

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 24 February 2010**

**(Extract from book 2)**

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Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Mr A. G. Lupton, MP

### Legislative Assembly committees

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

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

### Joint committees

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

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

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

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

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

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

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

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

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

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

### Heads of parliamentary departments

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

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

*Parliamentary Services* — Acting Secretary: Mr H. Barr

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**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 <sup>1</sup>	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 <sup>7</sup>	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 <sup>2</sup>	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 <sup>3</sup>	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 <sup>4</sup>	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 <sup>8</sup>	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 <sup>5</sup>	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice <sup>6</sup>	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

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 13 February 2010

<sup>5</sup> Elected 28 June 2008

<sup>6</sup> Resigned 18 January 2010

<sup>7</sup> Elected 15 September 2007

<sup>8</sup> Resigned 6 August 2007



# CONTENTS

## WEDNESDAY, 24 FEBRUARY 2010

### BUSINESS OF THE HOUSE

*Notices of motion: removal* ..... 407

### PETITIONS

*Liquor licensing: fees* ..... 407

*Insurance: fire services levy* ..... 407

*Students: youth allowance* ..... 407

*Rail: Mildura line* ..... 407

*Rock Eisteddfod Challenge: funding* ..... 408

*Glenvue Road–Dundas Street, Rye: traffic management* ..... 408

DOCUMENTS ..... 408

### MEMBERS STATEMENTS

*Justices of the peace: future* ..... 408

*Chinese New Year: City of Monash* ..... 409

*Glendal Primary School: robotics champions* ..... 409

*Police: Ballarat* ..... 409

*National Ice Sports Centre: opening* ..... 409

*World DanceSport Championships* ..... 410

*Home insulation: federal program* ..... 410

*Bunyip auditorium: opening* ..... 410

*Water: eastern treatment plant upgrade* ..... 411

*Point Nepean National Park: facilities* ..... 411

*Jasmine Knox* ..... 411

*Danny Hutchinson* ..... 411

*Murray to Mountains rail trail* ..... 411

*Geelong: Pako Festa* ..... 412

*Schools: building program* ..... 412

*Marian College: facilities* ..... 412

*Inghams Enterprises: Somerville site* ..... 413

*Heath Langdale* ..... 413

*Western Port Festival* ..... 413

*Ballarat: employment* ..... 413

*Daylesford Spa Country Railway: funding* ..... 413

*Rail: Rowville link* ..... 414

*Rock Eisteddfod Challenge: funding* ..... 414

*Hoon driving: Ferntree Gully electorate* ..... 414

*Bushfires: Narre Warren South memorial* ..... 414

*Hospitals: waiting lists* ..... 414

*Graham James* ..... 415

*Crime: Frankston response* ..... 415

*Mornington Secondary College: youth corps* ..... 415

*Lynne Freney* ..... 415

*Dulcie Griffiths* ..... 416

*Quang Minh Buddhist Temple: Lunar New Year celebrations* ..... 416

### MATTER OF PUBLIC IMPORTANCE

*Liquor licensing: regime* ..... 416

### STATEMENTS ON REPORTS

*Family and Community Development Committee: supported accommodation for Victorians with a disability and/or mental illness* ..... 438

*Environment and Natural Resources Committee: Melbourne's future water supply* ..... 439

*Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people* ..... 440, 443

*Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education* ..... 441

*Economic Development and Infrastructure Committee: improving access to Victorian public sector information and data* ..... 442

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS ..... 444, 454, 509

DISTINGUISHED VISITOR ..... 446

### QUESTIONS WITHOUT NOTICE

*Public transport: myki ticketing system* ..... 446

*Housing: affordability* ..... 446, 448

*Police: crime data system* ..... 447

*Crime: knife attacks* ..... 449

*Housing: government initiatives* ..... 450

*International students: enrolments* ..... 451

*Roads: government initiatives* ..... 451

*Office of Police Integrity: telephone recordings* ..... 452

*Regional and rural Victoria: government initiatives* ..... 452, 453

### NAMING AND SUSPENSION OF MEMBERS

*Members for Albert Park, Ballarat East, Dandenong, Kororoit and Melton* ..... 453

*Members for Kororoit and Melton* ..... 453

### RADIATION AMENDMENT BILL

*Statement of compatibility* ..... 493

*Second reading* ..... 493

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

*Statement of compatibility* ..... 494

*Second reading* ..... 495

### CREDIT (COMMONWEALTH POWERS) BILL

*Statement of compatibility* ..... 496

*Second reading* ..... 506

### ADJOURNMENT

*City Museum: closure* ..... 523

*Langama Park, Sunbury: redevelopment* ..... 523

*Courts: Shepparton complex* ..... 524

*Planning: Casey Gardens Residential Village* ..... 525

*Crime: arson penalties* ..... 525

*Laverton: community hub* ..... 526

*Liquor licensing: fees* ..... 526

*Box Hill to Ringwood rail trail: feasibility* ..... 527

*Bullioh Football and Netball Club: funding* ..... 527

*Yea–Wallan roads–Laurel Street, Whittlesea: safety* ..... 528

*Responses* ..... 528



**Wednesday, 24 February 2010**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.**

**By Dr SYKES (Benalla) (96 signatures),  
Mr DELAHUNTY (Lowan) (19 signatures) and  
Mr JASPER (Murray Valley) (99 signatures).**

**Students: youth allowance**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

**By Dr SYKES (Benalla) (42 signatures).**

**Students: youth allowance**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal by the federal government to change the youth allowance independence test and also to change the living away from home allowance.

The petitioners register their opposition to the changes on the basis that the changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposed changes to both allowances and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

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

**Rail: Mildura line**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the need for 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.

**BUSINESS OF THE HOUSE**

**Notices of motion: removal**

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 93, 94, 155, 156 and 243 to 254 will be removed from the notice paper on the next 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.

**PETITIONS**

**Following petitions presented to house:**

**Liquor licensing: fees**

To the Legislative Assembly of Victoria:

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

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

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

**By Dr SYKES (Benalla) (25 signatures).**

**Insurance: fire services levy**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current Fire Services Levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

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) (58 signatures).**

### **Rock Eisteddfod Challenge: funding**

To the Legislative Assembly of Victoria:

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

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

**By Mr NORTHE (Morwell) (665 signatures).**

### **Glenvue Road–Dundas Street, Rye: traffic management**

To the Legislative Assembly of Victoria:

The petition of the residents of Nepean electorate in Victoria draws to the attention of the house that the intersection of Glenvue Road and Dundas Street, Rye, is a dangerous blind corner with a speed restriction of 80 km per hour.

The petitioners therefore request that the Legislative Assembly of Victoria request VicRoads to reduce the speed limit to 60 km per hour at that intersection or provide the necessary funding for Mornington Peninsula Shire Council to carry out road works to realign Dundas Street so that there is no visual obstruction from Glenvue Road to Dundas Street.

**By Mr DIXON (Nepean) (408 signatures).**

**Tabled.**

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

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

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

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

**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 Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).**

## **DOCUMENTS**

### **Tabled by Clerk:**

Auditor-General:

Management of Concessions by the Department of Human Services — Ordered to be printed

Tendering and Contracting in Local Government — Ordered to be printed

Statutory Rules under the following Acts:

*Road Safety Act 1986*— SR 9

*Taxation Administration Act 1997* — SR 10

*Transport Accident Act 1986*— SR 8.

## **MEMBERS STATEMENTS**

### **Justices of the peace: future**

**Mr CLARK (Box Hill)** — On Monday this week the Attorney-General announced that the Brumby government had backed down on its arrogant plan to abolish the office of justice of the peace (JP). However, as with so many of the Attorney-General's other announcements there was a sting in the tail. Henceforth the government intends to impose a five-year limit on the term of appointment of JPs with, to quote the government's cryptically worded media release, 'the option of an extension'. In other words, like its threats to the independence of so many other office-holders, the government seems to be seeking to give itself the power to dismiss any JP who incurs the government's displeasure.

It may be appropriate to have provisions to end the appointment of JPs who are young enough to perform active duties but who do not make themselves available for duty. Any terminations of appointment should be for a good reason and with independent safeguards. JP appointments should not be terminated in secret, behind closed doors, on the unjustified say-so of the Attorney-General or his department officers.

For countless generations justices of the peace have served the community with distinction and have

provided untold hours of valuable community service. The proper performance of their duties requires them to be people committed to upholding the law and ensuring that the requirements of the law in relation to the signing of documents are properly complied with. That is what their signature certifies. JPs are entitled to be treated with respect by the community, and the community needs JPs who deserve that respect.

If the Attorney-General turns the office of JP into that of unpaid junior public servants who must toady to the government to retain their appointment, the community will not attract the calibre of applicant we need, and we will all be much poorer for that loss.

### Chinese New Year: City of Monash

**Ms MORAND** (Minister for Children and Early Childhood Development) — I want to take the opportunity to extend to Victoria's Chinese community my best wishes for the Year of the Tiger. Victoria has a significant and growing population of people with Chinese ancestry. The city of Monash has the largest number of residents who have Chinese ancestry, and is followed closely by the city of Whitehorse and the city of Manningham. I am proud to represent an electorate with a significant and growing number of residents who have a Chinese background.

On Saturday night I attended the 14th Australian Chinese events committee charity ball at the Hyatt hotel. This year the funds raised from the evening are to be given to the Centre for Adolescent Health at the Royal Children's Hospital. It was great to see Susan Sawyer and George Patton at the event, along with the Consul-General of the People's Republic of China, Mr Shen Weilian; the Deputy Lord Mayor of Melbourne, Susan Riley; and many others.

I congratulate the organisers of this event, including Dr Saw, the chief executive officer of the Australian Chinese Events Committee, David Wong, chairperson of the Australian Chinese Events Committee and many others. I am looking forward to the Chinese Lantern Festival held this weekend in Glen Waverley. This is organised by the Monash events organising committee with support from Monash City Council and the Victorian Multicultural Commission.

### Glendal Primary School: robotics champions

**Ms MORAND** — I would also like to congratulate Glendal Primary School students in grades 3 and 4 who were named Australian robotics champions last year. They now have the opportunity to compete in the first Lego World Festival in Atlanta, Georgia, USA, in

April. What a great achievement. I wish them well in that adventure.

### Police: Ballarat

**Mr RYAN** (Leader of The Nationals) — The people of Ballarat are quite rightly outraged about the lack of police numbers in that great city. They are concerned about violence in their streets; they are worried about being able to walk their streets in safety.

Just last week, the Ballarat *Courier* ran an editorial headed, 'Labor in denial about Ballarat police numbers', which reads:

Victoria's Labor government is in denial if it believes Ballarat has enough police to provide this city with the policing it deserves.

Ballarat East MLA Geoff Howard said last week he did not believe Ballarat had a shortage of police. At the weekend, his local colleagues supported him.

Community sentiment, it would seem, is against them.

Is it not the case? It is the case, because Ballarat is not served by enough police. It simply does not have enough operational police to make sure the people of that great city are being kept safe. That is the overwhelming community sentiment. It is reflected accurately in the *Courier* editorial.

It is the fact that the Premier of the state, together with the members for Ballarat East and Ballarat West, are all in denial about an issue which is renowned across Victoria now, not the least in Ballarat — that there are simply not enough police out there on the ground doing what needs to be done to protect the people of our state at large, particularly in Ballarat.

### National Ice Sports Centre: opening

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — Melbourne is the undisputed home of winter sport following the opening of the National Ice Sports Centre, the Icehouse. Opened by the Premier on the eve of the Winter Olympics in Vancouver, it is an incredible facility — a first for Australia and a truly world-class venue for our winter sports. Joining us at the event was the local member, the Minister for Education, who is a great supporter of ice sports.

The Icehouse features two rinks with 1000-capacity seating and is equipped to host national and international ice hockey, skating, curling and speed skating events. It is also the new home of the Olympic Winter Institute of Australia and the national base for Olympic training. The Brumby government was proud to invest \$10 million into this facility. Its construction is

a symbol of Victoria's resilience in the face of the global financial crisis. Through the support of the Brumby Government, ING Australia secured \$48 million towards the Icehouse — it was the very last project ING funded worldwide during the crisis.

The Icehouse will offer a great new opportunity for families and friends to get out and be active on the ice.

### **World DanceSport Championships**

**Mr MERLINO** — Victorian has scored another major events coup — securing the 2012 standard world DanceSport championships. The championships will bring the world's best dancers to Melbourne and will take competitive ballroom dancing to a level never before seen in Australia or the broader Asia Pacific region.

Victoria is the undisputed DanceSport capital of Australia. We held the world championship 10 dances in 2004 — —

**An honourable member** interjected.

**Mr MERLINO** — Not that world! And Victoria held the World Latins in 2008. By securing the standards, Melbourne will now be one of few cities to host the triple crown of DanceSport world championships. The week of dance is expected to generate more than \$6 million in economic benefits and attract more than — —

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

### **Home insulation: federal program**

**Mr KOTSIRAS** (Bulleen) — Recently I have had local residents complain about the federal government's failed household roof insulation scheme. It seems that some dodgy operators were preying on Manningham's senior citizens.

I have been advised by a constituent that employees of Australia Wide Insulators Pty Ltd came to insulate his property. Unfortunately they had no intention of completing the job. Instead they only covered parts of the roof that were visible from the manhole — but they got paid in full, \$1177 for the job, compliments of the taxpayers.

It is inexcusable, however, that the Victorian government has sat on its hands during this fiasco. Victorians are being taken for a ride and their lives have been put at risk, and yet this Victorian government is in denial. It seems the Victorian Labor government is

more interested in looking after its Labor mates in Canberra than standing up for Victorians.

Regardless of whether the scheme has been scrapped, these serious allegations must and should be investigated by the Victorian government. It is nothing more than fraud! This Victorian government can no longer remain silent. Playing the role of Marcel Marceau and spreading the art of silence is no way to deal with these serious allegations. What has the Minister for Consumer Affairs been doing about this fiasco? He has made not a single criticism of the federal government's handling of this scheme. All these dodgy operators should and must be investigated by Consumer Affairs Victoria.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I suggest that the member for Bass should leave the chamber if he is going to interject in that way during members' statements.

### **Bunyip auditorium: opening**

**Ms D'AMBROSIO** (Minister for Community Development) — Last Sunday I had the great pleasure of opening the Bunyip auditorium. I cannot begin to tell you how impressed I am with the community in Bunyip and Garfield for its achievement in such an astonishingly short time. In May 2008, when I was Parliamentary Secretary for Community Development, I attended the launch of the action plan for the Bunyip-Garfield community building initiative, a program that gives local people an opportunity to talk about local issues, articulate a vision for the future, and then deliver on that vision. The plan identified the need for a new multipurpose facility in the area — an area that has seen very little investment in community infrastructure over the past 25 years.

Last year, the Brumby government awarded a \$500 000 grant towards the construction of the new, multi-use facility. In less than two years the Bunyip-Garfield Community Building Initiative Steering Committee developed the details for the Bunyip auditorium, built it and opened it. This has been done in the face of some significant challenges, namely the Bunyip Ridge bushfires just a year ago, not to mention the global financial crisis.

The Brumby government is pleased to be able to invest in projects that deliver real, tangible results for local communities. I wish to congratulate the Bunyip-Garfield community, and members of the community building initiative steering committee in particular, for

their dedication to delivering their vision. They are an inspiration. May I add that the opening attracted between 2000 and 3000 people throughout the day, with the community making a wonderful day of it, with picnics, a variety of sporting activities and — —

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

### **Water: eastern treatment plant upgrade**

**Mr DIXON** (Nepean) — No thanks to the Brumby government, the final hurdle in upgrading the eastern treatment plant has been overcome. The Environment Protection Authority has signed off on a plan to upgrade the treatment plant at Carrum to class A. The Labor government has been promising an upgraded eastern treatment plant since 2002, and each time with an escalating cost. The government's latest promise, given in 2006, was that the work would be completed by 2012 — now it is the end of 2012. With this government's record of major projects that are over budget and over time, the latest estimate is rubbery at best.

The problem as usual will be only half fixed as once the upgrade is finished we will just have cleaner fresh water being discharged into the ocean at the Gunnamatta outfall. Millions of litres of class A water will be wasted, with this government refusing to disclose the business case for the re-use of the water. Any use of the treated water, which is suitable for all industrial and agricultural applications, would be far cheaper than the billions of dollars being squandered on the desalination plant and the cost of piping water from a desperately dry area in Victoria to Melbourne.

### **Point Nepean National Park: facilities**

**Mr DIXON** — On another matter, recently I was at a local community meeting where it was confirmed that due to the glacier-like progress of both the federal and Victorian governments on getting anything done at Point Nepean National Park, both Melbourne University and a philanthropist have given up and walked away with their millions of dollars. As a consequence both the respite centre for seriously ill children and a centre for coastal and environmental studies have been lost. Federal environment minister Peter Garrett cannot even get basic services into the precinct, but I understand that the 69 heritage buildings have had their ceilings insulated — twice!

### **Jasmine Knox**

**Mr CRUTCHFIELD** (South Barwon) — I would like to inform the house of a true hero in my electorate. Some populist commentators unfairly criticise teenagers as being selfish and non-caring about others in the community. I do not believe that is the norm. Two weeks ago, an inspirational Grovedale teenager, 13-year-old Jasmine Knox, put her own life at risk to rescue four children, some as young as age five, from a dangerous rip at Anglesea. More than 400 people attended the annual surfing carnival, but it was this remarkable young lady with nerves of steel who acted so bravely to rescue these youngsters from the water.

Jasmine had been at the carnival assisting organisers in the event when she noticed the tiny children in trouble. They were getting carried out in a rip, and without a thought for her own safety Jasmine ran straight out to them, retrieved them from the water and brought them back to the shore. However, when she turned around there were two more children getting carried out and she rescued them. Eyewitnesses described her bravery and quick thinking as the only thing that saved these young children — a marvellous act of bravery by this amazing teenager.

Even Jasmine's aquatics officer, who taught her surf safety, was impressed with her skills and instincts. This could have easily ended in tragedy, but it was Jasmine's determination and quick thinking and Surfing Victoria's development program training that saved these little children's lives. I congratulate Jasmine Knox on her heroic efforts to save the lives of these young swimmers. Well done.

### **Danny Hutchinson**

**Mr CRUTCHFIELD** — On another matter, I congratulate Danny Hutchinson for his exceptional service to the Torquay community, and in particular his efforts as president and counsellor of Torquay College. Danny has just resigned from the committee after serving the school with distinction, dedication and passion for many years. His energy and input will be greatly missed and I, along with the school community, wish him well in his new endeavours as a tradie.

