health to familiarise himself with the issues and to commit the necessary funding and political support to ensure that Strathbogie shire residents have equitable access to health services which are taken for granted by people living in metropolitan Melbourne.

Bushfires: *Footsteps in the Ash*

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for the Arts, and the action I seek is for him to support the preservation and archiving of a truly remarkable collection of 47 photographs taken on and post Black Saturday. These extraordinary photos were taken by professional and amateur photographers, including Country Fire Authority volunteers. The photos are published in the magnificent book *Footsteps in the Ash* by St Andrews locals Jim Usher and Mac Gudgeon. It was launched last month in Hurstbridge by the Deputy Prime Minister, Julia Gillard, and the Premier.

Footsteps in the Ash is a record of the devastation of the St Andrews and Strathewen communities where 37 people died and 117 homes were lost. The authors of the book, Mr Usher and Mr Gudgeon, live in St Andrews and were minutes away from being victims of the fires themselves. Over a 10-month period they sensitively interviewed 80 survivors and 65 firefighters to compile these compelling stories and photographs, in the process becoming a listening post for the trauma of locals, many of whom have still not recovered. The initial print run of *Footsteps in the Ash* was funded by the Hurstbridge and Diamond Creek branches of the Bendigo Community Bank, which they should be commended for. The photographic exhibition that went alongside the book was financially supported by Harold Mitchell.

The book stands as an important record of this tragedy, but the photos themselves need to be preserved also as a record for future generations in honour of those who were lost. Both the member for Seymour and I have the privilege of representing the communities of Strathewen and St Andrews. I know that he supports the retention and preservation of these photographs, and the communities are very anxious for this to occur. I urge the minister to do all in his power to support this worthy project which has wide community support.

Energy: Gherang geothermal project

Mr MULDER (Polwarth) — I call on the Minister for Energy and Resources to invite his federal counterpart, Martin Ferguson, and together visit the Geelong geothermal power project at Gherang and Wensleydale. These communities are desperate to hear from and to gain assurances from both ministers regarding the future of the project and the impact on their communities. At this point representatives from the state government and representatives from the project's proponent, Greenerth Energy, have met with members of the community in an attempt to alleviate their fears as to the impact of the project on their community. Unfortunately for both the proponents and the community, Greenerth Energy posted a map on their website showing the locations of 12 power stations, with connecting electricity pylons mapped out showing houses potentially under threat. The company has provided assurances to the community that the map was a mock-up of the project for promotional purposes and that it did not represent the exact location of each power station.

The communities are of the understanding that the power stations could be located outside their communities. Unfortunately this oversight has left Gherang and Wensleydale residents reeling. Property values have been affected. Assurances provided by Greenerth Energy of no compulsory acquisition, full community consultation and other location options require the full support and backup of both state and federal ministers. It is unfortunate that a project that shows so much potential has been hampered by what appears to be a mock-up of the project. While all types of assurances have been provided that the stations could go elsewhere, these small communities feel threatened by the proposal.

So far all requests from the community for a meeting with the Premier, the Minister for Energy and Resources and the federal Minister for Resources and Energy, Martin Ferguson, have been refused. Unfortunately communities across the state are becoming increasingly suspicious of this government

due to their 'announce today and consult tomorrow' approach. This was evident with the desalination plant and the clearways announcements. These communities are aware of this; there is a groundswell out there. I strongly urge the Minister for Energy and Resources and his federal counterpart to meet with these communities.

My region is leading the way in relation to renewable energies, gas-fired power stations and a geosequestration trial. We are doing more than our fair share. These projects have been the subject of extensive consultation resulting in a positive outcome for the state and the communities affected. The longer the ministers stay away from the project, the worse the situation will get. They should meet the communities of Gherang and Wensleydale and put this matter to rest for once and for all. I am seeking assurances from the minister that the amenity of the Gherang and Wensleydale communities is not compromised by this project.

