**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE ASSEMBLY

## FIFTY-SIXTH PARLIAMENT

## FIRST SESSION

**Tuesday, 23 February 2010**

**(Extract from book 2)**

**Internet: www.parliament.vic.gov.au/downloadhansard**

**By authority of the Victorian Government Printer**

## The Governor

Professor DAVID de KRETSER, AC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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| | |
|---|---|
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| Deputy Premier, Attorney-General and Minister for Racing | The Hon. R. J. Hulls, MP |
| Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services | The Hon. J. Lenders, MLC |
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| Minister for Health | The Hon. D. M. Andrews, MP |
| Minister for Energy and Resources, and Minister for the Arts | The Hon. P. Batchelor, MP |
| Minister for Police and Emergency Services, and Minister for Corrections | The Hon. R. G. Cameron, MP |
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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 |
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| Minister for Children and Early Childhood Development and Minister for Women's Affairs | The Hon. M. V. Morand, MP |
| 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 Napthine, 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 Elasmar 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*): Mrs Petrovich and Mr Viney.

**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 Elasmar, 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 |
| Beattie, Ms Elizabeth Jean | Yuroke | ALP | Marshall, Ms Kirstie | Forest Hill | ALP |
| 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 |
| Brumby, Mr John Mansfield | Broadmeadows | ALP | Mulder, Mr Terence Wynn | Polwarth | LP |
| 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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## TUESDAY, 23 FEBRUARY 2010

# Tuesday, 23 February 2010

**The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.**

## NEW MEMBER

### Member for Altona

**The SPEAKER announced the election of Ms Jill Hennessy as member for the electoral district of Altona in place of the Honourable Lynne Kosky, resigned, pursuant to writ issued on 18 January 2010.**

**Ms Hennessy introduced and affirmed.**

## BUSINESS OF THE HOUSE

### Broadcasting of proceedings

**The SPEAKER** — Order! Members may have noticed that some of the cameras for the broadcasting project have now been installed in the chamber. The cameras are not yet operational, and the remaining cameras will be installed over the coming weeks. The project is on target, and we will be broadcasting video of proceedings from the sitting week beginning 4 May this year.

## QUESTIONS WITHOUT NOTICE

### Crime: knife attacks

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. Why in 2008 did the Premier sack the Victorian Community Council on Crime and Violence just as that council was about to launch a campaign to educate young people on the dangers of carrying knives?

**Mr BRUMBY** (Premier) — Honourable members will recall that we have seen significant toughening up of laws in our state in relation to knife offences. We put in place changes in legislation in 2007 and 2008 dramatically increasing penalties for carrying and using a knife unlawfully in our state.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the members for Ferntree Gully, Hastings, South-West Coast, Scoresby, Warrandyte and Bass to cease interjecting.

**Mr BRUMBY** — The changes we put in place then and the changes we announced last year give us the toughest set of laws in relation to knives in Australia. The changes have included the doubling of penalties for carrying prohibited and controlled weapons, new penalties for unlawfully carrying weapons in and around licensed venues, self-defence being removed as a lawful excuse for carrying dangerous articles in case of attack, and new random search powers for police which are the strongest in the country.

I have announced today further steps which are completely consistent with our war on knives in Victoria. The steps today, which build on all these other measures, include — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order, including the member for Malvern.

**Mr Baillieu** — On a point of order, Speaker, the Premier is debating the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask government members to allow all members to take a point of order in silence.

**Mr Baillieu** — Perhaps, once again, the Premier was not listening.

**The SPEAKER** — Order! There is no point of order. The Leader of the Opposition on a further point of order.

**Mr Baillieu** — On a point of order, Speaker, the Premier is debating the question. I asked a specific question, seeking a specific answer.

**The SPEAKER** — Order! That is the same point of order. The Premier has been speaking for some time, and I ask him to conclude his answer.

**Mr BRUMBY** — The penalties that are in place for carrying a prohibited weapon are up to four years in jail and a fine in excess of $40 000, and for carrying a knife it is two years in jail or up to $28 000. These are tough penalties. I announced today further measures to get the message out to the community that it is not lawful to carry a knife unless you have a reason for doing so.

**Mr Baillieu** — On a point of order, Speaker, I renew the point of order I raised before. I asked a specific question about the Victorian Community Council on Crime and Violence. The Premier has ignored the question completely.

**The SPEAKER** — Order! As the Leader of the Opposition knows, the Chair cannot direct the Premier as to how to answer the question. The Premier is being relevant to the question around the community campaign against knives. I renew my call for the Premier to conclude his answer.

**Mr BRUMBY** — As I said, there will be a strong, new — —

**Mr Wells** interjected.

**The SPEAKER** — Order! I warn the member for Scoresby.

**Mr BRUMBY** — There will be an amnesty for members of the public to hand in their weapons, and I might say that last time we had an amnesty on this subject there were 3670 weapons handed in to police. Consumer Affairs Victoria will be undertaking a blitz on retailers, weekend market vendors and others who are selling prohibited weapons. That blitz will occur in the next few days. All of this is a concerted attack on knives in our community.

I conclude on this note: we have seen over recent years that the crime data shows the number of knife attacks have been trending down, and that is positive.

*Honourable members interjecting.*

**Mr BRUMBY** — Those are the facts.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to come to order.

**Mr BRUMBY** — What we are seeing is more young people carrying knives, and when knives are being used in incidents the injuries being inflicted are more serious. We have made progress, but there is a lot further to go. These steps put us on the front foot in tackling this issue.

Finally in relation to the Leader of the Opposition's question, as he well knows the Chief Commissioner of Police recommended that the Victorian community council not be reappointed.

## Employment: government initiatives

**Dr HARKNESS** (Frankston) — My question is to the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house — —

**Dr Napthine** interjected.

**The SPEAKER** — Order! I now warn the member for South-West Coast.

**Dr HARKNESS** — I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on recent job announcements across Victoria?

**Mr BRUMBY** (Premier) — There has been a lot of good news on jobs in our state in recent months; in fact there has been a lot of good news on jobs over the last year. The economic performance in Victoria is the envy of many people across Australia and across the world.

I thank the member for Frankston for his question. Last week I was in Frankston with the Minister for Roads and Ports and the honourable member for Frankston as we started work — we turned the first sod; we got the bulldozer out — on Peninsula Link. Here is a great project being put in place by this Labor government. It would never have happened under a Liberal government, because all Liberal governments do is close things down. They close schools, they close police stations — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not allow the Premier to debate the question.

**Mr BRUMBY** — I want to acknowledge in this place the extraordinarily strong advocacy and persistence of the member for Frankston in ensuring that this project is delivered. It is fair to say it could not have been delivered without his persistence. The reason I mention Peninsula Link is that the question was about jobs. Peninsula Link will generate 4000 direct new jobs.

When we brought down the budget in this place last year it was a jobs-building budget. Our capital works program was a jobs-building program — opposed, of course, by those opposite, but our plan for the state was the right plan, and it is a plan that is delivering jobs.

We had 24 000 extra Victorians employed in January. We have now had nine consecutive months of employment growth. Since last year two-thirds of all the new jobs generated across Australia have been generated in Victoria. We have had the strongest rate of employment growth of all the states, at 3.7 per cent.

What is also pleasing is that the jobs growth has occurred across the state. It is no surprise that on the

back of recent figures from the Australian Bureau of Statistics we have seen various headlines in the newspapers. The *Herald Sun* says the state leads the jobs surge and that:

> Victoria is the nation's employment powerhouse …

The *Age* carried the headline 'Victoria leads new jobs boom'. Another headline in the *Age* says 'Garden state in blooming good shape'. In the *Australian Financial Review* the St George Bank Ltd market economist Amanda Tan said that Victoria's jobs market had been the nation's standout performer. I know the opposition hates hearing those things; it hates hearing good news about our state.

Since we were last in this place — and I have mentioned Peninsula Link — Woolworths and Aldi have announced 17 new stores, bringing 1000 construction jobs and 1740 new retail jobs to Victoria. We have signed the supercomputer partnership between the state government, IBM and the University of Melbourne which will create directly 30 new high-value jobs. But to be honest, I think in the years ahead this will be the largest life sciences computer in the world. It is the fifth largest computer in the world. It will bring more of the world's best researchers and cancer specialists to our state. I think it will lead to the development of hundreds, perhaps thousands, of direct and indirect new jobs in the future.

In terms of the Dow Chemical Company, last week with the Minister for Agriculture and Dow Chemical we signed a new agreement on agricultural research that will create 30 new Victorian jobs. CMI Industrial has announced 125 new manufacturing jobs and secured 100 existing jobs in Ballarat and Horsham.

The Minister for Agriculture announced the northern Victorian native fish production facility at Snobs Creek. We will support Victoria's freshwater aquaculture industry with something like 50 new jobs. There is also the agreement reached with Ingham, which will provide 300 new jobs — 300 replacement jobs for our state. I am told there will be, as I said, 300 jobs in the construction of that facility. It is a facility we have retained in Victoria.

This is a positive set of announcements for our state. We are continuing to see strong growth, including strong economic growth and strong jobs growth, and strong investor confidence in our state.

Yesterday, with the Minister for Industry and Trade, we took possession of the first of the new Toyota hybrid Camrys produced by Toyota in Altona. The support the Victorian government provided and the federal government support mean it is now the fifth hybrid manufacturing facility in the world. It is a great thing for the environment, a great thing for investment and a great thing for jobs.

## Crime: knife attacks

**Mr BAILLIEU** (Leader of the Opposition) — My question is for the Premier. Given that in March 2000 the then Minister for Police and Emergency Services, André Haermeyer, said that 'a climate of fear had been created by an increasing number of people arming themselves with knives' and that it 'is a trend that must be turned around', I ask why, despite being warned for a decade, this government has failed to turn around the increase in knife crime in Victoria — or does the Premier simply agree with the previous Chief Commissioner of Police that the problem is a statistical blip?

**Mr BRUMBY** (Premier) — As I indicated to the Leader of the Opposition in answer to his first question, we have put in place a whole series of steps which give us the toughest set of knife powers anywhere in Australia. I made it clear yesterday and again today that, if further steps are necessary to stamp out this culture and practice, we will take those steps.

If you look at all the evidence and statistics in relation to this issue, you see that the measures we have put in place are making progress; there is absolutely no doubt about that. But we have a phenomenon — and we need to be clear about this — where more young people think it is acceptable and think it is a code of behaviour to carry a knife. We have children who are as young as 10 years old who have been detected carrying a knife by police. It is never acceptable to be carrying a knife in those circumstances. It bears repeating: it is not lawful to carry a knife. It is not legal to carry knife unless you have a lawful use for it such as if you are a farmer or you are going fishing. Otherwise it is not lawful to be carrying a knife.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to come to order so the Premier can conclude his answer.

**Mr BRUMBY** — All the measures that we have put in place, including those over the last two years — a doubling of penalties, the increased police powers, the move-on powers, the search powers and the planned search designated powers — will make a difference, but I have made it very clear that with this culture and this tendency we need as a community to get on top of

it. I have signalled very clearly that if there is a need for further steps, they will be taken.

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the member for Warrandyte that the constant commentary is not appreciated, and I ask the member for Bass to stop interjecting.

**Mr BRUMBY** — As I in part indicated in response to the earlier question, for a prohibited weapon offence the penalties are now 480 penalty units, $56 000 or four years imprisonment; for a controlled weapon offence the penalties are now 240 penalty units, $28 000 or two years imprisonment; and for a dangerous article offence, 120 penalty units, $14 000 or one years imprisonment. Those things make a difference, as do the 120 additional police that we put on the streets last year on top of the 350 and on top of the 50 additional transit police.

I woke up this morning to the member for Malvern foreshadowing that the opposition parties would cut liquor licensing fees at a cost to the budget of $20 million — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will not debate the question, and the member for Hastings is warned.

**Mr BRUMBY** — Here is an opposition which professes concern about these matters but would cut police numbers by cutting budget revenue.

*Honourable members interjecting.*

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

**Mr BRUMBY** — We have taken the right decisions and the tough decisions to put in place the appropriate measures to tackle this issue. If we need to, as I have said, we will take further measures.

Statistically, according to the published data, the number of knife attacks are down by 23 per cent between 2001–02 and 2008–09. As I said, we have a problem with young people and increasing severity, but we intend to get on top of it.

## Multicultural affairs: government initiatives

**Ms KAIROUZ** (Kororoit) — My question is for the Minister Assisting the Premier on Multicultural Affairs. Can the minister update the house on how the Brumby government continues to support Victoria's multicultural communities, and is the minister aware of any threats?

**Mr MERLINO** (Minister Assisting the Premier on Multicultural Affairs) — I thank the member for Kororoit for her question; she understands that Victoria's multicultural make-up is one of our greatest strengths. Victorians appreciate the sacrifices and contributions that each of our multicultural communities has made to our great state, enriching the social, economic and cultural life of Victoria.

Our extraordinary diversity is something Victorians recognise and regularly celebrate; and we celebrate it passionately and with great pride. These are not idle boasts. Our harmonious multicultural society is internationally recognised. The United Nations High Commissioner for Refugees, António Guterres, has said we are 'an example for many other places in the world'. He stated that our society and our multicultural approach provided 'the proof that different communities can live together, can respect each other' and 'live harmoniously'.

But it is a precious thing. Vigilance and bipartisan support are required. When a handful of bigots have tried to undermine our harmony Victorian governments, both now and in the past, have taken action. When One Nation emerged in the 1990s, then Premier Jeff Kennett, the Labor opposition and the Victorian community all strongly rejected its message of hate.

In recent times a minority of cowardly thugs have attacked international students. The Brumby government condemns any form of racism and has taken immediate action: additional police have been provided and there is a more highly visible presence in targeted trouble spots; the Police Indian Western Reference Group has been established; more weapons searches are being undertaken; and sentencing laws have been amended. The new sentencing laws require judges to take into account whether a crime was motivated by hate or prejudice.

John Searle, president of the Jewish Community Council of Victoria, said this of the new laws:

> These amendments reinforce the government's commitment and the commitment of all Victorians to live in a harmonious, multicultural society free from vilification or hatred based on a person's background, race, religion or sexual orientation.

Just last month the Premier launched the new International Student Care Service, a single point of contact where students in need can access counselling,

legal assistance and welfare services 24 hours a day, seven days a week. The consul-general of India in Melbourne, Anita Nayar, said of this new service:

> I can already vouch for how effective it is.

Victoria is not a racist state. Victorians do not tolerate racist behaviour. Racism begins and ends with a few bigoted idiots who are out of step with the Victorian community.

This is an important issue that must remain above politics. Race should not be cynically and deliberately manipulated for base ends. It simply requires strong, bipartisan leadership. Leadership is not talking our state down. Leadership is not trashing Victoria. Calling Victorians 'racist' does not show real leadership; it shows that the Leader of the Opposition will say anything to prop up his own weak leadership. The Brumby government rejects this approach. We understand that our harmonious multicultural society is our great strength, and we on this side of the house will not put it at risk.

## Police: Ballarat

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the Ballarat *Courier*'s editorial on Monday this week, which states in part:

> The role of government is to ensure that police command have sufficient numbers to carry out their work efficiently and without undue pressure or stress. Currently, Ballarat does not have that.

I further refer to the member for Ballarat East, who said, 'I don't accept there's a shortage of police'. And I ask: is it not a fact that the Ballarat *Courier's* editorial is correct and the member for Ballarat East is, like the Premier, in denial and refusing to listen to the Ballarat community?

**Mr BRUMBY** (Premier) — I think the Leader of The Nationals is in denial about his performance in government. The fact is — —

**The SPEAKER** — Order! The Premier, without debate.

**Mr BRUMBY** — The reality is that through all the years that we have been in government, through all the years that I have been Premier, we have increased police numbers. We have done that when the economy has been growing rapidly; we have done it when the economy has been growing slowly; we have done it through the global financial crisis; we have done it irrespective. We have met our promises; we have met our commitments; we have honoured those commitments. We have increased police numbers, full stop.

The reality is that every government that is elected faces different times, different challenges and different circumstances.

**Mr Ryan** — What a cop-out!

**Mr BRUMBY** — It is a cop-out by you. The reality is that the government of this place in the 1990s, the former Kennett government — the Liberal-National party coalition — promised 1000 police and — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the member for Benalla and the member for Evelyn that the Premier will not be shouted down. I ask the Premier not to debate the question.

**Mr BRUMBY** — That is the fact of the matter. The Leader of The Nationals, the member for Gippsland South, has raised the question today. I do not ever recall him in the 1990s making speeches in this place about police numbers.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier!

**Mr BRUMBY** — I do not ever remember him making speeches about police numbers.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier not to debate the question. I also ask the opposition to cease interjecting in the manner that they are trying to perfect.

**Mr BRUMBY** — The fact of the matter is that there has been a significant increase in police numbers in our state. By the end of this year, if you include the 50 transit police — —

**Mr McIntosh** interjected.

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

**Mr BRUMBY** — There will be nearly 2000 additional police. In relation to Ballarat I am advised there has been a 30 per cent increase in police over the last 10 years.

*Honourable members interjecting.*

**Mr BRUMBY** — It is better than the 30 per cent cut that occurred under the Liberal-National party coalition.

**The SPEAKER** — Order! The Premier should ignore interjections. I ask opposition members to cease interjecting.

**Mr BRUMBY** — It is over 30 per cent — in fact I understand it is 37 per cent — and there has been a 6.4 per cent reduction in crime.

**Mr O'Brien** interjected.

**The SPEAKER** — Order! I ask the member for Malvern to cease interjecting in that manner.

**Mr BRUMBY** — As has always been the case under successive governments, the government of the day provides the budget funds for the police resources and sets the legislative framework and agenda, and the allocation of those police, as the Leader of the Opposition well knows, is a matter for the chief commissioner.

## Crime: government response

**Mr PERERA** (Cranbourne) — My question is to the Minister for Police and Emergency Services. 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 update the house on how the government and our police are working to reduce crime across Victoria?

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the honourable member — —

**Mr Mulder** interjected.

**The SPEAKER** — Order! I warn the member for Polwarth.

**Mr CAMERON** — I thank the honourable member for Cranbourne for his question and the enormous interest he has in his community and across Victoria when it comes to issues around policing. Certainly in the last decade, or since 2000–01, we have seen the rate of crime in Victoria reduce by 25 per cent. While overall that has been good, we recognise that there are pockets of problems we have to deal with as a government.

Data released last week by the Australian Bureau of Statistics highlighted that only 1.9 per cent of Victorians felt unsafe at home during the day, only 3.1 per cent felt unsafe walking around their home after dark and 4.6 per cent felt unsafe after dark around their neighbourhood. Clearly we recognise these issues.

*Honourable members interjecting.*

**Mr CAMERON** — To continue, despite those relatively low numbers — —

**The SPEAKER** — Order! I ask members to come to order. Once again I ask the member for Benalla not to interject in that manner.

**Mr CAMERON** — Despite those relatively low numbers, our quest is to continue to work with police to improve safety around this state. It is clear that police, and police out on the beat, give confidence to local communities. However, one of the things that is especially important in neighbourhoods is the issue that people have with hoons — they make people feel insecure in their neighbourhoods.

**Mr Ryan** interjected.

**Mr CAMERON** — I thank the honourable member for Gippsland South for his interjection about hoons and softness, because he knows the position about hoons that one party in this house took in January 2007 — that was, take them off the roads — while the position of the other side of the house was that they should simply be given a warning. We totally reject that policy of the hoon lovers opposite, and that is why we have flagged even further strengthening of the laws during the course of this year.

**The SPEAKER** — Order! I ask that the minister not debate the question.

**Mr CAMERON** — Certainly it is interesting to look at those crime statistics. I appreciate that some people complained to the Ombudsman about falsification of the statistics, but the Ombudsman hit that for six, saying there was no falsification at all. In fact what the Ombudsman said was that Victoria has a relatively low crime rate.

But we recognise that there are issues that we have to deal with. While we have seen an increase in assaults, we know that half of that relates to family violence and about a quarter of it relates to street violence. It is for those reasons we have given police new powers to impose on-the-spot fines and move-on powers, and that is why in late 2007 we also introduced a comprehensive campaign around banning notices, contrary to the wishes of those opposite.

When we look at these issues and the issue of knives, again we see the government pushing into this space,

just as we have with the increase in penalties, just as we did with the controversial powers that we gave police last year. I also remind the house that when we increased those penalties in 2007 there was a working group on weapons with the Victorian Community Council on Crime and Violence and there was a $200 000 budget for a targeted education campaign. And guess what? It was held.

We have flagged again that we are going to push further and further into this space, because there are those on this side of the house who are committed to reducing crime — and there are those opposite who could not care less because they are hoon lovers.

## Office of Police Integrity: delegation of powers

**Mr McINTOSH** (Kew) — My question is to the Premier. Has the Premier or his office sought or received any advice as to whether there are any other cases or investigations, apart from those relating to Noel Ashby, in which the Office of Police Integrity or the director, police integrity, have not lawfully delegated powers or authority? You may have read it in the newspaper article!

**Mr BRUMBY** (Premier) — Was it the honourable member for Kew who thought there should just be a warning for hoons? I think it was the honourable member.

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

**Mr BRUMBY** — I have received no advice in relation to that matter.

## Water: north–south pipeline

**Ms GREEN** (Yan Yean) — My question is to the Minister for Water. I refer to the Brumby Labor government's commitment to deliver on its water plan, and I ask the minister to update the house on the progress of the Sugarloaf pipeline and respond to claims that water going down the pipe is not real water.

**Mr HOLDING** (Minister for Water) — I thank the member for Yan Yean for her question. I am very happy to inform the house on the progress of the government's Sugarloaf pipeline. As with our other water projects around Victoria, this is a project that has been delivered on schedule; in fact it has been delivered months ahead of schedule. It symbolises and strengthens the government's commitment to making sure that, no matter where you live in Victoria, the government is committed to making sure there will be enough water to meet the community's needs in a time of drought and climate change.

**Mr K. Smith** — On budget?

**Mr HOLDING** — An honourable member intervenes, 'On budget?'. I have to say it was not on budget; it was actually under budget. I thank the member for Bass for his interjection.

This is a great news project. It is part of this government's commitment to updating outdated irrigation infrastructure in the state's north. It is part of a $2 billion program to fix up leaky irrigation systems in northern Victoria and to share the savings from those investments in irrigation modernisation with Victorians. More than 80 per cent of the water saved from the irrigation upgrade in northern Victoria will stay in northern Victoria. It will be shared 50-50 between irrigators and stressed river systems, and less than 20 per cent will be available to come to Melbourne through the Sugarloaf pipeline.

I am pleased to inform the house that the Premier and I were at the Sugarloaf Reservoir on 10 February to celebrate the switching on of this very important project: a project delivered months ahead of schedule, a project delivered slightly under budget and a project that also is the biggest augmentation to Melbourne's water supplies in more than a quarter of a century. This is a great project for Victorians to provide water security for all Victorians.

I was very surprised — and this goes to the second part of the member for Yan Yean's question — to see in particular one claim made by a person who claims to be an expert on country water supplies, and I quote from their claim:

> But I have been advised that at Killingworth, where the pipeline draws water from the Goulburn River, the pumps were not switched on.

The claim goes on to say that this was a 'media stunt … the latest in a long history of government lies' — —

*Honourable members interjecting.*

**Mr HOLDING** — The honourable member says, 'It's true'. So you can imagine my shock when this ridiculous claim was repeated the following day on Ballarat radio, this time not by a person who claims to be an expert on water, in fact not a person who claims to be an expert on anything — none other than the Leader of the Opposition — who said he too had been advised that the water was somehow — —

*Honourable members interjecting.*

**Mr HOLDING** — I am very pleased to be able to advise the house that I have here the flow rates which show when the pumps were switched on — yes, at Killingworth on the Goulburn River — on 10 February. These rates show that at 11.35 a.m., when the Premier flicked the switch to turn on the Sugarloaf pipeline, there was a giant spike as water from the Goulburn River flowed down the Sugarloaf pipeline in exactly the way the government said it would when it constructed the pipeline. This is now one of the great conspiracy theories. It is up there with the Kennedy assassination and the moon landing that was really acted on a TV set in Nevada.

I say this, Speaker — and I hate to mention it to those opposite — but this was real water that came down the pipeline. The Leader of the Opposition need do no more than put his Speedos on and he too can go for a swim and see that the water is actually quite wet!

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister to conclude his answer with no further debate.

**Mr HOLDING** — Thank you, Speaker. This is a great project for Victoria, a great project for all Victorians. It is a very important part of the government's water plan delivered ahead of schedule and under budget — exactly as we said it would be delivered — with water savings being made from irrigation upgrades in northern Victoria and real water flowing down that pipeline which will help us plot the pathway, the road map, out of water restrictions in Melbourne as we have seen them lowered in hundreds of towns across regional Victoria in recent years because of this government's investment in vitally needed water infrastructure.

## Office of Police Integrity: telephone recordings

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Roads and Ports. When did the minister first become aware that Mr Paul Mullett's telephone calls were being recorded or intercepted by the Office of Police Integrity or by any related agency?

**Mr Batchelor** — On a point of order, Speaker, this is a question that clearly relates to matters outside the minister's portfolio, and in that context I would seek your guidance as to how this should be handled. If it is outside the minister's portfolio, it should be ruled out of order.

**Mr McIntosh** — On the point of order, Speaker, this minister answered similar questions last year on 5 May and 11 June; secondly, this minister deals, apparently regularly, with Victoria Police as part of his portfolio; and thirdly, it goes to the integrity of a minister of this government, and he should be required to answer the question.

**The SPEAKER** — Order! I accept the points made by the member for Kew. I will give the Leader of The Nationals the opportunity to re-ask the question, but to do so clearly drawing the responsibility to the Minister for Roads and Ports. The minister can only be asked questions as they relate to his ministerial responsibility.

**Mr RYAN** — Thank you, Speaker.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members of the government to come to order.

**Mr RYAN** — My question is to the Minister for Roads and Ports. I refer to questions previously put to the minister in the house regarding allegations about telephone intercepts and recordings of conversations that have occurred between the Office of Police Integrity and Mr Paul Mullett and in relation to issues surrounding meetings with Mr Noel Ashby in which the minister has been involved, and I ask: in so far as Mr Paul Mullett is concerned, when did the minister first become aware that Mr Mullett's telephone calls were being recorded or intercepted by the Office of Police Integrity or by any related agency?

**The SPEAKER** — Order! The question is not in order.

**Dr Napthine** — On a point of order, Speaker, in response to a point of order made by the Leader of the House and comments made by the member for Kew, you said you accepted the member for Kew's argument on the relevance of the question asked by the Leader of The Nationals on questions put to and answered by the Minister for Roads and Ports last year about the link between the minister's role with respect to VicRoads and road safety and the link to Victoria Police — questions posed by the member for Kew.

You made it very clear that you accepted what the member for Kew said about this being relevant and also with respect to the credibility and integrity of the minister himself. The Leader of The Nationals clearly put his question in the context of those issues put by the member for Kew, which you yourself said you accepted. Therefore, Speaker, I suggest you revisit your decision and allow the question so that the minister can

answer it and inform the house and the public of when he first became aware that Paul Mullett's telephone was tapped.

**Mr Hulls** — On the point of order, Speaker, and on your ruling that the question has to relate to the portfolio of the Minister for Roads and Ports, I have no issue with your ruling. I have not the slightest doubt whatsoever that the minister is more than happy to answer the question if it is worded in such a way that it relates to his portfolio. It is not rocket science.

**Mr McIntosh** — On the point of order, Speaker, there is just one further matter that I would put before you. I have heard the Minister for Roads and Ports being interviewed on this matter on a number of occasions when he has actually been introduced as the Minister for Roads and Ports. It is clearly within his portfolio responsibility. He has answered questions in this chamber and in the media in relation to this matter. He should be required to answer questions on this matter here.

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

## Western Health: waiting lists

**Ms THOMSON** (Footscray) — My question is for the Minister for Health. I refer the minister to the Brumby Labor government's commitment to build a better health system with more nurses and better hospitals, and I ask: can the minister outline for the house details of elective surgery activity at Western Health and any challenges faced by Western Health clinicians?

**Mr ANDREWS** (Minister for Health) — I thank the honourable member for Footscray for her important question. Every member of this house knows that elective surgery is a very important part of health service provision at Western Health. That is why our government has very proudly boosted resources to support Western Health to do more surgery and to do it faster. Indeed since coming to government we have almost doubled the total amount of elective surgery activity across Western Health's campuses.

The member for Footscray asked me directly about challenges faced by those working out of Western Health in delivering these important services. Sadly, as I am asked, there are challenges to the good work of those dedicated clinicians at Western Health. I have received some correspondence that outlines those challenges, and I want to share this important correspondence with honourable members. A letter dated 12 February from Associate Professor Trevor Jones of Western Health states:

> It is with regret that I find the need to write to you to express my dismay at the recent media articles and advertisements surrounding Western Health and alleged 'secret waiting lists'. I think it important to set the record straight.
>
> As the clinical services director of the division of surgery at Western Health I absolutely refute these allegations. Western Health does not and has never had 'thousands … on secret waiting lists'. Western Health has removed thousands of people from our waiting list; my surgical colleagues operated on close to 14 000 people in the last year. This is about 1000 more operations on people from the waiting list than in the previous year.

Outlining challenges, the correspondent goes on to say:

> My colleagues and I take immense pride in the care we provide to our community and are constantly striving to provide the best of care to the people of the west. We find the unwarranted attacks on ourselves, Western Health and indeed our community to be extremely distressing, demeaning and totally demoralising.

These are the challenges that are faced by clinicians at Western Health, and the question therefore is: who might have waged these distressing, demeaning and totally demoralising attacks, who might have deliberately manipulated FOI data to sully the names of doctors and nurses at Western Health and who might owe every doctor and every nurse at Western Health a full and frank apology? The answer is: this disgraceful bunch opposite, who should apologise — and apologise now.

## RADIATION AMENDMENT BILL

*Introduction and first reading*

**Mr ANDREWS (Minister for Health) introduced a bill for an act to amend the Radiation Act 2005 to allow the secretary to impose further conditions on management licences relating to the management or control of the use of radiation sources, to clarify the scope of certain offences, to empower the secretary to impose conditions on licence exemptions that require compliance with certain incorporated documents, to provide for the publication on the internet of parts of the register relating to use licences and for other purposes.**

**Read first time.**

## STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL

*Introduction and first reading*

**Mr ANDREWS** (Minister for Health) — I move:

That I have leave to bring in a bill for an act to amend the Health Professions Registration Act 2005, the Health Practitioner Regulation National Law (Victoria) Act 2009 and other acts and for other purposes.