### **Murray to Mountains rail trail**

**Mr JASPER** (Murray Valley) — One of the great success stories in north-eastern Victoria has been the development of the Murray to Mountains cycle trail. In the mid-1990s approximately \$2 million was spent on the first stage from Wangaratta through Myrtleford to Bright, with a spur track to Beechworth utilising the

closed rail lines. This has proved to be an outstanding success with thousands of locals and visitors taking advantage of riding along the rail trail through picturesque north-eastern Victoria.

Late last year a further extension of the trail was opened — the \$850 000 Wahgunyah to Rutherglen section — utilising the closed rail line. I was pleased to be involved in the representations to achieve state and federal funding for the project and negotiations to utilise the former rail track. However, to fulfil the original objective of the Murray to Mountains rail trail, funding will be required to complete the section from Rutherglen to Springhurst to North Wangaratta.

Preparations are currently under way for the track to be used, as are negotiations with appropriate authorities and pricing for the project. I call on the government to cooperate fully in enabling the completion of this unique cycling experience and great tourist attraction with further funding support. This would also present a great opportunity for visitors to experience the other great attractions, including the wineries, and in particular those located at Rutherglen.

### **Geelong: Pako Festa**

**Mr TREZISE** (Geelong) — This Saturday the 2010 Pako Festa is to be held. It is a great community-based festival that truly celebrates Geelong as an embracing, multicultural community. During the festival Pakington Street, Geelong West comes alive in a sea of colour and sound and the aroma of food from all around the world. If there is a better community festival in Australia, I would like to see it. As the local member representing the Brumby government, I am proud that this government has contributed \$150 000 over the last three years not only in support of the festa but in emphasising our belief that our cultural diversity is one of the state's greatest assets.

People in Victoria come from over 200 different countries, whilst in Geelong we have more than 40 different ethnic communities, all of whom enthusiastically contribute to the success of Pako Festa. As I said, Pako Festa is a great festival, and more than 100 000 people will jam into Pakington Street to enjoy the celebrations. I take this opportunity to congratulate all those involved over the years who have made Pako Festa what it is today, in particular the team from Diversitat, including chief executive officer Michael Martinez, Pako Festa organiser Luisa La Fornara, all the ethnic communities that will be involved in making the day great and also the Pakington Street traders.

### **Schools: building program**

**Mr R. SMITH** (Warrandyte) — I have had the pleasure of visiting many of the schools in my electorate over recent weeks to present badges to this year's school and house captains and to discuss a number of aspects of the coming school year with principals. A topic which has been raised on every occasion and every visit is the issue of the federal government's Building the Education Revolution funding.

As I have said in this house on many occasions, it continues to amaze me how school communities that have been allocated such a large sum of money for building projects can become so disillusioned and disheartened by the lengthy, disorganised and unreliable process that has resulted from the intervention of the Victorian Brumby government. The incompetence of the Minister for Education and the Brumby government is evidenced by the startling contrast between the experience of the state schools and that of the non-government schools in my electorate, most of which have found the process of beginning construction on their buildings broadly trouble free. This can only be explained by the fact that these independent schools have had their projects managed without the intervention of the Brumby government.

Cost overruns, the inability to retain builders or obtain materials and the continuous changing of plans after their final sign-off have all been amongst the circumstances that have contributed to the frustration of my local state schools' communities, and I have no doubt that this Brumby government-induced frustration is being felt throughout the state.

Local school communities have had their expectations raised in the early stages of applying for this funding, and now they find these expectations being dashed as delays and excuses continue to plague their planned developments. The minister needs to step up, acknowledge the mess she has made in managing these projects and commit to ensuring that the outstanding projects commence without further unnecessary delay.

### **Marian College: facilities**

**Mr HELPER** (Minister for Agriculture) — The Ararat community and the community of the district of Ararat are justifiably and extraordinarily proud of the education institutions that serve those communities. There is no single factor that affects the wellbeing and aspirations of young families in my electorate more than education. Members may understand how pleased I was to be able to join in the celebrations of Marian

College, a year 7 to 12 Catholic coeducation school in Ararat, on the completion of building works to which the state government contributed \$350 000.

The needs-based capital assistance program for non-government schools provided for a specialist learning resource area, two interview offices and general learning areas. The federal government also contributed to construction of additional facilities to the tune of \$775 000, and I congratulate the commonwealth government for that investment.

The opening celebrations were held on 12 February, and I was very pleased to be able to join Brigidine Sisters provincial leader Sister Helen Toohey, Bishop Peter Connors and student leaders Abby Main and Peter Slatter for what was truly a community celebration. I congratulate Marian College for its role in the education of the Ararat community.

### **Inghams Enterprises: Somerville site**

**Mr BURGESS** (Hastings) — The announcement that Inghams Enterprises is rebuilding in Somerville after its processing plant was partially destroyed by fire on 11 January is a great step forward for our local community. The loss of the plant was a major blow to the Inghams local workforce of around 700 employees and a further 200 subcontracted drivers, not to mention the loss of those incomes to our local traders. The plant was the only processor of chicken meat on the peninsula. The industry is valued locally at around \$350 million per year. While this announcement is a great outcome for many, more than 300 people now no longer have a job. The state government must provide further support to those who lost their jobs as a result of the fire.

### **Heath Langdale**

**Mr BURGESS** — I wish to pay tribute to a much loved member of our community, Heath Langdale. Heath passed away suddenly when training with his beloved Western Port Warriors football team on 3 February. Heath was a leader at the Warriors, his valuable skills helping the team win two premierships and two runner-up awards in the RecLink football league. Heath was well liked and respected in the community for his keen sense of humour and positive attitude. Heath's commitment to helping others also helped him establish his own business in the local area. However, Heath's most important role was that of a loving family man. Our thoughts are with his partner, Cassie, and children, Connor and Lexi. Heath's passing is a great loss for the Western Port community. He will be both sadly missed and lovingly remembered.

### **Western Port Festival**

**Mr BURGESS** — The Western Port Festival is on again from 26 to 28 February at the picturesque Hastings foreshore. The festival's program has something for all members of the family, with free entry and entertainment. The Western Port Festival is a fantastic community event run by a band of wonderful volunteers who work in partnership with the local community to provide safe, affordable, family-friendly entertainment. Congratulations go to the president, Tammie Johnstone, the vice-president, Aaron O'Brien and the secretary, Julie Dewberry, and to their hardworking committee.

### **Ballarat: employment**

**Mr HOWARD** (Ballarat East) — Earlier this month I was pleased to visit CMI Ballarat with regional development minister Jacinta Allan, where she announced that 75 new jobs would be created at the Ballarat plant as a result of an investment of \$6.15 million. This investment by CMI Industrial, supported by the state government, will also see an expansion of the company's Horsham operations as well as new investment in Ballarat.

This investment will double the size of the Ballarat operations of this component manufacturer, providing security for the 70 existing workers as well as promoting a sense of confidence for the future of Ballarat's important manufacturing sector.

This announcement is great news coming out of a year of uncertainty created by the global economic downturn. It also adds to the very positive job creation announcements in other Ballarat employment sectors, including the opening of the new IBM IT services centre at Mount Helen, which is creating 300 jobs; and the extension of tourism opportunities with the opening of the new Trapped Experience at Sovereign Hill, both projects substantially supported by the Brumby government.

### **Daylesford Spa Country Railway: funding**

**Mr HOWARD** — I also advise the house that I was pleased to visit Daylesford last Sunday to announce a \$300 000 grant for the Spa Country Railway, where a section of the track was burnt out in the fires last February, causing the rail operations to be significantly reduced. The funding from the bushfire recovery infrastructure program will provide a boost for tourism in Daylesford area as well as a boost to the morale of the many volunteers.

### **Rail: Rowville link**

**Mr WAKELING** (Ferntree Gully) — The Brumby Labor government has chosen to ignore the continued pleas from Rowville residents and has now completely abandoned its 1999 election promise by admitting it has no intention of completing a Rowville rail feasibility study. For years the Labor government has lied to Rowville residents, promising them this vital transport infrastructure study, but it has now left the community out in the cold. Unlike the Brumby government, the Victorian Liberal-Nationals coalition will commence a Rowville rail feasibility study within 100 days of being elected. The Labor government has shown time and time again that it cannot be trusted and residents in Melbourne's outer east are fed up.

### **Rock Eisteddfod Challenge: funding**

**Mr WAKELING** — The Brumby government has disappointed thousands of students across Victoria by failing to provide the necessary level of funding for the Rock Eisteddfod Challenge competition. I know a number of schools in my electorate are devastated that they will not be able to perform in this year's eisteddfod. Schools such as Fairhills High School put in months of work for the Rock Eisteddfod. It is a challenging and rewarding experience that the Brumby Labor government has, in effect, taken away from these students.

The Brumby government continues to prove that it is completely out of touch with Victorians. They continue to waste money, break promises and ruin dreams, with taxpayers picking up the bill for their incompetence and waste.

### **Hoon driving: Ferntree Gully electorate**

**Mr WAKELING** — Many residents have expressed their frustration at the proliferation of hoon drivers in the Ferntree Gully electorate.

It is clear that our local police force is badly underresourced. It is time the Brumby government took action and provided more police resources to Melbourne's eastern suburbs. My community is suffering from this government's inaction.

### **Bushfires: Narre Warren South memorial**

**Ms GRALEY** (Narre Warren South) — It was an honour to join with local Narre Warren South residents on a beautiful day for a memorial service on the anniversary of Black Saturday.

While we were very fortunate not to have experienced any loss of life in the Narre Warren South fires, residents were left devastated by the loss of their houses and the many treasured memories and mementos of family life that are part of a home. The residents wanted a memorial not only to remember their loss but also to acknowledge the local community that supported them immediately and generously after the fires. They were not asking for much — just a memorial and a place for quiet reflection.

Our government offered the City of Casey funds for such a memorial; however, council rejected this offer much to the disappointment of the local community, but the locals again showed their fighting spirit and campaigned for a memorial. Nicky and Mark Johnson from Affirm Welding in Dandenong stepped in and donated a bench seat to be used as a permanent memorial, for which I thank them.

The memorial was unveiled at Amberly Park Shopping Centre where we hope it will find a permanent home. We said our prayers of thanks and Andy Miszkowicz read a poignant blessing prepared by Reverend Mat Harry. It was a special occasion, a time for contemplation and starting afresh.

The feelings of affected residents were expressed in a poem written by Carol Miszkowicz, who lost her home on Black Saturday:

Black Saturday: now it's known to be  
 When the wildfires roared down upon us so free  
 The thick black smoke around us everywhere  
 Flames, hoses, buckets people rushing here and there  
 Then the sirens finally came  
 Firemen yelling and running but it was all in vain  
 From smoke to ashes was all that was seen  
 Blackness, soot and that smell, showed where the fire had  
 been  
 Devastation, sadness and grief was all around  
 No longer stood our house, it was burnt to the ground  
 All those treasures and photos we long for so dear  
 But we still have our memories of all bygone years  
 All the tears and hugs we shared with everyone  
 Will help us again to grow and move on.

### **Hospitals: waiting lists**

**Mr THOMPSON** (Sandringham) — I place on record the concerns of a Sandringham electorate constituent in relation to his difficulties in dealing with a major Melbourne hospital that cannot arrange its processes to separate emergency procedures from the provision for elective patients. There is such a long waiting list of patients for elective treatment that many suffer deterioration while waiting, causing additional pain, disability and more complex treatment.

Patients with severe disabilities are described as elective patients, when the last thing any patient would elect to have would be a condition requiring surgery. This major hospital has become so big and its processes so bureaucratic that patients are treated as pawns in the system rather than needy and sometimes traumatised individuals.

My constituent had a surgical procedure arranged for 10 February. He made the necessary arrangements to wind down his business and organised his affairs to attend. He stated:

My wife and I waited for 4 hours without any contact from the staff, who when approached 'knew nothing' and 'were not responsible'. They were unsympathetic, seemed to have little empathy for the public they were dealing with.

After waiting nearly 4 hours a doctor came from the operating area and explained that my surgery (and others) was cancelled due to more important surgery and we would be notified of when to come back. He did not know when.

My constituents were concerned to ascertain how many other people in the system confront this problem — —

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

### Graham James

**Ms MUNT** (Mordialloc) — I rise today to pay tribute to the life of Graham Cyril James, who was born on 16 October 1937 and passed away on 27 December 2009. Graham was born and raised in Collingwood. He was working class, he barracked for Collingwood his entire life and he was a light on the hill true believer — a passionate Labor man and proud of it. In Collingwood at the age of 11 years he went into part-time work to help with the family finances. His sister, little May, said at his funeral that this provided the family with much-needed income and food. They had water, not milk, with their Weeties. He vowed to provide for his own family, and he did.

He leaves the love of his life, his wife of 50 years, Veronika; his beloved daughter, Kathryn, whom he said must have a career, because if she married a bum, she could still walk out; his son Mark, an engineer; his late son Richard, a barrister; his daughter-in-law, Carol; and his adored granddaughter, Sarah. I know his family will be bereaved, but he has lived a life of which they can be proud, and a wonderful legacy is left.

At his funeral, which I attended, it was said that nothing was too hard for Graham if it benefited his family. He has left a lasting impression. He loved driving his 20-year-old van around the federal electorates of Goldstein

and Higinbotham plastered with campaign posters to upset the local Liberals. I knew Graham, and I respected and admired him. I will miss him. My condolences go to his family. Rest in peace, Graham Cyril James.

### Crime: Frankston response

**Mr MORRIS** (Mornington) — Yesterday in question time the Premier and the Minister for Police and Emergency Services claimed that the crime rate was down. Some crime — bicycle theft in particular — is down, but the crimes that leave people feeling scared and vulnerable are not. If the Premier's claims had an ounce of truth in them, then why has the Frankston City Council had to hire security personnel to patrol the Frankston central activities district and foreshore? The local police are fantastic, but there are simply not enough of them.

Real crime in Frankston has soared. Rapes have gone up from 51 to 83 in 12 months, assaults have gone up almost 8 per cent for the year, property damage has gone up more than 14 per cent, theft from motor vehicles has gone up 25 per cent in 12 months, motor vehicle theft has gone up by more than a quarter to 805, harassment has gone up by 43 per cent and behaviour-in-public offences have gone up by 53 per cent. Not only is John Brumby out of touch, he is in denial, and local government is left to clean up the mess. Well done, Frankston council.

### Mornington Secondary College: youth corps

**Mr MORRIS** — On 11 December I had the pleasure of attending the 2009 graduation of 50 Victoria Police Youth Corps members at Mornington Secondary College, which has the largest corps in the state. The program was established in 2007, and in its three years of operation 189 young members of our community have graduated. The corps has become a valued and indispensable part of every community event. Congratulations to principal Sarah Burns, senior constables Mick Mears and Chris Dawson, drum major Kirsty Reaks, who is also the Mornington Peninsula Young Citizen of the Year, and all the graduates who together have created an organisation the whole town can be proud of.

### Lynne Freney

**Mr LANGDON** (Ivanhoe) — I would like to pay my respects to Lynne Freney, a tremendous contributor to the local community, who passed away tragically from illness on 6 February 2010. Lynne was a long-term member of my local branch of the Labor party and

a strong supporter of mine. Along with her husband Len, Lynne was involved in the Neighbourhood Watch program for over 20 years, running programs in Preston, Heidelberg and Olympic Village. She also volunteered for a number of years at the YMCA canteen in Macleod and drove the community bus for the Olympic Village Combined Pensioners Association in the area. Her compassion and community spirit will be missed by all those who knew her. My condolences go to her husband Len and her son Justin for their tragic loss. I know Lynne and Len would like me to pass on their thanks to the doctors, staff and nurses at the Austin Hospital for their loving care of Lynne in her tragic last few days.

### Dulcie Griffiths

**Mr LANGDON** — I also pay tribute to Dulcie Griffiths for her fantastic achievement of 30 years as a teacher at Viewbank Primary School. Dulcie has remarkable energy, a talent for teaching and high levels of enthusiasm, all of which mean that she has a well deserved reputation in the area. I am aware of Dulcie's contribution to the school, and I know she is much loved by everyone there. I wish Dulcie all the best for her 30th year at the school, and I know that all the teachers and students at the school wish her all the best as well.

### Quang Minh Buddhist Temple: Lunar New Year celebrations

**Ms THOMSON** (Footscray) — I congratulate all involved in the Quang Minh temple's Lunar New Year celebrations. *Chúc mừng năm mới* to all of the 5000 people who attended the celebration. To the Senior Venerable Thich Phuoc Tan, congratulations!

**The DEPUTY SPEAKER** — Order! The time for making members statements has concluded.

## MATTER OF PUBLIC IMPORTANCE

### Liquor licensing: regime

**The DEPUTY SPEAKER** — Order! The Speaker has accepted a statement from the member for Malvern proposing the following matter of public importance for discussion:

That this house condemns the Brumby Labor government for:

- (1) introducing an unfair and discriminatory liquor licensing regime that has hurt thousands of small business and community organisations across Victoria;

- (2) maintaining that 'the ... risk-based renewal fees are not considered a burden on businesses' despite the \$20 million licensing revenue increase imposing massive fee rises on many struggling enterprises;

- (3) failing to provide small businesses and community organisations with an adequate opportunity to apply for reductions in their liquor licensing fees —

and calls on the government to scrap its failed system in favour of a genuinely risk-based approach that does not penalise responsible licensees for the Brumby government's failure to tackle antisocial behaviour.

**Mr O'BRIEN** (Malvern) — If any policy initiative could more effectively sum up the current government's disrespect for small business and the fact that its members are so out of touch and all about spin and not about substance, it is the government's treatment of liquor licensing in Victoria. In 2008 the government took in \$10 million in liquor licensing fees. During the course of that year the government said, 'We need to increase the amount of money we take in to cover the administration of the system', so it decided to increase fees by an average of 50 per cent. The government went from taking \$10 million a year to taking \$15 million a year in fees, and said, 'This is sufficient to cover our costs'. The October 2008 regulatory impact statement issued by the government itself said:

The regulated fees will recover the costs associated with the liquor licensing framework ...

The government has decided that \$15 million is what it costs to run the system. What happened then? The government said, 'We are going to move to a risk-based system'. Members of the opposition think that a risk-based system — one that distinguishes between types of licensed venues based on the risk that they pose by contributing to the creation of antisocial behaviour — is a good thing; there is bipartisan agreement on the concept. But whether it is myki, smart meters or any major project, this government cannot get it right. Government members have gone from saying, 'We are going to take \$15 million a year in liquor licensing fees; that covers our costs', to saying, 'We are going to take \$35 million in 2010'. It is hard to imagine how the costs of the bureaucracy-gone-mad Brumby Labor government have increased from \$15 million to \$35 million in just 12 months. How many more bureaucrats can you employ with \$20 million?