Clearways: extension

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is that he make an effort in the next week or so to put advertisements in multilingual daily and weekly publications highlighting the clearway times that are now operational. The city of Moreland has a large community of first generation Australians, many of whom speak English as a second language. With the clearway times everyone tries to be as law abiding as they possibly can, but sometimes habit gets in the way — for example, people are used to shopping in an afternoon and leaving their car in parking spaces for later times than currently operate.

I suggest that putting advertisements in, for example, *Il Globo*, *Neos Kosmos* and *El Telegraph* — widely read newspapers in the Moreland community — would assist many people understand why these new clearways have been enacted and how important it is that they abide by the law. As I said, these people who normally do their shopping in the afternoon along Sydney Road are law-abiding citizens. Sometimes you can get inadvertently caught by new laws, and having advertisements in a range of multilingual papers would assist.

The Minister for Housing would probably be thinking about advertisements in Vietnamese papers in his area, for example, and in Chinese papers would also be advantageous. The member for Preston is also nodding. Various members know only too well the importance of multilingual publications and advertisements. Law-abiding citizens from non-English-speaking

backgrounds would be greatly assisted by having these advertisements placed as soon as possible. I note that last night the Moreland City Council was supportive of this idea.

Finally, in relation to making sure the new clearway times are understood and operational and that people are following them, the sooner this new system is understood by motorists, the faster we can get the important bike path down Sydney Road in place. With the work done by the traders, the Moreland Bicycle Users Group and council, we are looking forward to Sydney Road being a true transport and shopping hub.

Gas: Bass electorate supply

Mr K. SMITH (Bass) — I wish to raise an issue for the Minister for Energy and Resources. I ask that he take action to ensure that the natural gas extension program is extended to places in my electorate so that the residents of Koo Wee Rup and the areas of Bass Coast, including Pioneer Bay, Grantville, Corinella, Coronet Bay, Tenby Point, San Remo and Phillip Island, are given the same benefits as are the people of Melbourne and other regional centres. The town of Lang Lang was connected to natural gas during the last natural gas extension project, as were Korumburra, Leongatha, Inverloch and Wonthaggi. These other towns have seen the benefits of clean, environmentally friendly natural gas, and the people I am asking on behalf of are entitled to the same opportunity.

Koo Wee Rup is a town of about 3500 people. It has a secondary college with about 900 students; two primary schools, one government and non-government; and its own hospital, the Koo Wee Rup Regional Hospital, which the Minister for Health visited recently, and it has a large high and low-care aged-care facility attached to it. The residential area is expanding rapidly as it is only a stone's throw from the Pakenham township and has a well-supported local shopping centre. Koo Wee Rup is also the asparagus capital of Australia, with nearly \$100 million of exports to all parts of the world.

Koo Wee Rup needs natural gas to enable it to be promoted so that businesses can be established in the town. It is trying hard to do that, but it is competing against towns that can offer natural gas as part of the benefits to business. Some time ago a survey was done in regard to natural gas to the area, and in conjunction with the Koo Wee Rup township committee and the Cardinia Shire Council I intend to undertake another survey to confirm the need for this important service to the community.

In regard to other towns in the Bass Coast area, we have large residential areas along the Western Port coastline: towns like Pioneer Bay, Grantville, Corinella, Coronet Bay, Tenby Point, San Remo and of course the tourist Mecca of Victoria, Phillip Island. Each of these townships has people who are struggling to pay for bottled gas, and businesses like the flower farm and the chocolate factory in Newhaven cannot expand any further to create more jobs because they are restricted by the expense of liquefied petroleum gas.

Tourist facilities and accommodation houses in San Remo and on the island need to get natural gas to enable them to compete with other tourist areas around the state. They would be able to use clean natural gas, and this government and the Minister for Energy and Resources must assist and take action to ensure that the natural gas extension project is extended into these areas.

Consumer affairs: debt collection agencies

Mr SCOTT (Preston) — The matter I raise tonight is for the attention of the Minister for Consumer Affairs. It concerns the activities, methods of operation and regulation of debt collection agencies in Victoria. The action I seek is that the minister undertake an investigation into the conduct of debt collection agencies in Victoria.