**Dr NAPTHINE** (South-West Coast) — Could the minister provide a brief explanation of the contents of the bill?

**Mr ANDREWS** (Minister for Health) — This is the last bill as we transition to a true national registration scheme and an important accreditation scheme for a number of different disciplines. Basically it facilitates a range of amendments that are important in that transition, and it also allows for the continued registration at a Victorian level of traditional Chinese medicine and medical radiation technologists until 2012, when they too will transition to the new national scheme.

**Motion agreed to.**

**Read first time.**

## CREDIT (COMMONWEALTH POWERS) BILL

*Introduction and first reading*

**Mr ROBINSON** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to adopt the National Consumer Credit Protection Act 2009 of the commonwealth (as amended) and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 of the commonwealth, and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the commonwealth for the purposes of section 51(xxxvii) of the constitution of the commonwealth and to make related provisions and transitional and consequential provisions.

**Mr O'BRIEN** (Malvern) — Could the minister provide a brief explanation of the content of the bill?

**Mr ROBINSON** (Minister for Consumer Affairs) — The bill will give effect to the government's commitment, as has also been agreed by the Council of Australian Governments, for the transfer of credit regulation to the commonwealth.

**Motion agreed to.**

**Read first time.**

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 1 to 4, 89 to 92, 154, 192, 193, 243 and 244 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 6.00 p.m. today.

## NOTICES OF MOTION

**Notices of motion given.**

**Dr SYKES having given notice of motion:**

**The SPEAKER** — Order! The clerks will review the vocabulary used in that notice.

**Further notices of motion given.**

## PETITIONS

**Following petitions presented to house:**

### Rail: Mildura line

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

**By Mr CRISP (Mildura) (43 signatures).**

### Rail: Traralgon line

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the intention of the Brumby government to terminate some of the existing Traralgon V/Line services at Flinders Street station.

The petitioners therefore request that the Legislative Assembly of Victoria retain all current Traralgon V/Line services to Southern Cross station.

**By Mr NORTHE (Morwell) (19 signatures).**

### Rail: Alamein line

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house that the Camberwell to Alamein line has had its train service cancelled on at least part of recent hot days and that a new operating plan makes this withdrawal of trains a permanent feature of future hot days.

The petitioners therefore request that the Legislative Assembly of Victoria directs that at least one three-carriage train continues operating on the Camberwell to Alamein line on such days to avoid the delay to rail users caused by slow replacement bus services

**By Mr MULDER (Polwarth) (1087 signatures).**

### Water: fluoridation

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of residents of the rural city of Swan Hill, Victoria, Australia.

Your petitioners therefore pray that we be afforded the opportunity — well prior to fluoridation being introduced — to vote at a referendum on whether or not the majority of citizens want such water fluoridation to proceed.

And your petitioners, as in duty bound, will ever pray.

**By Mr WALSH (Swan Hill) (2805 signatures).**

**Tabled.**

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

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

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Legislation Reform (Repeals No. 6) Bill

**Mr CARLI (Brunswick) presented report, together with appendices.**

**Tabled.**

**Ordered to be printed.**

### *Alert Digest* No. 2

**Mr CARLI (Brunswick) presented *Alert Digest* No. 2 of 2010 on:**

**Consumer Affairs Legislation Amendment Bill**
**Liquor Control Reform Amendment (ANZAC Day) Bill**
**Offshore Petroleum and Greenhouse Gas Storage Bill**
**Transport Integration Bill**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

## DOCUMENTS

**Tabled by Clerk:**

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Cross Keys Reserve

O'Donnell Gardens Reserve and Shakespeare Grove Reserve

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2009

*Financial Management Act 1994* — Report from the Minister for Environment and Climate Change that he had received the Report 2008–09 of the Lake Mountain Alpine Resort Management Board

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2009

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2009

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2009

*Parliamentary Committees Act 2003* — Government response to the Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine — C11

Alpine Resorts — C20

Ararat — C22

Bass Coast — C108, C109, C110, C111

Baw Baw — C44 Part 1

Bayside — C84

Casey — C94, C102, C104, C120

Darebin — C64

East Gippsland — C78, C83

Frankston — C58, C59

French Island and Sandstone Island — C3

Glenelg — C49

Greater Bendigo — C138

Greater Dandenong — C119

Greater Geelong — C212

Greater Shepparton — C115, C125

Horsham — C38

Hume — C106

Loddon — C18

Manningham — C77

Melton — C95

Mornington Peninsula — C9, C114

Mount Alexander — C34

Moyne — C41, C43

Northern Grampians — C11

Port Phillip — C70

South Gippsland — C26

Stonnington — C80, C88, C97

Surf Coast — C52, C58

Wellington — C58, C63

Whitehorse — C96, C99

Whittlesea — C119, C122, C136

Wodonga — C72

Yarriambiack — C8

Statutory Rules under the following Acts:

*Infringements Act 2006* — SR 2

*Magistrates' Court Act 1989* — SR 6

*Mineral Resources (Sustainable Development) Act 1990* — SR 3

*Public Transport Competition Act 1995* — SR 5

*Road Safety Act 1986* — SR 7

*Transport Act 1983* — SR 4

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 6

Ministers' exemption certificates in relation to Statutory Rules 2, 4, 5, 7

Minister's infringements offence consultation certificate in relation to Statutory Rule 3.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

*Cemeteries and Crematoria Amendment Act 2009* — Sections 6 and 24 — 1 March 2010 (*Gazette G7, 18 February 2010*)

*State Taxation Acts Further Amendment Act 2009* — Division 1 of Part 5 and Part 6 — 1 March 2010 (*Gazette G7, 18 February 2010*).

## VICTORIA UNIVERSITY BILL

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

## ROYAL ASSENT

**Message read advising royal assent to:**

**9 February**

**Consumer Affairs Legislation Amendment Bill**
**Legislation Reform (Repeals No. 5) Bill**

**16 February**

**Royal Melbourne Institute of Technology Bill**
**Swinburne University of Technology Bill**
**University of Ballarat Bill.**

## APPROPRIATION MESSAGE

**Message read recommending appropriation for Offshore Petroleum and Greenhouse Gas Storage Bill.**

## BUSINESS OF THE HOUSE

### Sessional orders

**Mr BATCHELOR** (Minister for Energy and Resources) — By leave, I move:

> That so much of sessional orders be suspended to allow the member for Altona to speak for 15 minutes in response to the annual statement of government intentions 2010.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 25 February 2010:
>
> Crimes Legislation Amendment Bill
>
> Education and Training Reform Amendment Bill
>
> Liquor Control Reform Amendment (ANZAC Day) Bill
>
> Offshore Petroleum and Greenhouse Gas Storage Bill
>
> Public Finance and Accountability Bill.

In moving the government business program this week for the government, we put forward this slate of legislation to be considered by 4.00 p.m. on Thursday. It includes the Public Finance and Accountability Bill, which commenced its journey through this chamber in the preceding parliamentary week, and there has been some debate on that; the other four bills listed commence their journey this parliamentary week. In the vernacular, we have four and a bit bills to get through by 4.00 p.m. on Thursday, but in addition to that, members would realise that we will be continuing with the debate on the statement of government intentions.

It is the intention of the government to allow debate on the annual statement of government intentions to come back on as the first item of government business on Wednesday, which will enable members of Parliament, including the new member for Altona, to make a contribution to the debate on that day. I know members on both sides are keen to make a contribution to the debate on the statement, and so the sort of program we are trying to deliver to the Parliament is the consideration of a small number of bills each parliamentary week together with debate on the statement. In effect this will maximise the flow-through of legislation at the same time as maximising the opportunities for individual members to speak on the statement. In that context I think it is a motion that achieves the balance and should be supported. I recommend it to the house.

**Mr McINTOSH** (Kew) — I have no doubt the time allocated for debate on bills will be accommodated during the course of the week. The one exception is the Public Finance and Accountability Bill. I note there will be a number of speakers on the Offshore Petroleum and Greenhouse Gas Storage Bill, but I think the time provided may be adequate. I also note the annual statement of government intentions will be debated commencing tomorrow, and the Leader of the House and I have had some discussions about that and also in relation to the inaugural address by the member for Altona.

However, the opposition remains profoundly concerned that the Public Finance and Accountability Bill has come back onto the government business program and will go to the guillotine on Thursday. As you know, Speaker, debate on the bill commenced in the last sitting week. The bill was taken off the government business program following the contribution from the member for Box Hill and others, who expressed profound concern about it. A number of those concerns were clearly adumbrated by the member for Box Hill, who expressed the opposition's concern that the measures being implemented by the bill could lead to political control of public bodies. The proposed legislation could also enable the government to avoid being held accountable for all these matters and to manipulate the performance measures to make them incomprehensible.

I will not go into the details of all of the concerns, but I just remind the house, and indeed you, Speaker, that the member for Box Hill moved a reasoned amendment that details a number of the concerns raised by the opposition. In his contribution the member for Box Hill made an offer to discuss these matters with the government, and a meeting took place between him and government officials with a view to trying to tidy up the matter and to make the bill more satisfactory so far as the opposition parties were concerned. That meeting took place on Thursday last week, but notwithstanding that we find it is now back on the government business program.

There has been no outcome from the discussions; it appears they have fallen on deaf ears. I think the government was probably more concerned to get the bill off the program last week and not have it properly debated in the lead-up to the Altona by-election, and

accordingly we have come back and will have to deal with it. The government has gone through a sham process of taking the bill off the business program and gone through a sham consultation with the member for Box Hill when it had absolutely no intention of carrying out any agreement that may have come out of the consultation. Clearly the government did it just to take the political heat off itself in the lead-up to the Altona by-election. Accordingly, the opposition will oppose the government business program.

**Mr LUPTON** (Prahran) — This afternoon I rise in support of the government business program, and I commend it to the house as a sensible and balanced program giving the house an appropriate amount of work to carry out during this sitting week. The program involves five pieces of legislation and will give an opportunity for a variety of members to speak, including the fantastic new member for Altona, who will give her first speech in the house.

The amount of legislation before the chamber this week is entirely manageable, and accordingly the stance taken by the opposition — this trumped up objection to a government business program that lacks no substance at all and just indicates a lack of capacity for hard work on the part of those opposite — is another interesting example of why it is not fit to govern in this state. The speech made by the member for Kew was one of the most extraordinary contributions we have heard in a government business program debate in living memory.

The Public Finance and Accountability Bill was debated to some extent in the previous sitting week and was removed from the government business program — simply taken from the guillotine — to provide an opportunity for further debate this week and an opportunity to give further information upon which the opposition might deliberate and change its attitude, but that has fallen on deaf ears. It is very interesting that notwithstanding the fact that opposition members have been given an opportunity for further information, further briefing and further details about the way the bill is to operate they still have not been able to get their heads around the importance of this legislation. They continue to misunderstand it, they continue to misconstrue it, and they continue to attempt to mislead and misinform the people of Victoria.

As a result, we have opposition to a government business program not based on any genuine opposition to the program but simply used as an opportunity for the opposition to grandstand on a particular piece of legislation. This is important and positive legislation on the government business program, and I urge the house to support it so we can get on with debating and passing this important piece of legislation.

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the members for Warrandyte, Bass and Prahran that they could discuss clearways outside the chamber.

**Mr DELAHUNTY** (Lowan) — On behalf of The Nationals in coalition I rise to say we are also opposing the government business program, and I will outline the reasons for that. There are five bills on the program. There will also be the inaugural speech from the new member for Altona, and I understand the house has approved 15 minutes for that. Also on the government business program is debate on the annual statement of government intentions. As I understand it only about a dozen members have had an opportunity to speak on the annual statement, and many members will want to speak on the many matters which affect their electorates and their portfolios.

One of the things I have no doubt members will want the time to talk about is the way the government has turned its back on youth, which is highlighted by its lack of support for the Rock Eisteddfod Challenge, which has been cancelled in Victoria. Members will be calling on the government to support the Liberal-National coalition policy immediately and to give $800 000 over four years to this music, dance and drama spectacle involving Victorian students. That is one thing — —

**The SPEAKER** — Order! The member for Lowan should address the government business program!

**Mr DELAHUNTY** — That is right. I just want to say that is one of the matters members on this side of the house will raise.

The member for Kew highlighted the concerns we have about the government business program which were overlooked by the member for Prahran. The Public Finance and Accountability Bill was removed from the program in the last sitting week for further discussions. I understand discussions took place with the shadow finance minister, but at this stage we have not seen any amendments come into this place. More importantly, we do not have anything to guide us on whether the amendment put up by the member for Box Hill will be accepted by the government. The member for Prahran overlooked the fact that the government did not have a statutory majority on the day it removed the bill from the program, and that was another reason for its removal. The member for Box Hill's amendment to the

bill talks about things that are extremely important to members on this side of the house.

Those are the reasons that members on this side of the house are concerned about this week's government business program. There are many things that members on this side want to speak about, and because we believe we will not be given an appropriate amount of time to do that we will be voting against the government business program for this week.

**Mr STENSHOLT** (Burwood) — I rise to support the government business program. I will not discuss whether the member for Lowan wishes to rock. I will concentrate on the government business program, which is a sensible mix of the bills that are being proposed and the annual statement of government intentions. I look forward to the inaugural speech of the new member for Altona because I am sure she will make a fine addition to the Assembly.

I note that the member for Lowan spoke about the Public Finance and Accountability Bill. He said that he required more guidance. I am sure members of The Nationals, whose party is in coalition with the Liberal Party, must be hanging their heads in shame over opposition members pulling this stunt with respect to the Public Finance and Accountability Bill. I suggest that the member for Lowan should seek guidance from a former Minister for Finance, Roger Hallam, who would be able to answer many of his questions. It is entirely appropriate that we have further discussion and debate on the bill this week. We need to move the program along. I am sure all these bills, including the Public Finance and Accountability Bill, will provide continued reform and enhance governance in Victoria. I support the government business program.

**Mr CLARK** (Box Hill) — I oppose the government business program, primarily because it includes the resumption of debate on the Public Finance and Accountability Bill. As members know, this bill was partially debated in the last sitting week. I moved a reasoned amendment that the bill be withdrawn and redrafted to address some fundamental flaws in it, in particular its threats to independent public bodies, the way in which outcomes were specified, the potential for continued manipulation of performance measures and other matters.

Shortly after I moved that reasoned amendment the government sought leave, which was granted, to withdraw the bill from the government business program for that week. I indicated on behalf of the opposition that if the government were sincere in wanting to repent, move from the path down which it was heading and seek to amend the bill to overcome the serious threats it contained, that we in opposition would then be prepared to enter into those discussions.

Subsequently I was contacted by the head of the Department of Treasury and Finance, who invited me to meet with him and other Treasury officers, which I agreed to do. The meeting took place last Thursday, and as far as I was concerned it proceeded in good faith. Nothing came out of that meeting that in any way dissuaded me from the view that this bill represents a serious attack on the independence of various public bodies that should continue to be independent or that this bill is badly flawed in other respects. It remains beyond belief how any properly functioning government could have introduced a bill with such wide-sweeping powers.

In light of those discussions, I remain of the view that a bill such as this could only have emanated from a government that was showing all of the arrogance and disdain of a tired and worn out regime. That was confirmed when almost immediately after I left that meeting, which ended in good faith as far as I was concerned, with the government to come back to me having given consideration to the points I had raised, I found that the bill had been included on the government business program for this week to be voted on by the end of the week.

Government members who have spoken on this motion have reinforced what was obvious anyway: that there seems to be no intention whatsoever on the part of the government to accept the concerns we have set out and to respond to them by amending the bill to make it a decent bill rather than the sweeping grab for power and continuation of rorts that it currently represents. Government speakers have made it clear that there is no intention on the part of the government to bring forward any such amendments during the course of the debate this week.

The only conclusion one can reach as to the most obvious explanation based on the evidence is that the government, when it withdrew the bill from the government business program last sitting week, was doing so because of the impending Altona by-election. The government had no intention of negotiating in good faith to amend the bill before it was dealt with by the Assembly. The government simply removed the bill because the government would have been exposed and its position would have been unsustainable if it had engaged in public debate on the merits of the bill before the by-election. Now that the by-election is over the government intends to try to press on with this bill,

which is in exactly the same form it was in when it was first brought before the house.

I and other members of the coalition parties remain steadfastly opposed to what the government is intending to do, and we are vehemently opposed to this bill being put on the government business program. Further debate on the bill should only proceed in this house if the government reaches the point where it accepts that the bill is appallingly badly drawn, has extraordinarily wide-sweeping powers that threaten the independence of key public institutions in this state and should not proceed until the bill is radically amended. Until that point this bill should not be included on the government business program.

**House divided on motion:**

*Ayes, 49*

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

*Noes, 32*

| | |
|---|---|
| Asher, Ms | Napthine, Dr |
| Baillieu, Mr | Northe, Mr |
| Blackwood, Mr | O'Brien, Mr |
| Burgess, Mr | Powell, Mrs |
| Clark, Mr | Ryan, Mr |
| 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 |

**Motion agreed to.**

## MEMBERS STATEMENTS

### Ruby Hunter

**Mr BATCHELOR** (Minister for the Arts) — Ruby Hunter was a woman of great spirit and talent who, sadly, passed away on Wednesday, 17 February. Ruby's sudden death from a heart attack has left an enormous void in the Victorian music community. I offer my sympathies to her partner, Archie Roach, her family and her wider community.

A Ngarrindjeri woman born in the mid-1950s, Ruby was a member of the stolen generation. She was forcibly removed from her family at the age of eight. Ruby has been described as a wise, amiable person with a large, colourful personality. She was a great champion for Aboriginal women who broke down the barriers. Ruby possessed a unique and utterly majestic voice, but above all else she was universally loved and respected by all.

Ruby Hunter will be remembered for her performances in the Broad concert series and in *Ruby's Story*, for her role in the film *One Night the Moon* and for her renowned albums *Thoughts Within*, *Feeling Good* and *Ruby*, to name just a few. Ruby was one of the first indigenous women to be signed to a major recording label, and her work as both a performer and singer earnt her two Australian Record Industry Association, or ARIA, award nominations, a Helpmann award for the best Australian concert for *Kura Tungar — Songs from the River*, a Deadly award for Excellence in Film or Theatrical Score for *Ruby's Story* and a Deadly award for the Female Artist of the Year in 2000.

### Warrnambool Hospital: radiotherapy treatment

**Dr NAPTHINE** (South-West Coast) — Last week, along with about 200 community leaders and health service providers, I attended the official launch of Peter's Project in Warrnambool. I am proud to be part of this project, led by the dynamic and committed Vicki Jellie, which aims to achieve an integrated cancer care centre for south-western Victoria. Our area has a range of quality cancer services, but we have two significant missing links: MRI (magnetic resonance imaging) technology and radiotherapy services. South-western Victoria is the only region of Australia that has two locally based oncologists but no radiotherapy facilities to treat people with cancer.

Each year more than 700 patients in south-west Victoria are diagnosed with cancer. This number is increasing each year due to population growth and the ageing of our population. It is no longer acceptable that these cancer patients are forced to live away from their families, support networks and local cancer services for weeks at a time to receive 5 to 10 minutes daily radiotherapy treatment in Geelong or Melbourne. Tragically a significant number of these people with cancer decline radiotherapy treatment due to the dislocation and its associated cost. As a result, country people have higher death rates from cancer than their city cousins.

A radiotherapy unit in Warrnambool would service hundreds of patients from south-eastern South Australia as well as those from Warrnambool, Portland, Casterton and western Victoria. Action is needed now from the state government to approve and fund a radiotherapy unit and from the federal government to approve licensing for a local MRI unit.

## Ruby Hunter

**Mr WYNNE** (Minister for Aboriginal Affairs) — As Minister for Aboriginal Affairs I would like to take this opportunity to acknowledge the passing of the widely respected and highly regarded indigenous performer, singer and songwriter Ruby Hunter. Ruby passed away suddenly last Wednesday evening at her home in south-west Victoria, in the arms of her loving husband, Archie Roach, and surrounded by her family.

Ruby was a pioneer in so many aspects of her creative life and was one of the first indigenous women to be signed to a major recording label. A prodigious talent, Ruby touched the hearts of people of all ages and all cultures with her music. During her career she was nominated for various awards, including two Australian Record Industry Association, or ARIA, awards, and was recognised for her outstanding contribution to Aboriginal and Torres Strait Islander music.

Ruby often performed in her remarkable and eye-catching headdress, but even more remarkable was her story and her talent. It has been told many times that Ruby was born by a billabong on the Murray River in South Australia. It was no doubt this connection to her land that gave her voice such depth. We also know that she was a member of the stolen generation. Removed from her family when she was approximately eight years old, Ruby spent the next eight years in foster care and institutions. She was a teenager living on the streets of Adelaide when she met another remarkable talent, Archie Roach, for the first time.

Until recently Ruby was performing throughout Australia and overseas with Archie and the Black Arm Band, of which she was a founding member. A quietly powerful woman, Ruby was a stolen child who was also passionately dedicated to the spirit of reconciliation. Ruby was an inspiration to all Australians and in particular to indigenous women. She will be sadly missed, and I pass on my deepest condolences to her partner, Archie Roach, and family.

## Gippsland: government performance

**Mr NORTHE** (Morwell) — The Gippsland community continues to be let down by the Brumby government, and recent events verify how incompetent and out of touch this government is. For example, in a media release of 17 February the Minister for Housing confidently claimed that Gippsland had experienced a 5 per cent reduction in its public housing waiting list of December 2009 compared to that of September 2009. Of course the minister's claims were totally inaccurate and false, with the figure actually increasing by 5 per cent. In September 2009, 1377 people languished on public housing waiting lists in Gippsland, and this figure had escalated to 1446 people in December 2009. In fact the Gippsland public housing waiting list has increased by 23 per cent since December 2006, when 961 people languished on this list.

As a further example, I refer to the utilisation of a Sunday pass in Latrobe city for eligible seniors, disability support pensioners and unpaid carers. Despite Latrobe city Sunday pass holders not being able to access Sunday intertown bus services in the townships of Moe, Morwell, Traralgon and Churchill for free, the Brumby government continues to mislead the Gippsland community by stating that certain zones within Latrobe city can be accessed for free on Sundays.

I have been lobbying the Brumby government for three years on this unfair and inequitable situation, and it now appears that government members are just making up statements or are completely unaware of the facts. Indeed one only has to view the Metlink website, which falsely states that Sunday pass holders can access free bus services in Latrobe city on Sundays, to realise that this government has completely lost touch with the Gippsland community.

## Relay for Life: Essendon

**Mrs MADDIGAN** (Essendon) — I would like to congratulate the people in Essendon who once again organised the Cancer Council Victoria Relay for Life, which was held on Friday and Saturday at Windy Hill,

the Essendon football ground. The Relay for Life has been held each year for 10 years, and many dedicated people and a number of teams, some of which have been involved since the initiative started, assist in its operation. This year the relay raised something like $200 000, and over the years a significant amount has been raised to assist Cancer Council Victoria. The teams include Brumby's Babes, which has nothing to do with the Premier but relates to the Brumby's bread shops; teams from the Bendigo Bank and some schools in the electorate such as St Columba's College and Penleigh and Essendon Grammar; and of course that wonderful team known as Labor Legs, which has been walking in it and helping to raise money since the relay began.

It takes a great deal of work on behalf of the organisers to arrange the event each year, and I think they should be congratulated. It is a year long effort. They provide great entertainment to anybody involved in the 24-hour relay, and I think everyone enjoys the sponsorship of Essendon Football Club, which allows the organisers to use Essendon football ground for the event. Well done to all those who organise the event. I am sure all those who participated this year will be looking forward very much to another walk next year.

## Rail: Rowville link

**Mr WELLS** (Scoresby) — This statement is to condemn the Brumby Labor government for again turning its back on the people of the outer east and in particular the residents of the city of Knox. After 11 long, dark years Labor will say anything, do anything, lie and spin to hold onto government. However, the Premier has been caught out. A fortnight ago the Premier publicly declared that the proposed Rowville rail line was dead. He stated that there were no plans for a railway line to Rowville and said, 'It is certainly not on the agenda in the short term'. Yet another Labor promise has bitten the dust. The Premier's comments are outrageous and should be a reminder to all Knox residents that the Brumby Labor government simply cannot be trusted when it comes to honouring election promises in the outer east.

*Honourable members interjecting.*

**Mr WELLS** — In 1999 Labor went to the state election promising a feasibility study into a Rowville rail line. Now the Premier wants us all to just forget Labor's promises.

**Ms Marshall** — On a point of order, Acting Speaker, the member for Warrandyte is out of his seat and interjecting, again.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! There is no point of order.

**Mr WELLS** — Not only has Labor failed on the Rowville rail line, it has failed on its election promises to build a tram line to Knox City, to build a Scoresby freeway with no tolls, to have a 24-hour Rowville police station and to save Waverley Park for Australian Football League football.

## Rail: Alamein line

**Mr STENSHOLT** (Burwood) — At the end of January I sought from Metro Trains Melbourne, through the Minister for Public Transport, assurances that Alamein line trains would not be replaced by buses just because there is a problem with the rail network. Following my representations Metro has now advised the minister that in future cases of severe stress on the network, it is Metro's intention to run three-car trains on the Alamein line. In fact when it was hot the other week, three-car trains were used on the Alamein line. Despite this, someone is trying to persuade residents that Metro has a closure policy. That is simply not correct.

At best the petition and story that were circulated represent a misunderstanding of the situation and at worst they are scaremongering and a political stunt. Advice from the Minister for Public Transport is that Metro has a responsibility to run the train network as efficiently as possible but that it has revisited the earlier trial of automatic closure of the Alamein line when faced with severe heat and has committed to running a three-car service as a minimum. As per the existing policy, only in the most extreme circumstances will buses be used to replace trains on any line.

Minister Pakula shares my view about the importance of the Alamein line to local residents and that there should be no repetition of Kennett-era plans to close railway lines. In fact the Brumby government is extending public transport services in Melbourne, building new trains and buying new rolling stock. It is ludicrous to suggest that lines will be closed when the government has such a strong commitment to public transport.

## Apollo Bay P–12 College: funding

**Mr MULDER** (Polwarth) — On 28 July 2009 I brought to the attention of this house the dilapidated state of the Apollo Bay P–12 College and the dismay of the school community upon hearing that the $2 million in funding from the Building the Education Revolution program, which is administered by this state

government and which it had been led to believe would be allocated to it, was not forthcoming. At the last minute the college was required by the department to apply for the lesser amount of $850 000 or miss out altogether.

In July 2009 I urged the Minister for Education to confer with her federal colleagues and find a way to provide the school with the funding it requires to provide a proper learning environment for students in Apollo Bay. To this date, neither the state or federal governments have made a serious effort to remedy this situation. We now have the school captains undertaking a very public campaign on behalf of the students. The students are tired of the leaking roofs, they are tired of spending their school days in substandard accommodation and they are fed up with the school being consistently overlooked for adequate funding.

If this government will not take note of the concerns raised by the school council, the community of Apollo Bay or its local member of Parliament, then surely it must listen to the students, who every day turn up to leaking classrooms, rotting ceilings and no air conditioning, to list just a few of the issues. This is a prime example of a state government that is just not listening to rural communities. I congratulate the captains of the Apollo Bay school for taking the government on, taking the minister on and putting this issue right up on the agenda.

## Asika Pelenda

**Ms BEATTIE** (Yuroke) — Today I acknowledge the fantastic achievement of Asika Pelenda from Melbourne Girls Grammar School. Asika received an ENTER score of 99.05 in her 2009 Victorian certificate of education results. This score is a wonderful achievement, and it places her in the top 1 per cent of students in the state for the 2009 academic school year. Asika currently lives in Oak Park where along with other members of her family, she is a prominent member of the Sri Lankan community. It is wonderful to see students of multicultural backgrounds such as Asika achieving terrific results. Her hard work and dedication throughout the school year have paid off with such high marks.

I understand that Asika has been offered a place at the University of Melbourne studying medicine. Asika has told me that she would like to be a paediatrician, that she would like to help the children of Victoria and that she would like to go back to Sri Lanka to help the children of that country. I am sure we will be hearing a lot about Asika. I wish her all best as she begins her transition into medicine, and I congratulate her on her great results. Like so many people, Asika's parents brought her out here to help here achieve a better life, and they have surely done that. Asika not only has achieved that but also wishes to help others.

## Liquor licensing: fees

**Mr CRISP** (Mildura) — Hattah is a small community about 60 kilometres south of Mildura on the Calder Highway. The centre of the community is the Hattah store. The store is a post office, newsagency, petrol station and licensed packaged liquor outlet. Above all, the store is the centre of this small but tight-knit community. The store also serves visitors to the nearby Hattah Lakes national park.

The government has tried to destroy Hattah in the past with a toxic waste dump; now it is back trying to destroy Hattah with liquor licence fees. Last year Hattah paid $249, which included Good Friday trading. In 2010 the base fee is $1590, plus a risk fee for Good Friday of $4770 — that is, an increase of 2445 per cent. The locals and some Easter campers must become something extraordinary on Good Friday. After much correspondence over trading hours, the Hattah store was offered the $1590 fee, which is still an increase of 536 per cent, with reduced hours.

Last night I received a text from Alex and Judy Dowsley of the Hattah store, which says, 'Today's liquor takings are $54 from eight customers. Alcohol-fuelled violence is rampant in Hattah'.

The Hattah store is the centre of the community of Hattah and it faces a bleak future due to the Brumby government's laws.

## Solar energy: rebate

**Mr CRISP** — There is need for an additional assistance measure for the solar industry. Currently if householders install a rooftop photovoltaic system, the federal government pays. If you are big enough to pursue large-scale solar of 154 to 250 megawatts, more federal and state government money is available. There is nothing for anybody in between.

## Gembrook electorate: school awards

**Ms LOBATO** (Gembrook) — Recently I had the pleasure of attending school assemblies at Beaconsfield Upper Primary School and Gembrook Primary School. I wish to congratulate this year's school leadership team at Beaconsfield Upper, including school captains Bridie Brown and Jack Hall, who displayed excellent leadership skills at the assembly, where I also presented badges to junior school council members, house

captains and vice captains as well as to the environment captains.