But of course that was the excuse. We know where the \$20 million has gone. There has only been one policy announcement by the Brumby government in recent months that cost \$20 million, and it was the announcement that fairy lights would be fitted to the West Gate Bridge. At a time when the liquor licensing

fees for small business across Victoria are being massively increased, the people affected by those increased fees will know that the money is going to a good cause. Each of them knows when the fairy lights on the West Gate Bridge are lit up that one of the lights will be theirs, because that is what they are getting.

**Mr Nardella** interjected.

**Mr O'BRIEN** — Let us go through this matter of public importance (MPI) and look at the evidence. I know the member for Melton is not very keen on evidence, but let us look at it. The MPI states in part:

That this house condemns the Brumby Labor government for:

- (1) introducing an unfair and discriminatory liquor licensing regime that has hurt thousands of small business and community organisations across Victoria;

Let us look at the evidence that proves my contention in that MPI. Is it unfair and discriminatory? One might say that large merchants of liquor like Dan Murphy's or First Choice that have huge supermarket-style layouts and massive turnovers are very big players in the industry. One would think that if this government were committed to a genuinely risk-based system, the large outlets would pay more than a tiny packaged-liquor outlet. One would think that would be a sensible way to allocate risk: if there is a massive liquor supermarket that sells 20 times more alcohol than a tiny corner shop, maybe the big supermarket should pay more than the tiny corner shop.

**Mr Nardella** interjected.

**Mr O'BRIEN** — What is the reality? I refer the member for Melton to the liquor licence for Dan Murphy's in Alphington. Anyone who has been to Dan Murphy's in Alphington, as I have, knows that it is a standard Dan Murphy's store. You cannot drink on the premises, but under this government's liquor licensing regime it has a general licence. A general licensee pays \$795. Now let us look, for example, at the situation of a tiny boutique wine shop called Riversdale Cellars, which is in the marginal electorate of Burwood. I was in there the other week. It is about one-twentieth the size of a Dan Murphy's store and would be likely to have about one-twentieth of the turnover of a Dan Murphy's store. Dan Murphy's Alphington pays \$795, yet Riversdale Cellars pays \$1590 — it is one-twentieth the size and pays twice as much in licensing fees. Members opposite will stand up and defend this as being a genuinely risk-based system, but that is absolute nonsense.

There is a story on the front page of the *Progress Leader* this week headed 'Cellars dark on fees'. I will read a few extracts:

A massive hike in licensing fees has led to staff cutbacks at one Boroondara bottle shop, with others also feeling the strain from the 'unfair' new rules.

Camberwell's Riversdale Cellars owner John Bixton was forced to let go of one employee and cut hours for another by 30 per cent after a rise in liquor licence renewal fees from \$250 to \$1590.

The Riversdale Cellars fees have gone from \$250 to \$1590 while Dan Murphy's is paying half that at \$795. The owner of Riversdale Cellars has had to let go one part-time employee and he has had to cut back the hours of another employee by 30 per cent. This shows the human cost of this government's neglect, the human cost of this government's arrogance and the human cost of this government's attack on small business through liquor licensing.

What does the government say about this situation? Does it acknowledge, as I have put forward in this matter of public importance, that it is an unfair and discriminatory liquor licensing regime that has hurt thousands of small businesses across Victoria? Here is what the government says:

The proposed risk-based renewal fees are not considered a burden on businesses.

A \$20 million increase in liquor licensing fees is not considered a burden! The fees paid by a small business person have jumped from \$250 to \$1590, yet this government has the arrogance to say the proposed risk-based renewal fees are not considered a burden on businesses. That just shows that this government does not understand how tough it is for small businesses and does not care that small businesses cannot afford these fee increases. The government does not care that staff are losing their jobs and losing hours because of this government's greed, because it is more obsessed with putting fairy lights on the West Gate Bridge than it is in supporting the small business community of this state.

While I am talking about the Burwood electorate, I can say that a couple of other local organisations have been hit between the eyes by these fees. Ashburton United Soccer Club is not known as being a hotbed of violence, and I do not think the police need to send their crack squads down to the soccer club instead of King Street on a Friday night, but it has a renewable limited licence. The club's fee went from \$93 last year to \$397 this year, which is a 326 per cent increase. The club is an example of the type of organisation at which volunteers put in their blood, sweat and tears to try to

make their community a better place to give kids and other people a chance to engage in healthy activities like soccer, and the Brumby government treats them as cash cows —

**Mr Nardella** — Cash cows for \$250?

**Mr O'BRIEN** — and increases their liquor licence fees by 326 per cent. The member for Melton interjected and said, 'Cash cows for \$250', which just shows how he thinks. The member for Melton is typical of the Brumby government. He thinks it is just a few hundred bucks. I suspect the Ashburton soccer club does not have as many properties as the member for Melton has and that it is not quite as flush as the member for Melton is. People who voluntarily pay fees to keep community organisations going deserve a little bit more respect than they are getting from the member for Melton — —

**Mr Hudson** interjected.

**Mr O'BRIEN** — Or from the member for Bentleigh, for that matter. Burwood Cricket Club is another organisation with a restricted club licence. It paid fees of \$98.70 in 2009 but \$397 this year, which is a 302 per cent increase. Where has the member for Burwood been on this issue? Has the member been standing up for his constituents or for small businesses? The member has been doing absolutely nothing, because he is as embarrassed by this as anybody else is. The member runs around, speaks to people in his electorate and says, out of the side of his mouth, that he does not really support this.

**Mr Nardella** — You would not know what he said. Do not put words in his mouth.

**Mr O'BRIEN** — But we know when it came to the crunch that he voted for it. The member is the Premier's man in Burwood. He is there to try to sell these disgraceful Brumby government policies.

The matter of public importance condemns the government for:

... maintaining that 'the ... risk-based renewal fees are not considered a burden on businesses' despite the \$20 million licensing revenue increase imposing massive fee rises on ... struggling enterprises ...

Let us have a look at some more case studies. I was travelling through Bendigo very recently, and I went to the Basement Bar. It is a fantastic little venue. I met a great band there called the Classic Aussie Rock Show. These are musicians who are doing everything they can to try to make sure they can earn a living from pursuing their passion, which is music, and this government

treats them as though they are harbingers of violence, as though they are responsible for the failure of this government to clean up King Street.

The Bendigo Clay Target Club is a fantastic little club. I went out there and saw its terrific little clubrooms. Its fees have gone from \$93 in 2009 to \$397 this year, which is a 326 per cent increase. That is absolutely disgraceful. It does not matter where you go across Victoria: the story is the same. Where is the Minister for Police and Emergency Services, who is the member for Bendigo West? Is he standing up for the Bendigo Clay Target Club? No, he is not. Is he standing up for the Basement Bar? No, he is not.

Como Wine and Spirits in South Yarra — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Once again I ask the member for Melton, and I also ask the member for Warrandyte, not to yell in that manner. At least the member for Melton is in his place; the member for Warrandyte is not.

**Mr O'BRIEN** — Como Wine and Spirits has a packaged liquor licence. It opens on Good Friday, and for that alone its fee increased from \$249.90 last year to \$6360.00 in 2010. Dan Murphy's in Alphington opens longer hours and pays \$795.00, yet a tiny shop in South Yarra pays \$6360.

**Mr Robinson** — Different licence categories.

**Mr O'BRIEN** — Come in, spinner! The minister at the table says, 'Different licence categories' because he has a special deal for Dan Murphy's. The minister thinks, 'Let's look after the big liquor supermarkets, the ones that have 20 times the turnover of the little corner shop, and let's whack them between the eyes'.

On Thursday the Premier was quoted on the news as saying, 'We needed to increase those (liquor licence fees) so we could get a better fix on tackling alcohol-related violence'. I ask: how is the Bendigo Clay Target Club contributing to alcohol-related violence? How is Riversdale Cellars contributing to alcohol-related violence?

The government is completely out of touch. It is costing jobs, it is costing small businesses, it is costing community sports clubs, and it is costing RSLs, which are hardly known as places where people get drunk and cause violence, yet their fees are going up. Every single RSL across Victoria is paying more because this government wants to blame them for its failure to clean up King Street.

The third aspect of the matter of public importance states that the government is:

... failing to provide small businesses and community organisations with an adequate opportunity to apply for reductions in the liquor licensing fees — —

In December last year the government extended the deadline for people to bid for pokies, but when I called on it to extend the deadline for small businesses that wanted to apply for hardship relief because of their fees, the minister said no. He extended the deadline for people who wanted to bid for pokies, but he would not extend the deadline for people to apply for a fee waiver. That shows the priorities of the government. It is all about revenue. It is all about taking money from small businesses and from community organisations. It is all about looking after the big end of town, looking after the government's mates. It is completely out of touch.

I have had a lot of contact from licensees who are outraged. I was sent a photograph of a Duncan's liquor outlet showing a sign which states:

Our liquor licence: 2009 = \$370; 2010 = \$6360 (No liquor licence breaches)

Thanks, Mr Brumby.

I say thank you to the Premier and thank you to the Minister for Consumer Affairs, because their failure to understand the needs of small business and the community has been writ large. There is \$20 million in tax hikes so the government can put fairy lights on the West Gate Bridge. That is the government's priority. It is all about spin and there is nothing about substance.

It is not about tackling alcohol-related violence; it is all about whacking those people who are doing the work and creating jobs in the community. There is nothing about tackling alcohol-related violence. This is a disgrace. It is an example of the complete failure of this government. It is out of touch and it is out of time — and come November if it keeps going on like this, it will be out of office.

**Mr ROBINSON** (Minister for Consumer Affairs) — Amidst the huge volume of commentary that has been provided on liquor licensing and on liquor generally right across Australia in recent years an article appeared in the Ballarat *Courier* of 20 October last year, headed 'Time to deal with the damage of alcohol'. The author of the article is a very respected individual named Dr John Herron, who is currently the chair of the Australian National Council on Drugs, but commonly people would understand he was a long-serving federal parliamentarian in the Senate who survived the tumult of Liberal politics in Queensland

and who is widely respected for his position on public health.

I want to read some of the article:

It's time to deal with the huge carnage alcohol is causing in regional communities.

It's clear the public wants more action.

Young people living in rural areas are almost twice as likely to die from risky drinking as those who live in metropolitan areas.

They are almost twice more likely than those in a city to be admitted to hospital as a result of an alcohol-fuelled assault, and 1.5 times more likely to be the victim of alcohol-related violence.

The major problem is that we have a clear culture of drinking in Australia that celebrates drunkenness and often — unfortunately — promotes binge drinking as some sort of rite of passage.

He goes on to say:

In fact, throughout my 30-year surgical career, I continually saw violence and the hopeless wasting of life from alcohol.

When it comes to alcohol most people see themselves as something of an expert — —

Hear, hear! The house just had an example of that. The article continues:

While most of us consume alcohol, few of us actually believe we ever contribute to the problems.

Later in the article he states:

None of us like the fear that drunkenness creates. Whether it's a pub, party or a big event, drunkenness can quickly make them unsafe and unattractive for many people.

To change course, we have to be willing to support effective change.

And he goes on to nominate a few areas, including restricting promotions. He then states:

This does not mean it will be universally accepted, especially by those with vested interests. But it is the best way forward.

As I said, that article was by Dr John Herron, who is a courageous Liberal. What a pity there are not a few more of them around today!

If people do not believe Dr Herron and the impact of antisocial violence and activity that is connected with liquor consumption, perhaps they should go up to Bendigo to speak to Dr Sol Zalstein who was quoted in the *Bendigo Advertiser* last week, and the member for Malvern should speak to him when he is next up there. Dr Zalstein is very hopeful that the new on-the-spot fines which are being issued will help reduce the

number of alcohol-related attendances at the hospital. In the article he says:

In over 20 years in emergency medicine I've come to my own conclusions — of all the substance-abuse cases we see in hospitals, alcohol produces more attendances, more serious injuries and more problems.

It is a commonly mouthed myth, and I have no doubt we will hear it again in a few minutes time from members on the other side, that the problem of antisocial activity that is related to alcohol is only a city problem, that it is only a King Street problem, and in fact all of this reform by the government is some sort of a conspiracy. That is a rubbish claim. It is a denial of an essential truth. Alcohol-related antisocial activity is a state and nationwide problem, and it is up to everyone to address the problem, including everyone in the licensed industry, the opposition, the police, councils and a whole range of people. We all have a responsibility. That is what the community demands.

If anyone wants evidence of that, they should look at the recent statistics on the issuing of on-the-spot fines for drunken and disorderly behaviour. In Mildura 65 fines have been handed out in just two months; in Geelong some 87 people have been fined; in Ballarat it is 53; in Latrobe it is 35; in Bendigo it is 33; in Shepparton it is 28; in East Gippsland it is 26, and in Wodonga 19 people have been fined. If John Herron, Sol Zalstein and the hardworking police are all wrong, then why was it that the Allen Consulting Group's report last year, which was certainly circulated — although I am not sure it was actually read — quoted at table 4.1 that 8 or 9 of the top 22 venues with the highest rate of offences were country venues.

We are dealing with a statewide problem, and the community wants it to be tackled. The question that was posed by Dr Herron is: do we have the courage to tackle it? Do we have the courage to change, because it is not easy? Clearly, the answer is that the Brumby government does but the opposition does not, and its members demonstrate that over and over again.

The opposition is expert at a couple of things. One of them is finding reasons why reforms should not be taken on. The opposition talks about fairness; it keeps coming back to fairness. Let me pose a couple of questions in that respect. The opposition claims the new system is unfair and in so doing they want to go back to the old system. What is fairer? Is it the old system where restaurants and strip clubs that are open until the same hour of the night pay the same fee? Or is it the new system where venues that serve alcohol range from \$400 to \$30 000. Which is fairer? The government says the new system is much fairer than the old system, but

the opposition wants to go back to the system where restaurants and strip clubs pay the same.

Let me ask another question. Which is fairer? The old system where mums, dads and families right across the state picked up the tab for the licensed — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Malvern and the member for Albert Park will cease interjecting.

**Mr ROBINSON** — In the old system mums, dads and families right across the state picked up the tab for the industry, a very substantial shortfall, and in the new structure the industry actually pays its way. The government says that a system where the industry pays its way is more acceptable than the old one. Which is fairer, the old system where the people who were charged with going out and enforcing the law and ensuring compliance were starved of the necessary resources, or a new system where for the first time there is adequate funding? There is more funding for the director of liquor licensing and funding for the new compliance unit with 40 compliance officers and the very substantial police resources that are required. Clearly we on this side of the house prefer a system which has adequate resources in place. The opposition wants to go back to the old system.

The opposition actually wants to go further. Not only does it want the old system, but the member for Malvern now has a new mantra. He says we should reduce fees by \$20 million. Let us consider that for one moment. Who would be the beneficiaries of reducing fees by \$20 million? It would be the King Street strip club owners, because they are the ones who have seen the biggest increases in fees. They are now paying \$30 000 a year. If you reduce fees by \$20 million, the people who have the biggest increases get the biggest decreases.

**Mr O'Brien** interjected.

**The DEPUTY SPEAKER** — Order! I think the member for Malvern has made his point and he should cease interjecting.

**Mr ROBINSON** — The member for Malvern has a friendly ear over on King Street. Someone is listening to him for the first time. The strip club owners will be making a beeline down to the offices of the member for Malvern. They think he is terrific. If they can get a reduction of \$20 million in their fees, they will be the big winners.

The other effect of reducing the fees by \$20 million would be that police resources, which are now for the first time being put together to enable the police to fulfil their role, would be stripped away. What the member for Malvern has revealed is his total ignorance of the advice that was put forward last year in a regulatory impact statement that outlined the real costs of policing the liquor licensing system. In August 2009 the government said it would go to full cost recovery and that more resources were required. This was revealed last year in the regulatory impact statement, which I am presuming the member for Malvern never quite got around to reading.

Page 141 of the *Liquor Control Reform Regulations Regulatory Impact Statement* of August 2009 details the total costs of Victoria Police as \$19.18 million. If you want to reduce fees by \$20 million, guess what you would cut out? You would cut out the police costs. All those things that the police have to do, such as going to VCAT (Victorian Civil and Administrative Tribunal), training their staff, making operational visits, attending disciplinary proceedings, processing offences — all the things that were clearly laid out in the regulatory impact statement — would disappear and with them the police officers who do those jobs.

The opposition has form when it comes to cutting resources for police. The opposition has done it when in government, and it will do it again. The coalition promises to boost resources, and then what does it do? It pulls the fees out, reduces the fees and strips the police of the resources they so desperately need.

We talk about fairness. I want to talk about the regulatory impact statement and the draft regulations that were put out last year. The regulations were, of course, modified. The government put them out for commentary and they were modified. I remind the house of some of the responses we got from people in the licensed industry when we amended the fees last year — the *Warrnambool Standard* said ‘Pub fee win — relief for hotel operators’; the *Ballarat Courier* said ‘Licence fee rethink a “saviour” for small country venues’; the *Border Mail* said ‘Publican happy at what she will pay’; the *Geelong News* said ‘Country pubs win licence fee reprieve’; the *Geelong Advertiser* said ‘Liquor fee structure “less risky”’; the *Warrnambool Standard* said ‘Small hotels win fee fight’; the *McIvor Times* said ‘It’s cheers for local pubs as fee plan to be refined’; the *Bairnsdale Advertiser* said ‘Ingram welcomes fee structure refinements’; the *Mansfield Courier* — this was an interesting one — published a letter headed ‘Licence fee changes welcomed’ signed ‘Bill Sykes, MLA, Benalla’; the *Shepparton News* said ‘Some country publicans have won major licence fee

concession’; the *Berwick Leader* said ‘Praise for changes to drink laws — win for suburban licensed venue owners’; and the *Stonnington Leader* said ‘Thumbs up for government’s revised risk-based system’. The *Stonnington Leader* even quotes Michael Burke, Malvern Hotel co-owner as saying, ‘I am pleased that the state government revised the system’.

This is a government that put out regulations, listened to commentary and then modified those regulations. I want to talk about the point in the MPI (matter of public importance) where the opposition claims inadequate opportunity in the regulations for people to take up the hardship review application for the first time. It is worth noting that some 800 applications were received and the director of liquor licensing has gone through them and has granted about 300 of the applications. So this point made by the opposition that there has been no opportunity for people in the industry to make a hardship application, that no-one has been able to make such an application, is clearly wrong.

When we talk about the opportunity to restructure an opportunity that was provided to licensees at the end of last year, let us understand that 150 licensees have reduced their patron numbers as a consequence and more than 500 licensees have reduced their trading hours. It is a nonsense to suggest that an opportunity has been denied to people in this industry. If the member for Malvern spent less time Twittering and a little more time reading material and asking questions he would get closer to the truth.