While all members would appreciate it is important for companies to be able to pursue bad debts, some creditors and collection agencies seem all too ready to proceed with methods and language designed to intimidate creditors. In many cases it has come to my attention that the conduct of the agencies has been quite unconscionable. For example, a constituent who disputed a power bill and whose case had been referred to arbitration with the energy and water ombudsman was nevertheless still pursued relentlessly by the power company's collection agency.

Another example is that a person who had been taken ill while away from home was pursued by the hospital's collection agency for payment when an administrative error resulted in the health fund initially denying their claim. The constituent was quite unwell and was highly distressed by the harassment.

A third example is that a cable TV company's collection agency was pursued for payment for continued services at a previous address despite the fact that the person had moved home some months previously and had asked the company to transfer their service to the new house, which it had done, and that

occurred notwithstanding the fact that the old house had been demolished.

In each of these cases the agencies called off their harassment only when they were approached by staff from my office. It has been my experience that collection agencies often employ bullying tactics and do not point out that the debtor can ask to make a suitable arrangement for paying the debt. I have had constituents on limited incomes who have been intimidated into paying debts using money they needed for rent or food, resulting in considerable hardship.

A recent report by the Consumer Credit Legal Service identifies many more similar cases of intimidation by collection agencies and notes that a major part of the problem is due to the increasing practice of outsourcing debt collection, and nowadays many such debts are sold by creditors to agencies.

I urge the minister and his department to investigate the operations of the debt collection industry to ensure that all agencies comply with applicable laws and codes of practice.

Kew Residential Services: site development

Mr McINTOSH (Kew) — I wish to raise for the attention of the Premier the loss of \$17 million on the sale of house and land packages in stage 1 of the Kew Residential Services redevelopment. The action I am seeking is for the Premier to halt this redevelopment until he can provide the promised financial benefits to the services for the disabled, given that 27 hectares of prime Crown land, dedicated to the care of the disabled, is being permanently alienated from public ownership.

In 2001 Premier Bracks announced that there would be a \$100 million redevelopment of Kew cottages, involving the removal of all but 100 residents of a total 460 residents. All proceeds of the sale of land were to be applied to disability services. Under the terms of the contract with the developer, Walker Corporation, the house and land packages were to be sold by the government and the project was to be managed by the developer, with profits to be split equally between the developer and the government. Effectively the government would be the owner of the land, the planning authority and the developer.

As reported in an article by Royce Millar in the *Age* of 13 December 2008, which was based on the Project Liaison Group (PLG) report on major projects in the Department of Infrastructure, the first stage of the development was supposed to realise a profit of \$6.1 million but has sustained a loss of some

\$17 million — a typical problem that this government has faced with a number of other major projects. The government must be the only body on earth that could sell a house and land package in a rising market in Kew and make a loss. It begs the question: why has this occurred? Most importantly, given the fact that there was a loss on stage 1, there is no guarantee that that loss will not be sustained throughout the remainder of the project, with some seven stages to be completed.

The financial model contained in the PLG report projected costs of \$48.6 million by the end of 2008. That has now more than doubled to reach over \$100 million for building 55 private houses on this prime real estate. The government took a land component of \$122 000. As I said, the development costs have more than doubled to the point where the government alone has sustained a loss of \$300 000 per house on this prime real estate in a booming market. As I said, it must be the only body on earth able to do that.

The government's commitment to use all the profits for disabled funding as a rationale for the sale has not eventuated because of the rising costs associated with this project. It seems that the disabled will again miss out because the land is not being appropriately used.

Economy: financial reporting

Ms RICHARDSON (Northcote) — The matter I raise is for the Treasurer. It concerns the need for proper, accurate and honest debate with respect to the Victorian economy. We all know how important it is to get things right and the damaging consequences for the state's economy in terms of confidence if you simply get it wrong. To this end I call on the Treasurer to establish an institute of basic accounting to assist people who lack an understanding of simple financial concepts and accounting practices.

Confidence in the state's economy is obviously critically important. If it is high, projects are invested in, jobs are delivered and consumers feel confident enough to spend, further stimulating the economy. Imagine for one moment if our businesses, investors and consumers had to rely on information about Victoria's economy that was fundamentally wrong. Imagine the effect on confidence and the effect on all the decisions made if people were given information that was wildly inaccurate, so inaccurate that it was difficult to understand how such a mistake could have been made.