At Gembrook Primary School I was very proud to present badges to school captain Lily Wardale, who has continued the family tradition set by her brother Hunter the previous year which is also being carried out by their sister Mia, who has been appointed as a student representative council member this year and to Peter Jefree was also proud to be appointed as school captain. Pia Nesvara and Zach Hughes became school vice-captains. Many other proud Gembrook students were also appointed as house captains and house vice-captains as well as journalism leaders, library assistant leaders, technical assistants and gardening leaders.

Congratulations to all students who nominated at both Beaconsfield Upper and Gembrook. I look forward to making other special presentations over coming weeks to Cockatoo Primary School, Emerald Primary School and Gladysdale Primary School, among others.

## Gembrook: community events

**Ms LOBATO** — I also wish to inform the house of a couple of festivals in the Gembrook electorate. Last weekend I had the pleasure of celebrating with the Upper Beaconsfield community at their annual festival and starting the 6-kilometre fun run.

This weekend the biggest show in town arrives in Berwick. The Berwick show, one of the largest and most successful agriculture shows, is being held on Saturday and Sunday, and I encourage all members and their families to attend.

## Bushfires: fuel reduction

**Mrs FYFFE** (Evelyn) — Smoke from last year's fires ruined much of the wine vintage in the Yarra Valley. Tourism stalled, jobs were lost, lives were disrupted. It is absolutely crazy for the Premier to announce that fuel reduction burns of logged areas are to be carried out in the region during the harvest period. No-one denies that fuel reduction burns are essential, but to endanger the livelihoods of so many by not waiting until the end of April is irresponsible and shows the out-of-touch arrogance of this Premier.

**Mr Nardella** interjected.

## Lilydale Primary School: facilities

**Mrs FYFFE** — Lilydale Primary School is an excellent school.

**Mr Nardella** interjected.

**Mrs FYFFE** — It needs the support of the Minister for Education. Existing playground space is only 50 per cent of the area that would be provided for a new school. This has capped enrolments for the past nine years. The new Building the Education Revolution building will reduce this already inadequate play area by a further 20 per cent. I ask the minister to support the school in its bid for land and buildings which are shortly to be vacated by Victoria Police. It is logical that this land and these buildings be allocated to the Lilydale Primary School.

In response to the interjections by the member for Melton, I would like to advise him through you, Acting Speaker, that I have no investment in a winery but that I do care about my community far more than this government cares about the people who cannot pay their mortgages, cannot pay their rents and are having great difficulty in funding their children's education.

## Cheltenham Light Opera Company

**Mr HUDSON** (Bentleigh) — On Sunday, together with the member for Mordialloc, I participated in the opening of the new rehearsal facility for the Cheltenham Light Opera Company in Moorabbin. CLOC began in 1963 and has grown to be the largest performing arts group in the city of Kingston. It is also regarded as one of the largest and most successful community-based musical theatre groups in Australia.

CLOC's success has been built on the efforts of its hardworking volunteers, with 300 people currently working across all aspects of theatre production in the company. This means that CLOC can bring high-quality productions to the members of the community who can least afford it. Because of this, CLOC has built a very large and loyal audience, particularly in the south-eastern suburbs of Melbourne.

But CLOC also provides many other benefits, such as being an important training ground and pathway for performers, designers and technicians to enter professional theatre. CLOC also provides free use of its facilities to schools, free advice and technical design for shows, and work experience for secondary and tertiary students. It also provides sets and costumes to other theatre groups around Australia and has assisted with civic and charity fundraising events within the city.

I know that for CLOC, the opening of the facility is a dream come true. It represents the vision and combined efforts since 1963 of the thousands of volunteers who have made CLOC what it is today. I would like to congratulate Grant Alley, the president of CLOC, and his committee. I also thank the former Kingston mayor,

Greg Alabaster, for his work in securing the new facility. CLOC is a great musical theatre group, a wonderful community group and an invaluable community asset.

## Desalination plant: unions

**Mr K. SMITH** (Bass) — It did not take long for the militant unions to start flexing their Marxist, Communist muscles down at the desalination site at Wonthaggi, with notorious union thug Craig Johnston being appointed as a delegate to organise the workers on the site. Fancy the government allowing this to happen on its sacred site where the plant must be completed on time. Fancy Theiss Degrèmont being landed with this union thug who has convictions and was jailed over his disgraceful balaclava-clad run-throughs at both Johnson Tiles and Skilled Engineering, where he and his commo thugs, his Labor-loving and supporting union mates, smashed and wrecked the offices, terrified and terrorised the staff, including a pregnant woman, and threatened to kill a Skilled manager.

This disgusting thug did this because the companies dared to employ non-union labour. Johnston and his union mates are from Trades Hall Council, and the Amalgamated Metal Workers Union said the companies would pay — and they are still paying on sites across Victoria, with continuing threats and ongoing harassment.

Now we have this dangerous and unstable thug working at Wonthaggi, where he will undoubtedly create mayhem for the government, for the contractors and subcontractors, and for the community. The government has treated the community down there with contempt, and now it has set its Marxist union dogs loose down there to ruin the lives of local tradesmen and tradeswomen and delay the completion of the plant. What a disgraceful government. What a disgraceful thug — —

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

## Leo Sargent and Lindsay Glen

**Ms MARSHALL** (Forest Hill) — I am proud to bring to the attention of the house an honour recently bestowed upon local icons Leo Sargent and Lindsay Glen, who were the recipients of the 2010 Whitehorse Australia Day awards. Leo and Lindsay are both committed executive members of the University of the Third Age Nunawading. As all members of this house would be aware, U3A is a successful and well run organisation which delivers a huge variety of courses and social opportunities — —

**Mr Wells** — Acting Speaker, I direct your attention to the state of the house.

**Quorum formed.**

## Liquor licensing: fees

**Mr WELLER** (Rodney) — The Brumby government's new liquor licensing system is unravelling into a disaster of monumental proportions. It is a disaster for the government, which has been caught out over this flawed and poorly considered program, and it is a disaster for the many bed and breakfasts, wineries, not-for-profit organisations, small country hotels and supermarkets in my electorate. At Nathalia the local hotel has been hit with an annual liquor licence fee of $2450 this year, which is a staggering jump from the $950 fee charged last year. According to the account, $1500 of that amount is to cover 'risk management' and supposedly to fund extra police. The problem is that there has been a reduction in police numbers in Nathalia over the last 12 months.

Last week the government liquor licence hardship program was exposed for the rort it is when licensees who applied for a reduction or waiver of their renewal fees started receiving letters of rejection or offers of paltry fee reductions. This week — just days after licensees had their applications knocked back — we are hearing that the liquor licensing office is telephoning people and offering them massive reductions on their liquor licence renewal fees. The way this entire program has been handled is a disgrace and it highlights the complete incompetence of the Brumby Labor government and how out of touch it is with the communities of rural and country Victoria. It is enforcing laws and has no idea of the impact they will have on the functioning of the strong communities of rural Victoria and the businesses that will be decimated by this shameful policy.

## Fr Thadeus Nguyen Van Ly

**Mr DONNELLAN** (Narre Warren North) — I want to speak on behalf of the Nguyen family of Melbourne whose relative has been locked up in Vietnam by the Vietnamese government. The relative is Fr Thadeus Nguyen Van Ly, who I visited in March 2006. There is a recent report by the US Committee on Religious Freedom in relation to the current health conditions being endured by Fr Ly. He is a 63-year-old Catholic priest from the Hue diocese, who has been locked up

for 15 years of his life. In 1983 Fr Ly was recognised by Amnesty International as a prisoner of conscience.

In 2007, after a kangaroo court trial, he was locked up for another eight years. Since then Fr Ly has been cut off from the outside world except for contact with prison guards and occasional visits from his family. He has suffered several episodes of stroke and has become partially paralysed on one side of his body. The fact that the prison has provided neither a proper diagnosis nor adequate medical treatment has contributed to his paralysis. The prison authorities also denied the request of his family and the Hue diocese to release him in a dignified way into the custody of the diocese for proper medical treatment.

Despite the international efforts of many people, including the chairman of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, six US representatives and many others, the Vietnamese government continues to incarcerate him.

## Victorian Civil and Administrative Tribunal: determinations

**Mrs VICTORIA** (Bayswater) — In February 2009 Maroondah council told residents in Allens Road and Salisbury Court, Heathmont, that it intended to construct footpaths in those streets. The residents were informed of the costs and were told, subject to appeals to the Victorian Civil and Administrative Tribunal, the work was expected to be completed by June. VCAT appeals were heard in August 2009, but a determination is yet to be made because a member of the panel has been sick. It is not good enough that these residents should be left in limbo. I am not unsympathetic to the panel member's poor health, but I am wondering why alternative arrangements are not made in such circumstances. The whole idea behind VCAT was to get inexpensive, speedy outcomes, but that appears to be failing.

## Lyrebird Awards

**Mrs VICTORIA** — Congratulations to Julia Roper, Trish Carr and everyone from the Lyrebird Awards who put on two fantastic award ceremonies in Ringwood last Saturday. One was for junior productions and one was for senior productions. The Lyrebird Awards focus on non-professional theatre companies and the quality works they bring to the eastern suburbs of Melbourne. It is so important to recognise those involved in theatre at all levels, and I commend them on their passion for this sector of the arts.

## Kyle Vassil

**Mrs VICTORIA** — I would like to pass on my heartfelt condolences after the tragic death of Kyle Vassil, a year 7 student at Aquinas College, who drowned last Wednesday while on a school camp. I cannot imagine the grief that is being felt by his family. I know the caring and tight-knit school community is rallying around them and will continue to do so.

## Terry Kirby

**Mrs VICTORIA** — On Saturday the Liberal Party lost one of its most loyal friends and supporters in Terry Kirby. He personified liberalism. My thoughts and best wishes go to Margaret and all their friends and family.

## Sarath Fonseka

**Ms CAMPBELL** (Pascoe Vale) — Many members of the Sri Lankan community within my electorate fear for the future of their nation following the arrest of Sarath Fonseka. Earlier this year Mr Fonseka contested the presidential election in Sri Lanka as an opposition candidate. Despite working with President Mahinda Rajapaksa to end the civil war, Mr Fonseka was arrested on charges of committing an alleged violation of military law and faces a lengthy jail term or even execution. This follows the elections held earlier this year, which were considered to be the most violent in more than a decade despite being the first to be held during peacetime in nearly 30 years. Mr Fonseka won more than 40 per cent of the vote in that election.

Human rights activists fear the arrest could lead to greater violence than that seen in the presidential election. His supporters fear he may be assassinated while in custody. He is so distrustful of his captors that he did not eat or drink until his wife, Anoma, took food and water when she was allowed to visit. I fervently hope, along with many in my electorate, that she will be permitted to visit daily to ensure that he receives safe and adequate hydration and nutrition.

The president dissolved the Sir Lankan Parliament the day after Mr Fonseka's arrest and political violence was reported within hours. It is alleged that the arrest is an attempt to prevent his involvement in the next parliamentary elections. We in Australia should value our parliamentary democracy.

## Peninsula Link: construction

**Dr HARKNESS** (Frankston) — What a fantastic day last Tuesday was. The Premier turned the first sod in the construction of the Peninsula Link project. I would like to thank both the Premier and the Minister

for Roads and Ports for visiting Frankston once again. This was an important day, because it represents the start of construction of the $759 million toll-free Peninsula Link project. What a boon it will be for Frankston and the peninsula with Southern Way and its construction contractor, Abigroup, ready to make this project become a reality. Residents will experience less traffic, lower travel times and more time to spend at home with their families rather than peak-hour frustration.

This is a very big project with 27 kilometres of freeway, 11 local road connections and more than 35 bridges as well as a 22-kilometre cycling path. This project will bring great benefits of time saving, thousands of jobs and continued investment in Frankston, not to mention the boost to tourism in our region.

## Frankston Croquet Club

**Dr HARKNESS** — There will be even longer summers of croquet for local players soon thanks to a $26 000 Brumby Labor government funding boost, which will see the conversion of two of the club's winter grass croquet lawns into drought-tolerant, warm season grasses. The Frankston Croquet Club is one of the oldest and proudest in Melbourne and the only one of its type in Frankston. However, in the last few years it has been struggling with the effects of the drought. The new playing surfaces and two large water tanks will allow this sport to prosper in Frankston for many years to come. Congratulations to the Frankston Croquet Club, to its president, John Neville, to the committee and to all the members.

## OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL

*Second reading*

**Debate resumed from 4 February; motion of Mr BATCHELOR (Minister for Energy and Resources).**

**Mr O'BRIEN** (Malvern) — It is a pleasure to rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Bill 2010. It is interesting to note the attendants valiantly struggling to distribute this bill around the chamber; it comes in two volumes, and I think they amount to roughly 967 pages. It is a sizeable bill. For that reason it is disappointing that the Minister for Energy and Resources did not agree with the opposition's proposal that there be additional time between the introduction of this bill and the second-reading debate for proper consultation and proper scrutiny to be undertaken.

As I said, this is a sizeable bill, and it affects some important environmental and economic aspects of Victorian industry. For that reason we would have thought that a little bit more time for consultation with affected stakeholders would have been entirely appropriate. The government has had years to put this bill in place. It is an attempt to some extent to mirror federal legislation in the area, which was initially passed in 2006 and was subsequently amended in 2008. The government has therefore had at least two years, if not four, to look at this issue, but it has left the opposition two weeks to consider and debate it.

The government has said it is keen to see the development of carbon capture and storage (CCS) in Victoria, and I will go to the reasons why the opposition supports that concept in a minute. But a submission the Victorian government made to the House of Representatives Standing Committee on Primary Industries and Resources inquiry into the draft Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 stated that if CCS is to provide an effective component of Victoria's, and also the nation's, climate change response, the industry needs to be established within the next 15 to 20 years. That is the time frame the government is looking at in the context of this legislation. Given that it is a 15-to-20-year time frame it beggars belief that the minister was not prepared to allow the opposition an extra fortnight — one fortnight — to undertake appropriate consultations.

I note the minister issued a press release yesterday concerning the undertaking of seismic work in the Gippsland Basin. I would hope the minister did not decide to schedule the debating of this legislation simply as an adjunct to his media timetable.

I come to the nub of the bill. I am afraid its size is going to preclude a detailed clause-by-clause examination, Acting Speaker, which I am sure you and the rest of the house were looking forward to! However, I note that the purpose of the bill is to re-enact with modifications provisions regulating petroleum exploration and recovery activities and petroleum facilities. I will just pause there to say that this is essentially a re-enactment of the Petroleum (Submerged Lands) Act 1982, which for some time has regulated the offshore exploration and petroleum recovery operations that take place within Victoria's coastal waters. The other purpose of the bill is to provide for the regulation of the geological storage of carbon dioxide.

Just to clarify where we are in terms of our jurisdiction, the agreement between the commonwealth, the states and the Northern Territory, which is known as the offshore constitutional settlement, provides that the offshore area within 3 nautical miles is substantially within the jurisdiction of the relevant state or territory while the area beyond 3 nautical miles is within the jurisdiction of the commonwealth. This bill is debating what should be the appropriate regulatory regime within 3 nautical miles of our coastline. We do not intend to try to legislate beyond that, that is covered by federal legislation. As I will discuss later in my contribution, however, there is overlap, because in terms of the sorts of geological storage facilities we might be looking to use to store carbon dioxide in the future, there are not necessarily clear-cut lines either side of the 3-nautical-mile limit. Therefore the complementarity of our bill with the federal legislation is very important.

In relation to the offshore petroleum aspect of this bill, as I said, it substantially re-enacts the existing provisions. I do not intend to spend a lot of time dealing with those, because they have been covered previously. It is the greenhouse gas storage aspect of this bill which is to some extent more important; although, having said that, I can also say the interaction between and the potentially competing interests of greenhouse gas storage and petroleum exploration and recovery are very live issues. Getting the balance right between those two potentially competing interests is something we need to be aware of at all times.

In terms of greenhouse gas storage, the bill establishes a system for greenhouse gas storage site exploration similar to that of offshore petroleum exploration and recovery, with a broadly corresponding system of permits, leases and licences. A permit allows the holder to explore and identify possible locations for sequestering greenhouse gases under the ocean. The government is able to put blocks within its territorial waters out to tender for greenhouse gas operations. These areas will be selected based on geological and other data, and tenders can be submitted for the right to explore these blocks placed on either cash bids or work program bids.

The government has indicated it would see work program bids as the primary form of tender, and the opposition thinks that is a reasonable position to take. Given the importance of greenhouse gas storage, particularly to the Latrobe Valley but also to all Victorians due to our dependence on coal-fired electricity at this point in time, we think determining tenders based on who is most likely to develop these areas and safely develop greenhouse gas storage capacities is better than a quick money grab by deciding tenders on the basis of who is prepared to offer the most money.

Following the tender, assessment permits can be issued over the permit area to allow exploration to confirm the suitability or otherwise of the area for greenhouse gas operations. If the area is proven up as suitable — that is, the minister is satisfied that the application site is suitable for the permanent storage of the nominated amount of greenhouse gas substance — a greenhouse gas holding lease can then be issued over the relevant area. The minister must be satisfied that the greenhouse storage formation is suitable for the permanent storage of at least 100 000 tonnes of greenhouse gases. Finally, an injection licence may be issued which allows the holder to inject a nominated greenhouse gas into the formation.

I will pause at that point to discuss why the option of greenhouse gas storage is so important. Victorian government figures, depending on which publication you look at, suggest that between 94 per cent and 98 per cent of Victoria's electricity production is through coal-fired generation. We have, again depending on which publication you choose to read, somewhere between 500 and 1000 years of brown coal supplies in this state.

Brown coal has been an important source of competitive advantage in Victoria for many years. It is a relatively cheap and reliable form of fuel for baseload power. Because of what we now understand about the potential impacts of the greenhouse gases produced by burning the coal, we are moving towards a system whereby we are trying to use that coal in a cleaner way that has less impact on the environment.

Coal is very important not just to electricity production in providing a relatively cheap and stable and secure energy supply for this state but also because it has a very human element in terms of those areas of Victoria that are dependent on brown coal mining and power generation, particularly the Latrobe Valley.

In the understandable excitement about trying to move to clean up our environment as quickly as possible, it is very important that we do not leave behind those towns, communities and families that have been part of the development of the brown coal industry in Victoria. The industry has been there for many years. Many towns are built around brown coal excavation and the burning of that product to make electricity.

It is important for coal to have a future in this state because a lot of towns and communities depend on it.

People will often say, 'They can all get green jobs'. We welcome any additional green jobs, but the fact is it is important for those people who have built their lives around this industry to be dealt with fairly and to that extent our ability to develop carbon capture and storage is going to be an important part of ensuring that these communities remain viable propositions. This side of the house is absolutely committed to making sure that those communities are not left to fend for themselves.

In all the discussions we have had federally and in other places about emission trading schemes and all the rest, there has been too little discussion about the impact on communities in the Latrobe Valley and what that is going to mean for them. I believe we should be discussing that a lot more than we have to date.

Noting that, if we are going to be able to find ways to clean up coal so that we can still get the benefit of its reliability as a baseload fuel but with fewer environmental impacts, carbon capture and storage (CCS) does seem to offer a very exciting prospect.

Again referring to the Victorian government's submission to the House of Representatives Standing Committee on Primary Industries and Resources, the government stated there that:

> It is estimated that the Gippsland Basin has the potential greenhouse gas storage capacity of 35 000 MT, which represents an ability to store approximately 285 years of Victoria's emissions at the current rate of 122 MT per annum.

If CCS can work, if it is commercially viable, then it does offer tremendous opportunities for Victoria.

I should also perhaps at this stage say that there are different forms of carbon capture and storage which can and should be examined. Geosequestration — either the onshore variety or the offshore variety — is not the only option. There is some exciting work being done on algae and the conversion of carbon dioxide through algae into processes that can be used in agriculture and can be a value add to some extent. We think the government is correct to be looking at CCS as an important method to reduce the impact of $CO_2$ on the environment, but it is not the only game in town There are other forms of renewables; there are other forms of carbon capture and storage; and these should be examined. I am pleased to see the member for South Barwon agreeing with me on that point. That sets the scene for why we think CCS is important and why, therefore, this legislation is very important.

The legislation is designed, so the government says, to mirror as much as possible the federal government legislation. It makes obvious sense to do that, because where you have two regimes literally operating side by side — one on one side of the 3 nautical mile limit, the other on the other side of it — it would be madness to have two contradictory regimes.

The government of Victoria has decided to pursue one extremely important difference between this and the federal legislation — that is what happens following the closure of a greenhouse gas injection site. The federal legislation provides that that happen 15 years after the closure of that site, so we are talking about a long term liability which transfers to the commonwealth, which means that those proponents of CCS who are prepared to invest the money in winning a tender, undertaking the assessments of the areas, finding the geological formations, getting the infrastructure in place, undertaking the injection, undertaking the clean-up afterwards — all the money that is involved in those investments — would present a limit to the liability of those operators.

Under the commonwealth legislation that limit has been set at 15 years after closure. In the Victorian legislation there is no such limit; it is perpetual. This is a key difference, and I believe the minister, in his second-reading speech, gave that difference an inappropriately brief mention. So I cannot be accused of misquoting, I will quote him directly:

> This bill will differ from the commonwealth approach and will provide that common-law liabilities remain with the operator after surrender of the licence.
>
> This position is consistent with the Victorian Greenhouse Gas Geological Sequestration Act 2008 and the approach taken for earth resource industries and waste disposal industries more generally, the Australian Regulatory Guiding Principles for Carbon Capture and Geological Storage endorsed by the Ministerial Council on Mineral and Petroleum Resources and Queensland's Greenhouse Gas Storage Act.

The minister states this is different and that there are other forms of legislation that do not appear to relate to offshore geosequestration that are also different, but nowhere does the minister state why Victoria has taken this quite different path. It is only common sense to note that if a company is interested in undertaking the significant investment involved with carbon capture and storage, and one regime says, 'Your liability will be limited to 15 years after the closure of the operation', but the other regime says, 'You are liable till kingdom come', a proponent is more likely, other things being equal, to go with the regime that offers some form of certainty.

Given that this means Victoria's regime is far less attractive to potential CCS operators than the federal regime, the state government and the minister have an

obligation to come into this place and better explain to the Parliament and to the people of Victoria why it has chosen this radically different path. I do not think the minister's second-reading speech cuts it in terms of explaining why it has gone down this different path. Hopefully other government speakers will be able to enlighten us. We are concerned about the fact that we are diverging from the commonwealth in such an important way. There may well be respectable arguments as to why the government thinks it is not appropriate to provide limited liability, but we have not heard those arguments.

I have been consulting with industry on this matter in the brief time the government has allowed for consultation. I could synthesise the comments I have received from industry in this way: industry is a very strong advocate of long-term liability capping measures in order to provide investment certainty for CCS proponents. Industry representatives make the point that the injected $CO_2$ will be around for hundreds of years, potentially much longer than the shelf life of the companies that will be undertaking the operations. It is important that there be consistency in this legislation. They note that there are many offshore blocks that cross the state and commonwealth waters limit. How does the scheme work where you have blocks on both sides of the 3-nautical-mile limit, meaning that operations that happen in the Victorian part have unlimited liability, but on the other side of that imaginary line there is limited liability?

I am advised that GeoScience Victoria has stated that the ultimate migration point for injected fluids in some petroleum-producing acreage — that is, if saline aquafeed injection is performed — would be towards Victorian waters. There are some technical issues here where the nature of CCS technology means that you could have injection into commonwealth sites that may then come across and flow into Victorian waters. How does this different legal regime then operate? There is no doubt that this legislation will limit a CCS proponent's investment certainty for projects not just in Victorian waters but also in federal waters.

The government has said publicly in the second-reading speech and in its various submissions that CCS is of critical importance. I will read from the House of Representatives submission again:

> The commercial development of CCS in a timely manner is therefore of critical importance not only to Victoria, but to the nation.

The government acknowledges the critical importance of CCS and the opposition acknowledges the critical importance of CCS, but the government has not adequately explained to this house why it has then chosen to diverge from the commonwealth legislation in such a way that not only will it make the Victorian regime less attractive but it could also impact on how the federal regime operates. This is too important an issue for just a glib assertion to be made by the minister in the second-reading speech. I think he and the government owe it to Victorians to put some meat on the bones of that argument and let Victorians judge for themselves whether the government has adequate reasons for refusing to limit liability or whether it is just playing games and potentially compromising the future development of CCS in the process.

There are some other differences to the commonwealth act. A lot of those relate to penalties provided in the legislation. I am advised that, essentially, that is a reflection of the differences between the various sentencing and penalty regimes of the state and the commonwealth. The commonwealth operates under the Commonwealth Criminal Code; Victoria has its own Sentencing Act and the Charter of Human Rights and Responsibilities Act. Having had a look at the differences between the penalties provided for in the commonwealth legislation and the state legislation, I do not think very much turns on them.

However, there are some other issues I want to draw attention to in the few minutes remaining. The term 'greenhouse gas substances' is defined in the Victorian bill to mean carbon dioxide or other prescribed gases — that is a brief definition of it — but as yet no regulations have been made. The government has advised me in briefings that it intends to mirror the definition of greenhouse gas substances that will be used by the commonwealth, but it has not made a public commitment to do so. Given that the government has provided that assurance to me in the course of my briefing, I would invite the minister or suitably informed members of the government to make that commitment in the chamber — that is, that the Victorian government will mirror the definition of greenhouse gas substances adopted by the commonwealth. We think that is extremely important.

There is a concern in relation to the way in which the environmental management of these sensitive projects will be monitored and undertaken. Rather than the Environment Protection Authority (EPA), the Department of Primary Industries will undertake much of the environmental work on these greenhouse gas storage operations. The DPI has a lot of expertise in different areas, but I think the community would have the right to pose the question whether the DPI is the most appropriate agency for environmental protection in relation to offshore greenhouse gas storage. Again, if

the government believes the EPA is not best suited to the task and the DPI has better expertise in the area, I think it would be useful to hear the government's arguments on that point.

The minister has said the commonwealth's regulations under its legislation are expected to be finalised towards the end of March 2010. Given that a significant amount of detail regarding the practical operation of the scheme is going to be in the regulations, one might have thought it would be preferable for the Parliament to have the opportunity to consider those regulations before debating the Victorian bill.

This brings me back to an earlier point I made, which is that the government is talking about a 15-to-20-year time frame for the establishment of a commercially viable CCS industry. One might wonder why the government has moved in the way it has — that is, by bringing the bill forward before the commonwealth regulations have been promulgated and without, in my view, giving the opposition adequate time to consult, given the size of the bill.

There is a definition in the act, in proposed section 405, of what a 'serious situation' is, which someone might say could be a bit of an understatement. A brief definition of 'serious situation' is provided in section 405:

> (a) a greenhouse gas substance injected into the identified greenhouse gas storage formation —
>
> (i) has leaked; or
>
> (ii) is leaking —
>
> from the identified greenhouse gas storage formation;

Obviously they would be the sorts of circumstance which would cause considerable community concern. In very recent times we have seen the environmental damage that can be wrought by problems associated with petroleum and oil offshore — fortunately not off our shore, but off the western coast of Australia. It is important that the minister have sufficient powers to be able to act very quickly to try to resolve these matters. Having looked through proposed section 405, and section 406, which deals with the powers of the minister to deal with such situations, it appears to me that there is sufficient legal power there.

The question the opposition poses is: what sorts of guarantees do we have that a company that may have made some sort of catastrophic error in relation to greenhouse gas storage has the wherewithal to be able to implement directions a minister may issue? The cost of cleaning up a 'serious situation' — to use the term in the act — could be absolutely massive, and I wonder whether the government plans to have any measures in place to ensure that the companies that might be undertaking these sorts of greenhouse gas operations will have the financial wherewithal to be able to undertake the remedial actions that would be necessary to prevent, or at least mitigate, an environmental disaster.

A lot of work is being done by the federal Parliament on the bill which is essentially the model for this legislation. It was interesting to note that it was a bipartisan House of Representatives committee that came down with 19 recommendations to amend the bill that was in the federal Parliament. Recommendation 14 is:

> The committee recommends that a process for the formal transfer of long-term liability from a GHG —

that is, greenhouse gas —

> operator to the government be established within the proposed legislation, such transfer to be conditional upon strict adherence to prescribed site closure criteria.

In case the member for South Barwon or somebody else gets excited and thinks this is a Liberal plot to talk about the capping of long-term liability, let me make it clear that this recommendation came from the inquiry of a commonwealth parliamentary committee that was undertaken during the Rudd regime, and the committee's chair was Dick Adams. I raise these questions about the government's decision not to cap liability because I think the issues are very serious. I do not raise these issues in a partisan, point-scoring sense but in a genuine sense of inquiry, because the federal Parliament decided to cap liability. A federal parliamentary committee with a Labor majority and a Labor chair decided to recommend to cap liability. This seems to be the one glaring aspect of this bill that could have the effect of sinking the commercial viability of CCS not only in Victorian waters but, as I indicated earlier, it could also have an impact in federal waters. We would like to hear government members explain why they think this is so important and what impact they think this may have on the development of CCS.

Given those comments, the opposition's position is that we are not going to oppose this bill. We think it is important to establish a regime as soon as practicable. We acknowledge the absolute importance of CCS methods of different types to improve our environment. We also acknowledge the absolute importance or potential for CCS to be a big factor in ensuring the continuing viability of the Latrobe Valley and those communities that have been so dependent upon the coal

industries in that part of Victoria. While the discussions have concentrated on the Gippsland Basin, there are also some significant assets off the Otway coast, as the member for South Barwon is aware.

This legislation has the opportunity to be very significant for Victoria and for Victorian industries, so it is incumbent on the government to get it right. We are hoping it has got it right, but it remains to be seen.

**Mr CRUTCHFIELD** (South Barwon) — I too rise to support the Offshore Petroleum and Greenhouse Gas Storage Bill. I thank the member for Malvern for his well-reasoned contribution to the debate on the bill. His was a contribution to the debate, but not an argument. I thank him and acknowledge his support for the bill. I realise it was a warm acknowledgement, not cool — and not enthusiastic! I understand that, but at least it was a warm acknowledgement of support, and I thank the opposition parties for their support of the bill.

The member for Warrandyte raised the key question, which is: why are we doing this? He also touched on issues confronting communities in the Latrobe Valley in particular. Victoria has one of the world's largest supplies of brown coal, which is used in Victoria to generate 95 per cent of our electricity, so its importance cannot be underestimated not only from the point of view of electricity generation and generating the economy but as a key driver of the economy more broadly from a jobs perspective. The coal industry is also a key driver of a region in Victoria that is heavily — almost entirely — dependent on that industry for its long-term viability.