We are seeing the effects of the changes the government is making. We are seeing progress. We have seen over 2700 banning notices issued by the hardworking Victoria Police. I remind the house that when the banning notices were proposed the opposition said, ‘No, you should allow a right of review’. I want to think about how this would work on the streets of Melbourne. The police go up to someone and say, ‘You are going to be banned from these premises’, to which the reply is, ‘Hold on. Here’s my lawyer’.

**Mr O’Brien** — On a point of order, Deputy Speaker, I will resist the temptation to point out that the minister’s comments are not accurate, but I will simply say that banning notices are not within the scope of the MPI.

**The DEPUTY SPEAKER** — Order! There is no point of order.

**Mr ROBINSON** — It is interesting that when the Victorian community says they want effective action and they strongly support banning notices, the

opposition gives them a job creation program for lawyers. That is what the opposition delivers: a job creation program for the mates of the member for Malvern. It is like saying, 'Here is my lawyer. We need this reviewed before I get this ban'. That would just clog up the Victorian Civil and Administrative Tribunal (VCAT); it would be a totally unworkable system.

We have seen that compliance unit of about 40 officers who are very hardworking and who are funded by the new fee structure. They have initiated over 50 criminal investigations, they have undertaken about 17 000 inspections in the last eight or nine months and have issued over 2900 voluntary compliance letters.

In terms of the disciplinary action at VCAT, 10 years ago two licensees were disqualified in one year. Last year about 20 individuals and companies were disqualified. We now have an accumulated total of over 100 who are subject to disqualifications. That number has never been greater.

We have seen the director of liquor licensing ban 32 inappropriate alcohol promotions at venues around Victoria, which is something John Herron said needed to be done. We needed to be able to tackle promotions more effectively. I remind the house that when we proposed a power, the other side said no. The then spokesperson — and I will finish on this issue, because it is a bit of a highlight — —

**Mr O'Brien** — No, don't lie.

**Mr ROBINSON** — I am going to quote her; I am not going to lie. These are her words:

... we feel that the role of the director of liquor licensing is to do with the consumption of liquor in this state and it is not her role to be a censor ...

This arose in the context of a promotion where women who wore bikinis were given free drinks all night. The Liberal spokesperson at the time said:

Women fought long and hard for the right to wear bikinis when they want to.

And that it:

... is quite legal to wear a bikini in this state.

The opposition did not want the director to have the broad power which she has used so effectively. This matter of public importance shows the opposition does not have a clue.

**Dr SYKES** (Benalla) — What a performance! I support the matter of public importance proposed by the member for Malvern, because this massive hike in

liquor licensing fees is nothing but an ill-conceived grab for cash. It has been ineptly, inflexibly and inconsistently managed. It has been imposed upon the people of Victoria by an arrogant Brumby government that will not listen.

The proposal is ill conceived on two counts. Firstly, there is the principle of full cost recovery, which involves a \$20 million hike. I say to the government: justify those costs and show us that that is value for money. Everyone agrees in principle to the approach regarding risk-based licence fees, and the elements of hours of trading, the number of patrons and previous infringements all arguably reflect increased risk. But the criticism of the model is that it is insensitive and was not field tested.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask the member for Malvern and the minister to stop commenting across the table. It just makes the member for Benalla a bit harder to hear. The member for Benalla, to continue without interjection.

**Dr SYKES** — I rang the consultants, and I had a discussion with them about the notion of risk modelling and importance of field testing. They said, 'We did not field test'. I said I had at least 40 people saying they fit the high-risk categories, and they are having to pay massively increased fees but they have not had a violence-related infringement. The model is poorly done. The government's guidelines are restrictive. It is fundamentally flawed.

The implementation of this approach is inept, inflexible and inconsistent. The hardship provisions that the minister has trotted out so proudly were introduced and mailed out during the first week of December. That left people with a maximum of three weeks until 31 December to absorb a massive amount of information from the liquor licensing commission. The lead-up to Christmas just happens to be a very busy time from a family point of view, and members should keep in mind that many of our businesses are small family businesses. There is also a pre-Christmas rush in our licensed venues.

Importantly, the government needed an accountant's input. I remind members that a lot of accountants actually knock off and go on holidays over Christmas; my accountant knocked off for Christmas on 18 December. That meant these people who were given the option to apply under the hardship provisions only had a maximum of a couple of weeks to do so. That is

not reasonable. In terms of the amount of information that was required, the Flowerdale Hotel said:

After a lengthy detailed letter and confirmation of our trading details ... and the colour of my undergarments — —

That is what the Flowerdale pub felt about the level of detail that was required. Having submitted all that detail, it would appear that the key criteria to assess the impact of the fee increase on businesses is that if it is less than 1 per cent of the gross income, it will have no impact.

That is a load of hogwash. Anyone who knows anything about operating a business knows that it is the net profit — —

**Mr Nardella** interjected.

**The SPEAKER** — Order! The member for Melton should leave the chamber if he wishes to carry on in that manner. The member for Benalla is to speak without interjection.

**Dr SYKES** — It is the net profit that influences your ability to live and make an income from your business.

In terms of inconsistency, I attended a liquor licence accord meeting last week in Benalla. A number of the attendees raised concerns about being given different information by different people from Responsible Alcohol Victoria in response to the same queries. The Victoria Hotel in Benalla had requested a reduction in fees because of hardship, but that was knocked back. It then applied for a reduction in trading hours; but that too was knocked back. It then applied for a time payment; that was knocked back.

Within a couple of days people from the liquor licensing commission were ringing people who it had knocked back under the hardship provisions, wanting to do deals over modifying trading hours. How can one fellow get knocked back on Friday, yet other people are being contacted on Monday? It is incompetence on the part of the government in implementing the regulations. It is slow processing. One licensee has been waiting for eight weeks for their application to be processed. In that time — and it was an application to sell alcohol at markets — they missed the opportunity to be at a major market in our area, and that impacted significantly on their income.

Firstly, I ask the minister to comment on some questions about inconsistencies and issues about inept management. I ask the minister if it is correct that Responsible Alcohol Victoria inspectors are only

working 9.00 a.m. to 5.00 p.m. because of WorkSafe issues? The minister should be talking to his staff out there.

Secondly, is it correct that the infringement information that is being collected by Responsible Alcohol Victoria is not being shared with Victoria Police because there is no memorandum of understanding?

**Mr Foley** interjected.

**The DEPUTY SPEAKER** — Order! I will give the member for Albert Park the call when it is his turn.

**Dr SYKES** — You check, because that is what was told to the liquor licensee and accord attendees last week — —

**The DEPUTY SPEAKER** — Order! Through the Chair.

**Dr SYKES** — It is being ineptly managed.

The other thing is that the liquor licensing commission under the direction of the Brumby government is applying a reverse onus of proof. Licensees are being expected to comply with an unreasonable, impractical and expensive set of rules, guidelines and categories, and unless they are prepared to modify their practices they are told, 'No licence; you are running out of time'.

Now I will move on to the government's oblivion of the impact of its proposals. The fees of community groups and not-for-profit organisations have gone up from around 50 to 93 bucks in 2009 to nearly \$400. These are the clubs where people go to get together to build up each other's spirits and generally enjoy a good time. This is in the face of 12 tough years up in northern Victoria, and this is in the face of three megafires — and this government is saying, 'We are going to ramp up fees'.

Equally our small businesses have suffered from 12 tough years and three megafires. Tourism and hospitality are the ways to go forward out of this problem, but what is the government doing? It is ramping up fees and making it harder for the bed and breakfasts that are used to providing complimentary port. When people sit down in the Murrindindi area to enjoy a nice bed and breakfast's hospitality with a nice hot fire in the winter and a complimentary port, the owner of that business will have to pay \$400 for making the port available.

I also have lots of correspondence from about 80 licensees in my area, interestingly, many of them from the electorate of Seymour. The Black Spur Inn,

the Buxton Hotel, the Flowerdale Hotel and the Reddrops supermarket in Alexandra are all small businesses that are hurting like heck as a result of these fees going up unreasonably. This is in the face of the regulatory impact statement saying the proposed risk-based renewal fees are not considered a burden on small business. What a load of rubbish.

The other point is that the Premier is not listening. He will not listen, although I should say the minister did meet a deputation last year. When the minister met the deputation he said, 'Yes, the program does need some finetuning or review'. That is code for, 'We stuffed up big time, but you're going to bear the cost for the next 12 months'. There was no progress until The Tote got closed. Yesterday we saw 20 000 people out there saying to the government, 'You've got it wrong'.

But the government does not listen. Most times there is no government member out on the steps, but yesterday we saw a number of government members out on the steps wanting to be seen — the member for Bentleigh, the member for Richmond, the member for Prahran and the member for Mount Waverley — and all were members whose seats are very close. They are dead scared of getting rolled because of this outrageous imposition.

**The DEPUTY SPEAKER** — Order! I was on the steps too.

**Dr SYKES** — I am sorry; the member for Oakleigh was there too. The message is that this government does not see the light until it feels the heat. In this case the government does not feel the heat until its backside is on fire. The people out there are torching its backside.

Finally, I am wearing a tie that has got an elephant on it. Everyone knows the elephant is an animal that never forgets. I say to the Brumby government and to backbenchers whose seats are at risk that the elephant is not the only animal in the jungle that does not forget. There are many, many people, especially in country Victoria, who will send the government that message on 27 November.

**Mr FOLEY** (Albert Park) — It gives me great pleasure to rise to speak on this matter of public importance. Before I start I cannot let the member for Benalla's comments go unchallenged. I would like to reiterate the point that the minister made earlier in the debate regarding our friend from Benalla's comments in the *Mansfield Courier* of 11 November last year headed 'Licence fee changes welcomed'. This is the

member for Benalla's letter; it is not a misrepresentation. It begins:

The Liberal-National coalition has cautiously welcomed the liquor licensing fee changes announced by the state government.

This mob opposite will say and do anything to get its name in the paper. That was last November's position. This year it has had five or six contrary arrangements so far.

In terms of how this matter of public importance has come before us, I am appalled and saddened in equal parts by the matter appearing under the name of the member for Malvern. He sits there on the opposition bench or in his leafy suburb, where no doubt the social highlights of the week are his efforts at croquet or a civilized trip into town for a smoke at the Melbourne Club with the old boys. He needs his opportunity to get out with the chaps, no doubt.

This matter of public importance reflects the unworldliness of someone who is apparently seen as the future of the Liberal Party. It reflects his part-time approach to his consumer affairs shadow portfolio now that the shallow gene pool of talent has demanded that the member for Malvern take on extra responsibilities. It reflects the unworldliness over on that side. It reflects that his part-time status as shadow spokesperson for consumer affairs and his extra roles are anything but the future of the Liberal Party. It is not the elephants on the back bench but the shallow gene pool on the front bench that reflects a range of concerns about this matter of public importance being dished up for us here. First and foremost it reflects an absolute and I think deliberate misunderstanding of what public policy and regulatory policy means in this state when it comes to the important issue of liquor licensing. I take the member back to the alcohol action plan as the foundation from which the public policy arrangements flow.

Secondly, the matter of public importance reflects the worst attributes of the members of this opposition and this shadow minister in particular when it comes to public debate in this state. Their appeal is always to the lowest common denominator. They will say and do anything to grab the headline. They fail to do the hard work on policy linkages and the implications of their position. They fail to see the changes in public and community behaviour and the fact that those changes in community attitudes need a coherent policy response, which this government has delivered.

This reflects the continual abandonment by the rabble opposite of the long-term ideological basis of the once-

proud Liberal Party when it comes to hard work and its public policy position. It is in keeping with its position on most important issues — that it fails to do the work, it fails to propose anything different, and it fails to explain its position in a proper and coherent sense.

Let us consider the application of this matter of public importance (MPI) and some of the specifics. Despite its parading as supporting risk-based fees, it dresses up its opposition to a risk-based system. That is what this MPI does. We have heard the minister deliberately point out that the position of those opposite is to oppose a risk-based system; it would deliver to the taxpayer the burden of the regulatory regime that would see some of the worst performers profit and gouging profits being delivered.

I have read the MPI and heard the shallow comments of those opposite in public and in this place, which display not the rhetorical position but the reality of what they claim is their view. It says that those bad-performing venues that have sought to avoid regulatory scrutiny over time can gouge their way to, in some cases, mega profits on the back of the taxpayer-funded system and have a friend in the Liberal Party in the member for Malvern. It says that for those operators who seek to run venues that are unsafe — in my electorate we have had instances of dwarf tossing and of ‘no undies Mondays’ — all their arrangements are supported by those opposite.

Their opposing time and again the introduction of the risk-based system shows the true colours of those opposite — that they will say anything for the headline, and that they oppose the policy position of this government and those of all comparable regulatory systems in comparable jurisdictions around the world to move to this kind of system. These people are out of step with reality and with community expectations about tackling the changes in community behaviour and dealing with risk-based approaches to alcohol-fuelled violence, particularly in and around entertainment precincts.

But we really should not be surprised, because their position is to continue to oppose everything that deals with changes in community safety issues in and around particularly entertainment precincts such as those in my electorate, and presumably, given the high social activities of Malvern, they have well and truly passed that community by.

The princes of public policy paucity over there, the protectors of the booze barons, those who oppose any measures that come up with such arrangements are the people — —

**Mr O'Brien** interjected.

**Mr FOLEY** — The member for Malvern would be better placed not misusing his electoral allowance by distributing his material in other members' electorates and instead — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order!

**Mr FOLEY** — He should do decent, hard work in this policy area rather than misusing taxpayers funds; he has no regard for taxpayers funds. With his policy position he wants to make sure that the 120 police that this system will deliver on the ground in the hot spots where there are issues in and around entertainment precincts across the state will not be there. He wants to make sure that the 40 full-time inspectors who work 24/7, despite the myth that the author of fairytales up on the back bench from Benalla might have us believe, and who are out there delivering day in, day out — —

**Dr Sykes** — On a point of order, Deputy Speaker, the member for Albert Park is misleading the Parliament.

**The DEPUTY SPEAKER** — Order! There is no point of order.

**Mr FOLEY** — I stand by my earlier comments. Let us start at the most basic of premises for dealing with this apparent matter of public importance being paraded here today. The issue of a risk-based licensing system is a key plank of the much broader policy outcomes that this state seeks through the Victorian alcohol action plan.

As members well know, that action plan is made up of three key areas. The first is the area of health. I assume those opposite would support the notion that activities around the abuse of alcohol is a major endemic health problem in our community. The second area is education and cultural change. We want to send a message around what has been an emerging pattern over a few years now of alcohol consumption as a whole, per head of population, reducing but alcohol being consumed by a small cohort of the population — sadly, young people, male and female — in a particular time frame and in particular types of venues.

The third area is the compliance and enforcement plank. It is this plank that those opposite have sadly and continually sought to oppose. They can dress up their argument to say they support a risk-based system. They can dress up their argument to say they support compliance and enforcement. But when given the opportunity time after time to do something about it, to take a decision and support measures to do that, they are found wanting, because they are a vacuum when it

comes to having a coherent, ideological public policy position in this area.

I will wind up by pointing to the efforts made by those in the compliance and enforcement area. We are starting to see amendment and reform in this area. A few years ago the St Kilda Festival had a notorious reputation for violence and trouble. Two weekends ago we had 400 000 people at the festival. The combined efforts of the regulatory regime — the City of Port Phillip, Victoria Police and the compliance inspectorate — returned a record low number of incidents so that 400 000 people enjoyed the best of live music in this city with a minimum of alcohol-fuelled violence.

**Mr DIXON** (Nepean) — It is a pleasure to support the matter of public importance proposed by the member for Malvern. I wish to speak about how the government's new liquor licensing laws are going to affect the community organisations on the Mornington Peninsula, and specifically the tourism industry in my electorate.

I will start at Mordialloc, where licensing fees for the Mordialloc Life Saving Club — hardly a hotbed of alcohol-fuelled violence! — have increased from \$93 in 2009 to \$397 in 2010, a 326 per cent increase. The Parkdale United Cricket Club, a tremendous cricket club with a restricted club licence, has seen its fee increase from \$98.70 to \$397, a 300 per cent increase. First Class Hampers in Mordialloc, again hardly a hotbed of alcohol-fuelled violence, has a renewable limited licence and sales only by internet or telephone; it has seen its fee go from \$93 to \$397, a 326 per cent increase. This is how it affects the ordinary, everyday clubs and organisations on the Mornington Peninsula.

I will now move to Frankston, an area which is closer to my electorate, where the Frankston Dolphins Junior Football Club has a renewable limited licence which only operates in the football season, between April and September. The club's fee has increased by 326 per cent, from \$93 to \$397. The Centenary Park Golf Club, where I would say there is hardly any alcohol-fuelled violence, has a full club licence, which has gone from \$261.80 up to \$795 this year, representing a 203 per cent increase. The Frankston RSL, another great community organisation, has a full club licence; its fee has increased by 203 per cent, from \$261.80 to \$795.

I move now to my electorate and the effect that these laws will have on the tourism industry in my electorate. I have had a number of emails from tourism organisations and businesses explaining to me how the increased fees are affecting them. I received an email from Cameron Chapman of Topez, who says:

Topez is a small family run business that commenced operation two years ago ... Profit from sales does not exceed \$2000 —

a year, so that is a very small business —

... The increase in the new liquor licensing fees by over 400 per cent means that we are now forced to close our business which we have spent endless hours and dollars in promoting. We appealed the fee but like every other operator we have spoken to the appeal was rejected.

...

We are extremely upset at having to close our operation so I hope that in some way messages like this can reach those responsible.

And that is what I am doing here; it is a pity the government is not doing that. That email continues:

We are now left with over \$40 000 worth of stock that we will have to discard or dispose of via other means as we cannot afford the new fees.

I also received an email from Ann and Ian Duncan of Briarswood Cottage bed and breakfast, again hardly a scene of alcohol-fuelled violence and knifings; it is a cosy bed and breakfast in Mount Martha. They say:

Please find attached a letter sent to the Minister for Consumer Affairs which explains our objection to the increase of our licence fee. We had a response two months later which stated that our letter was noted but no reduction was available to us. Therefore we have not renewed our licence and are now not able to sell or serve liquor to our B&B guests.

I also received an email from Kay and Rick Smith of Olivers Creek Retreat in Tyabb. This is a bed and breakfast in the sleepy little hamlet of Tyabb, hardly a scene of alcohol-fuelled violence and knifings, but they are being forced to pay. They say:

We own and operate a bed and breakfast cottage for two guests ... and have done so for nine years.