I would have thought in the face of the global financial crisis everyone engaged in a debate about our economy would be very careful to get it right, yet today we have

seen such carelessness and reckless disregard for the consequences of getting it wrong. Today it was falsely claimed that last year's midyear surplus was \$1.2 billion when in fact the correct figure is \$85.9 million. This accurate figure of \$85.9 million is there for all to see on page 28 of the report released today, the *2009–10 Mid-Year Financial Report*. There is a \$1.1 billion difference between the correct surplus figure and that being circulated today.

This mistake having been made, there has been a sloppy attempt to make amends and not look so incredibly foolish by the issuing of another statement. The trouble is that it is wrong again. This time the midyear surplus has been falsely put at \$46.2 million. As I said, the correct figure of \$85.9 million is clearly printed for all to see on page 28 of the *2009–10 Mid-Year Financial Report*. Aside from clearly drawing sums from wrong years, wrong tables or wherever it is these figures have come from, this statement's author fails to take into account changes arising from the new Australian accounting standards. Again, this is all spelt out on page 28 of the report released today, and the accurate figure is \$85.9 million.

Who would have made such a blunder? Who would go out and risk confidence in our economy? Who would falsely claim that all is not well, contrary to the obvious facts? Unfortunately, yet again it is the opposition spokesperson on Treasury, the member for Scoresby. We have seen these sorts of mistakes time and again, and I think the time has come for a proper institute to be — —

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

Responses

Mr WYNNE (Minister for Housing) — The member for Caulfield raised a matter seeking the intervention of the Minister for Consumer Affairs in relation to liquor licensing fees for one of the hotels in her area. I will make sure that the minister is made aware of that.

The member for Gembrook raised a matter for the attention of the Minister for Roads and Ports seeking further support for the duplication of Clyde Road in Berwick. I will direct that to the minister's attention.

The member for Benalla raised a matter for the Minister for Health seeking his advocacy and support for the further funding of Euroa Health and that the minister have a meeting with the board and CEO of that health service.

The member for Yan Yean raised a matter for the Minister for the Arts seeking his support for what would be regarded right across the chamber here as a fantastic body of work, *Footsteps in the Ash* — 47 photographs that were taken in the aftermath of the dreadful bushfires last year. She is seeking for that body of work to be preserved and archived. I will make sure the minister is aware of that fantastic piece of work and the member for Yan Yean's request.

The member for Polwarth raised a matter for the Minister for Energy and Resources seeking that the minister and his responsible federal counterpart meet with community members in the electorate of Polwarth in relation to Greenearth Energy proposals for that area. I will make sure the minister is aware of that request.

The member for Pascoe Vale raised a matter for the Minister for Roads and Ports seeking that the minister place advertisements in relevant multicultural languages advertising the government's clearway proposal. In the context of the member for Pascoe Vale, the proposed clearway is in Sydney Road.

The member for Bass raised a matter for the Minister for Energy and Resources seeking his support for the extension of the natural gas project through Koo Wee Rup, Corinella, Phillip Island and surrounding communities. I will make sure the minister is aware of that.

The member for Preston raised a matter for the Minister for Consumer Affairs in relation to debt collection agencies and what he alleges to be unconscionable conduct by some of these agencies. He is seeking a code of practice in relation to the activities of debt collection agencies. I will make sure the Minister for Consumer Affairs is aware of that matter.

The member for Kew raised a matter for the attention of the Premier in relation to alleged losses of \$17 million in the sale of house and land packages in the Kew Residential Services redevelopment stage 1. He is seeking the Premier's attention to that matter as the funds were to be hypothecated to disability services.

The member for Northcote raised a matter for the attention of the Treasurer seeking the Treasurer's support for the establishment of an institute of basic accounting to provide guidance and support to those who seek to comment upon budgetary matters.

The SPEAKER — Order! The house is now adjourned.

House adjourned 5.24p.m. until Tuesday, 23 March.