It is in that context that we discuss or debate this bill. In this context it is critical to resolve these issues for communities in the Latrobe Valley and for industries that rely on brown coal in a carbon-constrained future. We are living it now, and we will be even more carbon constrained in the future. It is part of a suite of measures that this government, and governments more generally, need to undertake to reduce $CO_2$ levels in the atmosphere. It is certainly not yet the silver bullet, and I do not think we should rely on it as a silver bullet to reduce $CO_2$ levels in the atmosphere to acceptable levels. It is part of a suite of measures, but it is vital for Victoria. If we look at the issue from a parochial perspective, we see it is the key issue for us and for our brown coal generators, particularly those in the Latrobe Valley, although I note that a facility that abuts my electorate in Anglesea also relies on brown coal. It is primarily a Latrobe Valley issue, but it is a Victorian issue as well, and we are cognisant of that.

Carbon capture and storage (CCS) technologies are being investigated by the energy sector. People in that sector are arguing that it has great potential to reduce the pollution released into the atmosphere when using fossil fuels for the generation of electricity. Carbon capture and storage is not new and is certainly not untested. Most of the technologies involved in CCS are already well developed and have been demonstrated to a small degree, although they have not yet been integrated anywhere on a fully commercialised scale. Carbon capture and storage is one solution, and we are hopeful — and the industry argues — that reliable, secure and affordable energy will result in low carbon emissions to meet our energy needs in the future.

The bill is a large one. From comments I heard in the Government Whip's office, my understanding is that it is the largest bill that has graced the floor of this chamber. I am not sure if that statement is accurate, but it is certainly a rather large bill. Although it is large, it is technically interesting and not dissimilar to the federal legislation. A lot of the bill mirrors legislation passed by the commonwealth back in 2006 and 2008, and one of its intentions is to mirror as far as practicable the changes that the commonwealth has made in its legislation. That is what is intended to be reflected in this Offshore Petroleum and Greenhouse Gas Storage Bill.

All states have undertaken to adopt the common practices or the common rules applied under the federal Offshore Constitutional Settlement; and they are not specific to Victoria alone. All states have committed to mirror the legislation in their own jurisdictions, and this bill is certainly part of Victoria's commitment to that suite of acts that are at both a state or territory and commonwealth level.

The bill regulates petroleum activities, facilities and geological storage of carbon dioxide and other greenhouse gases in offshore Victoria as part of our commitment to reduce atmospheric greenhouse gas emissions. It is particularly geographically focused. First of all, it is offshore, and it is also, as articulated by the member for Malvern, 3 nautical miles out to sea, so that is our jurisdiction. In addition to that, it provides for a streamlined regulatory approach to the injection and underground storage of $CO_2$.

We believe the bill provides certainty for investors with respect to their legal rights and obligations. I understand the concerns of the member for Malvern, and hopefully I will touch on them, but I am certain the minister in his summing up will provide a more expansive dissertation on the issue raised by the member for Malvern.

The bill also gives certainty for other potentially affected interest holders and gives not every person but the majority of members of the community some degree of confidence that injection and storage operations will be undertaken in a manner that will minimise environmental effects and potential public health issues.

The bill creates a system of titles for petroleum exploration and also, as I mentioned previously, addresses some policy differences in the management of long-term liabilities.

Time does not permit me to go into a number of the other issues with respect to the bill itself, but I shall comment on a number of the recent announcements by the government. We are very keen about this legislation, as is the Minister for Energy and Resources in his passion in this regard. The minister has been a strong advocate for CCS and investment in the technology, feasibility and different stages of the trials, both in the Otway project and also in Gippsland.

On 30 November 2009 the government announced $2 million funding for the second stage of the storage project in the Otway Basin of the Cooperative Research Centre for Greenhouse Gas Technologies, otherwise known as CO2CRC. That was in addition to the announcement of some $4 million for the expansion of the trial stage 1 of the project.

We believe it is a key part of our strategy — and again I am in furious agreement with the member for Malvern — to look at the great potential we have in Victoria for the capture and storage of $CO_2$. I think the figure used by the member for Malvern was 285 years at the current level of Victorian emissions. By any person's judgement, that is a comparative advantage that we would be negligent not to take up.

In the little time I have left, in addition to the Otway project I mention to the house that Victoria is the focus of the international CCS communities. The Cooperative Research Centre for Greenhouse Gas Technologies is a collaboration of these groups. The leading international and national CCS experts and organisations participating include the Commonwealth Scientific and Industrial Research Organisation, Geoscience Australia, the universities of Adelaide, Curtin, Melbourne, Monash and New South Wales, the Alberta Research Council of Canada, the Lawrence Berkeley National Laboratory of the United States and a number of others I do not have time to articulate — but Victoria is the focus of the group. This government is keen to support this, and it welcomes the support of the opposition for this bill.

**Mr CRISP** (Mildura) — I rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Bill 2010. The Nationals in coalition will support the bill, the purpose of which is to re-enact, with some modifications, the provisions relating to the petroleum exploration recovery activities and petroleum facilities and provide for the regulation of geological storage of carbon dioxide, or $CO_2$.

This bill, which the member for Malvern has gone through in great detail, really is about the agreement between the commonwealth, states and territories to sort out offshore jurisdiction, with Victoria's jurisdiction extending 3 nautical miles and the commonwealth's jurisdiction being beyond that. The commonwealth legislated in 2008, and this legislation is a reflection of that process.

However, there are a couple of other provisions listed that I need to run through. It requires a minister to assess the impact of greenhouse operations on the petroleum industry. The bill allows for $CO_2$ storage and the petroleum industry to coexist. It creates a system of titles for the storage of carbon dioxide, a greenhouse gas assessment permit, a greenhouse gas holding lease, a greenhouse gas injection licence, a greenhouse gas search authority and the greenhouse gas special authority. As a register of these titles will be created and maintained, it will give the minister the power to direct the plugging of a well, the protection of natural resources and the repair of any damage to the seabed.

We have a concern, raised by the member for Malvern in his contribution, about the liability aspect. In the 3 nautical miles Victoria is asking the proponent, or those who inject the $CO_2$, to be liable, whereas the commonwealth had a sunset clause so that after 15 years the commonwealth would accept liability. The open-ended liability could affect the certainty or confidence to invest in this technology; also there are some issues which may come up if the $CO_2$ field spans the 3 nautical miles border. There will need to be a way to resolve that aspect.

There are some things we need to understand about the geosequestration issue. In particular to capture, cool, compress, pump and store underground $CO_2$ from our coal-fired power stations we require considerable energy, and some sources quote that as much as 25 per cent to 30 per cent of a coal-fired power station's output will be required. Where is the energy going to come from for this technology in an environment of growing demand due to population consumption growth? This form of $CO_2$ abatement is technically possible and gives the population really feelgood confidence that we are doing something, but it will come at a cost. The

demand curve shows for Victoria — and for almost any community that uses electricity — that it is made up of baseload, intermediate load and peak load, and when you examine the baseload capacity in particular you find there is very little spare capacity in Victoria to undertake this. Whatever happens, there will be an inevitable economic outcome, which could be a considerable rise in electricity costs. As the cost of electricity rises it will make other renewable technologies more attractive, but there will also be an impact on Victorian households and industries which needs to be considered, and so there are those difficulties.

'Baseload power' is the term commonly used to describe the amount of electricity demand required on a continuous basis — that is, 24 hours a day, year round — to power continuous industrial processes and essential services throughout our community. Baseload represents the minimum continuous level of demand in a grid system, and thus it requires a reliable supply source without the risk of output dropping below the baseload level. The demand for electricity fluctuates during the day, and that is why we have periods of intermediate and peak load.

There are some issues associated with this, and in Victoria coal-fired power stations are our baseload power stations. With their capacity so committed, I think we have to consider other forms of carbon capture and storage (CCS). In particular the Gippsland Basin has 285 years of sequestration capacity and we have 500 years of coal, so we have the right mix of resources to ensure Victoria's future. What we have to do is make sure that in taking advantage of our great capacity we do not price ourselves out of the market. One of the things Victorian industry has going for it in comparison to the rest of the world at the moment is the reasonable price of energy, so we have to be very sensitive to the energy costs if we are going to maintain jobs in Victoria. We also need to make sure that factories and households get the energy they need.

There are other forms of CCS which need to be considered, particularly if the baseload problem becomes a real concern for us. One such form is algae. Our future technologies need a mix of solutions, and algae is one of them. I will explain about algae. Carbon capture and storage at major $CO_2$ producing sites will be a necessary measure to meet our greenhouse obligations. The capture of carbon in Victoria is preferable to some of the other ways of dealing with carbon that have been proposed. I have had experience with a Melbourne-based company, MBD Energy Ltd, which has been developing a naturally occurring organism, algae, to capture carbon.

Algae in water — whether it be sea water, brackish water or fresh water — in the presence of $CO_2$, sunlight and nutrition grow quickly and can be harvested and processed to produce biodiesel and protein. There is a significant source of $CO_2$ in the Latrobe Valley, so we will be looking to develop this technology there, and MBD Energy has developed a memorandum of understanding with Loy Yang in the Latrobe Valley to install a pilot algae plant. A lot of research and development is required to make any sort of sequestration work, and MBD has formed a partnership with James Cook University in Townsville to develop a large-scale algae test facility. I was lucky enough to visit the site to look at some of the technology which is being developed, and in particular I saw the algae being produced and processed.

Victoria's medium-term future energy security will depend on its coal-fired coal stations. Wind, solar and hydro energy and natural gas will play a part, but coal will remain dominant. By supporting the concept of biosequestration as well as geosequestration we are going to secure Victoria's future.

I would like to record my thanks to MBD Energy for the briefings it provided and for giving me the opportunity to visit the test sites. As the memorandum of understanding with Loy Yang moves forward I understand MBD will involve the community far more. MBD presented to a Gippsland major projects summit very recently — I think on 10 February — so there is growing awareness.

Victoria has many choices for sequestration, and all need to be considered in meeting Victoria's future energy needs and responsibilities. Geosequestration is one form, and we are seeing that in legislation now. I would like to see the government keep all its options open, and there are others available to us beyond the algae that I have talked about at some length. The Nationals in coalition are supporting this bill as a first step forward.

**Debate adjourned on motion of Mr SCOTT (Preston).**

**Debate adjourned until later this day.**

## LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL

*Second reading*

**Debate resumed from 4 February; motion of Mr ROBINSON (Minister for Consumer Affairs).**

**Government amendments circulated by Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) pursuant to standing orders.**

**Mr O'BRIEN** (Malvern) — It is a pleasure to rise to speak on the Liquor Control Reform Amendment (ANZAC Day) Bill 2010. I state at the outset that the opposition will be supporting the legislation — which is two in a row we have given our assent to. It is not like me to be so agreeable with government legislation, but in this case we think the government has certainly got the principle right.

Frankly all right thinking members of the Victorian community were appalled by some of the behaviour seen at the 2009 Anzac Day dawn service. People who appeared to be affected by alcohol and/or by drugs turned up at the Shrine of Remembrance during the dawn service and conducted themselves in a way which was offensive to many of the members of the veteran community who were assembled and also to members of the Victorian community who were there to show their support for Anzac Day and for what it represents in Australia. It appeared that a lot of the people had come out of various nightclubs or pubs to go to the shrine. I think that is the reason the government is bringing forward this legislation.

The purpose of the bill is to amend the Liquor Control Reform Act to limit the authorised supply of alcohol on Anzac Day. The bill imposes a restriction on the supply of alcohol under a licence or permit — that is, a BYO permit — on Anzac Day. Licences or BYO permits that otherwise allow the supply of alcohol between 3.00 a.m. and noon on Anzac Day are subject to a new provision that prohibits the supply of alcohol during those hours. Those licences that operate only from 5.00 a.m. are subject to the prohibition from 5.00 a.m. until 12 noon.

There are some exemptions from this restriction. Any licence held by the RSL or a sub-branch of the RSL is not covered by this restriction. I am sure all members of the house regard as one of the highlights of their year the dawn service at their local RSL. Certainly after the solemnity of the dawn service there is a lot of raucous, good-natured chat, often inside with a gunfire breakfast.

Many members would be familiar with the various potions that are presented for consumption. My local RSL, the East Malvern sub-branch, calls it 'Nelson's blood'. It appears to be milk with a very decent shot of rum. You certainly know you are awake and alive once you have consumed one of those; you do not want to consume more than one if you were planning to drive home.

I was up at Bendigo recently and toured the frankly magnificent facility of the RSL there. They have something that they call 'the brew'. There is a secret recipe that only a few members of the sub-branch are privy to, and they gather every Anzac Day to concoct it; it is then dispensed during the course of a gunfire breakfast. It is entirely appropriate that licences held by the RSL or by sub-branches of the RSL are exempted from this provision.

There are also exemptions for duty-free shops and for liquor supplied for purchase and consumption on an aircraft. We would like all of our international visitors to share with us in commemorating Anzac Day, but there is no need to extend the prohibition to preventing people from purchasing alcohol that they intend to take with them overseas.

Pre-retail licences are exempted. These licences cover parties that do not supply liquor to the public but rather cover producers selling to wholesalers, for example, or wholesalers selling to retailers.

Also exempted are residents or their guests of a licensed premises. I note that the Minister for Sport, Recreation and Youth Affairs has circulated amendments to this bill. I consulted the Australian Hotels Association about this bill, and there is no doubt that the government also consulted with the AHA, although apparently the government only consulted with it after the bill had been introduced to Parliament, otherwise it would have picked up this glaring error.

One of the effects of the bill in the form it was originally brought into the Parliament would have been that hoteliers would have had to remove or padlock the mini-bars in hotel rooms right across the length and breadth of Victoria. If this flaw in the bill had not been picked up, it would have been a little bit embarrassing to Victoria's reputation as a tourist destination. Fancy having bar fridges and mini-bars right across Victoria padlocked or removed for a few hours on Anzac Day! However, it looks as though the government has been saved from itself by the good work of the Australian Hotels Association, because those flaws have been identified and hopefully amended.

The bill also provides that the director of liquor licensing will grant an exemption to a major event licensee, a temporary limited licensee or a renewable limited licensee for an event that 'will occur in connection with Anzac Day commemorative activities and will be consistent with the solemn observance of the day'.

The observances of Anzac Day that I have been privileged to attend at RSLs vary in nature. Much of the spirit of Anzac Day is about diggers getting together with people they see perhaps only once a year and sometimes people they have not seen in many years. They get together, share a drink or two, reminisce and catch up. That may be called an observance of Anzac Day by some, but I am not sure you would call it solemn. It is heartfelt but certainly the amount of levity and good humour that you often see at Anzac Day functions, particularly at RSLs, is not something that I would necessarily always call solemn. I hope this provision will be interpreted in a practical way.

In discussions with some of my colleagues this morning I heard of the example of an RSL that tends to have a function on Anzac Day at a local hotel. I was asked, as the shadow Minister for Consumer Affairs, whether that function would be able to go ahead.

I think this exemption is designed to cover those sorts of activities so that the hotel at which the RSL has booked a function would be able to apply for a temporary limited licence and get an exemption from the director of liquor licensing so that they could serve alcohol before 12 noon. If those words 'solemn observance' were to be interpreted and applied in a very strict way, you could see functions such as the one that I have referred to discontinued, which would be a terrible shame. I certainly hope the intention and spirit of this legislation are picked up by the relevant authorities and that the laws are interpreted and applied in a practical, common-sense manner.

I do have concerns about the bill. It is very well intentioned but it raises the prospect of there being some unintended inconsistencies that could have an adverse impact or consequence on activities that do not detract from the commemoration of Anzac Day. The example that I have formulated is that you could have a 99-year-old person, who in fact may be a veteran themselves, whose family may wish to gather to celebrate this person's 100th birthday. which falls on Anzac Day. For example, the family might want to have a champagne brunch at the Windsor Hotel. Under this bill they would not be able to toast the centenarian's birthday with a glass of champagne until 12 noon. I am fairly confident that is not the sort of restriction the government is intending, nor do I think it is the sort of restriction the RSL has been seeking. In my discussions with the RSL the focus has always been very much about preserving the solemnity and dignity of Anzac Day, in particular the dawn service.

The outcome of my discussions with the RSL is that it has acknowledged the potential for there to be some unintended consequences of this legislation. The RSL has told me it is happy to review how this legislation operates in 2010, and that if there are unintended consequences which are unduly restricting activities that do not impact on the solemnity or dignity of Anzac Day, the RSL is quite prepared to consider supporting amendments to the legislation to avoid those unintended consequences.

The opposition is extremely supportive of this point of view. We are supporting this legislation, but we also acknowledge the potential for some unintended consequences. It could even have a perverse outcome in the example I have formulated: a returned serviceman or servicewoman being restricted from celebrating a birthday with their family because of this bill.

I congratulate the RSL for taking what I see as a very common-sense, practical viewpoint, but I would say also that that is the hallmark of the organisation. It is made up of very common-sense, practical men and women. They have seen difficult times in their service of the country, and in my experience they take that grounded approach to public policy as well. I congratulate the RSL for its expressions on this matter.

There is also an exemption in this bill for wineries or the business activities of a winery that are owned or occupied by the licensee. This raises the potential for some inconsistencies. A winery may operate a restaurant, which, under this bill, would be exempted from the pre-noon prohibition, but a restaurant operating next door, which is not operated by a winery, would be affected by it.

It is a little difficult to understand the rationale for saying that two restaurants, side by side, should be differently impacted by this law, depending on who owns them. The one owned by a winery, would be able to serve before 12 noon, but the one not operated by a winery would not be able to do so. If laws are to be understood and to garner respect, then there needs to be some semblance of consistency. I am just identifying here the potential for inconsistency that would not seem to be objectively justified on its face.

Perhaps the minister or other government speakers will be able to shed some light, given an example I have used, on why it is appropriate to have that inconsistency in the application of the law. I personally cannot see it, and I think perhaps the government might have better crafted these laws to achieve the aim both sides of the house wholeheartedly support but it might have done so in a manner which was more consistent and would have a better impact in terms of the operation of the laws.

This is a relatively short bill. It is one that the government has flagged previously, and I acknowledge that this is the implementation of something the government said it would do.

We think Anzac Day is one of the most sacred days on our calendar. The performance by a few idiots last year was disrespectful to those who served and made sacrifices for this country. It was abhorrent, I think, to the general community. To people who are concerned by the impact of this bill, I would say it is a response to what the community felt was fairly outrageous conduct by a few individuals.

It is a shame that we now need to legislate to get to the stage where people are encouraged to show the appropriate level of respect for and help preserve the dignity of ANZAC Day, but that is where we are today. With those words, I again state that the opposition supports this legislation. It is absolutely with the government in wanting to protect the solemnity and dignity of Anzac Day, and it hopes this bill will succeed in what it aims to do.

**Ms THOMSON** (Footscray) — I stand to support the Liquor Control Reform Amendment (ANZAC Day) Bill 2010. In doing so I support the statement by the member for Malvern that it is a pity the house has to deal with this legislation. In the past, when I have had anything to do with this principal act and dealings with Anzac Day observance, there has been respect shown by businesses that close at a reasonable hour on the day before or the morning of Anzac Day and to show until 12 noon — in most cases, until 1.00 p.m. — a respect for the commemoration of Anzac Day, which has grown in meaning to the community year by year.

I would have thought it would be good business practice to let the public know a business was to close to observe Anzac Day; there would be more respect for businesses if they chose to do that rather than Parliament being forced to legislate. It is a pity we have to legislate for so few.

In truth most businesses are more than happy to comply in spirit with the notion of respecting and commemorating Anzac Day, and it is very little to ask that liquor not be served between 3.00 a.m. and 12 noon. However, some people think it is a big ask, which, I think, shames them as businesses and brings the reputation of certain businesses into question.

Firstly, I put on record my gratitude to all those businesses that for many years have demonstrated their commitment to respecting Anzac Day by choosing to abide by the spirit of the legislation and close at a reasonable hour, closing at 3.00 a.m. the night before Anzac Day — some have even chosen to close at midnight — and not opening again until 12 noon or 1.00 p.m., or have certainly chosen not to serve alcohol during that period. It is only fitting that all businesses comply with that spirit that those businesses have demonstrated over Anzac Day.

This is a simple but unfortunately necessary piece of legislation. I know we all regret that it needed to be brought to the house. Anyone would think that people would immediately recognise the need to do the right thing in memory of all those who have died in wars around the world, and it is important that we commemorate the loss of lives in war as well as the lives that were changed for the soldiers who came back wounded and injured from those wars. Also, the men and women who came back with the psychological scars of those wars also need to be recognised. We do that on Anzac Day.

That is the day that we recognise the camaraderie and spirit of Anzac, which was about looking after one another. That is what this day represents beyond the loss of lives. It is about how they looked after each other on the battlefield and the mateship that came from that. I would have thought that that could extend to modern times by the way people practise their business regimes, and in this instance the serving of liquor is an obvious example.

One of the things we have to recognise is that the views about the best things that draw us together are not necessarily held by the whole community. Maybe that is where we need to think about this sense of community that is so important to us and the responsibility we all have to play a part in keeping together that sense of community, which may mean that in future, legislation like this would be unnecessary. The community would demand it of businesses, and businesses would want to comply.

As I said, I think only a small minority of businesses have chosen to not comply with the legislation brought in last year, and I know from personal experience in years gone by that the vast majority are more than prepared to live with closing their doors and not serving alcohol until a respectable time on Anzac Day.

In nations around the world it is not unusual on commemorative days for alcohol not to be served until a respectable hour, whether it be after lunch or around lunchtime. Recently I returned from India, where on Republic Day alcohol is not served until after lunchtime or the commemorative period, and only once the parade is held. It would seem that if it is good enough for

others around the world to show such respect for days that are significant to them, it is only fair and fitting that we should do the same here.

The RSL, which has been quite innovative in the way it has used Anzac Day involving children and the community, as a way for us all, to see Anzac in a whole new way and to commemorate Anzac Day and its meaning, should be commended. The RSL is doing a sensational job in making Anzac Day something that is more meaningful for the whole community, which is why schoolchildren, who do not even understand what war is, understand what Anzac Day means. Migrants who come to our shores respect Anzac Day, even though their forebears were not part of the Anzac tradition and in many cases may not have even fought on the same side.

In my instance, my relatives came here just prior to the Second World War but did not participate in the war at that time because they were not Australian citizens. It is interesting to note that there is still that commitment to Anzac Day and the Anzac Day tradition. It is one of those binding days that brings us together as a community. I think we are all grateful for what Anzac Day represents and for those people who sacrificed so much, not just those who lost their lives but the families who were affected by those who suffered during the world wars. Those who worked at home to make sure the troops were supported are also a part of that Anzac Day tradition we now celebrate.

I wish to commend the bill to the house. I am glad there is support across the chamber; we would not expect anything less. I think we all feel the same way about Anzac Day. There is unanimity not only in this chamber and in this Parliament but I think across the broad community. It is a pity that a small number of people have made it necessary for us to legislate for a day that we all want to see respected, that we all want to see continue to be a day of commemoration of the spirit of what an Australian really is and of the spirit of Anzac Day. I commend the bill to the house.

**Dr SYKES** (Benalla) — I rise to contribute to the Liquor Control Reform Amendment (ANZAC Day) Bill 2010. I am very much in support of the intention of the legislation, which is to amend the Liquor Control Reform Act 1988 in relation to the supply of liquor on Anzac Day, in particular to ban the sale of alcohol between 3.00 a.m. and 12 noon on Anzac Day, with a series of exemptions, including for residents of licensed premises, RSL clubs and wineries, as expanded on by particularly the member for Malvern.

As previous speakers have mentioned, Anzac Day is one of the most important days, if not the most important day, in our calendar in Australia, because we recognise the contribution and amazing sacrifices of our servicemen and servicewomen, and their families. Sacrifices were made not only by those who were killed in action but also by those who suffered enormous emotional distress and mental stress both during conflict and subsequent to that. Many veterans, including Vietnam War veterans, suffer daily as a result of their efforts to maintain the freedom that we enjoy in Australia.

I have made a real effort over the last three or four years to deepen my appreciation of the commitments made by our soldiers. I was fortunate enough to go to the 90th anniversary celebration of the liberation of Villers-Bretonneux by Australian forces on Anzac Day 1918. It was a pleasure to be there as part of the official party and to enjoy a beer at Villers-Bretonneux with the Minister Assisting the Premier on Veterans' Affairs. We enjoyed a coldie, and I think it might have been before 12 noon. But as the member for Malvern has indicated, that was in keeping with the spirit of Anzac and showed great reverence for and maintenance of that spirit.

Similarly a number of members of this Parliament, including the member for Narre Warren North, have trekked the Kokoda Trail and saw firsthand some of the difficulties experienced by our soldiers as they defended Australia. Just last year I went to Gallipoli and learnt firsthand about the suffering there. As the member for Footscray mentioned, it was very interesting on that visit to see it through the eyes of someone whose family had been our enemy at that time. To listen to the Turkish guide as he talked about the sacrifices made by the Turks at Anzac Cove really put into perspective that many sacrifices were made on both sides, and war is a horrible happening that we should work very hard to prevent. That said, wars do happen and we should remember the sacrifices made.

I will now return to the bill. There are a number of exemptions proposed in the bill, and the member for Malvern has pointed out that there do appear to be some inconsistencies, particularly in relation to the exemptions to allow wineries to remain open. I would have to say that most of the wineries in my area are not going to be running functions between 3.00 a.m. and 12 noon anyway. But there is still a possibility that they may have functions, such as brunches et cetera, on Anzac Day.

As the member for Malvern pointed out, there is an apparent inconsistency in that if a restaurant is operated

as part of a winery, it will be able to sell alcohol; but if the restaurant is, for example, operated by a hotel, it will not be able to sell alcohol before 12 o'clock. Perhaps the minister might comment on that issue in his summing up on the bill.

I contacted a large number of licensees to get feedback on this bill. They said there is general support for it and for its intentions or aims. That is in marked contrast to another piece of legislation or enactment of regulations that the current Brumby government is pursuing — that is, the massive increase in liquor licence fees.

Just before I came into the chamber to speak on the bill I was outside on the steps of Parliament House observing the Save Live Australian Music, or SLAM, rally, where many thousands of people were protesting against the impact on live music venues of the liquor licence legislation and regulations.

Normally no government members are seen on the steps of Parliament House when such rallies and demonstrations are being held against the government, but it was interesting to see a number of government members attempting to show interest in an issue which clearly has raised concerns about its impact on a number of seats in the inner Melbourne area. This bill has general support, but I can assure the government, in case it has not heard, that thousands of licensees and tens of thousands of their patrons object to the massive increase in liquor licensing fees.

The other issue which was touched on by the member for Malvern is the common-sense approach of seeking to have this bill reviewed after 12 months. This is a position adopted by the RSL, so that in the event of any unintended consequences, they can be addressed before the next Anzac Day. That is a common-sense approach, because almost invariably there are some unintended consequences, even with really well-thought-out legislation.

Often bills are returned to Parliament because of unintended consequences in the initial legislation. I should say the current government has made an art form out of not fully comprehending consequences, some unintended, but perhaps some that the government is aware of but which it has bulldozed anyway. It makes a lot of sense that once this legislation is implemented, there will be a review of its effects in 12 months time, and I would hope that happens.

As previous speakers have said, the legislation is about ensuring the solemn observance of Anzac Day and factoring in that solemnity can perhaps be generously interpreted if you take on board the way different people choose to commemorate the loss of loved ones and of fellow soldiers.

I should mention before finishing that there is another important commemorative event coming up this year in the form of the 70th anniversary of the march of the Lark Force and the march of the Gull Force, two battalions that served in the islands — the 2/22nd and the 2/21st.

When Rabaul was invaded by the Japanese about 1000 men faced up to 20 000 Japanese, and the instruction from the army and the Australian government was that it was every man for himself. For those who know about history, it was a tragic episode in Australian history. The men died as a result of brutality, starvation and disease. Regrettably a large number of men and some women died on the *Montevideo Maru*, which was a Japanese ship taking people away from Rabaul to Japan or Hainan Island. That ship was unmarked and was torpedoed by an American submarine.

Then there is the story of the 2/21st men who were sent to Ambon under similar circumstances. About 1000 to 1200 men were asked to defend that island against an invasion force of 10 000 to 20 000. Their losses were even greater than the losses experienced by the Lark Force. They lost something like 75 per cent of their men as a result of brutality, disease and malnutrition.

It is intended to acknowledge these anniversaries in Benalla later this year. It is amazing to see the local interest and the people's sense of connectedness with these men who made the supreme sacrifice. We will have a couple of veterans attend the commemoration, and I know the people of Benalla and the surrounding areas of northern Victoria will express their gratitude to these men one more time.

In closing, the intention of this bill is well placed. It is about the solemn observance of Anzac Day and the sacrifices made and which continue to be made by our servicemen, servicewomen and their families. I look forward to this bill being implemented and reviewed in 12 months, to see that it makes sense.

**Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).**

**Debate adjourned until later this day.**

## CRIMES LEGISLATION AMENDMENT BILL

*Second reading*

**Debate resumed from 10 December 2009; motion of Mr HULLS (Attorney-General).**

**Mr CLARK** (Box Hill) — The Crimes Legislation Amendment Bill makes amendments to four areas of law — in relation to child sex offences, family violence notices, controlled operations reports and the definition of 'document'. In doing so it amends variously the Crimes Act 1958, the Crimes (Controlled Operations) Act 2004, the Fisheries Act 1995, the Wildlife Act 1975, the Family Violence Protection Act 2008 and the Evidence Act 1958.

Of those amendments, the amendment relating to controlled operations reports simply changes the dates by which reports on controlled operations by Victoria Police and by fisheries and wildlife inspectors must be given to the special investigations monitor, from a current requirement of doing so as soon as possible after 31 March and 30 September each year to as soon as possible after 30 June and 31 December each year, but no more than two months after each date. This amendment is intended to bring the reports to the special investigations monitor in line with the reporting obligations of the special investigations monitor, and it seems a straightforward and worthwhile amendment.

The amendment of the definition of 'document' in the 1958 act is to bring that into line with the corresponding definition in the Evidence Act 2008, and it picks up what was effectively an oversight at that time. Again it seems a worthwhile amendment.