We have maintained a 4.5-star rating ... To maintain star ratings —

they need to provide extra requirements. What they do is include a 'complimentary provision of port or sherry for guests' in that bed and breakfast. They have a cosy little bed and breakfast, providing a romantic getaway; they are not roaming the streets of Tyabb, violently kicking in windows and starting fights, but they are being made to pay for this. They say:

We had a small complimentary decanter of port for guests ... We have several packages available ...of ... either French champagne or a local wine.

However, they just do these packages about four times year. In 2009 their licence fee was \$93:

In November 2009 we received a letter stating that our licence fee for 2010 will be increasing by \$304 to \$397.

At the end of their email, they say:

The effects of this exorbitant and prohibitive fee increase to our establishment means we no longer provide complimentary port to guests —

so they cannot offer the service that they normally do —

we no longer do packages with wine included and rather than drop our star rating we have dropped out of the AAA tourism star rating program altogether, it also means the Victorian government are now losing \$93.00 from every small establishment in the same predicament as us.

And that is indicative of a lot of establishments along the Mornington Peninsula and, I am sure, in other tourism areas as well.

I also received an email from Naomi and Peter Nicholson of Tamasha House, Melbourne Road, Sorrento — hardly a scene of alcohol-fuelled violence. They have their hands in their pockets too:

We have run a bed and breakfast for 15 years in Sorrento. I was an original member of the Victorian B&B Association.

They go on to say:

We have paid \$50 a year for some years, then a year or two ago it became a limited licence and the cost went to \$90. This year it is \$390 and we decided it was not worth it.

They, too, have scrapped the extras that they offered — a complimentary glass of wine — to guests at their quiet bed and breakfast in Sorrento.

**Mr O'Brien** — Now the streets are so much safer!

**Mr DIXON** — That is right. The people who used to go to this bed and breakfast in Sorrento would have their glass of complimentary wine, go out there and knife people; they would start fights and would kick in windows in Sorrento. Hardly! They should not be punished for this sort of thing.

Also Kay Wheeler from the Petit Amour Cottage in Mount Martha emailed me. She said:

There is a large group of accommodation providers, bed and breakfast operators within the Mornington Peninsula and across the state, that are concerned about this issue and [the] impact it will have on their businesses and tourism.

I personally am a small sole operator of a self-contained cottage in Mornington ... one couple per booking.

She provides romantic escapes, and went on to say:

I have been actively promoting and providing one bottle of wine with cheese and biscuits on arrival since [I] started in business seven years ago.

...

Added to this is the fact that I insist the complimentary wine I provide be local Mornington Peninsula wine.

So these are the flow-on effects to the whole tourism industry, and industry on the Mornington Peninsula. The email further says:

I purchase approximately 5–6 dozen bottles of Mornington Peninsula wine a year, the cost of which is approximately \$600. When I first obtained the licence it was around \$50.00 per annum ... The fee then went up to \$90.00 per annum ... This latest renewal fee of \$397.00 will dramatically impact on my ability to continue to provide the complimentary wine ...

Another bed and breakfast operator decided she was so upset about what it was going to cost her that she looked at what was happening in other tourism destinations. For example, she looked at Queensland; it seems there is no liquor licensing required for any premises that have less than six guests, which would encompass most bed and breakfasts that we have in Victoria and obviously in Queensland as well.

Here we see, whether it be in Frankston or Mordialloc, community organisations and the very important tourism industry on the Mornington Peninsula — our biggest industry; there are so many small business operators running bed and breakfasts and other small tourism operations — being dramatically affected by this unfair licence. These are the real, everyday people who should not be punished for what is happening in King Street and in other areas of Melbourne.

I accept it is not just King Street; it is happening in other areas of Melbourne. But what is happening is that very small businesses that are trying to do the right thing are being punished by this strike with a massive hammer that is just not required for these sorts of businesses. They deserve better, and I implore the government to go back and look at this whole system and start again. I compliment the member for Malvern on the fantastic work he has done on this and in bringing forward the real issues and their effect on real people, real community organisations and real businesses.

**Mr LUPTON (Pahran)** — I rise to speak in opposition to this matter of public importance and to delve into a number of issues that have arisen over recent years in Victoria, which have led to the need to make changes to and improvements in liquor licensing in order to best deal with the problems that are caused by alcohol abuse and alcohol-fuelled violence in our community.

It is an issue that has arisen in numerous places around Australia and around the world. It is not a problem that is restricted to Victoria but as a government and as a community, we have to take responsible steps to ensure that the response to these emerging issues is adequate and that the community, both in its sense of amenity and in its sense of safety, is properly protected.

As a community we all have a responsibility to play a role in this respect — not just those of us who are members of Parliament, not just people who enjoy going out to have a drink of an evening, and not just people who live in areas that are potentially affected by alcohol issues. The whole community has a responsibility. That includes those who operate licensed venues in Victoria.

Historically we have had a system where those who operate licensed venues and who make profits from that industry have been supported by the taxpayers of Victoria because of the cost involved to the taxpayer being far in excess of the charges that have been imposed on that industry. Over the last year or two the government has made a conscious decision to recover the full costs of compliance and of policing alcohol-related harm in our community. It is time the licensed venue industry in this state paid its fair share of the costs that the community otherwise has to bear in cleaning up the mess of alcohol abuse and alcohol-related violence.

I think the principle I am enunciating is one that is readily accepted by most people in the community. Certainly most people in my community accept that principle — that those who are engaged in the business of service of alcohol need to pay the price of the regulation of that industry, of ensuring compliance with the liquor laws and of ensuring we have the police in place to deal with the public safety and amenity issues caused by alcohol abuse.

It is not simply what goes on in licensed premises that is the issue here. What goes on in licensed premises spills out into our streets and our communities, and it is that part of the cost of alcohol and the cost to the alcohol industry that industry members need to be responsible for in addition to simply what goes on in their premises. It is no good any longer for those involved in the industry to say, 'We will push the problems out onto the footpath and into the residential streets around entertainment precincts and in other parts of the state, and it is up to other people to clean up and pay the price'. We all as a community have a responsibility in this area, and the risk-based liquor licensing system the government has brought in in two

stages over the course of the last year or so is designed to do just that.

**Mrs Victoria** — It's not risk based.

**Mr LUPTON** — The basis of the system is cost recovery and taking risk into account. All fees have gone up to some extent, but — —

**Mr Burgess** — So somebody with no risk shouldn't have to pay any more?

**Mr Hudson** — It's cost recovery.

**Mr LUPTON** — It is cost recovery and risk based. The cost recovery in the system needs to be applied to that extent to anybody who is the recipient of a liquor licence in this state. We are talking about fees in a range of \$300 to \$400 in most cases for limited licences. For cafes, for small operators and for restaurants the fees have been kept very low, and the big fee increases have been applied to the big pubs, the big nightclubs and the sexually explicit entertainment venues. Those venues in King Street are paying \$30 000 a year where they were paying previously low fees.

**Mr Nardella** — How much?

**Mr LUPTON** — Thirty thousand dollars a year. They are paying fees commensurate with what we believe to be an appropriate response in relation to risk.

The whole issue of businesses that are licensed venues is historically a pretty complex one. I have talked to licensees, and particularly with licensees in my own area I have had numerous discussions about licensing and fees and the way in which these things can impact on business, and one of the important principles that licensed operators broadly understand is that unsafe entertainment precincts are not good for business. People do not want to go to places where there is risk of harm. What is good for businesses, licensed venues and others in these areas is safer precincts where people are happy to go out at night knowing they are going to be safe and can enjoy themselves and have a vibrant night-life in a dynamic city. That is what we want. We do not want the unsafe aspects, the violence and the other things that go with alcohol-fuelled violence and abuse.

We put in place a scheme that will achieve those outcomes, and the licensed venue operators need to be able to pay that fee in order to deliver the outcomes. What are the outcomes? More police, more compliance officers and a range of extra powers for the director of liquor licensing to ensure the safe and responsible service of alcohol.

When we look at some of those powers, what do we find? These liquor licence fee increases will pay for 120 extra police on the streets to go to those hot spots where alcohol-fuelled violence and alcohol abuse are serious problems. And they are problems around the state. The Allen Consulting Group study found that about half of the licensed venues that had the highest assault rates in the state were outside metropolitan Melbourne, so do not let anyone suggest that this is just a King Street issue or just a metropolitan Melbourne issue! We need those extra police, and this liquor licensing fee scheme is going to deliver those extra police on the streets as well as the extra compliance officers, and that is important to make sure that licensed venues are doing the right thing and complying with the law.

Where do we find the Liberal Party on this issue? In my own area a little while ago the Liberal Party was putting out material saying all licensed venues should shut by 2.00 a.m. It was a blanket approach. We are not talking lockouts here; we are talking ‘Close the doors; everyone out!’ at 2.00 a.m. Then, once the new liquor licensing fees were announced and a campaign was started by the Liberal Party and some of its supporters about fees, it dumped all of that. It dumped the, ‘We are against late night venues’ and now has started to say, ‘It is not the venues at all; it is just the drunks’ — and they were just getting drunk from nowhere in particular! It is saying it was just drunks and the venues have no responsibility at all.

The Liberal Party flip-flops; it changes its position and is completely unreliable when it comes to all of these issues of community safety, liquor licensing and community amenity. Opposition members will say anything to anybody they are talking to in order to try and get the support of any protest group that is going around in this state.

**Mr O’Brien** interjected.

**The DEPUTY SPEAKER** — Order! The member for Malvern will cease interjecting.

**Mr LUPTON** — People do not like paying taxes, but this Liberal-National coalition, in opposition, simply goes to people and says, ‘We do not want you to have to pay fees. We do not want you to have to pay any of these charges. We will support you’, but they come up with no positive propositions at all; they just oppose everything that is put forward in this Parliament — from banning notices from the director of liquor licensing to having extra powers to close down unsafe venues — all of these things are opposed by the Liberal Party, and this MPI should be opposed.

**Mrs VICTORIA** (Bayswater) — It is a great pleasure to speak on this matter of public importance in regard to liquor licensing and to stand here and condemn the Brumby Labor government for introducing these absolutely ridiculous, unfair, discriminatory and unreasonable changes to liquor licensing fees. I have many quotes that I am going to give the house, from local businesses and those further afield.

There was talk that risk-based renewal fees are not considered a burden on business. How can anybody come out and say that, when they are looking at very small businesses — and again I will give members some examples of that in a moment.

How can anyone expect small businesses and community groups such as we have been talking about, such as bowling clubs and all types of things here, to be able to afford collectively to cough up \$20 million a year in additional fees — in other words, in additional taxes for this government to go and spend? The government says it will be spent on police. We do not have enough police in Boronia as we speak, but that has nothing to do with alcohol-fuelled violence. On a daily basis, during daylight hours, the area does not have enough police to put on the beat, so that government claim is absolutely null and void.

One reason for the flat tax for all liquor suppliers is the notion of ‘prefuelling’, which I know some of my colleagues have spoken about. This is why they say they can get away with charging suburban packaged liquor outlets far more money than they have been doing in the past, and that is because they say people are getting drunk before they go into town, so city-bound revellers — who, of course, are the only people who shop at local liquor outlets in my area! — get drunk before they go into town.

If this is the case, why when they get into town are the bouncers not stopping them at the door? Perhaps we should be looking at the licences of those larger premises, where the bouncers are perhaps not doing their jobs. Why are we not looking at the protocols in place in these establishments? Why are they not refusing entry before the problem gets so much worse?

Let me give you some examples. These are not made up; these are not airy-fairy. These are real things that people are telling us.

**The DEPUTY SPEAKER** — Order! I remind the member for Bayswater to speak through the Chair. When she says ‘you’, she is actually addressing me.

**Mrs VICTORIA** — I beg your pardon — you collectively, on the other side.

Our local tennis club, the H. E. Parker Reserve in Heathmont, is a very small club. It has a BYO licence. It changed its constitution to obtain that BYO licence so that people, perhaps from a visiting club, could bring along some beer to have after Monday night tennis, if it was a hot night, or to have a Saturday afternoon casual barbecue for members once a month, if they wanted to come along. What had been happening was people, knowing that they did not have a liquor licence, would stand outside the perimeter of the courts, in the car park which is council land, and that is where they would have a drink.

The club did the responsible thing, it got its BYO licence, but instead of it being charged about \$90 a year, it is now paying \$397 a year — just so they do not get into trouble — but \$397 is an incredibly large amount for a very small club to find every year. That amount could go towards paying their light bills or on maintenance around the club — all sorts of things. About \$300 may not be a lot of money for members opposite, who have extreme wealth, but to a local club, \$300 is a lot of money; it could use that \$300 in so many different ways. The club says it did not receive notification of how to apply for a reduction, so perhaps it will now have to wait if a new round of reductions is going to be in place next year.

The Noise Bar in Brunswick — and I need to explain that ‘noise’ refers to cultural noise, not volume — supports, develops and assists Australian culture and artists. It can host anything up to 1000 artists a year on two stages, but that figure is a little misleading because the audiences can be only up to 225 people. The audiences range from literally zero for bands or artists who come in without a following but simply want to be filmed, so they make a TV program called Noise TV, which is streamed online. It was on SBS for three years.

It is now online. It is philanthropic. It is a not-for-profit establishment. In order to comply with the new laws, they had to put in CCTV at a cost of \$75 000, and last year they paid an extra \$50 000 for additional guards.

We are talking about places where you do not have a large audience. As I said, this is philanthropic. They aim — they have accommodation on the premises — to house, feed, employ and train emerging artists.

This is to help artists develop themselves in a creative sense, so perhaps they can go on and create employment for themselves as artists. This is an alternative to busking, and these people have not been

able to open their doors since Christmas for this type of activity because of the amount of money they are going to have to pay.

They are aware of sound pressure levels. Before they opened they consulted their neighbours, council and police. They do everything within the rules. It is taking away the opportunity for film and TV students to learn how to put together a TV show. In fact, even the Premier has been on this TV show — but it will no longer exist if there are no bands to film.

They have never had an issue with violence. Their live music is seen as a social gathering where all classes are equal, and they simply do not have a problem.

Simon, the owner, says, in talking about Sydney, it is:

a lifeless, soulless town where the only good thing to do is eat. They are very good at restaurants, but the live music scene is dead. So many come to Melbourne for Noise TV to be able to perform and get some experience.

Rattlers Hotel in Wallan is a small hotel. It was a refuge during the bushfires. Its liquor licensing fee was \$500 in 2006; in 2009 it was \$2385. Add to that the unbelievable increases in insurance premiums and when you combine the two — the increase in the licence and also the insurance premiums because of the fire services levy and that type of thing — their fees have been increased by \$8110. That is not the total; that is the increase.

It is a very small pub. It is very family friendly, without trouble and, as I said, has been an amazing support to the community, yet it is having to cough up an extra \$8000 a year. The publican there is really not sure how she is going to do it.

What is the member for Seymour doing about that? That is a good question! How do the hotels within the bushfire-affected region expect to re-establish themselves if they cannot open and operate in the way that they would like to? The Premier is very determined to shift the blame onto pubs and clubs instead of taking some responsibility himself for what is going on.

Let me quickly tell members about Bayswater Cellars. They have been operating for over 100 years. Their fees have gone up from \$249 to \$1590 — a 530 per cent increase. Add to that council rates, land tax and insurance increases, and you have an extra \$6000 or \$7000 a year imposed there on those cellars. The owner applied for a hardship exemption, but was knocked back. He is self-employed; he only opens from 12 noon to 7.00 p.m., six days a week — with no violence and no trouble, but he is copping the extra.

Schokolade is an establishment which has been operating for four years; Troy and Michelle are hardworking small business owners. They supply 7 to 8 dozen bottles a year in hampers to celebrate birthdays, Valentine's Day and all of that sort of thing. They paid their accountant \$300 to do the exemption paperwork but were knocked back, so the fee has gone from about \$90 to \$397, plus the on-cost of the accountant because they did not have time to do it. They were told that basically the impost has to be seen to break the business before they will get the exemption. Why do we have to break businesses in order to give them exemptions? It is absolutely ridiculous.

I turn to a key example. The minister responsible for this ill-conceived scheme, the member for Mitcham, has in his electorate the Mitcham IGA supermarket plus its liquor store. The fee for a packaged liquor licence was about \$250 in 2009; it has increased to \$1590 this year. That is a 536 per cent increase. Compare that to Dan Murphy's in Alphington — and I think you can gather the volume difference there — which is only paying \$795 a year. It is paying \$795 in comparison to \$1590. Do not forget that if these premises want to open later, or on Anzac Day, Christmas Day or anything like that, they will be coughing up an extra \$4770 on top of their \$1500 licence. How can the government get away with that?

Let us have a look at Forest Hill and what the member is doing over there. Let us have a look at the AMF bowling alley in Forest Hill — and it is not exactly a hotbed of violence over there. It has an on-premise licence to trade until 1.00 a.m., Monday to Saturday. Its licence fee has gone up from \$323 to \$2385. That is a 636 per cent increase. I want to know what the member for Mitcham is doing, I want to know what the member for Forest Hill is doing and I want to know what the Labor Party — and, I have to say, the benches on the other side of the chamber are very vacant at this point in time — is doing to help small business.

**Mr HUDSON** (Bentleigh) — I rise to speak against the matter of public importance put forward by the opposition, because the government has introduced a risk-based licence fee system that meets the cost of regulation. Fees are based on the type of licence held and on an assessment of the licensed premises against a number of risk factors. Quite frankly, those risk factors are common sense. If you look at late-night venues, you will see the risk factors — they are larger venues, they are trading after 1.00 a.m. and they have a large number of patrons.

It is obvious that under this structure late-night venues will continue to pay the highest fees, with smaller,

earlier closing venues paying less. Venues with a capacity of fewer than 200 patrons and venues open only until 1.00 a.m. do not pay a risk-based fee. Venues that require more policing and regulation are paying more because it costs the public more to create a safe environment at those places, and venues that have a poor compliance history are going to pay more in 2011.

When members of the opposition talk about this, they seem to talk about it as if alcohol-related harm has no cost. Let me remind the house that the turnover of alcohol sales in this state is in the billions of dollars. Alcohol-related harm in the Victorian community costs \$4.3 billion, and the cost of that alcohol-related harm to the Victorian taxpayer is \$366 million. This is where the member for Malvern does not understand what is going on. On several occasions in this place he has said, 'We do not need more bureaucrats with biros, we need more cops with cuffs'. What the member for Malvern does not understand is that this system delivers both of those things. The new risk-based liquor licensing system has delivered 120 extra police to the hot spots around Melbourne and around the state. The member for Malvern wants to take those police off the streets by scrapping the \$20 million increase in liquor licence fees.