The amendment in relation to child sex offences increases the victim's age at which a maximum penalty of 25 years jail applies for the offence of sexual penetration of a child. It increases the victim's age at which that maximum penalty applies from under 10 years to under 12 years. This amendment follows on from a report of the Sentencing Advisory Council which was initiated following a case that attracted considerable publicity and justifiable public concern in relation to a person who was guilty of the offence of sexual penetration of a child who had just turned 10 years of age. The understandable concern was that had that offence been committed just a few weeks earlier a potential maximum penalty of 25 years would have applied. Because the child had just turned 10 a maximum penalty of only 10 years was applicable. I understand there is an appeal against sentence possibly pending in relation to that case, which unfortunately limits the extent to which it is appropriate for me or other members to comment on the details of that case. However, going by the published accounts at the time, the offender entered the bedroom of the victim and committed the offence on her while she was in bed in her own home, where she was entitled to feel safe and secure. The offence understandably was incredibly traumatic for the victim, and I think members of the public were entitled to be very concerned about the penalty that was handed down in that case. The Attorney-General therefore asked the Sentencing Advisory Council to consider the issue, and the council reported with the recommendation that the age at which the maximum penalty applies be raised from under 10 years to under 12 years, the change the bill carries out.

I have to say that I found the Sentencing Advisory Council's report not as good as other reports the council has done. It provided some useful material and statistics and in some respects provided a useful assessment of the law, but it also left what to me seemed obvious questions not fully addressed. In particular it seemed to me not to fully address the issue of the circumstances in which a charge of sexual penetration of a child aged under the age of 16 was brought, which is the full description of the offence involved, as opposed to the bringing of the charge of rape. Clearly the act of sexual penetration of any person, be they child or adult, without consent will almost always if not always constitute the offence of rape. Questions have to be asked as to in what circumstances a prosecution chooses not to proceed with a charge of rape and chooses to proceed only with a charge of sexual penetration, or, in cases where the accused person may plead guilty to the offence of sexual penetration of a child, chooses not to proceed with a charge of rape.

In dealing with such circumstances the Sentencing Advisory Council said it was therefore possible for various offences to:

> 'overlap' with the offence of sexual penetration with a child under 16 in the sense that a particular offence may be charged either in preference to, or as an alternative to that offence.

The report then mentions the offence of incest, if the accused person is a family member, and the offence of an indecent act with a child under 16, and states:

> Where an act of sexual penetration with a child has taken place in circumstances where there is an absence of consent the offending may be charged as rape.

The report goes on to say:

> In certain circumstances, the prosecution may also elect to withdraw one offence and proceed with a lesser offence in exchange for a plea of guilty — for example, by withdrawing a rape charge in respect of an accused person who is prepared to plead guilty to a charge of sexual penetration with a child under 16. Decisions such as these are made on an individual case basis, and reasons for taking such a course may include weaknesses in the Crown case, a desire to prevent a traumatised victim from having to give evidence in court and whether it is in the interests of public policy to accept a plea of guilty in the circumstances of a particular case.

What the Sentencing Advisory Council says is correct as far as it goes, but I think the public would have benefited from a more detailed examination of the practice of prosecutions and other practices in relation to those various matters.

The other point that becomes clear from the Sentencing Advisory Council's report is that, as in so many areas of sentencing, there is an enormous gap between the maximum penalties that apply to various offences and the penalties that are actually handed down in the court. A number of figures in another Sentencing Advisory Council report document that fact and show that there are average imprisonment terms for various age groups that range from a maximum of 3.8 years down to a minimum of 1.9 years, and those are compared with maximum sentences that in various circumstances, in relation to both the age of the child and whether the child was under the care, supervision or authority of the offending adult, could range from 25 years to 15 or 10 years.

That, I believe, is the key shortcoming in the bill before the house. We in the coalition parties support the bill, but we believe it goes nowhere near far enough towards remedying the problem of inadequate sentences for very serious offences against the person.

Based on the data contained in the Sentencing Advisory Council report the change to the law included in the bill is likely to result in an average increase of only around three months in the actual sentences handed down by the courts for crimes against 10 and 11-year-old children.

The bill does nothing to tackle the main problem of judges giving sentences that are way below maximum sentences and way out of line with community expectations. The Sentencing Advisory Council figures to which I have referred show the average sentence actually awarded for sexual penetration of a child under 10 years of age — where, as I said earlier, the maximum penalty of 25 years already applies — is currently only 3.3 years. This compares with the current average sentence of 3 years for offences against children aged 10 or 11, where a 10-year maximum sentence currently applies.

On the basis of those figures all that the measure in the bill is likely to do is increase the average sentence applied for this appalling crime against 10 or 11-year-old children from 3 years to 3.3 years — in other words, an increase of about three months.

Changing the age levels for maximum penalties is going to achieve little if the government does not tackle the main problem — that the sentences given by courts are far below the maximum sentences and far below what the community expects should apply.

In the case of the offender who pleaded guilty to the case that gave rise to the bill — an offence against a child who had turned 10 years just two weeks prior to the offence — that offender was sentenced to just 9 years jail with a minimum of 7 years when, on the combined package of offences for which he pleaded guilty or was found guilty, he could have been sentenced to a total of 35 years for aggravated burglary and sexual penetration of a child aged under 16.

There is a lot more that needs to be done in relation to this offence and in relation to so many other offences of serious violence against the person. To cite another example, about four offenders out of every five who are convicted of the offence of intentionally causing serious injury receive a minimum sentence of two years or less in jail — for an offence that carries a very serious maximum penalty indeed.

The community is fully justified in being concerned, as members of the community make clear time and again, that sentences for serious crimes of violence are appallingly inadequate and that that is undermining public confidence in the justice system. A range of reforms are needed to remedy that — for example, abolishing suspended sentences so that when a sentence of jail is applied it means jail; similarly, abolishing the Clayton's jail of home detention so that when a sentence of jail is imposed it means jail. Therefore if a judge in a particular case concludes that an offender should not be sent to jail, that should be reflected openly in a community-based sentence rather than a Clayton's jail term, which is not time in jail at all.

Restoring public confidence in the justice system, ensuring that people who perpetrate horrific crimes of violence and assault against others are sent a clear message that that will not be tolerated and ensuring that we have more police on the streets to uphold the law are vital components of reducing the rapidly escalating levels of violent crime in our society.

The second major component of the bill is to extend the sunset date for the regime of family violence safety notices from 8 December 2010 to 8 December 2011. The family violence safety notices were introduced on a pilot or trial basis by the government in the Family Violence Protection Act 2008, and that measure, along with the rest of the bill, was something that we on this side of the house supported, because family violence is clearly a major problem in our community. The family violence protection notices that were included in the bill were very closely based on interim intervention orders, which the Liberal Party had announced as policy prior to the 2006 election and which the government very belatedly adopted and incorporated in the 2008 legislation.

On government figures there are around 30 000 incidents of family violence recorded by the police each year, which is a substantial increase on the approximately 19 500 incidents recorded in 1999–2000. In part that has been due to an increased Victoria Police focus on family violence, but it is a matter for separate debate as to whether there has also been an increase in the underlying level of violence over that period compared with earlier periods.

The government also estimates that there is a total of around 150 000 incidents of family violence each year, including unreported incidents.

It has been recognised over recent years that there needs to be a concerted policy response to family violence in terms of prevention, protection and law enforcement. A key element of that is being to able to provide effective on-the-spot protection to the victims of domestic violence. It is therefore important that the police can act on the spot without having to go to the court for the issue of a summons or warrant. We put forward measures as far back as 2003 to provide that on-the-spot protection; we adopted and released a policy providing that police would be able to issue immediate intervention orders lasting for up to 72 hours with the verbal telephone authorisation of a magistrate or bail justice.

It was not until around four years later, in July 2007, that the government accepted the merits of our call for on-the-spot protection measures. On 19 July that year, the then Premier announced that the government would legislate to enable police to issue interim on-the-spot safety notices lasting for up to 72 hours to protect victims of family violence without the need to go to court. Our view was that it would probably be better if a workable system of on-the-spot applications to a magistrate could be put in place, but at least the police safety notice regime put forward by the government in the 2008 legislation allowed on-the-spot protection orders to be issued.

That earlier bill also provided for applications by telephone to a magistrates court, although that requires the prior completion of a written application on oath, affidavit or certified, which is likely to make that mechanism unsuitable for on-the-spot applications. When the government introduced its measure in the 2008 bill, it was done only under a trial program that was to operate for a two-year period, which, based on the date at which the legislation came into effect, expires on 8 December this year.

This is yet another instance of legislation brought in by the Attorney-General where the measures are brought in on a trial or pilot basis, and then the Attorney-General is so tardy in his evaluation of the pilot or in the implementation of the provisions contained in the pilot that the pilot period expires before the government can reach a conclusion as to whether or not it should be continued. The government then has to come back to this Parliament to seek an extension of the pilot period.

So it is that the government is seeking a further one-year extension of the pilot. We are happy to support that extension. As I said, we strongly support the concept of empowering police to provide on-the-spot protection for victims of family violence. We can see no reason why the general approach of the 2008 legislation should not continue, but there may well be scope for it to be modified and improved — perhaps along the lines we previously proposed, which would involve a magistrate at that early stage.

However, according to the Attorney-General's second-reading speech, the government is awaiting a report from the chief commissioner and the chief magistrate. No doubt, given the Attorney-General's usual form, we will have some considerable period to wait while he considers that report and decides where he wants to go from there. The feedback we have received from groups involved with victims of family violence has been very supportive of the extension of the sunset period.

In conclusion, we on this side of the house are pleased to support this bill. Two of the four amendments it makes are relatively technical and worthy amendments. The increase in the age of a victim of an offence of sexual penetration of a child at which the maximum penalty of 25 years jail applies is a step in the right direction — even though it goes nowhere near providing for appropriate sentences for this offence — and the extension of the sunset date for family violence

safety notices will enable this worthwhile and important protective measure to continue.

Hopefully by the time the extended sunset date expires there will have been an opportunity to decide where the legislation goes from here. With the dates that are involved, it may well be that that decision falls to a different government than the present one. Certainly if we on this side of the house are in government at that time, we will look forward to making whatever improvements can be made to have that mechanism operate even more effectively than the interim protection measures are currently operating.

**Ms GREEN** (Yan Yean) — It is with great pleasure that I join the debate on the Crimes Legislation Amendment Bill — although that pleasure is tinged with sadness at the fact that awful, dreadful offences against children and young people in our community occur and that we in this place have to legislate to deal with the consequences of that. I am a parent, and I know every parent in this place abhors the idea of crimes against children, but dealing with this is one of the sad responsibilities we are saddled with as legislators.

The bill before the house contains a range of amendments to legislation related to the operation of the criminal justice system. The primary amendments in the bill come as a result of the Sentencing Advisory Council's recommendations to restructure the offence of sexual penetration of a child under 16, so that the highest penalty available under that offence of 25 years jail applies to an offence against a child under 12. The penalty currently only applies to offences against children aged under 10 years.

Raising the age that defines the most serious form of this offence from 10 years to 12 years recognises the vulnerability of primary school-age children. I am pleased the Attorney-General took action to refer this matter to the Sentencing Advisory Council and seek its advice following the dreadful case of a young girl in Sunshine. An offence was perpetrated against her two weeks after her 10th birthday.

**The ACTING SPEAKER** (**Ms Beattie**) — Order! I caution the member that that case may be under appeal and she should be careful.

**Ms GREEN** — Thank you, Acting Speaker. The case was referred to in the Attorney-General's press release; I believe the previous speaker referred to it, and I was not going to go any further. Thank you for that caution, Acting Speaker.

The bill also corrects an anomaly in the reporting dates under the Crimes (Controlled Operations) Act 2004. This correction will allow the special investigations monitor to report comprehensively on the controlled operations conducted by various agencies.

A further proposal in this bill adjusts the sunset provisions of the Family Violence Protection Act 2008 to extend the operation of family violence safety notices for one more year beyond December 2010. As a member of the government I am enormously proud of the way in which this legislation provides a greater level of safety to those who suffer family violence. The safety notices provided for in that act provide police with an important tool to remove perpetrators of family violence from the family home and protect victims of family violence and their children. I am pleased to see this will be extended for an additional year before review.

The bill also amends the definition of 'document' in the Evidence (Miscellaneous Provisions) Act 1958 so that it matches the definition of 'document' in the Evidence Act 2008. This will ensure that copies of documents are made admissible in proceedings conducted by bodies such as royal commissions in the same manner as copies of documents are admissible within courts.

Returning to the main sections of the bill, it is a community expectation that one of the major tasks in the criminal law is to protect our young people. Young people are the most vulnerable persons in our community, and Victorians do not tolerate assaults committed against them, whether assaults of any type or the taking of the life of a child. Sadly this morning we heard of an awful case in Queensland. We also heard about the grief and fear of mothers living in that community. Such a case demonstrated to me it is important that we as legislators have appropriate penalties for offences perpetrated against children so that children can feel safe and parents can feel safe in the knowledge that they can protect their children. It is the mark of a civil society that we protect our children and ensure that those who perpetrate sexual assaults on them are held to account, which is why we are changing these outdated laws here today. These offences are heinous crimes against the most vulnerable, and sentences should reflect this fact.

I am pleased that this legislation has come before the Parliament as a result of recommendations that have come to government from the Sentencing Advisory Council. It is good that we have such a council in place to provide the government with expert advice. Many people in our community, whether they be shock jocks on the radio or people in the street, have their own ideas

about these matters, but I think it is very important that this Parliament and this government have a proper source of expert advice on complex sentencing issues. I commend the council on its work in this area, which ensures the community has a say in sentencing reforms.

As I said earlier, this review has been necessary because of very real concerns about the disparities between maximum penalties for offences against children aged under 10 years and children aged between 10 and 16 years. This bill corrects that, and it is a continuation of the Brumby government's commitment to introduce major changes to improve the criminal justice system's response to sex offenders, including child sex offenders. These have included changes to jury directions in sex offence cases, new arrangements for giving evidence in child sex offence cases, and establishing a child witness service, specialist sex offence lists in the courts and a specialist sex offences prosecution unit in the Office of Public Prosecutions.

In 2006 the government provided $34.2 million over four years to fund a package of measures designed to improve the criminal justice system's response to sex offences, including child sex offences. These major reforms included changes to jury directions in sex offence cases, new arrangements for giving evidence in child sex offence cases and establishing a child witness service and the lists.

This bill is a great additional example of the work of a reforming government and a reforming Attorney-General. I do not think it is good enough for a government to sit back, rest on its laurels and look at the law as it exists. It is very important to have constant review, which is why we re-established bodies like the Law Reform Commission and why we continue to have a parliamentary committee on law reform issues which provides advice to the Parliament.

In other reforms in our time in office we have introduced the working-with-children check program. I know the other side criticised that program a great deal, but I am glad we have ridden it out because it is a very important program.

We have also introduced the sex offenders register and serious sex offender monitoring, and introduced extended supervision orders to protect the community.

In conclusion, I am very pleased to support the Crimes Legislation Amendment Bill. I am pleased to see that those on the other side say they are not opposing this bill.

**Mr Northe** — We are supporting it.

**Ms GREEN** — That is good. So often members of the opposition say they do not oppose justice legislation but do not actively support it, so it is good to hear the interjection from the other side which indicates that members of the opposition actively support this bill. The community is very pleased when legislators are able to act cooperatively to enact important reforms, particularly on issues such as child sex offences and the other matters that are contained within this bill. I wish the bill a speedy passage.

**Mr NORTHE** (Morwell) — It gives me great pleasure to make a contribution to the debate on the Crimes Legislation Amendment Bill, a bill that the coalition is pleased to support. This bill makes amendments to a number of acts — that is, the Crimes Act 1958, the Crimes (Controlled Operations) Act 2004, the Evidence (Miscellaneous Provisions) Act 1958, the Family Violence Protection Act 2008, the Fisheries Act 1995, the Sentencing Act 1991 and the Wildlife Act 1975.

I congratulate the member for Box Hill on his clear, concise and succinct contribution to this debate. Whilst I do not always agree with the member for Yan Yean, it is hard to disagree with the suggestion she made in her contribution that we are here today debating penalties for crimes that are hard to fathom.

Firstly, in relation to the Family Violence Protection Act 2008, this bill extends the expiry date for issuing family violence safety notices from December 2010 to 2011. This provision was due to sunset after two years of operation; however, the government has seen fit to extend the program for a further 12 months.

The family violence safety notice program has been quite a success story. The second-reading speech refers to some 1723 safety notices being issued between 8 December and 30 June 2008, which gives some sense of the success of the program. The evaluation period, even though it is being extended for 12 months, is probably something the government of the time should have made three years from the start.

The amendments to clause 4 in the Crimes (Controlled Operations) Act 2004, of clause 9 in the Fisheries Act 1995, and to clause 13 in the Wildlife Act 1975 simply make changes to the dates on which the chief officer or secretary of each of these agencies must submit a report to the special investigations monitor. These dates are changing from 'after 31 March' and '30 September' in each year to 'after 30 June' and '31 December', but no more than two months after each date. As the member for Box Hill said in his contribution, these seem to be sensible provisions.

The main aim of this bill is to amend section 45 of the Crimes Act 1958 in relation to the offence of sexual penetration of a child under the age of 16. It provides three different penalties for this type of offence. Which penalty will apply is determined by the age of the victim and the relationship between the accused and the victim.

Firstly, this provision establishes the maximum penalty of 25 years jail to apply for an offence against a child where the court is satisfied beyond reasonable doubt that at the time of the offence the child was under the age of 12, whereas currently this is set at under 10 years of age. Secondly, a penalty of 15 years jail will apply for an offence against a child where the court is satisfied beyond reasonable doubt that at the time of the offence the child was aged between 12 and 16, and in those cases, under the care, supervision or authority of the accused. Thirdly, a penalty of 10 years jail will apply for an offence under this section in any case.

As referred to in contributions by earlier speakers, the Sentencing Advisory Council released a report in September 2009. In summary, whilst it found the overall maximum penalties were appropriate, it also found that the age range defining the different penalties that apply should be altered. Its report contains seven chapters that talk about various aspects of this, including the offence of sexual penetration of a child under 16. The report also talked about other issues such as related offences, functions of a statutory maximum penalty, adequacy of the maximum penalties and sentencing around all these things.

The Sentencing Advisory Council made a number of recommendations with respect to its deliberations as referred to in further detail on pages 61 and 79 of its report. The council considered the current maximum penalties for the offence of sexual penetration with a child under 16 as adequate, and this was detailed as part of its recommendation 1. However, the council commented that:

> the statutory aggravating factor of 'sexual penetration with a child under 10' should be changed to 'sexual penetration with a child under 12'.
>
> the statutory aggravating factor of 'sexual penetration with a child aged between 10 and 16 and under the care, supervision or authority of the offender' should be changed to 'sexual penetration with a child aged between 12 and 16 and under the care, supervision or authority of the offender'.
>
> the non-aggravated form of the offence of 'sexual penetration with a child aged between 10 and 16' should be changed to 'sexual penetration with a child aged between 12 and 16' (Recommendation 2).

In summary, the council said that for a new offence of sexual penetration with a child under 12, the maximum penalty applicable would be 25 years imprisonment. The offence of sexual penetration with a child aged between 12 and 16 and under the care, supervision or authority of the offender would be a maximum penalty of 15 years imprisonment; sexual penetration with a child aged between 12 and 16 would carry a maximum penalty of 10 years imprisonment.

Concerns are raised in the report about the average sentence that is awarded to the perpetrator of crimes when sexual penetration of a child under 10 years of age has occurred, and the member for Box Hill referred to some of the average sentences that apply in that case. The member noted that despite 25 years being the maximum penalty, the average sentence imposed is actually three years and three months, which causes some concern.

The increase from 10 years to 25 years for the maximum penalty applicable to offences against children aged 10 or 11 may have little impact or effect on the penalties actually imposed by the court. Indeed, figures supplied by the Sentencing Advisory Council show that the average sentence actually awarded for sexual penetration of a child under 10 years of age, where the maximum penalty is 25 years, is only 3.3 years. If that is further compared to the current average sentence of three years for offences against children aged 10 or 11, it will be found that therefore there is really only a three-month gap between those average sentences.

There is a huge gap between the maximum penalty for sentences that apply at the moment. Whilst the coalition supports what is in this bill, there is always some concern and consternation from the community itself, because we are a long way from the maximum penalty applying when you compare it to the average sentence imposed.

I will not go into detail about the particular case *R v. Maurice*, which is mentioned in the second-reading speech, but it is the reason we are debating this bill. It was an awful situation in which the victim in that case had turned 10 only two weeks before the offence took place. So what has guided this bill and its development through the Sentencing Advisory Council is very much supported by the coalition. This is sensible legislation, and a step in the right direction, and because the maximum penalties could apply to such offences, it is much more in line with community standards. There is still a distinct gap between the maximum penalty that applies and the sentence that is issued, although we

know that variables occur in relation to those particular circumstances.

All in all it is a good piece of legislation, and obviously the coalition will support it. I think the majority of people in the community support it as well. It is a step in the right direction. These are abhorrent and obscene crimes we are discussing today, and it is up to us as members of Parliament to ensure appropriate maximum penalties apply so the courts can do what they need to do to ensure the perpetrators of these abhorrent crimes are brought to justice.

**Debate adjourned on motion of Mr HUDSON (Bentleigh).**

**Debate adjourned until later this day.**

## EDUCATION AND TRAINING REFORM AMENDMENT BILL

*Second reading*

**Debate resumed from 10 December 2009; motion of Ms PIKE (Minister for Education).**

**Mr DIXON** (Nepean) — It is a pleasure to talk this evening on the Education and Training Reform Amendment Bill. From the outset I wish to declare a pecuniary interest as I am a registered teacher. I am not a practising teacher but I am still registered. I also wish to indicate that the coalition will not be opposing the bill.

The Victorian Institute of Teaching (VIT) was formed by a 2001 act of Parliament following an interesting debate. It was the wish of the teaching profession that such a body be established. A review of the institute was conducted between 2001 and 2007 because a number of teachers had wrong or conflicting perceptions about what the VIT was trying to achieve. On Sunday evening there was a *Monty Python* special on television which included a People's Front of Judea meeting which asked, 'What have the Romans ever done for us?'. It reminded me of the many teachers who have said to me, 'What has the VIT ever done for me and why should I pay the money?'.

The review conducted in 2007 found there was a role for the VIT, which was an outstanding finding, but it also found that it needed a more streamlined role which showed teachers more clearly what its role was and that it did not intersect with what other bodies were doing. The review recommended the VIT should be a regulatory body, and a large part of the legislation we are looking at this evening addresses that issue plus a couple of other issues which I will come to.

So far as the VIT is concerned its council will be reduced from 20 down to 12 members, who will be a mix of appointed and elected members, although all members must be practising teachers. There will be a new position of deputy chairperson, although that will not be additional to the 12 members. The idea is to lessen the load of the chairperson, who has a pretty full-on role within the VIT. This will share out the load somewhat. Panels will be introduced to conduct hearings, so there will always be a group of suitably qualified people available for hearings. Hopefully that will cut down the workload for some members of the council and will mean that hearings take place sooner than they have in the past.

Another major change is to registration renewal, which used to be required every five years — you have to pay fees every year but registration renewal is due every five years. That will now be brought down to an annual payment, so you re-register at the same time as you pay your annual fees. Members will be able to pay online, so the process will not be as drawn out as it is at the moment.

The VIT has always had provisional registration, which was mainly a concern for graduate teachers who are registered provisionally once they finish their course. Usually it takes up to two years for them to get full registration. In the past teachers have had to renew their provisional registration after one year, and as most of the people caught up in provisional registration are graduate teachers, that will now be a one-off payment, although it can be extended for a few months. That is a nice tidy-up and reflects the reality of the situation of what provisional registration is used for.

At the moment permission to teach is a type of VIT registration. It is really for non-registered teachers and allows people who are non-registered teachers to teach in some form or other in our schools. That type of registration has normally been for five years, but it will be reduced to three years. There will be exemptions for teachers who are part of the Teach for Australia program or the Career Change program, and I will talk a little bit about those programs later. Teach for Australia students undertake a six-week crash course, and in fact the first group is going through it at the moment. The group members are teaching classes now. They have ongoing professional development and monitoring but basically for four out of five days they are in the classroom. They do not have another teacher with them in the classroom. They are exempt from the

permission-to-teach regulations being changed by the bill.

The definition of 'fitness to teach' is changed by the bill. If complaints or charges are brought against a teacher the VIT will investigate whether he or she is fit to teach. That definition will be changed to a broader definition of 'suitability to teach'. It will encompass things like the physical or mental health of a teacher and their past teaching record, even in other states of Australia. I think that is a good thing because the community needs to have great confidence in the fitness and suitability of teachers to teach in our schools.

The VIT will also be able to investigate allegations that have been made, which are really below the 'serious' level, and there will be a range of sanctions that can be imposed which reflect the seriousness of the charges. Again, this will be a broadened role for the VIT, which is welcome. As well as that the institute will be able to initiate investigations, which is something it has not been able to do in the past. I think that is a good thing, because in the past when information has come across the desk of the institute or the panels, without a formal complaint being made they have not been able to do anything about it. In some cases they will now be able to initiate investigations, and again that adds confidence for the community.

The VIT will also now be able to convene medical panels. If the institute finds a problem, it can impose conditions — like a suspension or an undertaking from a teacher to undergo medical help and supervision — which can be implemented. Again, that broadens the role of the VIT and reflects the complex nature of the profession and its registration.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr DIXON** — The final aspect of this bill that I will speak about is in regard to the Victorian Institute of Teaching provision for deregistration to occur by mutual consent. This is a sensible approach and negates the need for a drawn out hearing if both parties agree that a wrong has been committed and that deregistration is the best course of action for the teacher concerned.

The bill broadens the representation on merit protection boards, and that representation can now include any member of the teaching service. Often issues that are brought before the board do not necessarily relate to teaching; they may relate to members of the teaching service, so these changes will reflect that.

The bill includes the provision that registered schools that offer the VCE (Victorian certificate of education), VCAL (Victorian certificate of applied learning) or the International Baccalaureate (IB) will now be permitted to have ongoing registration to provide those courses. Normally there has been a separate re-registration process on top of the school's basic registration process, but now those two processes will be streamlined for schools and educational institutions that offer those certificates so that those processes happen at the same time.

This change is certainly welcomed by schools. Any other providers of VCAL, VCE or the IB will have to reapply every five years for the permission to provide these courses, so there is no change for them.

Finally, the last aspect of the bill is relevant to the Melbourne declaration, which was an agreement reached amongst the state and federal education ministers. I will discuss this in more detail later. One of the outcomes of the declaration was a determination of what the key learning areas would be in the forthcoming national curriculum. Those new key learning areas are: English, maths, sciences, humanities and social sciences, arts, languages, health and physical education, and information and communications technology and design and technology. Those are the eight new key learning areas.

I will comment on the bill. The Victorian Institute of Teaching has not had an auspicious start. It has been in place since 2001, as I mentioned earlier, and I think it has disappointed teachers in that it has not fulfilled what they thought it might be doing, especially in terms of professional development and advancing the status of teaching. The VIT has been caught up in its duties as a regulatory body. The review is going to change that. The VIT is basically going to become a regulation body, and that will sharpen its focus; I think that might help.

Teachers complain that they have to pay $64 per year for membership with VIT. I do not think such complaints are warranted. Teachers should pay that, as anyone belonging to a professional body pays an annual fee; I think that is fair enough. My real issue with VIT is that it is not an independent body for and by the teaching profession. The vast majority of its make-up is actually controlled by the Minister for Education, through the Governor in Council, and often the vast majority of government teacher representatives are elected through the Australian Education Union. I do not think VIT represents the teaching community as such.

It is not independent; it is part of the government. It gets funding partly from the government. If you read the

legislation and the considered make-up of the board, you see that VIT is well and truly part of government. I do not think that should be the case, and I cannot think of any other professional body that is so beholden to the minister of whatever department it might be; I think that provision should be changed.

Another aspect of the bill I have concerns with is the permission to teach. That concept is very important for education in our state. It is necessary in country locations where unfortunately there is a shortage of qualified teachers to teach certain subjects. Often somebody who does not have a qualification in that area has to be brought in, and that permission to teach has to be given.

Normally these teachers will be granted a five-year registration, but that is going to be reduced to three years. The Minister for Education said in her second-reading speech that she thinks this encourages schools to recruit teachers who have no qualifications, but I think that by lowering the five years to three years there is no recognition of the situation, and there are more onerous responsibilities put on the school to go to even greater lengths to try to fill a position with someone who actually has a teaching qualification, which could take a long time once they go through the processes.

The reality meanwhile is you have a class that is missing out on a teacher. Good teaching could be done by somebody who is not formally qualified but who could teach that class.

We have to give as much flexibility as possible to our schools. Permission-to-teach provisions should be loosened up, not tightened up, to cover the shortages of teachers who teach certain subjects. I think we also need to be looking at innovative teaching methods and the teaching organisation in schools. Some schools do that, but they do it with great restrictions. By loosening up the permission-to-teach provisions we could have a more flexible approach to teaching in our schools. I know schools want to do that, but once again they are held back by this quite centralised government. We have to trust our schools to do the right thing for teaching and learning because they are the experts. They know their teachers, they know their community, they know their subjects and they know their children.

In regard to the permission-to-teach provisions, there are exemptions for teachers who are a part of the Teach for Australia program and also the Career Change program. Both these programs are worthwhile. Unfortunately they have been introduced not so much because of the good they might bring to education but because they are a stopgap. We have seen the number of teachers in Victoria fall away; we have seen the number of properly qualified teachers fall away because teaching is a profession that is not incredibly popular at the moment. The government has had to look at different ways of bringing more teachers into teaching.

The Teach for Australia program started only this year. The jury is out on it to a certain extent. It is not a panacea, but it is one way of not just tackling the shortage of teachers but introducing a whole different group of people into teaching, like young people who are idealistic and bright and who could really do some great things not only by teaching our children but also by learning about education and perhaps staying in education and teaching other teachers. That is good for education in general, and it is not just a stopgap for the shortage of teachers.

The Career Change program is where people who want to be teachers who have a qualification in another area can come into teaching by studying for a teaching qualification and then moving on to teach a class while they are studying. Again, I think there are a lot of people out there — you hear of isolated cases — who are changing careers. They have had a great run, they have made a lot of money or they have gone as far as they can go in a certain occupation, but they certainly have a love of teaching. They have got skills, and they have got something they can bring into schools. It is important that we encourage those sorts of people into our schools.