The liquor licensing compliance directorate is making sure that licensees meet their licence requirements. It is making sure they are serving alcohol responsibly, it is making sure they have CCTV (closed-circuit television), it is making sure they employ the appropriate level of security and it is making sure there is a reduction in the negative impacts of the operation of licensed venues on the neighbourhoods around them. Those bureaucrats the member for Malvern loves to deride are actually having an impact. They have undertaken nearly 17 000 inspections, issued over 2900 voluntary compliance letters and initiated over 50 criminal investigations for liquor offences. Licensees are being forced to clean up their act, they are not serving alcohol to minors, they are not serving alcohol to intoxicated people — they are making sure their venue is compliant. Not only are those bureaucrats having a direct impact on reducing alcohol-fuelled violence, they are also ensuring that police resources are freed up to deal with problems on the streets outside the venues — problems that are caused by alcohol-fuelled violence. The member for Malvern obviously has no idea how the compliance regime works.

On the question of small live music venues, for over a decade the director of liquor licensing has imposed special security conditions on premises that trade after 1.00 a.m.; on premises that provide live or recorded amplified music; on premises where amenity concerns

have been raised by residents, police or the local council; on premises where there have been incidents of alcohol-related violence and antisocial behaviour; and on premises where the licensees have been found to be in breach of their conditions. These special security conditions have required those venues to have CCTV, to ensure that all staff are trained in the responsible service of alcohol and to employ a specified number of crowd controllers, which to date has been two for the first 100 patrons and one for each additional 100 patrons after that.

Representatives of the music industry have said they are concerned about the general rollout and enforcement last year at all venues of those conditions relating to the number of crowd controllers they are required to have irrespective of the nature and size of the venue and irrespective of when they play live music. The government has listened to that concern. That is why the Premier initiated the round table with the music industry to discuss those concerns. That is why a task force that I chaired was able to come up with an agreement with Fair Go 4 Live Music, with Save Live Australia's Music and the newly established Music Victoria, where it was agreed in writing that live music venues could ask the director of liquor licensing to reverse the imposition of special security conditions relating to crowd controllers with the agreement of Victoria Police.

Let us be clear about this measure: this does not affect the imposition of specific licence conditions that apply as a result of compliance issues. It does not affect mediated outcomes agreed with local government, with residents, with the director of liquor licensing, with the police or in line with planning requirements determined by the Victorian Civil and Administrative Tribunal. Where a licensee clearly wants to keep their licence, they know that to do that they need to have appropriate security. Licensees will still be expected to maintain a safe venue, having proper regard for issues of amenity.

**Mr O'Brien** — The fees are still going up.

**Mr HUDSON** — The member for Malvern says by interjection that the fees are still going up. The fact is that licence fees are there to recover the costs of regulation and to ensure that venues are properly policed.

Because members of the opposition have no policy they tried to cash in on the music rally yesterday and the passion generated by live music lovers by holding up placards which said 'The Liberals support live music'. The response from the crowd — which was to tell the Liberals where to go in language that I cannot repeat in

the Parliament — showed that those people know how shallow that response from the Liberals is. They know that the Liberals do not have a policy on this and know nothing about the operation of live music venues. They know that members of the opposition are not the ones who are going to support live music venues. They know that the opposition has no policy on such venues and that probably opposition members have not even been inside them. They know that it is this government that is supporting young musicians through the \$7.1 million Victoria Rocks music program, giving them a start in the industry and giving them the opportunity to showcase their talents and to have the start they need in the live music scene.

At the rally the master of ceremonies, Brian Nankervis, described the display of those placards — members of the Liberal Party were holding up banners that said 'The Liberals support live music' — as one of the weirdest things he had ever seen. People who were at the rally know that is a complete sham and a farce, that that is not the case. What the government has done clearly is shown — —

**Mr O'Brien** — They welcomed our support. Go on — finish the quote from the *Age*! They welcome our support.

**Mr HUDSON** — Mr Nankervis said, 'Well, I guess we are all in this together'.

**Mr O'Brien** — Exactly.

**The ACTING SPEAKER (Mr K. Smith)** — Order! Through the Chair!

**Mr HUDSON** — People who were at the rally have seen through members of the opposition. They know the opposition does not have a policy. They know that the opposition does not support live music venues. They know that opposition members wanted to close venues at 2.00 a.m. Those people also know that in order to operate beyond 1.00 a.m. they need to comply with security conditions, including providing appropriate crowd controllers and respecting the amenity of the local neighbourhood in order to stay open. I oppose the proposition put forward by the opposition.

**Mr WAKELING (Ferntree Gully)** — The rambling contribution to the debate from the member for Bentleigh shows just how out of touch this government is. After being in power for 10 years its members are standing up in here to try to defend the indefensible. What an outrage! What a disgrace! Government members are saying that the government is putting in a licensing system which is responsible as it applies to

small businesses. The government should go and tell florists, who have had significant increases in their fees, that the increase is due to all the violence that is taking place in the florist shops around Victoria. The government should go to businesses that put chocolates and a bottle of wine in hampers they sell that their increase in fees is because of the violence that is taking place in the chocolate shops around Victoria. It is a disgrace. The contributions from government members are ridiculous.

The matter of public importance that has been put forward by the member for Malvern is significant for businesses around this state. We on this side of the house are unashamedly supportive of the needs of small business in this community. Unlike those opposite, we will stand up for the needs of small business. The fundamental problem we have with antisocial behaviour in this state is the lack of police on the beat patrolling the streets of Melbourne. Government members can pretty it up as much as they like. They can attack the florist shops, the bed and breakfasts and the chocolate providers, but the reality is that antisocial behaviour has burgeoned under the watch of those opposite.

The government should not blame the opposition or blame the state; it is the government's responsibility to provide enough police on the beat to deal with antisocial behaviour. Instead of that this government has gone out and attacked legitimate small businesses which, I would like to remind the member for Bentleigh, are not responsible for the antisocial behaviour.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr K. Smith)** — Order! If the member for Bentleigh and the member for Malvern want to go outside and discuss the matter, they can do so. They should not do it across the table when someone else is on their feet.

**Mr WAKELING** — Thank you very much, Acting Speaker. The member for Bentleigh should know better. I would like him to come out and talk to a golf course operator who has had a significant increase in fees. He should ask that golf course operator why he is having to suffer an increase in fees, because he certainly is not responsible for the alcohol-fuelled violence that is taking place in King Street. The way in which the government has handled this issue is a sham, and it is interesting to see the response of those opposite. Government members are more than happy to defend the situation, but more importantly many of them have sat on their hands and said nothing. I would

be very interested to hear a contribution to this debate from the member for Gembrook, for example. I would be interested to hear how she feels about how much the 3 Kings Bed and Breakfast, a hotbed of antisocial behaviour at Yarra Junction, has suffered due to an increase in fees. The fees have gone from \$93 to \$397 — a 326 per cent increase — because of all the antisocial behaviour that is taking place at that bed and breakfast!

What about the Mount Thule Vineyard in Gladesdale, which has suffered an increase in fees of 75 per cent, from \$226 to \$397? It is an absolute disgrace. What about the volunteers at the Belgrave fire brigade social club. There is a hotbed of antisocial behaviour amongst those volunteers, who have suffered a 258 per cent increase — from \$154 to \$397 — because this government cannot look after antisocial behaviour that is thriving in this state! Instead of fixing the problem and providing more police on the beat, which the community, providers and hotel operators are calling out for, government members are punishing bed-and-breakfast operators, vineyards and fire brigade volunteers in Belgrave. It is an absolute disgrace. I cannot believe that government members can sit stony faced in this place and not be prepared to do something about fixing that problem. I would be interested to hear what the member for Gembrook is going to do about fixing the situation for these three organisations in her electorate.

I turn to the member for Mount Waverley, who is the Minister for Children and Early Childhood Development. Let us look at some organisations in her electorate which apparently contribute to the levels of antisocial behaviour and violence in the community. What about the Mount Waverley Bowling Club? I do not know whether we could justify a 203 per cent increase in that club's liquor licensing fees. I can imagine the crowd controllers lining up, ladies at one end and crowd controllers at the other for the men. That is just for the greens; let us not worry about getting into the bar. That is a 203 per cent increase in fees — from \$261 up to \$795. It is a disgrace. There is no legitimacy in that increase. No-one can explain to me how this risk-based approach applies. The member for Bentleigh talked about it earlier. How can he go out and talk to the Mount Waverley Bowling Club —

**An honourable member** interjected.

**Mr WAKELING** — He can talk about cost recovery or he can talk about whatever he likes, but I want him to go and talk to the people at the Mount Waverley Bowling Club and say, 'Your behaviour is responsible for a 203 per cent increase in your fees'.

**An honourable member** — Michael Gidley will stand up for them.

**Mr WAKELING** — I am sure Michael Gidley, the Liberal candidate for Mount Waverley, will. I know the member for Gembrook is very quiet on these issues, and I understand that Brad Battin, the Liberal candidate for Gembrook, will go into bat for these organisations. It will be interesting to see if the member for Mount Waverley will go into bat for the Mount Waverley Bowling Club, because if she does not, then I am sure Michael Gidley, the Liberal candidate, will go into bat for that club.

The next group to discuss is the Mount Waverley Catholics Cricket Club.

**Mr O'Brien** — You cannot trust those Catholics!

**Mr WAKELING** — The member for Malvern understands all about the Roman Catholic faith, and he would know if people of his faith deserve that 302 per cent fee increase. What a disgrace. That Catholic cricket club does not deserve a 302 per cent fee increase. How ridiculous is that? I am waiting to see the member for Mount Waverley go out and explain to the Catholic members of the local cricket club why that organisation suffered a 302 per cent fee increase.

I have not even got to the best example yet. It is the local cinema, the Waverley Cinema, at the Pinewood shopping centre. It is a privately operated cinema, and it is an institution for people in the east because many organisations have discount cards so that people can support the local cinema and then a percentage of the ticket sales is paid back to a local charity or school. I have a card for my kids' local school, but do we know if the Pinewood cinema has been a bastion of antisocial behaviour for many years? Parents would not take their kids on a Saturday afternoon to go to see *Shrek* if they knew there was antisocial behaviour. Justifiably, I am sure those opposite would say, that cinema deserves a 326 per cent fee increase. When the Pinewood cinema paid its liquor licensing fee it was increased from \$93 to \$397. Can anyone opposite, with any degree of legitimacy, stand up and explain to me how the Pinewood cinema, which has kids sitting there on a Saturday afternoon watching Pixar films, can justifiably be asked to pay a 326 per cent increase in fees?

What is the member for Mount Waverley doing to represent the needs of her local community? What is she doing to assist the operators of the Pinewood cinema? What is she doing to assist the local cricket club and the Mount Waverley Bowling Club? She is silent on these issues, as are most members opposite,

because at the end of the day the reality is that the violence is not occurring at the local cinemas, the violence is not occurring at our local bed-and-breakfast establishments and the violence is not occurring at the local bowls club — although it can get out of hand on a Saturday afternoon, I am sure! The violence is happening on the streets of Melbourne. Those opposite are charged with the responsibility of fixing this problem and putting more police out on the beat. The government has had its time; it has had its chance. It cannot deliver, and come November its time will be over.

**Mr DONNELLAN** (Narre Warren North) — That was a very ordinary contribution we just heard. It was an absolute load of drivel from the opposition. There was a lot of finger-pointing, but the opposition is not tough on crime, just big on whine. It is big on whingeing, not tough on crime. It will not support the extra 120 police we have proposed, and it will not ban dangerous and tasteless drink promotions, as we have done. The opposition would not support that, and I do not know what the problem is with that. It would not strengthen the director of liquor licensing's power to declare targeted lockouts, because it did not like that either.

The opposition will not support the basic things needed to get tough on crime, but it comes into this house to whinge, whine and prance around — like it did yesterday. There was the Dad's Army out the front of Parliament House dancing. Some friends of mine were in the crowd yesterday, and they thought it was hysterically funny — they thought Dad's Army had taken up dancing! We have seen no policy from the opposition, but we saw a couple of dancers and prancers sitting out the front yesterday with a couple of placards and not much else.

I remember when we introduced the hoon legislation there were a couple of members on the other side who were worried about the poor hoons. They put up the white flag — be kind to hoons week! Opposition members did not want to take cars away from the hoons if they had broken the law; they were a bit uncomfortable with that, because they like votes from all sides and everywhere. The opposition does not really have one side or another; it will jump from one to another the whole time. That is what we get from this opposition. We do not get a policy; we get dancers and prancers, but we do not get anything of great substance. We have nitpicking on the periphery, but we actually do not get policies from the opposition.

When we asked the opposition to give power to police to issue banning notices to remove patrons from venues

and entertainment precincts, it did not support that either. I do not know what 'tough on crime' means, but it is obvious the definition is a little bit different from what the opposition is providing us with at the moment.

The opposition would not allow the introduction of a compliance directorate to free up police resources either. It failed on those four fronts to be tough on crime, and that is quite tragic. The opposition is very happy to dance and prance and carry on like a pack of pork chops, but it does not deliver the things of great substance. That is really the problem.

Earlier in the week we had the moral police from The Nationals worried about what Tiger Woods has been up to in his underwear and things like that, but at the end of the day that is not law and order, that is the moral police. Let us deal with the substantial issues and not carry on like a pack of pork chops about what a very good golfer does in his private life. It is none of my business, and it is probably none of anybody's business. At the end of the day that attitude is not going to deal with the serious issues such as law and order. This is very much about being big on whine but no good on dealing with crime. That is the real issue here — that the opposition might deal with some moral issues but it will not deal with the substantive issues of law and order.

What is going to happen to the extra 120 police that we have proposed in the overall scheme of dealing with law and order if the Liberal Party does not believe someone is going to have to pay for them and The Nationals do not believe it either? I do not know how you can have an extra 120 police when you cannot provide the revenue to pay for them. It is magic pudding stuff. It is a bit like when we saw former federal Treasurer Peter Costello's colts sitting in federal Treasury when it was awash with mining money and you could bribe everybody. You had a bribe because you were alive, and you had a bribe because you deserved one. The fact is that in Victoria we are not awash with mining money that can be thrown around willy-nilly: you have to make sure you can fund these things. We are suggesting the industry needs to pay for these things, and we will have the extra 120 police to deal with the issues that the community considers are so serious.

The Liberal Party and The Nationals say they love the user-pays system, but not when the users have to pay; that is the problem. They love the theory, but when it comes to the practice they will not touch it. They say, 'We do not want to make people pay for what are very sensible policies'. In other words the broad community of taxpayers will have to pay for this, and that is where

the opposition is focusing its attention. It wants the broad community to pay for it, so I guess we will run out and let the taxpayers know the Liberal Party wants everybody to pay. It is not the industry that should deal with what are serious issues; the opposition wants all taxpayers to put forward the money, and that is tragic.

**Mr O'Brien** — It is for fairy lights on the West Gate Bridge.

**Mr DONNELLAN** — At the end of the day we might have fairy lights or we might not have fairy lights, but the one thing we do not have is a policy from the Liberal Party and The Nationals. We have fairy dust thrown around everywhere. The opposition says, 'We like to do everything. Whatever you want we will promise you the world, but we will not deliver a policy'. Yesterday we heard about real and unreal water from The Nationals. We heard about water that was coming down a pipe that was not real. That is not a policy; it is a joke. We see press releases about it that are absolute drivel. I come back to the point that the opposition is big on the whine but it will not touch the crime. It will not deal with the substantive issues.

Let us look at what has happened in the last couple of months and at what the government has done to deal with the serious issue of alcohol-fuelled violence. The police have issued 2700 banning notices to remove troublemakers from entertainment precincts; initiated over 50 criminal investigations for liquor offences; undertaken more than 16 795 inspections and issued over 2900 voluntary compliance letters. That is dealing seriously with the issue; it is not just playing games. It is not just sitting around the edge and saying, 'We like a bit of this and we like a bit of that. We do not have a policy but we will promise the world'.

In 2009, 16 disciplinary proceedings against licensees were initiated at the Victorian Civil and Administrative Tribunal, and 20 individuals or companies were disqualified from holding a liquor licence for up to 15 years. The director of liquor licensing has banned 32 inappropriate alcohol promotions at 25 licensed venues since the new powers came into force. The Liberal-Nationals coalition would not support the measure because they did not want to be tough on crime. They wanted to be kind to everybody. They want to be kind to criminals and to other people who break the law because they would not mind receiving their vote. They do not want to deal with crime; they just want to be sweet to everyone. They want to be everyone's best mate. But the problem is when you are dealing with these issues you cannot be everyone's best mate. You have to have a policy. You have to have something of substance and not something that comes

and goes, like the 5000 poker machines the opposition was going to put in and then take out. That policy has gone all over the place. I am not sure where that is up to any more, but that was just another policy which never came to fruition.

What else has the director of liquor licensing done? She has entered into enforceable undertakings with major retailers Woolworths and Coles to improve their responsible-service-of-alcohol practices. The government, the director of liquor licensing and others are dealing with this in a serious way. They are not playing games. They are not playing populist politics by dancing out the front of Parliament House. They are dealing with these things seriously, and that is the difference between the government and the opposition. The opposition likes to dance, the government likes to deal with the substance of an issue, get on with it and introduce sensible policies based on proper research and consultation.

You might not please everybody, but at the end of the day you have to deal with these things in a substantive way. We are not afraid to make the difficult decisions. We are not afraid to tell people there are other issues about alcohol-fuelled violence, but the Liberal Party will not do that. It says, 'We want to be friends with everybody. We will promise you the world but we will not take anything away from you. Everything is just rosy. We will keep going down the happy mythical path with the fairy dust which we throw everywhere and we say that everything will be well'.

I remind the house again about what the Liberal Party and The Nationals did not support, because I think it is important that it gets on the record. They would not ban dangerous and tasteless promotions. They thought they were all right. Obviously the cougar girls are something the Liberal Party and The Nationals think are pretty special. We will call them the 'cougar boys'.

**Mr O'Brien** interjected.

**Mr DONNELLAN** — We have a couple of cougars over there.

**Mr O'Brien** interjected.

**Mr DONNELLAN** — Actually we have banned the cougar girl; we know she is not appropriate. The Leader of The Nationals banned her yesterday for Tiger. There will be no tigers in this house, thank you very much.

The director of liquor licensing has power to declare targeted lockouts. Opposition members would not strengthen the director's power to vary or suspend

liquor licences at problem venues. They love the whine but they will not deal with the crime.

**Mr TILLEY** (Benambra) — I find it enormously frustrating to rise to my feet to note that we are here again today speaking on a matter of public importance dealing with yet another failed Labor program. The Brumby Labor government stands condemned for its failed new liquor licence regime. Labor stands condemned for failing to act in an appropriate and timely manner to curb alcohol-fuelled violence in our streets. Labor stands condemned for using the issue of alcohol-fuelled violence as a cloak which it has tried to drape over what is essentially a \$20 million tax grab on small business and community organisations throughout Victoria. Labor also stands condemned for maintaining its out-of-touch view that this \$20 million tax grab and red-tape nightmare is not considered a burden on business.

Labor stands condemned for failing to recognise that it is not small business and community organisations that are the drivers of alcohol-fuelled violence on our streets. Labor stands condemned for failing to provide adequate opportunities for small businesses and communities to apply for reductions in their fees, which means inner city nightclubs, strip clubs and booze barns get a better deal under Labor than country pubs, restaurants and service clubs.

Over the past decade there has been an explosion of large-occupancy pubs, megaclubs and booze barns, most commonly found in the centre and inner suburbs of Melbourne, major metropolitan hubs and major regional centres such as Geelong, Ballarat and Bendigo. Accompanying the explosion of these booze barns has been an explosion in violent crime. Through a deadly mix of what has been a failed social experiment by this government and declining social standards, coupled with a number of rogue club operators and a Labor government which presides over a police force with the lowest percentage of operational front-line police in the country — —

**Ms Asher** — Shame!

**Mr TILLEY** — It is an absolute disgrace and a sham. We will stand and fight for those men and women who seek to protect our community. It is little wonder Victoria faces unprecedented challenges when it comes to alcohol-fuelled violence.

Let us look very briefly at the figures. Since the election of the Labor government the total number of violent crimes against the person have risen 40 per cent; assaults have risen 70 per cent and weapons offences

have risen 57 per cent. It becomes the staple of the Monday morning media for commentators to read out the casualty lists of victims who have been killed, bashed, robbed, assaulted or mugged by drunken criminals over the course of the preceding weekend.

What has been Labor's response? It is good to see the member for Melton has arrived in the chamber to hear this. There have been no new operational police, no new commitment, no sacking of incompetent ministers and no change to the attitude which permeates throughout all levels of this government of shirking responsibility, failing to make decisions and failing to take action to ensure laws already in place are enforced by government departments under Labor's control. Victorians and Victoria deserve better. I know that the coalition is well advanced in establishing its policy and will deliver not only to Victoria but to each and every Victorian, to ensure that they continue residing in a peaceful manner and get along with their business.

A little earlier the house heard a contribution from the member for Bentleigh. We are talking about certain venues, and at no point during his contribution today did he stand up for small local businesses. One very important thing to remember here is that the opposition has a good candidate for the seat of Bentleigh in Elizabeth Miller, who will stand up and fight, unlike the present member for Bentleigh, who said not one single word in defence of his local businesses.

I will provide some examples. Firstly, the Bentleigh RSL sub-branch has a full club licence that cost \$261.80 in 2009; this has increased to \$795, a 203 per cent increase. There was not one word from the member for Bentleigh in support of the Bentleigh RSL sub-branch. Secondly, the Bentleigh Football Club has a restricted club licence that cost \$98.70 in 2009; this has increased to \$397 in 2010, a 302 per cent increase.

Did the house hear the member for Bentleigh put up a fight for the Bentleigh Football Club? No. My colleague the member for Ferntree Gully had an enormous list of venues in this kind of situation.

Thirdly, in the electorate of Bentleigh the Fine Gourmet Deli has a packaged liquor licence which cost it \$249.90 in 2009; this has increased to a staggering \$1590 in 2010, a 536 per cent increase. The Dan Murphy's in Alphington pays half that amount, yet has longer trading hours. Did members hear the member for Bentleigh fight for those local businesses? I do not think we did.

Members heard a contribution to the debate from the Minister for Consumer Affairs. Just last August he was

going to change the liquor licensing fee structures to make sure that those who created the alcohol-fuelled violence problem actually paid for that alcohol-fuelled violence problem. In principle this sounds great and the intention, no doubt, is noble; however, the consequences of this, yet another botched policy, have been absolutely breathtaking.

Instead of penalising rogue operators and late-night high-capacity nightclubs, strip clubs or booze barns in the centre of Melbourne, which are repeatedly cited as the main culprits in fuelling violence, Labor's new liquor licensing fees put the hammer to local country pubs, small businesses, community organisations and, as we saw demonstrated so effectively yesterday, the live music industry in Victoria.

I turn to examples of some of the businesses in my electorate. One of those is a local institution, commonly known nowadays as Elgin's, formerly the Wodonga Hotel, which is a large employer and a benefactor to many local events. The licensee there is Tom Weatherall. Now that I have named the licensee of this hotel it will be interesting to see what happens in the next couple of weeks, to see if he gets a couple of visits in that time. I know Tom Weatherall is a strong man, and he will certainly make some very loud noises. Mr Weatherall has told me that in a tight market the only way that he will be able to cover costs is by either letting staff go, not hiring new staff when old staff members leave, or cutting back on sponsorships of local sporting and community groups.

Elgin's licence fee has almost trebled since the introduction of the new licence fee structure. I ask members: when was the last time Elgin's in Wodonga was cited as the key driver of inner city alcohol-fuelled violence? Mr Weatherall and many other publicans and licensees in my electorate — I do not have the opportunity to speak about many of the licensees in the electorate of Benambra — have approached me about this issue. They struggle, day in and day out, with problems such as employing staff.

La Trobe at Beechworth is a conference function centre which I, along with other members of the coalition, visited recently. It is a great facility. Before the recent backflip of the Minister for Consumer Affairs its quoted licence fee for this year was going to be \$4260, representing a 500 per cent increase on the previous year.

Another issue relates to local wineries that present their wines at fairs and markets. Recently a Department of Justice official audited the premises of a local winery in my electorate and said it was entitled to only five off-

premise licences annually under the new regime. The owners of the winery then made a telephone inquiry and were told that they were entitled to only three off-premise licences annually, and when they sought information on the Consumer Affairs Victoria website they discovered they were actually entitled to six off-premise licences.

So that amounts to three different inquiries resulting in three different answers. These people need to be helped to display their wares for tastings at community markets and things like that. They need clearer information. The government should be supporting local businesses in that way, and this demonstrates that the system is simply not working. People working at the coalface are desperate and screaming.

I will speak about a couple of other pubs in my electorate. The Mitta Mitta and Dartmouth pubs are both large; they can cater to several hundred people, but they only cater to several hundred people a couple of times per year. I could probably count on one hand the number of times per year the pub gets anywhere near capacity. These pubs have seen an enormous increase in fees.

In his contribution the Minister for Consumer Affairs referred to an article in the *Border Mail*. However, the *Border Mail*, in its editorial of 31 August 2009, hit the nail on the head when it said:

Hotels in the country are designed for the big community bash, or tourist season, so they need to be licensed for big numbers and the odd late night.

For most of the year patronage is low and issues minor.

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

**Mr NARDELLA (Melton)** — Today the house has a matter of public importance that really demonstrates the lazy nature of the opposition. Members of the opposition come in here and oppose the measures that the government has taken arising from the Victorian alcohol plan, arising from all the work the government has done — —

**The ACTING SPEAKER (Ms Munt)** — Order!  
The total time for the debate has expired.

## STATEMENTS ON REPORTS

### Family and Community Development Committee: supported accommodation for Victorians with a disability and/or mental illness

**Mr NOONAN (Williamstown)** — As a member of the Family and Community Development Committee, I am pleased to make a number of comments regarding the recently tabled inquiry into supported accommodation for Victorians with a mental illness and/or a disability. From the outset I want to acknowledge my fellow committee members in this chamber and in the other place for the way this inquiry was conducted. Inquiries about issues associated with people with mental illness and/or a disability at their core are always going to be challenging. But the committee members were sensitive to that fact and they fulfilled their duties in a professional way.

In the early part of the inquiry the committee was forced to identify the overlaps between the two individual references from both the upper and lower houses and to determine the scope for one single inquiry. The outcome of that process was to develop a consolidated working document and set the parameters for the inquiry.

In all 120 individual submissions were received and a dozen public hearings were held across the length and breadth of the state. It was clear that plenty of people, including many stakeholders, wanted to make a contribution to this inquiry. We thank each and every one of them for their input.

It is worth noting that almost 75 per cent of the submissions and evidence from the hearings that were received came from either service providers or families in caring relationships. But as is the case with any inquiry, we have received a diverse range of perspectives. Many of the submissions supported the historical decision to move away from institutionalised approaches in the state of Victoria to a system of individualised approaches where social inclusion and community participation are a priority. The committee recognised that significant policy and legislative reform is occurring, particularly because of the introduction of the Disability Act 2006, the state disability plan for the 2002–12 period, the introduction of the government's social policy framework, A Fairer Victoria, and finally the release of the mental health reform strategy document entitled *Because Mental Health Matters — Victorian Mental Health Reform Strategy 2009–2019*.

The report identified several broad themes relating to the future provision of supported accommodation for Victorians with a disability and/or a mental illness. These include long-term planning for the future, strengthening the link between accommodation and support, funding priorities, cross-sector collaboration, promoting innovation and continuous improvement and improving implementation processes and evaluation. Each of these issues is discussed in detail throughout the 12 chapters of the report. In essence the report highlights that in terms of funding and services, Victoria leads the country in many respects. In fact Victoria provides more supported accommodation than any other jurisdiction in Australia, and with less commonwealth funding.

The report also indicates there is a total of 245 additional accommodation places being built across Melbourne and Victoria. These will undoubtedly make a difference when they come online. Having said that, I note that many witnesses indicated there are not the required accommodation places available to meet the current demand. The demographic changes coupled with the challenges faced by ageing carers will mean that the demand for supported accommodation is likely to increase at a steady rate in the future.

Planning for future need is vital, and improvements are certainly necessary over the short term, medium term and long term to provide ageing carers with some degree of confidence that their loved ones will be accommodated in the future.

The move toward population-based planning, as opposed to the current arrangement which simply registers need, seems in my view to have some degree of merit and may give greater confidence to those requiring accommodation in the future. In terms of an alternative to supported accommodation, the committee heard of the introduction of individual support packages as an option. Those individual support packages had catered well for people with low support needs, and were a welcome new direction.

Much thought and detail by the committee has gone into the 107 recommendations contained in the report. The careful consideration and potential adoption of many or all of these recommendations by government will ensure that Victoria remains at the forefront of disability and mental health services in this country.

The Victorian government has also demonstrated it is willing to invest heavily in these areas. For example, the current disability services budget is nearly \$1.3 billion this year, which is the largest ever investment in disability services in Victoria. Similarly,

we have seen a record investment in mental health with more than \$300 million committed in the past two years.

In conclusion I want to thank the executive team, Dr Janine Bush and Dr Tanya Caulfield, for their tireless efforts in producing this report. They should both be pleased and proud of their work.

### **Environment and Natural Resources Committee: Melbourne's future water supply**

**Ms ASHER** (Brighton) — I will make some comments on the report of the Environment and Natural Resources Committee entitled *Inquiry into Melbourne's Future Water Supply* and dated June 2009. As members of this chamber and the other chamber would be aware, this report was comprehensive. The committee is dominated by members of the Labor Party, but it produced a comprehensive report with 48 recommendations in relation to improvements to secure Melbourne's future water supply. The recommendations touched on water conservation, water recycling, stormwater harvesting and a range of other matters.

In terms of recycling in particular, the report issued an important recommendation that a 50 per cent recycling and re-use target be set once the eastern treatment plant is completed and a 75 per cent target achieved by 2015. Again, the report makes some valuable recommendations in relation to the statewide urban stormwater strategy. The committee recommended that that strategy be completed.

The committee also looked at the implementation of stormwater harvesting options and targets. Whilst there were two minority reports as a part of this inquiry, I am prepared to say on the record that this was a comprehensive report. A number of people I speak to who are involved in the water industry have also indicated that this parliamentary committee prepared a comprehensive report with a range of recommendations we would expect the government to consider.

The report was tabled in both houses on 2 June 2009. Under section 36(1) of the Parliamentary Committees Act, the government is required to report within six months of the tabling of parliamentary reports. Section 36(1) says:

If a joint investigatory committee's report to the Parliament recommends that the Government take a particular action with respect to a matter, within 6 months of the report being laid before both Houses of the Parliament or being received by the clerks of both Houses of the Parliament, the appropriate responsible Minister must provide the Parliament with a response to the Committee's recommendations.

I draw the Parliament's attention to the fact that the most comprehensive review of Melbourne's water supply ever conducted by a parliamentary committee should have been responded to by the Minister for Water at the beginning of December last year. I am a lenient woman, I wish to be reasonable, and I gave the minister the Christmas and New Year holiday time to respond to this report — but nothing was forthcoming in the first sitting week.

I know, as do many members of the Australian Labor Party, that the water minister, instead of responding to the parliamentary committee's report on the inquiry into Melbourne's future water supply, is too busy undermining the Premier. He is a man of enormous ambition, and we all know that he is spending a lot of his time at the moment undermining the Premier. That is a matter for the Labor Party to take up with the ambitious one, but the fact of the matter is he is not doing his work. This is an example of a lazy minister who is not looking at long-term policy about Melbourne's population growth.

The government has said all along that Melbourne is going to have even further significant population growth, and as a consequence the government needs to set in place long-term plans for its water supply. As I said earlier, the committee came up with a range of recommendations, and I am particularly interested in the stormwater harvesting and the recycling recommendations for non-potable use. As I said, I commend the committee on its work. Most people I know in the water industry, while they do not necessarily support all 48 recommendations, think them worthy of response.

We have been waiting all this extra time for the Minister for Water to comply with the Parliamentary Committees Act. I would have thought that of all people who would be interested in complying with that act, it would be a minister. Most ministers actually do comply with the Parliamentary Committees Act and report to the Parliament within six months. So I call on this minister to stop having coffee and undermining the Premier and actually do his job, which is to ensure Melbourne's water supply. I urge him to get on with that particular task instead of big-noting himself with his very large ego, pretending he is about to be the next Premier.

**Drugs and Crime Prevention Committee:  
strategies to prevent high-volume offending and  
recidivism by young people**

**Ms BEATTIE** (Yuroke) — I would like to make a few remarks regarding the Drugs and Crime Prevention

Committee report tabled in July 2009 entitled *Inquiry into Strategies to Prevent High-Volume Offending by Young People*. Before I go on to comment on the body of the report, I must thank a few people.

It is a good committee; I became a member of it in June 2008, and the member for Lowan will remember that very well. For this particular report I must congratulate a couple of people. We had a consultant from the Australian Institute of Criminology, Mr Jason Payne, to help us, because anything to do with high-volume offending by young people must be evidence-based and factual.

It would be remiss of me at this stage if I did not thank Professor Patrick McGorry for his evidence. His work has been well-recognised, culminating in his being named Australian of the Year 2010.

I would like to comment on chapter 12, which targets strategies to help people with special needs, because again a very high number of indigenous young people are overrepresented in the juvenile justice system. Whilst that overrepresentation is mostly in Queensland and the north, in Victoria 10 per cent of young men and 13 per cent of young women in juvenile justice care are indigenous. Although it is a relatively small number compared with the national figures, indigenous Victorian youth are still 12 times more likely to be under supervision than non-indigenous Victorians. That figure is what we must get down.

We went to New Zealand and had a look at some very good aspects there, one of which was youth offending teams. I would like to make a couple of remarks about youth offending teams and the treatment of indigenous youth, because in New Zealand, responses to offending Maori children and people had to be consistent with the principles of the Waitangi treaty and support the aims and aspirations of Maori young people. We do not have anything like that here, so we must take care to be culturally responsive. That responsiveness should reflect the values and cultures of the children and young people concerned and their relationship with government.

I would also like to comment on some of the diversionary and correctional strategies for indigenous youth. The diversionary strategies are generally found to draw upon the family, kinship, social and cultural needs of the young people; I think that is really important when looking at young people. Victoria has the Children's Koori Court, which has been remarkably successful. I have not seen that court in action, but I have seen the Koori Court in action in Broadmeadows, and I have to say both have been very successful.

The Victorian Aboriginal Legal Service is employing a project officer; that is a very good thing to implement with the police cautioning and youth diversionary program, and that program is going to be rolled out in other locations. There is a need for culturally sensitive strategies for young people and other young offenders from culturally and linguistically diverse communities. I might comment on those another day. There is also a need to provide appropriate education and training services so that when young people are in care they gain something from it. After all, it is about rehabilitation and not reoffending.

**Education and Training Committee:  
geographical differences in the rate in which  
Victorian students participate in higher  
education**

**Mr DELAHUNTY** (Lowan) — I rise to speak on the inquiry report by the Education and Training Committee into the geographical differences in the rate in which Victorian students participate in higher education and the government response which was tabled in Parliament yesterday. In her statement, the member for Brighton spoke about the response of the Minister for Water. This government response is similar in that it is late too, but it finally arrived in Parliament yesterday.

As the shadow minister for youth affairs, I believe education is vital for not only the personal development of our Victorian youth but also for the Victorian community, for the development of the state and, importantly, for the development of Australia. Education and training are critical, and it is important that we get the support services right.

I note the government's response to recommendation 3.1:

That the Victorian government continue to focus on lifting year 12 or equivalent completion rates —

and it goes on to say that is supported. Unfortunately the government has had 11 years to support it and we have seen from research in only the last couple of weeks that there is a concerning decline in high school retention rates, particularly in my area of western Victoria. This new research by the Liberal-Nationals coalition shows that in the Barwon-south western region, retention rates have dropped from 72.7 per cent in 2002 to 65.3 per cent in 2009; it also highlights that in the Grampians region the rate has fallen from 68.2 per cent in 2002 to 64.6 per cent in 2009.

We also see that the number of students dropping out of school has grown by 3.6 per cent in the Grampians

region and by 7.4 per cent in the Barwon-south western region. Again, even though the government says it will do these things, the reality is that it is not happening. We have seen drop-out rates increasing and retention rates dropping. These are of major concern.

The committee's report talks about the annual On Track survey of Victorian school leavers. Again the government says that is supported. I agree that we need to continue to support that survey, because the research undertaken by On Track Learning highlights that the number of people who are applying to go to university from the country is 70 per cent while in the city it is 90 per cent. The deferral rates highlighted in the On Track report indicate that in country areas it is 33 per cent and in the city it is 10 per cent. One of the main reasons for that is cost. The chair of the committee, the member for Ballarat East, says in his foreword to the committee's report:

In the committee's view, all young people who must relocate to undertake their studies should be eligible to receive student income support.

The report goes on to highlight that the committee agrees the youth allowance payments are insufficient and should be increased to reflect the cost of living.

I now turn to page 25 of the response by the government and to recommendation 7.1, which is:

That the Victorian government advocate to the Australian government for an increase to student income support payments taking into account costs of living.

The government says that this recommendation is supported in principle.

The next recommendation is recommendation 7.2, which is:

That the Victorian government advocate to the Australian government that young people who are required to relocate to undertake tertiary studies be eligible to receive Youth Allowance.