It is a real issue. We are reacting to this shortage of teachers. I talk to principals and teachers at schools about why they are leaving teaching and why they do not stick around as long as we think they might, especially young fresh teachers. We have a lot of teachers who have been teaching for a number of years who are no longer happy with the profession. The no. 1 reason that that is happening is that the demands on them are the sorts of demands they did not expect to meet as teachers. They want to teach. Principals want to lead and teachers want to teach, but they spend too much time filling out forms and dealing with compliance issues, red tape, bureaucracy and the large amount of instructions that come from the centralised department. It is just one thing after another, and it is bogging down our teachers. They do not spend enough time teaching anymore. Preparing their lessons and improving themselves are not the time-consuming things they do; they are filling out forms and dealing with a whole lot of compliance issues. We have to let them go; we have to let teachers teach and let principals lead.

At the start and end of the school year class teachers are testing more than they are teaching. It is ridiculous that they are doing that. They are not even teaching to the test, as teachers have been encouraged to do by the department in some regions. They are coming out of the classroom and emergency teachers are coming in to take over their class because they have to take half an hour to test every single child. We have gone too far. That is another reason that idealistic young teachers and teachers who have been around for a while no longer teach. They love kids, they love teaching and they have something to offer, but they have been caught up with all this other stuff.

This bill also contains provisions for the national registration of teachers. It contains the national agreement and the Melbourne declaration about the eight new key learning areas. This is part of a trend. We are seeing education move away from the community. What we are seeing under this government is our schools having less of a say and less autonomy. More and more requirements are being placed on schools by the department. The department is running schools; it is no longer servicing schools. We are moving into a centralised bureaucracy in Victoria. Now we are moving on to the next step where the federal government has looked around at the states, seen the standards and said, 'This is not good enough. We are going to take over education'. The federal government is taking over more and more aspects of education. We have seen the national registration of teachers, a national curriculum, national literacy programs, national numeracy programs and national bullying programs. We have even heard the Deputy Prime Minister, the federal Minister for Education, saying we need to introduce some sort of national program to counteract the prevalence of knives in schools. We have seen national approaches to teacher performance pay, and we have seen a national approach to working with failing schools. Goodness me! It is the states that should be doing this, and they should be leaving it to the schools to a fair extent.

We are going right away from state education, with the national government running education now. The federal government says it is intervening because the system is failing and not producing the results. The Deputy Prime Minister says time and again that that is why the federal government is intervening. We see it all the time. Now we hear the federal government saying, 'We have got to intervene'.

The reason the states are signing up to these sorts of things is that there is always a bucket of money involved. You never stand between a minister for education and a bucket of money, because they always sign up if there is a bucket of money involved. You see so much money going from the federal government into programs that it wants, and every single state minister is signing up. They are just abrogating their responsibility to manage education, including education in our state.

In this legislation we have two more examples that are further indications of this. We are seeing education moving away from local communities, with schools losing their autonomy. Education has become centralised in Victoria and now at the same time it is becoming centralised in Canberra. With so little of the management of education in schools in Victoria, it is no wonder the Minister for Education has been able to take on other portfolio responsibilities. Now there is very little to do in education in Victoria because the federal minister, Julia Gillard, has taken over most of it.

One concern that has been raised with me about the Victorian Institute of Teaching and the changes in this legislation is the one-year intervals for renewals of registration. As I mentioned earlier, renewal has usually been for five years. Because a number or the vast majority of teachers go through at that five-year interval, at the moment many teachers who have sent in their money are not getting their paperwork through, their phone calls are not being returned and they are not getting responses to emails. On my desk now I have half a dozen emails from teachers who, early in the year, were worried whether they were even registered any more. Some of the short-term relief teachers who needed to present their qualifications to schools before school started were not able to do that because they had not received their new registration and theoretically they were not registered.

I know the processes will go online but I am worried that it is going to be a yearly instead of a five-yearly event. I certainly hope and would like some assurances that the new processes that will be online now will iron out some of those bugs and that even though it is happening more often it will happen more smoothly than it has in the past.

The Victorian Independent Education Union (VIEU) raised with me a few issues and concerns that it has with the legislation. I do not necessarily agree with these but I certainly undertook to raise them in this place. One is that there is a possibility that under this new legislation there would be a minority of teachers on the VIT board. The VIEU also has concerns about the new panels that are being established and states that teachers should always make up the majority of members of those panels. The VIEU disagrees that some of the less serious misconduct issues that the VIT will be able to investigate should be addressed by the

VIT, and states that they should be addressed locally. It is also concerned that there is no automatic right of representation for teachers who are being investigated and that the blanket refusal of appeal to the Victorian Civil and Administrative Tribunal when prior sexual offences committed by teachers has not been addressed in this legislation. As I said, I do not necessarily agree with all aspects of what the VIEU is raising but I undertook to raise those matters on its behalf.

In conclusion, on how the VIT stands and has operated, the changes will reflect better what the VIT should be on about. They will help it to do its job better. The legislation redefines its role which, following this review, is closer to what teachers and certainly I expected in the first place. Still I have real concerns about the VIT basically being an arm of government. It should be conducted by and for teachers. It is not something the Minister for Education should be appointing people to and making recommendations about. This really has to be an independent body for and run by teachers.

Given that the situation at the moment is that we have the Victorian Institute of Teaching, these changes, as I said, improve its operations. We will wait and see how some aspects of the changes work out, but I consider that they are certainly worth giving a fair go to. As I said at the beginning of my contribution, the opposition will not be opposing this bill.

**Mr HERBERT** (Eltham) — It is a pleasure to speak on this bill. I am pleased to hear that the opposition is supporting it and saying a couple of nice things about the Victorian Institute of Teaching. From past performances of opposition members in this chamber I had the distinct impression that they wanted to scrap it, that they considered there was nothing good about the VIT. It is good to hear some praise nowadays for the work that the VIT is doing.

This bill is about a little more than just the VIT. That is why I am very pleased to speak on the Education and Training Reform Amendment Bill 2009. This bill is part of an ongoing process. It should not be seen in isolation; it is part of a continuing process of reform of education in this state. It is designed to ensure that all aspects of education — in schools and the administrative wings and institutions that govern education — operate fairly and efficiently, are designed to protect students and give the very best education opportunities possible to young people in our state.

Legislative reform began in 2006, with the introduction of the Education and Training Reform Act. That has now been in operation for almost three years. When the government reformed the education legislation it was a historic milestone in legislative reform in this chamber. It followed a comprehensive review of all legislation that had not been changed basically since 1958 and some sections had not had substantial review since 1872. When that legislative reform in education started, many members of the house took it very seriously. We had constituent groups and conducted forums in our electorates, and we fed back into the process a lot of what ordinary people were saying about schools and their operations to make sure that that reform resulting in that new legislative framework would work extremely well.

Three years is not a long time but it can be a fair time in education, and there have been some changes in that time. The government has recognised the need to change the bill a bit and improve it so that some aspects of it have more integration. The bill does that by improving the 2006 act. It does not change any of the basic principles and policies which underpin the 2006 act. It introduces technical amendments to clarify and improve the operation of the act and addresses a range of matters which have arisen since the act was originally passed.

In regard to the Victorian Institute of Teaching, the bill amends the act by making improvements to the role, responsibilities, structure and operations of the VIT, consistent with the government's response to the 2007 review. In short, it actually strengthens the powers of the VIT to ensure that we have quality teachers in our schools. I heard the opposition spokesperson for education do a bit of double dipping by presenting views and concerns that had been put to him. In the 2007 review process there was plenty of opportunity to put viewpoints. I dare say many of the people who raise issues now also put forward those issues then. They were part of the 277 submissions or took part in the stakeholder meetings or a whole range of processes in that review. I dare say that then they would have put forward their views, which were taken into account, and so we have this legislation today. It is double dipping to raise those issues again.

The bill also broadens the membership of the merit protection boards by including a new class of employees and changing the structure of the boards to increase the number of members available to hear appeals. The bill makes a few minor technical amendments. The other major aspect of the bill is that it ensures that registered schools that are also approved to provide accredited senior secondary courses, Victorian certificate of education and Victorian certificate of applied learning, have ongoing registration so they continue to offer those courses. That reduces their

administrative burden. I will go into more detail of those aspects of the bill in a few moments.

When you look at the bill it is worth reflecting on the massive changes that have been made since 1999, when the government came into office, in the way that education is administered in this state. Central to the improvements we have seen are much better registration of teachers and the regulation of the growing of the school workforce, ensuring that there is some quality in our school workforce. Part of the reason the government has done this is that there are 9500 extra teachers and staff in state schools. It is a massive growth in staff. We have smaller class sizes and a lot more teachers in our schools — nearly 10 000 extra teachers and staff — and that requires a new approach and better regulation.

Let us look back over those last 10 years. When we came to government we did not have a VIT. Labor introduced the VIT to achieve some regulation of teaching quality in this state. Maybe the previous government did not care; it was just intent on kicking 9000 teachers off to the slaughter yard, out the door. But we have brought in a regulation process, one that the opposition was very critical of, as I said earlier. We brought in police checks. It is hard to believe that the previous government did not even have police checks on teachers.

We have brought in a lot more flexibility — and that was acknowledged by the shadow Minister for Education — so people can join the teaching profession, whether it is through internships or through the new Teach for Australia entry process. There is a lot more accountability in the system, in the way schools have to report to school councils, parents and guardians.

The other part of this bill concerns merit protection, which was unheard of under the previous government; the 9000 teachers who were sacked by it had no merit protection, no protection for their jobs or for their rights in the teaching workforce.

We have seen some absolutely massive reforms in regulating the system, in ensuring teachers can have a bit of faith in the quality of teacher qualifications, in teachers' capacity to teach and in how those schools report back on how they deliver good educational outcomes. That is something to be proud of and something the bill improves.

The VIT component in the bill reduces the size of the board; it brings in a deputy chairperson position, which makes the most sense, as we have heard; and it will shift the load a bit. Importantly it improves and streamlines registration practices. Currently when teachers pay their registration, they have to fill out forms and send them in for registration each year. This bill will enable a one-stop online process, where teachers can do it once, and off it goes. A lot of teachers will be very happy that they do not have to go through such an administrative process any longer.

The bill also enables the VIT to better examine the conduct of teachers and to deal with each case in an appropriate manner. It will be able to convene medical panels, something it could not do before, and investigate when a teacher's ability is seriously and detrimentally affected through a range of health or addiction issues. I think it is important that the VIT be given greater scope to examine the conduct of teachers. The change from the 'fit to teach' requirement to 'suitability to teach' introduces a much broader definition that takes into account a person's health, which does not currently get taken into account.

In regard to merit protection boards, the principal change is the expansion of board membership to enable education support employees — part of the 5000 extra staff in schools — to go on boards to hear appeals in regard to education support workers. That makes a lot of sense. You need some experts who are education support workers, not teachers, on an appeals board when it is hearing issues to do with support workers. I think that is a very positive change.

This quite reasonable bill covers a range of areas and is part of the process government is engaged in to absolutely reform, to make efficient, fair, just and accountable the administrative arrangements of teaching around a range of issues to do with administration in schools. It is a good process; I am pleased the opposition is supporting it, and I think it will go a long way towards putting Victoria and those aspects of its education administration in the forefront of what happens Australia-wide. Undoubtedly it will be copied by other states. I commend the bill to the house.

**Mr NORTHE** (Morwell) — It gives me great pleasure to rise to speak on the Education and Training Reform Amendment Bill 2009, which amends the Education and Training Reform Act 2006. One would have thought that because of the way the member for Eltham was talking about it — he was talking about what happened in the last century — this bill might not contain many positive measures.

Nonetheless the bill reforms the functions and operations of the Victorian Institute of Teaching (VIT). It contains a number of provisions, which I will outline quickly. They include: making changes relating to the

investigation of registered teachers, including the requirement to have a health assessment and the widening of the grounds on which teachers may be investigated. It also provides for the widening of informal panel hearing powers and the appointment of a medical panel to deal with complaints against registered teachers.

It also widens the sanctions available to hearing panels, provides for the annual registration of teachers who are registered under section 2.6.9 of the original act and it alters the constitution of the merit protection boards and the Council of the Victorian Institute of Teaching. It also provides for registered schools to have ongoing registration with respect to accredited senior secondary courses, and it makes consequential and miscellaneous amendments to the act.

As other members have suggested, back in 2007 an independent review of the VIT was undertaken by the Department of Education and Early Childhood Development. That review considered a number of different things including whether the objectives of the institute had changed over time in light of government policies and other changes in the education sectors in Victoria. It also sought to determine the effectiveness of the institute in achieving some of these objectives and to have a look at some of the most appropriate structures to have in place for the VIT — and indeed whether the VIT even had a future role to play in the environment it was in. The review also continued to monitor the changes in the functions and structure of the institute.

Through that review process some 277 submissions were received, and obviously many interested parties in the Victorian educational system took the time to provide submissions on the role of the VIT. As the member for Nepean quite rightly pointed out — surprise, surprise! — the VIT was found to have a future.

Changes to part 2.6 of the Education and Training Reform Act 2006 basically set out to improve the efficiency and effectiveness of the Victorian Institute of Teaching. As other members have pointed out, under these reforms the bill provides for a smaller council to be governed by 12 members — I believe there are currently 20. It is important to note the composition of this council. Five members will be appointed by the Governor in Council on the recommendation of the Minister for Education. They will include one teacher, who will be appointed as chairperson of the institute; two employers of teachers; one expert in pre-service education; and one parent. There will be six elected members. They will include three registered teachers employed in government schools; one registered teacher employed in a government school for students with disabilities or impairments, and that is a very important aspect; one registered teacher employed in a Catholic school; and one registered teacher employed by an independent school. There will be one member who shall be the secretary or the secretary's nominee.

It is important to note that there is no mention of any regional presence in the make-up of the council. I think it is imperative that a regional representative form part of the council to ensure that regional Victorian school communities have a say.

As I said earlier, the bill seeks to instigate a more streamlined and efficient registration service to Victorian teachers. Again the member for Nepean pointed out quite rightly there are concerns over the renewal of registration occurring on an annual basis rather than a five-year basis. We seek an assurance from the government that this process will be in place, teachers will not experience any hiccups or issues in registering on an annual basis and that the system will work well.

In Victoria provisional registration for teachers is currently granted for one year with a further one-year extension possible on application by the teacher. As we know, many provisionally registered teachers require two years to satisfy the standard required to qualify for full registration. This legislation seeks to amend the act to raise the provisional registration period from one to two years, and I think that is a step in the right direction. In the last couple of weeks I have visited a couple of schools, and it has become clear that one of the impediments, particularly for some of the male teachers at the moment, is having to register annually through this process. It leads to uncertainty not only for the teacher but also for that school community. I think this is a step in the right direction.

Permission-to-teach provisions allow non-registered persons to be employed to teach or to instruct in schools in specified circumstances. I think this is an important provision which allows for some flexibility within the education system and amongst school communities. An application for permission to teach must be accompanied by evidence that the person or body seeking to employ or engage the applicant attempted to employ or engage a registered teacher first, with some exemptions. That is an important point. Certainly the member for Nepean made reference to it in his contribution, in particular about regional areas and the lack of or shortage in the number of teachers.

While I note that this legislation requires that attempts be made to employ a registered teacher first, I think providing flexibility to allow non-registered persons permission to teach is quite important. You need only look at recent statistics to see the impact upon some of our regional schools of a shortage of teachers. It is another government policy that impacts on student retention rates in regional areas. I know in the Gippsland region, for example, in my neck of the woods, student retention rates for years 7 to 12 have decreased from 71 per cent in 2002 to 66.8 per cent in 2009.

I acknowledge the fact that many students undertake different pathways and that many students leave school to take up other careers, but it is very concerning to see that trend occur, and unfortunately it is happening right across many regional centres and regional areas. In comparison, retention rates amongst our metropolitan counterparts have been steady for many years. Therefore it would indicate to me and to many others that there is something wrong with our system and that we need to improve retention rates to give students the best possibilities to realise their potential.

We have seen a 4.2 per cent drop in school retention rates in Gippsland over this time. An inquiry conducted by the all-party Education and Training Committee found that less than 70 per cent of Gippsland students were applying for university places, and this is well below the average. Issues such as the federal government's youth allowance are impacting quite heavily upon regional students undertaking further education.

While I acknowledge the investment in schools through the Building the Education Revolution — and it is great to see — the whole process around that program leaves a lot to be desired, and that has been expressed many times by our school communities. The curriculum itself is fantastic, including as it does programs such as Victorian certificate of applied learning. My own young son undertook those studies last year; they are different pathways and great programs to have. I believe the government could quite easily support those types of programs, even the Rock Eisteddfod Challenge, to ensure that our students have access to that type of curriculum. But providing more teachers in regional areas is foremost in our minds. Having said that, we do not oppose the legislation.

**Ms KAIROUZ** (Kororoit) — It is with pleasure that I rise to contribute briefly to the debate on the Education and Training Reform Amendment Bill. I believe it is a very good and straightforward bill. The overall objectives of the bill are to make improvements to the role, functions, structure and operation of the Victorian Institute of Teaching (VIT); to enhance the operation of the merit protection boards; to ensure that registered schools which provide an accredited senior secondary course such as the Victorian certificate of education (VCE) will have ongoing registration to provide such a very important course in our education system; and to amend the Education and Training Reform Act 2006 to improve its operation and correct any inconsistencies or anomalies.

The Education and Training Reform Amendment Bill 2009 proposes amendments to the act. The bill will amend part 2.6 of the act to make improvements to the role, responsibilities, structure and operations of the institute, as I have just mentioned. As I also said earlier, the bill will expand the membership of the merit protection boards to include education support employees and amend the structure so that member boards will be appointed from the three pools of persons, which I will talk about later on.

It will also modify the act so that the registered schools that are approved to provide accredited senior secondary courses such as VCAL (Victorian certificate of applied learning) or VCE will have ongoing registration to provide accredited senior secondary courses. Currently these schools are only registered for a period of up to five years.

The bill will also amend learning areas that are the subject of free instruction in government schools to reflect the eight new learning areas specified in the Melbourne declaration on educational goals for young Australians. The remaining amendments are basically very simple or very minor in nature and are designed to correct inaccuracies.

As I said, the bill includes amendments to part 2.6 of the Education and Training Reform Act 2006, and these will enable reform of the Victorian Institute of Teaching arising from a review that was conducted in late 2007. That review considered many things. Amongst those things were the appropriate objectives for the institute in the light of government policies and changes in the education sector since its establishment. It also considered the effectiveness of the institute in achieving its original objectives. It also considered the most appropriate structures for achieving these objectives and whether the institute or a successor body had a role to play in this future environment together with — if the institute were to continue — changes that may be required to its function, structure and legislative mandate.

The review considered 277 submissions, met with key stakeholders, analysed current responsibilities and operations, and researched similar bodies within Australia, New Zealand, the United Kingdom, the USA, Canada and other international jurisdictions. The basis for its findings was thorough and inclusive of the view of relevant stakeholders. A number of recommendations in relation to structure and functions were made in the report for consideration by the government.

The review found that there was a role for the institute but one that has a streamlined single focus to avoid potential overlaps with the core roles of other major stakeholders. That is why changes to part 2.6 of the Education and Training Reform Act 2006 are contained in this bill, which will give effect to reforms that will improve the efficiency and effectiveness of the institute. This will in turn have direct benefits for teachers, schools, children — the most important stakeholders in our education system — and their families, who are closely monitoring, as they should, their children's education.

Under this bill the institute will be governed by a smaller council, with 12 members. This council will be able to focus on leadership and strategic planning for the institute. It will continue to consist of both appointed and elected members, with broad representation from our diverse education sector. The council will now include five members appointed by the Governor in Council on the recommendation of the Minister for Education. There will be one teacher, who will be appointed as chairperson of the institute, two employers of teachers, one expert in pre-service education; and one parent. It will include six elected members. There will be three registered teachers employed in government schools, one registered teacher employed in a government school for students with disabilities or impairments, one registered teacher employed in a Catholic school, and one registered teacher employed in an independent school. It will also include one member who will be the secretary or the secretary's nominee.

So this will be a quite diverse council; it represents private schools, public schools, Catholic schools and independent schools, and of course there are teachers and parents. So everybody has a say in the way this council operates. A chairperson, as I said, is nominated by the minister, and the reason for this is to provide support and resources for the chair.

This bill will also enable the institute to provide a more streamlined and efficient registration service to Victorian teachers. The renewal of registration will be annualised, with a straightforward online process being developed to minimise the time being spent on this task by teachers. It can be quite onerous and lengthy, so hopefully this more streamlined process will be efficient.

As I said, the bill proposes a range of amendments to the act relating to the assessment of teachers for initial registration and to the investigation of teachers who are the subject of a complaint, allegation or something else. These changes will extend the powers of the institute in making determinations on applications for registration, in determining how they are managed and in determining what sort of discipline functions are required.

The bill will also give the institute the power to investigate allegations below the level of serious misconduct so that parents, teachers and employers — whoever has made a complaint — will have peace of mind, knowing that even though some others may think a complaint being made is not serious, the council will have the power to investigate any allegation, whether it be serious, trivial or whatever.

I know I am running out of time — and there is so much I could say about this fairly simple and straightforward bill — but basically I would like to say that this bill reflects the government's commitment to improving Victoria's education services, its education system and the quality of teaching, making it a very good system for all students in Victoria. Education is one of the most important things for our young students, because they are the future of Victoria. I hope we can see them grow, aspire to and do things they want to do. This is a very good bill. I wish it a very speedy passage, and I commend the bill to the house.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to briefly speak on the Education and Training Reform Amendment Bill 2009. I say from the outset that I think education is important, and both sides would agree that education is very important for our children. It is also important for the future of our state and this nation.

I begin by saying that like my colleague the member for Nepean, I am a paid-up member of the VIT (Victorian Institute of Teaching); I am a registered non-teaching member. I would like to make that clear — especially to the member for Eltham!

The Victorian Institute of Teaching was established in 2001. The main aim of VIT back then was to improve Victoria's education services by enhancing the quality of teaching in all Victorian schools. When I spoke in debate on the bill at that time I said that I thought it was

a good way to go but I did not agree with the way that VIT was established because it was just an extension arm of this government and it was not independent and, while the theory was good, I think the practice was wrong at the time.

The Victorian Institute of Teaching Act provides for the registration of all teachers in Victoria. It accredits pre-service teacher training to ensure that the courses are appropriate, and it ensures that all teachers meet certain criteria, qualifications and standards. It supports the professional development (PD) needs of the teachers and allows for the investigation of serious misconduct.

The government has now introduced amendments to the 2001 act, and the main provisions of this bill are to amend the teacher registration process to widen the grounds on which the institute can investigate registered teachers, which is a good thing, and allows teachers who are under investigation to undergo health assessments and to increase the range of disciplinary responses.

The bill also amends the constitution of merit protection boards. The question I ask is: has VIT made a difference since 2001? I ask members opposite whether they believe VIT has made a difference. In theory it was good to establish VIT, even though we disagreed with the way that it was established, but the question I want to ask members on the opposite side is: has VIT really made a difference? Have teachers embraced VIT? I have to say that I have spoken to a number of teachers over the years, and many of them are disappointed with VIT because they expected more and they have not received value for their money. It was $50 initially and now it has gone up to $70. That is not the issue. The issue is that if you are registered, you expect something from the institute to assist you in your teaching profession, and I do not think that VIT is doing its job.

It was interesting to read the annual report of VIT. There are some interesting statistics which highlight the success or the failure of VIT. In 2008, 33 per cent of registered teachers actually made contact with VIT. In 2009 that figure dropped to 24 per cent of a total of over 100 000 registered teachers, so only 24 per cent actually made contact with VIT. As to the quality of the dealings with VIT, only 50 per cent felt that the quality was there, so 50 per cent — in other words, 50 000 registered teachers — thought that the quality they received from VIT was not excellent.

As to the awareness of the PD website — members opposite claim that PD is important, and I agree with them — only 49 per cent of registered teachers, or just 50 000 registered teachers, were aware of the website. Members from both sides of the house agree that teachers who have done something wrong should not be allowed to teach. As to the awareness of a code of conduct, 49 per cent are aware of what they can and cannot do. Less than half know what they can and cannot do as a qualified teacher. As to the use of the registration process, it is 28 per cent. In 2008 it was 46 per cent. In one year it dropped to 28 per cent, so the use of the registration process was down 18 per cent from 2008.

In relation to membership of the VIT council, I indicate that it used to have 20 members. I can recall saying in this house that 20 council members is perhaps far too many. The government has now said it is going to take it down to 12 members, but 10 of those 12 members are puppets of this government. One from the independent schools and one from the Catholic school sector are the only two independent members on the council. There are five members appointed by the minister. You tell me, Acting Speaker, is the minister going to appoint someone who is going to be critical of the government? You do not have to respond. Five members will be appointed by the minister and six members will be elected. Three of those to be elected will be registered teachers in government schools — and those three teachers are guaranteed to be members of the union, put there to make sure that this government is not criticised — one will be a registered teacher from a school with students with a disability, one will be a registered teacher from a Catholic school and one will be a registered teacher from the independent sector. The other member will be the secretary or his nominee. So 10 out of 12 members will be simply mushrooms or puppets of this government. This government, which claims that education is its no. 1 priority, wants to fill the council with members it knows it can fully control so that it will not get criticised about education in Victoria.

What has VIT done over the last nine years? Yes, it is true that every teacher gets this *I Teach* newsletter, so it prints out 100 000 copies, as I understand it. If I am wrong, I would like the minister to advise me. I am told these cost $5 each. If that is true, again if I am wrong I am happy for the member for Eltham to advise me of the cost; I am told it is $5 each — 100 000 at $5 each is a lot of money. I ask the member for Eltham whether it is $5 because I am happy to refer him to my printer, who will charge much less than $5. In fact these days with the internet, VIT might not need to send these out.

In 2001 when VIT was established I said the government was moving in the right direction, but the way that it established VIT was wrong. Over the last

nine years it is clear that VIT really has not achieved what it set out to achieve. If you honestly speak to teachers, they will tell you that VIT has not reached the expectations that they expected of VIT. Yes, it is checks and balances, and that is good. Teachers have to have a police check and that is good, but they have not achieved what the council was meant to achieve in the last nine years. That is an objective view and is also the view of those who are out there teaching our children.

Although this bill goes some way towards improving the operation of VIT, I have some concerns. The VIT council is clearly still controlled by the minister; it is not independent. It also makes the granting of the permission to teach more restrictive. Those of us who have been in schools where teachers had to be used because they could not find another person to teach that subject recognise that the permission to teach is vital and important to those small schools. The question I also have to ask the government is: does it believe VIT will be able to cope with the annual registration given the delays that it takes today for a renewal after every five years of registration? If that is a problem for the government every five years, will it cope with it being required every single year? Despite the fact that the minister might have 20 advisers and is driving around in a white car, I will be surprised if the government will be able to cope.

**Mr HOWARD** (Ballarat East) — I am pleased to also speak on the Education and Training Reform Amendment Bill. Let us just look back. We know that the central aspect of this bill relates to the establishment by this government of the Victorian Institute of Teaching (VIT) and a review of its processes. When this government came to office we said that education was a key part of our platform. We committed to work to restore education, to put teachers back into the classrooms from which we had lost so many and to support schools to enable them to deliver good education. We also wanted to ensure that teachers were challenged so that they could provide high-quality education.

As part of that process not only did we employ many more teachers to replace the thousands who had been lost from teaching and reduce our class sizes, especially at the lower end of education, but in 2001 we also established the Victorian Institute of Teaching to provide an appropriate registration mechanism for teachers so that they could be challenged in regard to professional development. This recognised that as professionals teachers needed to promote themselves and to be reviewed so that those who were performing well could be supported and could gain extra skills and those who were not performing well would come under review and perhaps would not continue in education.

As I said, in 2001 we created the Victorian Institute of Teaching and then — quite appropriately, and as was promised at the time — we reviewed its operations to see whether we could improve them. Over the nearly nine years since it was established it has clearly played a significant role, but of course we recognise that there is more to be done. We have been very consultative as a government. In the review process we sought submissions from a range of bodies that have a role in setting teacher standards and supporting teachers. We received 277 submissions, and in reviewing those submissions we developed the amendments in the bill I am speaking on tonight. Clearly the government has acted very soundly in this process to date.

In reviewing the VIT we wanted to ensure that we avoided overlaps and that we could streamline the board so that it would work in the interests of teachers and the teaching profession as well as possible. The obvious aim of that is to ensure that by acting in the interests of the teaching profession the board is supporting the students in the classroom to get the best quality education in our schools across the state — whether that be in state schools or in Catholic or independent schools. The VIT has jurisdiction over all those areas in terms of teacher registration and providing support for teachers. I am pleased to advise that it has been working very well in all those areas.

Last year I was pleased to be part of a forum of teachers auspiced by the VIT, where I was able to speak on issues I had been dealing with as part of the parliamentary Education and Training Committee in relation to teacher professional learning. We were able to share those issues with the VIT and the teachers who attended, and to further discuss issues of teacher professional learning. I know the VIT holds a range of meetings and forums for teachers to try to challenge them — and many teachers have taken up those opportunities — as well as sending out its written material on the internet, again to help teachers to pick up on issues or to support teachers in areas they may want to work on further in professional development.

As part of the changes in the bill we have determined that we should reduce the size of the council that supports the VIT to 12 members. Other members have spoken about the nature of that group. Five members will be appointed by the Governor in Council. Of that group, one member will be a teacher appointed by the chairman, two will be teachers employed by independent schools, one will be an expert in pre-service teacher education — and it is good that we are

continuing with that, because we want to ensure the flow of teacher training, of teachers becoming registered teachers and to ensure that ongoing professional development through that process — and one will be a parent. Six members will be elected to the board. Of those members, it is required that three be registered teachers employed in government schools, one be a registered teacher in a government school for students with disabilities and impairments, one be a registered teacher in a Catholic school, one be a registered teacher in an independent school and one be the secretary's nominee. This makes the board a little smaller but better able to deal with the issues it should be dealing with, and to deal with them more efficiently.

As we have heard, teacher registration will now be an annual requirement, but this will be streamlined through an online process. We believe this will work more effectively in terms of the whole process of teacher registration. Provisional registration has been allowed until now, and that will continue to be allowed. It will be extended to a two-year process in recognition of the fact that people may well require two years to demonstrate that they have the skills to be a teacher. A range of issues in terms of provisional registration are addressed by the new amendments.

The investigative powers of the VIT is another area addressed by the bill. If teachers have been brought to the attention of the VIT to be disciplined for misconduct, they can be evaluated or assessed and then the disciplinary appeals board will review their cases. Until now the VIT has only been able to hear appeals by the secretary in regard to issues of misconduct by teachers. We will now extend its powers to enable it to deal with issues of unsatisfactory performance. We have extended the potential opportunities for that evaluation to take place so that it can be rigorous — fair but thorough.

Clearly this legislation indicates that the government wants to maintain the teaching profession as a quality profession in Victoria. The bill will ensure that teachers are challenged and that the Victorian Institute of Teaching is the body that both oversees the registration of teachers and deals with issues of misconduct or unsatisfactory performance. More importantly the bill provides a challenge to people in the teaching profession to improve, to take on professional learning opportunities and to ensure that teachers can develop so they can continue to provide top quality education, improve their standards and be challenged to continue to improve their standards.

As a former teacher and someone who is very committed to education, I support this bill. The bill is a cornerstone of the government's education platform in terms of ensuring that we support education. I am also delighted to see that we continue to support the physical infrastructure of schools, with millions of dollars being spent. I am pleased to see so many schools in my own electorate being upgraded and their physical infrastructure being sound.

Another important aspect of the bill is that it will help ensure that Victoria has a top quality teaching profession to support education, and this particular bill addresses that issue. I am also very pleased that this bill makes variations to the structure of the VIT and the disciplinary appeals board. I am pleased to support this bill.

**Mr DELAHUNTY** (Lowan) — I rise on behalf of the Lowan electorate to speak on the Education and Training Reform Amendment Bill. As the shadow minister for youth affairs I think that education and training is vital for the continuing development of any person, particularly a younger person in Victoria. It is also vital that they have the best opportunities to get an education to gain the skills for their later life. As we all know, young people need a pathway which leads from education and training to employment and hopefully which will help this state be the powerhouse it used to be many years ago.

The bill makes changes to the investigation of registered teachers. It also provides for the establishment of an informal hearing panel and a medical hearing panel to deal with complaints against registered teachers. The bill widens the sanctions available to disciplinary panels and provides for annualised registration of teachers, among other matters.

In my contribution I will speak about some of the points that have been raised in the debate tonight. The bill provides that the council of the Victorian Institute of Teaching (VIT) will be smaller, with 12 members. Many other members have spoken about that amendment in greater detail. The council will also have a pool of panel members ranging from parents and teacher representatives to others within the community. It is good to have a broad range of people as panel members.

The bill also provides that the renewal of teacher registration will be annualised, with a straightforward online process being done each year instead of every five years. At this point let me say that I have three daughters-in-law who are teachers — my three sons are all married to teachers. Two of my daughters-in-law are registered with the VIT — one being a secondary

school teacher and the other a primary school teacher — and the third is a preschool teacher, who is not and does not have to be registered with the VIT.

I have spoken to them and others in the teaching profession, and I have heard them speak of the difficulty of new graduates registering with VIT. It is an arduous task, and no doubt it needs to be in a lot of cases, but sometimes teachers and staff at schools — principals in particular — tell me it is an enormous task for the applicant, who has to put in a portfolio of references and experiences even though they have graduated from university and done placements in schools. They still have to put forward all of that information in a portfolio, which is understandable, but my understanding is that some of the schools also have to put forward information to support these teachers, which staff find very arduous.

I believe the process could be streamlined not only to ensure that we have good and appropriate teachers but also importantly to make registration a less arduous task than it is. I understand that some teachers miss the opportunity to be registered in time for the start of the school year because registration is such an arduous task.

In relation to re-registration, which at the moment is required every five years, teachers have to go through a police check at their cost. That is a requirement, and we all agree that it needs to be done in today's circumstances, but it is a pretty arduous task. I have an important question to ask the minister if she responds at the wrapping up of the debate on this bill: next year will teachers who have already completed registration and signed up for a five-year renewal period have to go back and start again a process of annual renewal? Does that five-year period continue from this year — the start of 2010 — to the start of 2016, or will teachers have to go back to VIT and hand in their registration if it has been for a five-year period and re-register for annual renewal?

The member for Nepean highlighted that sometimes there are delays in going through the process with the VIT, even with the five-year renewals. If it is to be done on an annual basis with new graduates coming in each year, it is important that it be done in a timely fashion to ensure that teachers are ready to start teaching at the start of the school year. Those are some of the concerns I have heard.

Another concern I have relates to Melbourne University, which at the moment runs a bachelor of teaching and early childhood development course. One of my daughters-in-law told me of her experience going through Melbourne University. When she started, the course was a diploma of teaching and early childhood development. Before she did the course it was a bachelor of teaching and early childhood development, but it was changed to a diploma. It was a three-year course, and it enabled her to teach students from zero to eight years of age. The course is now a four-year course, and it has gone back to being a bachelor of preschool and primary school teaching, and it qualifies the people who go through the course to teach from zero years of age to grade 6; however, unfortunately my daughter-in-law cannot be registered with the VIT because it was a diploma course — a three-year course — which a lot of courses were back in those days. Fortunately this does not affect her current employment because she is teaching quite happily in a preschool. However, she was very disappointed that she could not get the opportunity to register with VIT.

I also want to speak about provisional registration, which will be extended from a period of one year to two years. I compliment the work that was done in a research brief provided by the parliamentary library research team. Their work covers this issue in great detail, and it is a very good paper if any other members would like to read it to gain a greater understanding. Unfortunately, as you know, Acting Speaker, I only have 10 minutes to speak on this bill, so I will not be able to cover all the points I would like to cover.

The research paper raises the issue that permission to teach will be limited to a period of three years and that schools will be encouraged to advertise more widely. However, there are some enterprise bargaining agreement requirements, and many principals find it difficult to get teachers who are unsuitable for teaching to move on. It can be the same with other occupations — politicians, teachers, shopkeepers and nurses, for example. Some people are not suited to their profession, and there are times when they need to be moved on. This bill provides for the broadening of the criteria used by the Victorian Institute of Teaching so that teachers will be deemed 'suitable to teach' rather than 'fit to teach'. I am not sure of the exact definition, but we will see how its implementation goes.

Many teachers I have spoken to about this bill and other matters are extremely concerned about the fact that this government has turned its back on supporting our young people, particularly in the school scenario in relation to music, dance and drama through the spectacular event called the Rock Eisteddfod Challenge. This government has walked away from Victorian youth. Some 7500 students are involved in this program, and the teachers and parents are very supportive, but unfortunately because of the lack of

support from the Brumby government the Rock Eisteddfod has now been cancelled.

The Liberal-Nationals coalition will, given the opportunity at the end of the year, support the Rock Eisteddfod with $800 000 for the next four years. We want to support our teachers, particularly our students and also the parents who are trying to give their children the best opportunity in music, dance and drama through the Rock Eisteddfod.

The other thing I raise quickly is the fact that there has been another broken promise by the Brumby government in relation to regional high school retention rates. Labor's failure to support high school students in regional Victoria has been highlighted by the fact that research shows while metropolitan schools have remained steady at 85 per cent, under Labor country high school retention rates, the percentage of students remaining at high school until year 12 has fallen from 72 per cent in 2002 to 67 per cent in 2009.

In my electorate of Lowan constituents are covered by two regions. One is the Grampians region where year 12 retention rates have fallen from 68.2 per cent in 2002 to 64.6 per cent in 2009. In the Barwon South-western region which covers the southern part of my electorate, the retention rate has dropped from 72.7 per cent in 2002 to 65.3 per cent in 2009.

The Brumby government must address the slump in retention rates as a matter of urgency. As I highlighted at the start of my contribution, education and training is vital for the continuing development of young people. The drop in the retention rates during the period of the Brumby government highlights the fact that the government has turned its back on many country Victorian students and students in general.

High school and country students do a magnificent job with the resources they have. Labor has failed to support them, which is why we have the slump in retention rates, particularly in country Victoria. I am not opposed to this bill and wish it a speedy passage.

**Mr EREN** (Lara) — It is good to see the opposition is again supporting a government bill.

**An honourable member** interjected.

**Mr EREN** — I hear the interjection, that the opposition is 'not opposing' the bill rather than supporting it, but at the end of the day I think it is supporting the bill. I am pleased to speak in favour of the Education and Training Reform Amendment Bill 2009.

I speak from experience about public schools. I attended a public school in my school years — —

**An honourable member** interjected.

**Mr EREN** — It is true and my five children attended public schools.

**Ms Munt** — How many children?

**Mr EREN** — Five children; three of them are now out of school but certainly there are two still at school. One child is year 12 Victorian and doing certificate of education, and the other is in year 5. I know the benefits of the public school education system, which has certainly improved since this government came to power. I am proud to say that it has done a lot for public school education.

At the outset, before I speak further on this bill, I indicate that I support all the teachers in my electorate, both in public and private schools. We have got some tremendous teachers out our way, but I do not want to start naming any of them or I will be here all night.

Since we came to government, and the opposition cannot dispute this, we have genuinely put over 8000 more teachers and staff back into the system, not to mention the record investments that have been made and which continue to be made, not only by this state government but by the new federal Labor government as well. It is great to see we are in partnership with the federal government. Like the state government, the federal government obviously sees education as a priority. I am very proud to be part of a government that continues to invest in education.

Victorians have every right to have confidence in the expertise and professionalism of the teachers and leaders who are educating our children; that is why this bill is before the house. The independence of the Victorian Institute of Teaching and its charter of enhancing the quality and performance of the teaching profession contributes to this government's goal of creating a world-class education system which gives our children the best possible start in life.

It is very important that every child, regardless of their economic circumstances, be given the best possible start in life. One objective of the Brumby Labor government is to make sure we make the right investments in education, which will give every child the best possible education they can get. As I said earlier, this government continues to invest in public education.

Under this bill proposed amendments will provide the Victorian Institute of Teaching with a greater capacity to examine the conduct of teachers and deal with each case in the most appropriate way. The review of the institute found that some complaints received by it have been about teachers who exhibit erratic and irrational behaviour. Unfortunately further investigation revealed that this was due to ill health, alcohol or drug abuse. The current powers of the institute prevent it from dealing adequately with such cases.

This bill gives the institute the power to convene medical panels in cases where a registered teacher's ability to practise is seriously detrimentally affected or is likely to be seriously detrimentally affected by a physical or mental impairment. This will prevent teachers, who may be unfit to continue to teach for health reasons, from being subject to a disciplinary hearing process to determine their fitness to teach. It is very important that all teachers are equipped and mentally able to teach, with the capacity in their day-to-day dealings with children and young adults to make them capable of teaching in a fit and proper manner.

Where a finding is made by a medical panel that a teacher's ability to practise is seriously detrimentally affected, or is likely to be seriously detrimentally affected by a physical or mental impairment, the panel will be empowered to make a determination, including to impose a condition on the teacher's registration or to suspend the registration for a period. Such conditions may include that the teacher undergo counselling, undertake specified further educational training within a specified period, work under the supervision of another teacher, or attend an appropriate registered health practitioner for treatment.

This will enable the institute to determine the most appropriate course of action following a hearing into a matter. Further, to ensure that the rights of teachers are also protected in the application of this new power by the institute, civil safeguards have been included in the proposed amendment. They are that the power of the medical panel to direct a teacher to undergo a health assessment can only be exercised where the medical panel believes the state of the health of the teacher may be a danger to the teacher or has caused or may cause a teacher to be a danger to other students, colleagues or members of the public.

In addition, if a teacher agrees to undergo a health assessment, the teacher must be assessed by a registered health practitioner who is agreed upon by the institute's council and the teacher. If the institute and the teacher are unable to agree upon a registered health practitioner to conduct the assessment, then the chairperson of the institute council will appoint a registered health practitioner to perform the assessment. The cost of the health assessment will be the responsibility of the institute.

Having said all that, I believe these and the other amendments will strengthen the institute's ability to regulate the teaching profession and to ensure that only appropriately qualified and suitable individuals are teaching Victoria's children. As I outlined before, that is very important. Young minds, particularly those in primary school and even in early secondary school, are very susceptible to influence.

We live in an age where they are sensitive to a lot of things happening around them with the internet and with the technology that is available particularly to children in years 7, 8 and 9. They are always on social websites and there are a lot more sensitivities for young people nowadays than I suppose there were when we were younger. The way a teacher acts can have a long-lasting effect on young minds. Having said all of that and for all those reasons, I give my full support to the bill before the house.

**Debate adjourned on motion of Mr CRISP (Mildura).**

**Debate adjourned until later this day.**

## PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

*Council's rejection*

**Message from Council read rejecting bill.**

## CRIMES LEGISLATION AMENDMENT BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).**

**Mrs MADDIGAN** (Essendon) — I am very pleased to rise to support the Crimes Legislation Amendment Bill, and I think the house will wholeheartedly support it. It effects amendments to four acts; three amendments are fairly technical and the other refers to the Crimes Act 1958.

Last year's annual statement of government intentions committed to a range of amendments implementing recommendations of the Sentencing Advisory Council, and this bill implements some of those changes. It relates to an area that the whole community has considerable interest in and concerns about, which is the alteration of the age ranges for sexual penetration of a child under 16 years. Currently the penalty is 25 years jail for offences against a child under 12 years; previously the penalty for an offence against a child under 10 years was only 10 years jail.

A County Court case, *R v. Maurice*, relates to a situation where a person called Maurice broke into a home and sexually assaulted a child while she was asleep in her bed. She had turned 10 years two weeks previously, and accordingly the maximum penalty the court could apply was 10 years jail. In October 2008, following that case, the Attorney-General sought the advice of the Sentencing Advisory Council. A number of bills have been introduced this year and last year as a result of the work of the council, and I would like to commend it for the great work it does.

I know many members of the house read the council's reports. It always provides very interesting and unbiased assessments of the matters that are put before it. Certainly its reasoning and the rationale it provides for its recommendations are ones that all members of the house can well accept. I am always impressed by the reports that come before us, and once again the council's recommendations are ones members of the house will support.

The council's report into the sentencing issue was released in September last year; while its advice was that the penalties were appropriate, it advised that the age levels needed adjustment, and this legislation is the result of that. There are many views on the length of sentences for crimes against children. Not only members of this house but the community as well are always sympathetic to victims of crimes where they are in a position of lesser power, and certainly children fall into that area. All of us abhor crimes against children, particularly crimes against children as young as 10 years or 12 years. Accordingly, the legislation reflects the council's recommendations.

The bill also includes other changes to penalties in relation to the sexual penetration of young children. Another change is that for taking part in an act of sexual penetration of a child aged 12 years to 16 years, the maximum penalty of 10 years has been increased to 15 years if the child was in the care of the accused. I guess all of us who leave our children in the care of a person expect that person to act in the same way as loving parents would towards the child they are looking after.

In that situation a crime is regarded as more serious and, I suppose, more of a breach of trust than crimes in other areas. The defence of marriage will only apply if the child is 12 years or over, and the defence incorporates the situation where the person accused believes the child was over 16 years. Thirdly, consensual sex if the younger child was 12 years or over and the older child was no more than 2 years old is also covered by the bill.

Another act that is amended by the Crimes Legislation Amendment Bill is the Crimes (Controlled Operations) Act 2004. There are technical amendments in relation to reporting dates for the special investigations monitor, which brings this section of the act in line with some other reporting dates, particularly relating to police. The amendments enable that provision to operate more appropriately.

The amendments also relate to family violence safety notices, particularly relating to incidents after hours. These notices, when they were introduced, had a sunset clause of December this year. Family violence safety notices have the same effect as interim intervention orders. It is interesting that, in relation to these orders, 3118 notices were issued by Victoria Police in the first year of operation. Almost half of these were handed out on weekends, so they were out of order, and almost 90 per cent of the respondents involved were males.

Obviously there is a concern that the sunset clause was in December this year, because at the moment the family violence safety notice procedure is undergoing extensive evaluation; that evaluation will possibly not be finished by the end of this year, so the purport of this amendment is to extend the sunset clause until December 2011, by which time the evaluation will be done and the government will be able to access how it should operate in the future. Certainly if you look at a number of family violence safety notices that were issued last year, you would say that there appears to be at this stage a strong need in the community for provisions of this kind.

The Crimes Legislation Amendment Bill amends the Evidence (Miscellaneous Provisions) Act 1958 and the definition of a document therein. This is a technical amendment that comes from the introduction of the Uniform Evidence Act. The Evidence Act 2008 and the Evidence (Miscellaneous Provisions) Act 1958 do not have identical definitions for the term 'document'; this legislation makes the definitions the same. This relates specifically to copies of documents.

Most of the provisions of this bill are just common sense. They will enable the justice system to work better. I think that the introduction of the clauses relating to the Crimes Act 1958 and to sexual penetration of young children is a move that the whole community will support. I look forward to this bill being passed in both houses and to coming into operation so that we can further protect the young and vulnerable in our community.

**Ms ASHER** (Brighton) — I wish to comment on one particular aspect of the Crimes Legislation Amendment Bill 2009, which, as the member for Box Hill indicated earlier, the coalition supports.

There are a number of changes to different acts encapsulated in the bill. The primary change relates to the determination of whether a 25-year maximum jail term may be applied to the offender. Currently the maximum jail term may be applied to the offence of the sexual penetration of a child under the age of 10; the bill allows that the maximum jail term may be applied to offences against a child aged under 12.

The Attorney-General, in his second-reading speech, outlined a particularly horrendous case, which I believe has prompted the government to bring in this reform. I listened to the member for Box Hill when he outlined the average sentences for this sort of offence, and I have to say I was horrified about the short durations of the actual average sentences. Whilst I applaud the government for making this reform, it may well be that the government needs to look at those figures supplied to the house by the member for Box Hill and may need to do something about that. I think the general public would be horrified if they knew the low level of actual sentences for these sorts of offences against children.

The bill changes the dates for various reports to be given to the special investigations monitor — that is, reports from police, from controlled operations and from fisheries and wildlife inspectors. The reasons for this that are spelt out in the second-reading speech are rational, and no-one would have any objection to that streamlining of reporting requirements.

The bill also brings in a change to the definition of the term ‘document’ in the Evidence (Miscellaneous Provisions) Act 1958 to make sure the definition is the same as that in the Evidence Act 2008. On face value that seems very sensible.

I wish to address most of my comments to the extension of the sunset dates for family violence safety notices. I have had a longstanding interest in this area since entering Parliament in 1992. I have a very keen interest in these sorts of services in this particular area, from when I was on the backbench until today. I will make a brief comment about this aspect of the bill.

A family violence safety notice is something that can be compared with an interim intervention order issued by a court. They can be issued by police, for example, in the middle of the night when trying to deal with a difficult and aggressive situation. It allows a prompt response, and we on this side of the chamber advocate and support the reform of the family violence safety notice.

The aim, of course, is to protect victims from family violence, and, as I touched on earlier, to allow a response from police, perhaps at a time where courts are not able to provide an adequate response. The notices have conditions. For example, some notices may require that a victim, generally a woman, be left alone. Other conditions include the requirement for an offender, usually a male but not exclusively so, to leave a residence.

The Family Violence Protection Act 2008 introduced the family violence safety notice. I want to make it very clear that the opposition supports this particular ideal, but the issue in the bill is a change to the sunset provisions. The act actually commenced in December 2008 and the Chief Commissioner of Police and the Chief Magistrate of the Magistrates’ Court are required to report on the way in which this new system of family violence safety notices actually operates. The requirement to report was set at three months after the bill became operable for one year. The sunset provision was to be in December 2010; this bill extends that sunset provision to December 2011.

In the second-reading speech the government makes it clear that it wants to independently evaluate the way the family violence safety notice system is working. It is a very important thing to take up an idea and test it to see whether it has been beneficial and fair and whether it has improved the system. But in the second-reading speech the government reiterated its commitment to review this matter and mentioned that consultation was under way. The speech refers to consultation being undertaken with Victoria Police, the courts and family violence service providers as well as victims and perpetrators. The government then offered a very odd reason for having to extend this sunset provision. Basically the problem the government is trying to rectify is that in terms of the family violence safety notices, if the sunset provisions are left unchanged they will sunset before the evaluation is finished.

The government made the following observation on page 4 of the second-reading speech:

> Rather than rush our response to the evaluation, we intend to allow the family violence safety notice system to operate until December 2011. This will give the government time to consider the evaluation and make any changes that are needed before the legislation sunsets.

On the face of it that may seem reasonable, but the problem is it was the Attorney-General in the first instance who was in control of choosing the time of the sunset provision. If this were a one-off instance, it may be just okay; there may have been consultation, a delay or whatever. But the problem is the Attorney-General has form on botching sunset provisions and, presumably, not setting mechanisms in place to ensure proper evaluations take place in the time frame he himself has chosen. He was free to choose whatever time frame he wanted. For example — and so I am not just leaving that as an assertion — sunset provisions had to be changed in the courts legislation amendment legislation**.** There were two changes in a particular bill; one was a change to sunsetting in the Family Violence Protection Act in relation to the Family Violence Court's intervention project which referred people to counselling. There was also another change to sunset provisions in relation to neighbourhood justice centres. Whilst I have no problem with this extension, I make the general point that it is the Attorney-General who chooses the sunsetting provision. Time after time he is not able to meet the timetable.

I would like to conclude by making reference to a letter sent to me dated 28 January 2010 from CASA House, which is one of Melbourne's centres against sexual assault, which are also known as CASAs. Obviously I asked what it thought about this issue. It indicated strongly that it supports the extension. Mary Draper, the interim manager, said:

> We know from our practice experience and established research that women's safety is at greatest risk after separation. We believe that it is very important that the benefits to women's safety offered by the safety notice continue to be reviewed beyond the proposed sunset of December 2010. Such significant change in practice and cultural responses to violence against women and children takes a very long time.

She strongly supports this extension. CASA, which is the principal agency regarding family violence, has not been consulted. If it has been consulted, it has not been listened to, because Mary Draper further said:

> We propose that there should be a longer time, perhaps two additional years, so that appropriate refinement and improvement can be made before the safety notice practice is embodied in legislation.

I just wish to put that on record. Also a representative from WIRE, the women's information service, rang me to say it was fine regarding this extension of sunsetting. I am all for evaluation. These new ideas which seemed terrific at the time should obviously be analysed properly to see if they are working. But first, if the Attorney-General wants to bring in sunset provisions he needs to sit down and do some work on whether these provisions are appropriately timed so they do not have to be brought back to this house over and over again. My other suggestion to the Attorney-General is that he may like to consult practitioners in the field. In this instance, for example, had he consulted with CASA, a highly reputable organisation in this area of family violence, he may well have put forward a different sunset date. One can only wonder, if the Attorney-General gets sunset dates so wrong, what else has he got wrong under his jurisdiction? The opposition supports the bill.

**Ms MUNT** (Mordialloc) — I rise this evening to speak on the Crimes Legislation Amendment Bill, which contains a number of amendments to legislation. In particular the bill contains a range of amendments to legislation related to the operation of the criminal justice system.

Most importantly, the bill will act on the Sentencing Advisory Council's recommendation to restructure the offence of the sexual penetration of a child under 16 years of age, so the highest penalty available under that offence, 25 years jail, will apply to an offence against a child under 12. This penalty currently only applies to offences against children under 10 years of age.

This raising from 10 to 12 years of the age that defines the most serious form of this offence involving children recognises the vulnerabilities of primary school-age children. It is a direct result of an incident in 2007 in Sunshine where a child was attacked two weeks after her 10th birthday. The maximum sentence available to the courts was 10 years imprisonment because she had had her 10th birthday two weeks before the attack. I am sure her parents would have been much more satisfied if a sentence of 25 years rather than 10 years imprisonment had been available to the sentencing judge because she was 10 years and 2 weeks old. Let us be pretty frank about this: a 10-year-old child being attacked is a heinous crime. Whether the offence against that child occurred two weeks after or two weeks before her 10th birthday really was immaterial — except in the eyes of the law in that instance.

The bill also corrects an anomaly in the reporting dates under the Crimes (Controlled Operations) Act 2004 and related legislation. This correction will allow the special investigations monitor to report comprehensively on the

controlled operations conducted by the various agencies. The bill will adjust the sunset provisions of the Family Violence Protection Act 2008 to extend the operation of family violence safety notices for one more year beyond December 2010. In addition the bill will amend the definition of 'documents' in the Evidence (Miscellaneous Provisions) Act 1958 so that it matches the definition of documents in the Evidence Act 2008. This sounds technical, but it will ensure that copies of documents remain admissible in proceedings conducted by bodies such as royal commissions in the same manner as copies of documents are admissible within courts. I think that is a fairly important part of this legislation.

But as I said, the critical part of this legislation in my mind is the part that will provide a maximum 25-year jail term for offences against children, particularly sexual assault against children, which must rate, along with violent crime against children, as the very worst crime we come across. We can legislate in protection of those very vulnerable children.

I try to make it a point always to speak on legislation that protects women and children. I think it is vitally important, and I am proud of the record of this government and the Attorney-General which shows that we are always ready to enact such legislation where we see a need. On behalf of all the women and children in my electorate I believe it is important to enunciate the changes, as they come with stiffer penalties for criminals. With those few words, I would like to commend the bill to the house.

**Mr CRISP** (Mildura) — I rise to speak on the Crimes Legislation Amendment Bill 2009. The Nationals in coalition are supporting this bill.

The purpose of the bill is to amend the Crimes Act 1958 to restructure the maximum penalties for an offence of sexual penetration of a child under 16 and to amend the Crimes (Controlled Operations) Act 2004, the Evidence (Miscellaneous Provisions) Act 1958, the Family Violence Protection Act 2008, the Fisheries Act 1995, the Sentencing Act 1991 and the Wildlife Act 1975 and for other purposes.

The main provisions of the act are to increase the victim age to which the maximum 25-year jail term applies for sexual penetration of a child from under 10 years to under 12 years and to extend the sunset date for family violence safety notices from 8 December 2010 to 8 December 2011. The bill changes the dates by which reports on controlled operations by Victoria Police and by fisheries and wildlife inspectors must be given to the special investigations monitor. At present they are to be given as soon as possible after 31 March and 30 September each year; under the bill they must be given as soon as possible after 30 June and 31 December but no more than two months after each date. The bill also amends the definition of 'document' in the Evidence (Miscellaneous Provisions) Act 1958 to bring it in line with the Evidence Act 2008 by providing that reference to a 'document' includes reference to any part of a document or part of a copy, reproduction or duplicate.

The catalyst for the amendment to the Crimes Act was the County Court case where a victim's house was broken into and she was sexually assaulted while she was sleeping in bed. The victim had turned 10 years of age only two weeks before that. She was over the age of 10, and the available penalty for the offence was 10 years imprisonment. If the offence had been committed two weeks earlier when she was under 10 years of age, then the available penalty would have been 25 years. This caused action to occur. In October 2008 the Attorney-General sought the advice of the Sentencing Advisory Council on the adequacy of the current maximum penalties for the offence of sexual penetration of a child under 16. The council released its report in September 2009, and it found that while the maximum penalties were appropriate, the age ranges that determined the different penalties to be applied should be altered.

The amendment to the Family Violence Protection Act 2008 extends the expiry date for family violence safety notices from 2010 to 2011. The member for Brighton spoke at some length on this particular issue as well, particularly in relation to the minister's form in this area of not allowing enough time for reviews before sunsetting occurs. I agree entirely with the member for Brighton on the issue that this Parliament has better things to do than to keep amending legislation to cover up the lack of preparation and planning by the Attorney-General to allow the reviews to occur as they should. There are other things this Parliament needs to attend to. The long list of bills amended was detailed by the member for Brighton.

Similarly there is a view that has been responded to by the Attorney-General that we feel in the community that the courts are not in step in reflecting community values. The current knife violence is very much a case in point.

The community would be quite surprised, as the member for Box Hill detailed in his contribution, that the increase from 10 years to 25 years as the maximum penalty applicable to sexual offences against children aged 10 and 11 is likely to have little effect on the penalties actually imposed by the courts. The

Sentencing Advisory Council figures show the average sentence awarded for sexual penetration of a child under 10 years of age, with a maximum penalty of 25 years already applying, is currently 3.3 years. This compares with the current average sentence of 3 years for offences against children aged 10 and 11, where a 10-year maximum sentence currently applies. On those figures the increase in maximum penalty is likely to increase the average sentence for this appalling crime against a 10-year-old or 11-year-old child from 3 years to only 3.3 years — an increase of about three months. I reiterate that the community's views on this issue are certainly out of step with those of the courts.

The country law and order issues that run with this subject and the feeling of being out of step with community needs extend to the country, where preventive policing versus reactive policing is an issue. This legislation shows a reaction, particularly for this type of crime, where the far more serious offence is rape, and rape could well have been used here. But sentencing has a softer option — something country people are not comfortable with.

Returning to preventive policing versus reactive policing, police can see trouble coming, and if they have the time and the resources, they can do something about it. This is no more apparent than in Red Cliffs, where the community has been asking for a 24-hour manned police station for some time. The issue is that the response time from Mildura means that where trouble could be headed off it is not being done, because by the time the police arrive things have happened, and that sets off a whole lot of other actions.

The Nationals are supporting this bill but are concerned that the bill does not go far enough in extending the expectations of the community in regard to these most serious and heinous of crimes — ones that I find extremely difficult to talk about because crimes against children and especially sexual crimes against children are about as low as anyone can get. The Nationals are supporting this bill.

**Mr BURGESS** (Hastings) — I rise tonight to speak on — —

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

## Beresford Street, Mont Albert: parking

**Mr CLARK** (Box Hill) — I raise with the Minister for Roads and Ports the unintended consequences that his introduction last year of a new single-white-line road rule is causing for residents in the Box Hill electorate, and I ask the minister to take action to ensure that these and any other similar unintended and undesirable consequences are remedied.

I have received a letter from a resident of Beresford Street, Mont Albert, who has sent me a copy of a notice delivered to householders by Victoria Police informing residents that statewide changes to the 'white line' traffic rules introduced last year mean that residents are no longer permitted to park in parts of Beresford Street. This is so even though the relevant parking areas are designated by white lines marked on the road and are areas in which they have previously been able to park. Residents are threatened with infringement notices if they continue to park there.

In particular the police notice says:

> Please note as of 09/11/2009 there has been amendments to the road rules 2009. As such drivers in Beresford Road, Mont Albert, are breaching some of these new rules.

It states that road rule 208(6) provides that:

> If the road has a continuous dividing line, the driver must position the vehicle at least 3 metres from the continuous dividing line, unless otherwise indicated by information on or with a parking control sign.
>
> By drivers parking as they do now, they are causing other motorists to cross onto the wrong side of the single dividing line which is also a new rule under the amended road rules 2009 — RR132(2) …
>
> Please ensure you comply with the above rules to ensure you are not issued with an infringement notice.

It is appalling that changes to longstanding parking arrangements can be imposed by the statewide introduction of a new traffic rule without any consideration of how that rule will operate in streets such as Beresford Street. If changes are to be made in particular streets, they should be made by a decision based on proper consideration of the local situation, not as an unintended consequence of a poorly considered statewide rule change.

These unintended consequences have all the hallmarks of yet another centrally determined Brumby government initiative that has been imposed on the community with hopelessly inadequate consideration of the real world consequences that it will have in practice.

Based on what the police notice states, the unintended effects of this rule change on Beresford Street can be overcome either by removing the continuous white dividing line along those parts of Beresford Street where it is intended that parking be permitted or by installing parking signs in those areas as well as parking areas designated by road markings.

It may therefore be possible for the local Whitehorse council to overcome these consequences of the minister's fiat and restore parking in those parts of Beresford Street that council considers are suitable for parking. However, the onus should not be put on Whitehorse and other councils without forewarning and at ratepayers' expense to have to remedy the consequences of the minister's ill-considered action. I therefore ask the minister to do whatever is within his power to remedy the situation himself, not only in Beresford Street, Mont Albert, but in all other streets where similar problems have been caused.

## Bushfires: arts library

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for the Arts. The action I seek is for the minister to investigate the feasibility of establishing an arts library for Black Saturday bushfire survivors.

As I have mentioned before in this place, arts and cultural activities in their broadest sense have played an enormous role in our community's recovery. Whether it be in music or performance, art or photographic exhibitions, from young or old, from people who have been impacted by the fires personally or as observers, both telling the story and being part of recovery, arts and culture have been absolutely crucial.

The concept of an arts library has come from the members of the Whittlesea bushfire community recovery committee's subcommittee, the wellbeing and mental health group. The subcommittee has been operating for many months now to support bushfire survivors. Its other activities include events with people like Bali bombing survivor Jason McCartney, who has talked with young men and their families, and events with counsellors for families with young children who went through those fires. In particular Ian Shiel, a community representative on the subcommittee who is also a volunteer with the Mernda branch of the Country Fire Authority and the service delivery manager of digital media solutions at Melbourne University, has come up with this idea of a library.

The aim of the library is to have participating artists across a wide range of media provide their artworks to bushfire survivors who have taken the brave step of rebuilding their homes. The group is seeking support to evaluate the feasibility of offering works to people when houses on burnt properties are again ready to inhabit, so that they do not have to return to bare walls. Households could borrow these works for a set period of time and then look at the opportunity to purchase or hire artworks for extended periods.

There has been a great history of the arts in our community, and so much was lost. Many of these survivors have had all their belongings destroyed, including paintings, sculptures, statues, glasswork and pottery. The community recovery committee is hoping that it can come up with a scheme that will ensure that when people come back they have the opportunity to make their houses habitable again and starting to feel like homes as quickly as possible to aid in the recovery process. The concept is very much in the initial stages, so any assistance or advice that the minister can provide to support the community in this objective, whether it be in Whittlesea or in other fire-affected communities across Victoria, would be very valuable.

## V/Line: private fencing damage

**Mr WALSH** (Swan Hill) — I raise a matter for the Minister for Public Transport. It concerns V/Line staff accidentally burning down a fence on the property of one of my constituents, Peter Reynolds, at Pyramid Hill. While Mr Reynolds was on holidays in October 2008 V/Line staff conducted a clean-up burn along the railway tracks adjacent to his property. The fire got out of control and burnt 200 metres of his boundary fence. Notification of the burn and damage was withheld by V/Line, and it was only through the intervention of the local Country Fire Authority unit that Mr Reynolds was able to ascertain who caused the damage to his fence.

Mr Reynolds attempted to communicate with V/Line, but it was not until my intervention in July 2009 that a response was received from the office of the then Minister for Public Transport saying the matter was being investigated. Finally in September 2009 V/Line acknowledged responsibility for the fire and offered to pay $700 for 86 metres of fencing. This offer was refused by Mr Reynolds, because actually 200 metres of fencing was burnt. In mid-October 2009 the extent of damage to the 200 metres of fencing was acknowledged by V/Line and an offer of $1500 was made. Before accepting this offer, Mr Reynolds sought a detailed quote from a reputable local fencing contractor. The quote to clean up the area and replace the 200 metres of fencing with a new fence was $3725.

This cost was communicated to V/Line by both Mr Reynolds and me shortly thereafter. However, since November 2009 there has been no response from V/Line. The fence was burnt in October 2008. It is now February 2010. V/Line has not done the right thing and paid to replace the fence that it burnt on Mr Reynolds's property. I ask the minister to intervene so that Mr Reynolds can have his burnt fence replaced as soon as possible.

## Police: Neighbourhood Watch

**Ms MARSHALL** (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to provide adequate resources to support Victoria Police to ensure that Neighbourhood Watch groups remain effective, as they are an important part of the Forest Hill community. Since their inception in the early 1980s Neighbourhood Watch groups have played a vital role in assisting residents to feel safe in their homes, foster communication between neighbours and offer a sense of belonging in the community.

Some of the Neighbourhood Watch groups in my electorate of Forest Hill have voiced concerns about the changes to the structure of the Neighbourhood Watch model of operation. Local media have been contacted by concerned residents, who believe that Victoria Police will no longer be attending Neighbourhood Watch meetings to provide local crime statistics. They suggest that the street-by-street crime statistics for each Neighbourhood Watch group will no longer be supplied and will be replaced by the local police service area (PSA) statistics. There are concerns that these changes could make it difficult to identify hot spots and that police may be increasingly reliant on residents to report suspicious or criminal activity. It is imperative that these concerns do not become a reality and that Neighbourhood Watch groups remain a part of a multilateral approach to tackling crime and violence.

I understand that Victoria Police is making these changes to the Neighbourhood Watch structure to strengthen relations between police and Neighbourhood Watch. I am assured that in aligning with PSAs police will be able to focus on a broader range of crime prevention and community safety initiatives.

I congratulate the local police on their hard work in preventing crime and keeping our streets safe. In the Whitehorse PSA the overall crime rate was down 36.5 per cent between 2000–01 and 2008–09, whereas the statewide average is down by 25.5 per cent. Aggravated burglary was down 59.7 per cent, theft from motor vehicles was down 50 per cent and theft of a motor vehicle was down 77.4 per cent since 2000–01. The crime rate in Whitehorse is still declining — down by 7.4 per cent from 2007–08 to 2008–09, with assaults down 5 per cent over the past year.

The Brumby Labor government is giving police the resources they need to combat crime, but the people of Forest Hill want to see Neighbourhood Watch groups remain effective and continue to help Victoria Police work towards creating safer communities. I ask the minister to ensure that resources and funding to Victoria Police are adequate to allow the legacy of Neighbourhood Watch groups to continue.

## FReeZA program: City of Maroondah

**Mr R. SMITH** (Warrandyte) — I rise to turn the government's attention to funding for the FReeZA program and to ask the Minister for Sport, Recreation and Youth Affairs to provide additional funding for Maroondah City Council to run these programs into the future. The FReeZA program was initiated by the Kennett government in 1996 and has been enthusiastically supported since then.

In June of last year I and my hardworking colleague the member for Kilsyth raised this matter in the house asking for an increase in funding so that Maroondah City Council could continue to run a full agenda of this very successful program. I am advised that this request has been ignored. While the Brumby Labor government is content to let a whole range of fees rise unheralded annually, according to the inflation figures funding for initiatives such as the FReeZA program are being left without any recognition of the ever-increasing rise in costs.

Funding to Maroondah City Council for the FReeZA program has remained stagnant since 2003, and I have been advised that the funding allocated for 2010–11 continues to remain the same. While paying lip-service to youth programs, the government seems reluctant to actually fund them, leaving local government in this case to pick up the tab. No more evidence is needed of the Brumby government's disregard for youth and the promotion of arts, music and personal development in youth than in its refusal to fund the Rock Eisteddfod, leaving many dedicated young performers without an outlet for their artistic talents.

The Liberal-National coalition has committed to funding the Rock Eisteddfod in government, and we on this side of the house look with interest to see if the Brumby government intends to follow yet another policy lead from the coalition on this particular issue.

**The DEPUTY SPEAKER** — Order! The member can only raise one matter on the adjournment. He is raising the FReeZA funding and the Rock Eisteddfod. I ask the member to raise just one issue.

**Mr R. SMITH** — The FReeZA program embraces many of the same initiatives, outcomes and artistic achievements as the Rock Eisteddfod, and the need for review of state government funding was recognised and endorsed by the Municipal Association of Victoria in a unanimously supported motion in 2008, support which was reiterated in 2009. In June of last year I raised the point that in an environment of teenage binge drinking and antisocial behaviour amongst a sector of young Victorians these sorts of programs provided an alternative and appropriate outlet for our youth.

That environment has arguably become worse since that point was raised, and I would think that if the Brumby government were serious about addressing those issues, then committing to, supporting and adequately funding a drug, alcohol and smoke-free program to youth, namely the FReeZA program, would be an effective way to begin. It would be incredibly disappointing for many of the young people in my community if Maroondah City Council was forced into the position of having to further reduce the program or cut it altogether because of a lack of state government support. I urge the minister to urgently review the funding of this important program and ensure that adequate funding is provided.

## Healesville memorial hall: redevelopment

**Mr HARDMAN** (Seymour) — I wish to raise a matter for the Minister for the Arts. I call upon the minister to support an Arts in the Suburbs capital grant application that has been made by the Yarra Ranges Shire for the redevelopment of the Healesville memorial hall. For some time local residents, community groups and organisations have expressed to me how vital it is that the Healesville memorial hall be upgraded to ensure it is able to continue to provide vital services to the local community.

The Healesville memorial hall is a typical public hall; it was built in the 1920s or 1930s and is no longer able to meet the needs of a growing and modern-day community. The proposed redevelopment is aimed at significantly increasing the quality and range of programs that can be offered by relocating the municipal library, for which the state government has provided a $500 000 Living Libraries grant, upgrading the auditorium and creating new front-of-house and back-of-house facilities.

The Healesville memorial hall is home to the Healesville cinema and caters for a wide range of classes, workshops and performances, including Young Voices of Healesville, Circus Arts, Healesville High School presentation nights and public meetings, to name a few of the activities. Every Anzac Day the dawn service is held there and another service is held at 9.30 a.m.

As all members of this place would know, halls such as this are more than just a place for seeing plays and concerts. They are often the place where new friendships are formed, community groups and organisations are born and vital services are delivered to the whole community. In a time of need they can also provide a safe place for people to seek shelter from natural disasters such as the Black Saturday bushfires. During the weeks after the Black Saturday bushfires the Healesville memorial hall was providing assistance from a wide range of service agencies.

The people in the Healesville district were on alert for a couple of weeks after Black Saturday as fires continued to threaten the town. People closer to the forest evacuated their homes several times, and they needed a place to go. The hall served many people well — people from places such as the Marysville and The Triangle areas, Chum Creek, Dixons Creek and Steels Creek, who had to evacuate and in some cases were unable to return to their communities for many weeks. On several occasions I met people from the Marysville and The Triangle areas there and they were utilising this important facility and the services that were on offer.

The upgrade of this important facility has been planned for some time. It has also received significant funding from the federal government and from the shire, and it would be fantastic for this further grant to be afforded, as it will help make the project even more successful, providing the community with a modern and usable facility.

As the member for Seymour I am very proud to support this grant application. I call on the minister to help redevelop this facility so that the Healesville community will have a facility that will bring a new level of performing arts programming to the local community.

## Police: Narracan electorate

**Mr BLACKWOOD** (Narracan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to urgently address the lack of police numbers

in the Narracan electorate. For the last eight weeks the Neerim South police station has been closed due to members being on annual leave, sick leave and compassionate leave. Police command did not have the numbers to fill these vacancies; therefore the safety of the Neerim and district community was compromised for an unacceptable length of time.

Neerim South is a 16-hour station, and outside those hours police response has to come from Warragul, at least 20 minutes away, or sometimes from even further away — from Pakenham or Moe, 45 minutes away, if Warragul is unable to respond.

For four years I have been calling for the Neerim South police to be available for 24 hours a day. For four years this arrogant Brumby government and its incompetent police minister have ignored this request and ignored the needs of the Neerim and district community. Neerim South is a growing community, and tourism numbers continue to increase, especially at weekends. Police have a responsibility for a large area of state forest, including Mount Baw Baw.

Police numbers at Trafalgar have also been reduced, as resources have been dragged to Moe to man the D24 unit. Again front-line police are covering administrative positions that should be delivered out of the Emergency Services Telecommunications Authority facility at Ballarat; the minister still refuses to fully fund the staffing of this facility. It is another broken promise of the Brumby government, another service not delivered and another example of the public safety of Victorian communities being compromised, despite 11 years of record income.

Now we have the deplorable situation where the Baw Baw Shire Council is forced to employ security guards for the Drouin swimming pool because the local police, due to lack of police availability, cannot guarantee they will be able to respond to incidents at the pool. As in the situation in Frankston, ratepayers are being called on to cover the cost of community safety because this arrogant Brumby government continues to ignore the fact that police numbers in many communities are hopelessly inadequate.

Frankston residents are having to pay $250 000 over the next 12 months to put security officers on the beat. Baw Baw Shire Council is having to pay nearly $10 000 per month to put security officers in place at the Drouin pool during the swimming season so as to protect staff and patrons.

What is wrong with this government? It has a budget more than double what it was in 1999, yet it still cannot provide basic services, and its inaction indicates that members of the government do not even care. I call on the police minister to get his head out of the sand and provide police command with the funding required to put the appropriate police numbers back on the job. Victorians deserve better. The police minister must act now.

## Buses: Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Public Transport and concerns bus services in the Narre Warren South electorate. I ask that the minister take action to provide improved bus services in my electorate. The Narre Warren South electorate, in the city of Casey — as most members in this house know by now — is one of the fastest growing areas in Melbourne. New housing estates are constantly being established, attracting thousands of new residents each year. It is a great thing to see young families moving in, getting the home owner's grant and establishing a really nice place for their kids to grow up in.

The Brumby government has been providing new and improved infrastructure and services for Narre Warren South in order to meet the requirements of this growth. Already 160 weekly train services have been added to the Pakenham line; the NightRider bus service has been extended to Narre Warren South and Berwick so that our young people can get home safely; and, following representations by me and the member for Gembrook on behalf of our residents, the bus service will go to Casey Hospital, which will be really handy for visitors.

As I make this contribution tonight there are several transport projects currently under construction around my electorate, including the Berwick railway station car park and various road improvements. The duplication of Thompsons Road — a very long stretch of road — will make it much easier for drivers to move about. Only last week the Parliamentary Secretary for Roads and Ports visited Hampton Park to start the wheels in motion for the $36.8 million Pound Road–South Gippsland Highway interchange upgrade — a huge project which will make it much easier for residents and business folk to move in and out of the Hampton Park and Dandenong areas.

However, the families moving into the housing estates are looking for new bus services to get to school and to work. They also need extra bus services that connect to train stations and shopping centres. I am very pleased to say that the government is doing a lot of great work in the area, but in a growing community there is always more that needs to be done.

I note that in the Victorian transport plan — a plan those opposite have declared they are going to tear up — there is $500 million to upgrade bus services in growth corridors. I am very keen to make sure some of the funding for new services makes its way to the Narre Warren South electorate.

Narre Warren South is a great place to live, work and raise a family, and improving bus services will help make it an even better place. I ask that the minister take action to provide improved bus services in my electorate.

## Buses: city of Manningham

**Mr KOTSIRAS** (Bulleen) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to request a full and comprehensive review of Manningham's bus services and provide additional services where needed. A recent incident that has been brought to my attention indicates to me that a review of the bus services in Manningham is needed: I received two emails from two distressed parents about their children being left stranded at bus stops. I wish to read one of the emails:

> My two secondary school children, year 7 and year 9, had only started taking the two buses that it takes to get to school yesterday (18 Feb). It takes them from the time that they leave the house til the time they get to school an hour. They catch the 281 and the 305 to get from Templestowe, corner High and Parker streets to East Doncaster secondary school on George Street.
>
> They need to be aware that if they miss the connecting bus, there is not an alternative for them for a long time.
>
> …
>
> Today was the real deal and they were at the first bus stop promptly and ready for the bus in plenty of time. I then received a phone call at my place of work from two very distressed children to say that they had flagged the bus and it continued straight past without stopping. This then leaves them completely stranded with no way to get to school.
>
> I now have two children who have had their confidence shaken. As a working mother I need for them to be able to catch the bus to get to school and I need to be able to rely on that.

I was advised that the parent called the bus company and was told that the reason the bus did not stop is because it was full, but you would think with a year 7 child — and there were other children, I have been advised, also at the bus stop, aged 11 and 12 — the bus driver would open the door and tell them that he could not stop because the bus was full. However, the bus drove past the children; the children were distressed; they were upset they were going to miss the first day of school, and I think something needs to be done.

I sent an email to the bus company, and received a response:

> We have been monitoring this service this week to ascertain the extent of the problem, and after consultation with the Department of Transport we will operate an additional bus from Templestowe shops to Box Hill to cater for the additional loading.
>
> This extra service will commence next Monday, 22/02/10 departing Templestowe at 8.15.

But the problem is the time is wrong. The two children will miss the first bus. There is no point arriving at school at 10.00 a.m. They need to make sure that they arrive at school when it is due to commence, so the problem is there are not enough buses in Manningham to cater for the increased number of students who are using the buses to attend school.

I ask the minister to ask his department to review Manningham's bus service to make sure there are additional buses at the time when students need them to get to school.

## Rock Eisteddfod Challenge: funding

**Ms MUNT** (Mordialloc) — The matter I wish to raise tonight is for the attention and action of the Minister for Sport, Recreation and Youth Affairs. I ask the minister to maintain the Victorian government funding for the Rock Eisteddfod Challenge.

It is my understanding that the Victorian government is in the middle of a two-year contract with the Rock Eisteddfod organisers to provide funding to the event of $112 000 per annum in 2009 and $112 000 per annum in 2010. This is in addition to the $1 million this government has provided to the Rock Eisteddfod over the last 10 years.

I have been a regular guest at the Rock Eisteddfod over the last seven years, to present prizes to the best in our state in the different categories and to watch with great pride and excitement the wonderful performances of secondary schools in and around my electorate of Mordialloc. Mordialloc Secondary College, Parkdale Secondary College, Kilbreda College and others have put a great deal of time and effort into their Rock Eisteddfod performances.

This whole process is a wonderful educational opportunity for secondary school students. They learn stagecraft, vocals, movement, confidence, skills of set making, costume making, working together as a unit and striving for excellence.

Some secondary schools that I have seen perform have been from metropolitan or regional areas with limited resources, but they give their best and do themselves proud, and sometimes the performances are just astonishing, as was Parkdale Secondary College's performance of *Jack the Ripper* a few years ago. The students like participating, as do the teachers and the parents — and what a spectacle.

Recently my federal colleague Mark Dreyfus, the member for Isaacs, visited Kilbreda and was presented with a Kilbreda College for Rock Eisteddfod petition, requesting that this 20-year tradition be maintained.

On their behalf I ask the minister to maintain our funding for this great event. There are some, by the way, who are spreading misinformation about the government support for the Rock Eisteddfod, and I quote — and this is from an opposition South Eastern Metropolitan Region MP in another place:

> The state government's refusal to secure the future of the popular and successful Rock Eisteddfod has hit a flat note in Kingston and Victoria arts and school communities.

I further quote this MP who said:

> Event organisers have been forced to call curtains on the popular event after the Brumby government slashed funding leaving many students, parents, teachers and schools in limbo.

It is absolutely untrue. I would also like the minister to address this untrue accusation that has been made not only in my electorate but, as I understand it, around the state and even in this place tonight.

I ask the minister to reaffirm the government's commitment to fund the Victorian government contribution to Rock Eisteddfod on behalf of my local secondary school students.

## Responses

**Mr BATCHELOR** (Minister for the Arts) — The member for Yan Yean raised with me a very important and sensitive matter, asking for some advice on how the community might establish an arts library for the survivors of the Black Saturday bushfires in this part of Victoria.

The bushfires were indeed a great tragedy. The recovery program is under way, and communities that were directly affected by the bushfires, such as in the Whittlesea area, just to the north of Whittlesea, are keen to try and assist those people who lost their homes.

This idea of providing some assistance to turn the newly built houses into homes by the temporary provision of art works is an idea that comes from them as an idea that is deserving of greater investigation and examination.

I also know that in this area, and particularly through the Plenty Valley, there are a large number of active, important and world-renowned artists who may be interested in participating in this, and also the library services in Whittlesea — both the mobile and the established location libraries — would be, I am sure, interested in assisting to provide a storage location and a loan service.

So there are the elements of a solution to this idea that has come from the recovery process of the people in Whittlesea, and I will ask my department to see if they can take that up with the local artist community and also with the Whittlesea libraries to see if it can be progressed any further as a way of providing that sort of assistance to people who are struggling through this recovery process.

The member for Seymour also raised an important matter about arts. He wants me to give favourable consideration to the application put forward by the Yarra Ranges shire. I can advise that the application is a very impressive one, and I want to thank the member for Seymour for the work that he has done thus far. The member for Seymour is here and listening to this advice.

I have had the pleasure of visiting Healesville, and I have done that on a number of occasions, more recently during the aftermath of the Black Saturday bushfires, and I know that the proposed upgrade of the memorial hall will provide significant benefits to the community that he is representing.

The Healesville memorial hall is really typical of public halls that were built in the 1920s and 1930s, but it is no longer able to meet the needs of a growing community and no longer able to meet the needs of a modern community — and a community that knows and values the benefits of community arts.

The proposed redevelopment, as I understand, is aimed to significantly increase the quality and range of programs that can be offered at this location. They will achieve this in a very creative way. The proposal, as I understand, looks at relocating the library and then upgrading the auditorium and creating new front and back-of-house facilities at the hall. The member for Seymour has also informed me that the project has very widespread support within the Healesville community.

The Brumby government is proud of the way it supports local councils and local arts organisations throughout Victoria. We are proud of the way we are

able to build cultural infrastructure through the Arts in the Suburbs capital grants program and, through this program, we have been able to assist a number of community arts programs. We have been able to do this because the Arts in the Suburbs capital grants program aims to deliver high-quality cultural programs for local communities, to increase access to the arts by providing new opportunities close to where people live, to encourage local engagement and participation in the arts at the local level and to nurture local talent — and there is plenty of it in and around Healesville.

As the member for Seymour and other members would be aware, the government has already provided assistance in the Yarra Ranges shire by providing some $3 million to the Burrinja Gallery and $400 000 to the Yarra Ranges Regional Museum. You can see that the arts community in this part of the world is strong and vibrant, and fellow residents in nearby Healesville are keen to join in that vibrancy.

The Burrinja Gallery in Upwey is a good example of what community-focused cultural centres are able to offer. They offer a broad range of arts and cultural experiences — and the member for Monbulk knows exactly what the benefits are and what these sorts of facilities can offer. At that gallery they have had a particular focus on indigenous arts as well as on community cultural development programs for local youth and for seniors.

As a government we understand the importance of the arts to all Victorians, particularly to communities that are separated by distance, and that is why we are committed to building first-class infrastructure whilst supporting arts programs in those local communities. We have also invested in regional arts infrastructure, and we want to make sure that people understand that. New performing arts centres are opening in Wangaratta, Benalla, Shepparton, Echuca and Sale. New galleries and upgrades to current venues have also been funded at Ballarat, Warragul, Morwell, Traralgon, Geelong, Mildura and Swan Hill, so our track record is pretty good.

We are committed to this sort of activity, and I guess that is why the *Australian Financial Review* named Victoria Australia's cultural capital. That is an important external recognition of the work we are doing. I want to thank the member for Seymour for his advocacy of this project. These are the sorts of things that we value and find important; they are the sorts of things that develop community engagement and strengthen communities. I can assure the member for Seymour that his views and advocacy will be taken into account when the decision is made.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The member for Warrandyte raised the issue of funding levels for the FReeZA program. The Brumby government has provided $8 million for the FReeZA program over four years. The reason we provide funding and support for this program to such an extent is that, as the member outlined, it is a wonderful program for young people. It is an extraordinary community building initiative, and young people are involved every step of the way. They are involved in the planning and delivery of each event, with the assistance of community organisations and local government. Young people participate in FReeZA by forming a local FReeZA committee; they actively plan and then run cultural and music events in their local area, which are alcohol and drug-free events; they also perform as artists in the events themselves; and they provide additional volunteer support in the planning and running of the events.

The program is a great success; there is absolutely no doubt about that. The young people lead drug, alcohol and smoke free music and cultural events in the local community. In the last financial year, 2008–09, 1000 young people participated in FReeZA committees across Victoria, including in the city of Maroondah. Some 446 FReeZA events were held across Victoria, and over 139 000 young people attended those events.

We have been in discussions with local government and other organisations involved in FReeZA about how government can provide support and additional benefits to FReeZA committees and to local government. I will just run through a few of the additional supports we have provided in recent years. Since 2008–09 there have been improvements to the program. The most significant improvement to the running of the program that is of benefit to local government and to the committees is the move from single-year funding to the provision of up to $38 900 over two years — that is, going from single-year funding to two-year funding. That really has assisted local governments and community organisations to better plan the delivery of FReeZA events for young people, and that change was very well received.

Some of the other things we have done include providing the opportunity for local governments to access $10 000 grants for the Victoria Rocks music equipment grants program. There are currently 54 local governments participating in that. We are also liaising with Arts Victoria and Tourism Victoria to explore additional opportunities for young people to participate in other Victoria Rocks initiatives. In addition to that there is the FReeZA support service delivered by the Push, which now offers a greater range of services at no

cost to FReeZA providers. These include training for FReeZA workers; best practice music industry resources posted on the FReeZA website; support for young people in the planning, marketing and staging of events via a toll-free 1800 number; and also regional network meetings.

Young people involved in FReeZA also have the opportunity to participate in Victoria Rocks, FReeZA's central program, which includes accredited music industry training workshops delivered across Victoria each year. In addition, 50 young people are mentored by music industry professionals in participating in the production of a CD and in high-production music events.

The totality of those additional supports to the FReeZA program — particularly the two-year funding rounds, as opposed to one-year funding rounds, and the $10 000 grants for the Victoria Rocks music equipment grants program — really has provided additional benefits to the FReeZA program. As I said, it is a wonderful program that has been in place for many years, and we will continue to support it.

The member for Mordialloc and the member for Warrandyte raised the matter of the Rock Eisteddfod Challenge, which has received a high level of public interest. The Rock Eisteddfod is an iconic event that has been run around the country for more than two decades. I was disappointed, along with staff and students at the participating schools not only in Victoria but around the country, to learn that the event may not proceed in 2010.

The Rock Eisteddfod is a wonderful event. It is a wonderful opportunity for young people, both onstage and backstage, to express and celebrate their talents and then to share them with the wider public. The Brumby Labor government has strongly supported the Rock Eisteddfod Challenge for more than 10 years, and the government has an existing contract to provide the Rock Eisteddfod Challenge with $112 000 in 2010. The contract is being honoured, and I can inform the member for Mordialloc that there has been absolutely no reduction in funding for the Rock Eisteddfod Challenge.

The member for Swan Hill might shake his head, but it is a fact: there has been no reduction in funding of the existing two-year contract, and we are in the middle of that contract period. The contract is being honoured and builds on more than $1 million of funding which the government has provided to this event.

**Mr Kotsiras** interjected.

**Mr MERLINO** — I will tell you why they are upset. We have provided $1 million to this event over the course of the last 10 years. Last week I had discussions with the organisers, and whilst the event remains under a cloud for 2010, they did not rule out the possibility of proceeding with the event in 2010. There has been a rise in corporate interest following the publicity of the fact that the event may not proceed this year. However, I would like to get a number of points on the public record.

Firstly, there is a perception that the Brumby government has reduced funding. Let me say categorically that that is not the case. The government is honouring an existing contract, and not one dollar is going to be reduced from that commitment to the event.

Based on the financial information we have received from the event organisers as well as the venue operator in Victoria — Hisense Arena — it is clear that the Rock Eisteddfod does not lose money in Victoria. The combination of the Brumby government's significant contribution to the event and the revenue generated from ticket sales and sponsorship shows that the Rock Eisteddfod makes a clear profit in Victoria. For the benefit of the member for Bulleen, the issue is that the Rock Eisteddfod is a national event, and it is understood that a significant contribution from the Victorian government, the New South — —

**Mr Kotsiras** interjected.

**Mr MERLINO** — It is about outlining all the facts.

**Mr Kotsiras** interjected.

**The DEPUTY SPEAKER** — Order! The minister, through the Chair. The member for Bulleen will cease interjecting.

**Mr MERLINO** — Although there has been a significant contribution from the Queensland and New South Wales governments, there has been a lack of funding from the other states and territories, which means that in effect the eastern seaboard states are subsidising the entire national event. I would not have thought that anyone in this house would want to see Victorian taxpayers spending hundreds of thousands of dollars subsidising an entire national event, but apparently those opposite are quite happy to do so.

This lazy policy developed on the run shows how economically irresponsible and unfit to govern the coalition is. Members of the coalition are too lazy to do their proper homework. They have developed a policy which would see Victorian taxpayers forking out close to $1 million to subsidise taxpayers in Tasmania, South

Australia, Western Australia, the Australian Capital Territory and the Northern Territory. The Brumby government will continue working with event organisers to honour its commitment to the Rock Eisteddfod, particularly in light of renewed interest in the event from the corporate sector. I have made it clear to the event organisers that the government is keen to continue its support for the event and to continue supporting the event beyond 2010.

I remain hopeful that with the government's continued support, as well as renewed interest from the corporate sector, the event can continue in Victoria. I look forward to the event's organisers working towards this outcome. Unlike those opposite, I intend to ensure that Victorian taxpayers money is spent in Victoria.

I will ensure that the remaining matters are referred to the relevant ministers for action.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.45 p.m.**