Again the response says that that is supported in principle, but the principles are not being followed through. We have not seen the ministers, whether it be the Minister for Education, the Minister for Regional and Rural Development or the Minister for Sport, Recreation and Youth Affairs, get up and say to their federal colleagues — and we know the debate is on in federal Parliament today — that they need to care more for youth, particularly youth across country Victoria. I believe Labor has abandoned our youth in relation to opportunities for them to go on to higher education. Government members should be saying that to their federal colleagues today.

The anger and frustration is growing as tertiary offers are being made to students who are still unsure of their eligibility for the Youth Allowance. The federal government abolished commonwealth scholarships without having an alternative in place and shut down the debate last year on the youth allowance. Therefore it has got to the stage where the federal government is going into Parliament this year with many students across rural and regional Australia and across Australia in general having no opportunity to get support.

Again I say that Labor has abandoned our youth. Labor has brought in some good things — it has increased the threshold in the parental income test but the workforce participation criterion has been changed, and that is the major concern. Unfortunately I think we will see a lot of sham marriages so that young people can meet the criteria for the independence allowance. It is not good enough.

### **Economic Development and Infrastructure Committee: improving access to Victorian public sector information and data**

**Mr FOLEY** (Albert Park) — It gives me great pleasure to rise to make a few brief comments in regard to the Victorian Parliament's Economic Development and Infrastructure Committee inquiry into improving access to Victorian public sector information and data, dated June 2009, and more recently the whole of Victorian government response, which was tabled in the last sitting week. Despite having an incredibly dull-sounding title, this is a very important report on refashioning how government operates and how government data and information can act as a source of innovation, support and job creation across any number of sectors.

What this report and its response show is how effectively the quiet hard work of the parliamentary committee system and the work of a forward thinking government can align their efforts to not only ensure that government data and information is seen as a resource for government, community and businesses but equally as an opportunity for the reformation of government activities and how we engage with the community around the already-here web 2.0 technologies so that we can reframe how we relate to the citizenry.

What this report and its response set out is a compelling roadmap for how the government's online journey will contribute to new insights and ideas about how community and government interact and engage. It will see a rebuilding of government participation and linking with its online citizenry. It is a reflection of a

commitment to a 21st century approach to online web 2.0 opportunities for, in effect, a reinvigorated democracy.

The committee's main recommendation is that government establish an information management framework with open access to government information as its default position, and that this be done at no or marginal cost. The subsequent 46 recommendations then go on to put flesh on these essential bones. In so doing, it looks essentially to how to provide the frameworks for interactive online communication, widely known as web 2.0 technology, when applied to government circumstances — hence the government 2.0 tag.

This already-here digitally enabled interactive communication system is pushing all organisations, but particularly governments, to reframe how we conduct and engage with the world. In a similar space, the federal government's task force on 2.0 technology has recently reported and, in doing so, has commented:

Web 2.0 enables and accelerates the transition to a more connected world in which open, user-centred and self-organising networks create value, including public value. That's the Web 2.0 proposition with which ... people ... around the world are experimenting to see ... what kinds of value they can get from these new ways of organizing.

That is essentially what we are talking about here — a reorganisation of government and community and how we interact. We are talking about fundamentally recasting the notions of how government participates in and provides information to its communities. All of this takes place against the enormous empowering, transforming opportunities for how this technology can be applied — to our lives, to policy formation, to social organisations, but particularly to government services. It makes it central to how we operate as a government into the future.

So it was pleasing to see the recent government response take up this challenge and to ensure that government 2.0 technologies and the use of public sector information are at the forefront of how this government is to approach this issue.

The government has accepted that the default position for public sector information be one of open access, but indeed it has gone further by committing to the information framework to be made available under a creative commons licence also being the default position with subsequent and important tailoring of licences for the necessarily small number of restricted material access to protect privacy and issues around security and national security.

Not content with being at the forefront of Australian jurisdictions' responses, the government has gone further in its recent announcement about how this collaborative and democratic use of technology can be applied in the current government apps program where there is a current prize on offer of \$100 000 for how a series of different government database sources can be used and developed to create opportunities around interaction, for jobs and for investment. I look forward to the successful conclusion of that and this government's continued leadership in this area.

**Drugs and Crime Prevention Committee:  
strategies to prevent high-volume offending and  
recidivism by young people**

**Mr MORRIS** (Mornington) — On 28 July 2009 the Drugs and Crime Prevention Committee reported on strategies to prevent high-volume youth offending and recidivism. In the last sitting week the government responded to that report. The recommendations had the full support of all committee members: they were unanimous. Prior to considering the recommendations, the committee prepared a statement of principles to act as a framework so that we could check the effectiveness of our recommendations against it.

I was very pleased to see in the government's response that it backed the committee's approach and thought its approach to youth offending and the committee's principles were a good fit. So I was a little surprised when I went on and had a look at the substance of the response. We made 41 recommendations; of those, only 10 were supported, 4 were rejected, 4 were noted — and I guess you may as well have rejected them; what is the point in noting them? — and 23 were supported in principle.

When you drill down into the detail of those responses, you see that of the 10 that were supported, the government claimed to be already carrying them out or had plans to carry them out; they fitted with the government's preconceptions. Of the 23 that were supported in principle, in many cases the sentiment expressed was, 'That would be a nice thing to do'. Sometimes it was, 'Okay, we will have a think about it and decide whether we are going to do it'. And the other thread was, 'We are doing something similar'.

The point is that if the committee had thought these things could wait, or if it thought the somewhat similar programs already in place were working, it would not have made the recommendations. Committee members made them because these things needed attention. As I said, four recommendations were rejected, and I will come back to deal with three of them. The fourth,

recommendation 22, was put forward as an option for dealing with fare evasion. It was that people under 18 should have free public transport, and was not dissimilar to a policy that was put at the last election. Unfortunately that was rejected, and given the stretched situation of public transport, I can understand that.

The four that were noted included a suggested statewide enrolment database; that the children, youth and families division of the Department of Human Services work more closely with local government — once again I would have thought that a pretty practical approach to work on the ground, but no, that was cast aside; the suggestion that the police cautioning program be put into legislation, because we know that with one or two exceptions we do not have an effective, broadscale diversionary process available for young people — but no, that one was just a bit too hard; and the fourth, recommendation 30, that the Department of Human Services work together with service providers to develop a new residential forensic medical health treatment centre, was unfortunately ignored as well.

Of the three that were rejected, and which I said I wanted to come back to, the first was the need to provide an ongoing analysis of birth group data. There is an absolute paucity of data in this area, and it is critical to long-term policy. There is a longitudinal study for 1984 and 1994 age groups, and we proposed that that should go on. The government response was, 'You need to be careful with the data, and you should perhaps get academic institutions to do it'.

Academic institutions do not have access to the data; that is the critical problem. They cannot get it. Yes, the data is sensitive, and yes, you need to be very careful with it, but you need to create a process so that it can be done, not simply say, 'It's too hard'.

The second of those recommendations was about youth offending teams. That was rejected, because the government claimed there was already collaboration and coordination between key organisations. The fact is that it is failing. What is happening on the ground is important, not what is happening at a policy level — and that is where the coordination is. You need to put people together at a local level to work on particular problems, to work on problems in neighbourhoods and to work on problems with groups of families — that is, the people at the coalface. You are not going to make it work unless you put in the resources and the people to drive it. The fact is that current policies are failing.

The last recommendation I wanted to come back to was the suggestion of introducing a truancy service. The government claims that it is the responsibility of

schools to follow up. However, schools are not following up in some cases. Most are, but some are not, and that is where the kids are falling through the cracks. When we went out to the Parkville and to Malmsbury youth justice centres and talked to those kids, we found that one kid had left school as early as year 5, and I think the longest any of those kids had lasted was to year 7 or year 8. The system is simply not working, and we need to find a way to stop them falling through the cracks.

In rejecting these recommendations the government has failed to grasp the nettle that was there. It is an opportunity that has been lost, and Victoria's young people are going to be the worse for it.

## ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

### Debate resumed from 4 February.

**Mrs FYFFE** (Evelyn) — I am pleased to rise and respond to the Victorian government's statement of intentions for 2010. It covers the whole of government, and unfortunately in the 10 minutes allowed me I am not going to be able to refer to every section of this document. However, like all members, I have read it very intently.

On page 2 of the statement the government talks about bushfires, strengthening fire preparedness, working with emergency services, delivering projects and redeveloping tourist attractions. That is all very admirable and is supported by this side of the house. With the redevelopment of tourist attractions — and that is good — I am concerned that one of the decisions taken by the government in recent weeks is about fuel reduction burns of areas that have been logged.

They were logged because the trees were damaged by the fires. It is good they have been logged — I support that — but to do fuel reduction burns in those areas at this time could cause a serious problem to the surviving and existing tourist attractions through the resultant smoke taint that may eventuate and affect the wineries, which were greatly disadvantaged last year. A lot of them lost their whole vintage and are struggling.

The bushfire warnings are an essential part of the response to the bushfire royal commission, but they need to be clearer and simpler. On red alert days you could have fired a cannon down any main street in any town in the Yarra Valley and the Dandenongs. We have to be really careful what we do with these alerts.

Still on page 2, the government talks about the respect agenda portfolio and addressing community concerns about crime motivated by hate and prejudice. It is quite interesting. I noted in the *Hansard* of the other place that the Minister for the Respect Agenda, when making excuses for not being able to answer a question, said he had only recently received the portfolio. It makes one think the respect agenda idea was a *Hollowmen* policy — a policy announced with no substance behind it.

Let us look at the community concerns about crime. This government has been in power for more than 10 years, and it has not responded to those community concerns in all that time. Now we are seeing announcements being made about knives and everything else, but really they do not have the practicality behind them.

At page 7 on education the statement talks about delivering education. It is not delivering in my electorate. We have had rurality funding cut for schools — funding which has been essential for the survival of these schools by being able to offer a variety of classes for the children. They are losing enrolments because they cannot offer the selection of classes that other schools with larger enrolments can handle.

In the education highlights, maintenance has been mentioned. I have to say that at a lot of the schools in my electorate the maintenance has not been funded to the level that it should have been. It is a re-run of the Cain-Kirner years, and parents are having to fight to get funding for children with learning or behavioural problems or with physical disabilities. In one particular case a child with epilepsy has been denied a carer. The child's condition is such that the school was paying for the carer in anticipation of the funding coming through, but it has not come through.

Still on page 7, the document refers to health and talks about the development of Box Hill Hospital — and what has been highlighted very much in this house is that the funding for the Box Hill Hospital redevelopment has been cut.

In my electorate we still have no dialysis facility at the Lilydale super-clinic, and there is no lymphoedema treatment. Patients have to travel to the city for lymphoedema treatment, and this applies to men and women who have suffered cancer and are now recovering. It is essential that this treatment be offered in an area they can readily access.

Now there has been an announcement that there will not be a urology department at Maroondah Hospital.

The urology clinic closed last week. Patients will have to travel to Box Hill.

Every week I am getting lists of people coming in who are having to wait and wait for hospital treatment. There is a Mount Evelyn lady who is waiting for hysterectomy surgery, which was cancelled in late January while she was waiting outside the theatre, due to an emergency coming in. There is a Wandin North business owner waiting for back surgery who has been living on strong painkillers, including morphine, whilst waiting. He has been on the list for five months. There is an elderly gentleman from Seville on the hospital waiting list for a hip replacement. He is in extreme pain whilst waiting, and it has taken away his independence.

I look at page 8 where it talks about sport, and as I look at all the money that is being spent on sport it makes me think of my trip to Cuba, which I guess is one of the true communist countries, where one of the ways of keeping the people happy is that each small town has a square where the government funds musicians to go and play each night to entertain them and to take their minds off the problems they have. When one looks at this expenditure on sport and the lack of expenditure on hospitals and education, it makes one wonder if that is what the plan is behind this government.

On page 9, again referring to education, the statement talks about the Building the Education Revolution (BER) program. I referred to the lack of general maintenance in schools before. I have a high school in my electorate with 31 classrooms that do not have air conditioning. I have a school that was told it had funding under the BER. Part of the playground has been fenced off. Quotes have come in over and above the BER funding. The children have less play area and virtually a hole in the ground, and no-one seems to know what is happening and when it is going to happen.

If we look at the next page, we see myki and all the other things that are referred to in this document when it talks about investing in road and rail. We have seen the myki debacle. Today the *Age* has a full-page article on the issue. It says:

Victoria, it seems, is a world beater. The bill for creating myki is by far the biggest for a smartcard ticketing system — and it has yet to prove all that 'smart'.

When you look at the headline you see that the Boston Charlie card cost \$108.1 million; in the Netherlands it was \$188.6 million; in Singapore, \$89.7 million; and so on. They can do it and they can make it work, but it seems that we are incapable of doing that.

This morning I had a call from one of my constituents who had purchased a myki card online to the value of \$20. He was told that the \$20 credit will not be transferred for three weeks after the date of purchase. He only bought the myki card so he could attend a course in the city and he wanted to do the right thing. He does not need to go into the city very often, just once in a while for training courses. He cannot do anything with his card until the balance shows on his card. As of 24 February it still has not appeared, and he thinks it is ridiculous the way it has been handled.

Then we have the issue of safety on trains. The *Yarra Ranges Journal* front page talks about a couple who are so worried about the violence on public transport that they are getting off the train at Ringwood and catching a taxi to Lilydale.

I know of a volunteer at Anzac House who went to Parliament station. There was no information available on Lilydale trains. The message over the public address system was, 'Next train to Flinders Street, change for Lilydale'. There was no information at Flinders Street. She looked for help. Five minutes passed before a message came, which said, 'Systems down. Look for staff in blue'. She could not find any. She became very distressed and had an asthma attack, and her sugar levels went up. She was terribly distressed and ended up at Maroondah Hospital. That was because these places are not being managed and run properly for the customer.

In relation to investing in road and rail, I have mentioned myki and I have mentioned safety, but I look at what is happening in my electorate. The time line for the lights at the York Road–Wray Crescent intersection has been appalling. It was announced in 2006 that the lights would be installed. They have not even started work on it yet — again a promise broken.

We will have fairy lights on the West Gate Bridge, and yet Clegg Road needs much work and the Mooroolbark roundabout needs signs, lights and pedestrian crossings. We have the debacle with smart meters which is costing families dearly, and it is going to be very difficult for pensioners, whether they be single mother pensioners or aged pensioners, to meet all these extra charges.

We read that there is going to be action on listing the health rating of beefburgers and other fast foods so people can make value judgements. A lot of the people out in our community who are living on single pensions and paying rent wish they could afford to buy a beefburger or whatever fast food it is that is going to

have all these nanny government restrictions placed on it.

Before I finish I would like to quickly mention one of my constituents, a single pensioner. After she has paid her bills she has \$30 a week left to buy food. She has put a padlock on her meter. She does not want a smart meter because she will not be able to afford it. If that smart meter is installed, it means she will have one meal less each week. What we spend each night on one meal in this place is what she spends on food for the whole week, and this lady is absolutely outraged. It is the first time in her life that she has objected to anything — the first time that she has felt she will not be able to exist. People on the other side of the house may not understand. We do.

**Sitting suspended 12.59 p.m. until 2.04 p.m.**

**Business interrupted pursuant to standing orders.**

**DISTINGUISHED VISITOR**

**The SPEAKER** — Order! I would like to acknowledge the presence of former Premier Joan Kirner in the gallery.

**QUESTIONS WITHOUT NOTICE**

**Public transport: myki ticketing system**

**Mr MULDER** (Polwarth) — My question is to the Premier. I refer the Premier to his comments on 20 January this year, in which he stated:

There are some continuing challenges, self-evidently, in relation to myki.

I ask: given that the Premier has now admitted that myki is a mess, can he explain to the Parliament and to the Victorian community in simple, layman's terms exactly what is causing the delay in the rollout of myki?

**Mr BRUMBY** (Premier) — As I have made very clear in this place and publicly, the contractor has had software difficulties in the rollout of the system. We should be clear about the contractual relationships the government has with Kamco and with Keane to roll out the new electronic ticketing system. It is a system which is behind schedule, which has experienced some software difficulties — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members of the opposition to cease interjecting, and I ask members of the government to do the same.

**Mr BRUMBY** — As I have also indicated, the Minister for Public Transport and I recently met with the global chief executive officer of Keane. We made our expectations absolutely clear to him, and we expect the company to deliver on the contract.

**Housing: affordability**

**Mr NARDELLA** (Melton) — My question is to the Premier. Can the Premier advise the house on the latest statistics on the cost of new house lots in Melbourne?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask all members to cease interjecting.

**Mr BRUMBY** (Premier) — I thank the honourable member for his question and for his strong support of sensible government policies to ensure that housing remains affordable in our state. Let me make it clear that our government is committed to providing families in Victoria with the affordable opportunity to purchase their homes. We have taken action to ensure that we lead Australia on housing approvals, we lead Australia on building approvals and we lead Australia on housing affordability. We are achieving that by delivering land and by speeding up approvals processes.

In addition to this Victoria has one of the most generous first home buyer assistance programs of any Australian state. It is a matter of record that last calendar year — 2009 — we helped a record 53 730 Victorians into their first homes, and we are proud of it.

Just as importantly, an extra boost was given to the 1557 Victorians who wanted to build their own homes. Because we put more generous incentives in place for those constructing their first home, that has led to what has been the biggest number of building approvals of that type and thousands of new jobs being generated across Melbourne.

In our planning reforms, we are providing a sufficient supply of land to meet demand. The latest Australian Bureau of Statistics figures that were produced just two days ago in relation to this issue show that Melbourne continues to maintain a significant affordability advantage over Sydney, Brisbane and Perth, and regional Victoria continues to be the most affordable region in mainland Australia. Melbourne's growth areas are performing comparatively better than other states. In fact the 2009 UDIA (Urban Development

Institute of Australia) *State of the Land* report for Melbourne states:

Melbourne — The best by far.

Melbourne's reasonable lot price growth indicates that they are better placed than other capital cities in the supply/demand equation. This may change in the future depending on the ultimate price impacts of the proposed growth areas infrastructure contribution (GAIC).

Obviously the UDIA wrote that before the Liberal Party voted last night. In the December quarter no less than 60 per cent of the national market of lots under \$170 000 were sold in Victoria. When it comes to affordable and well-serviced land, Melbourne is the place to be and Melbourne increasingly is the place to come.

The same survey reports that, again, 51 per cent of the national market of lots in the \$171 000 to \$200 000 bracket were sold in Melbourne. When you think of Melbourne and of Victoria, which has one-quarter of the nation's population, you realise that we have been achieving more than 50 per cent of the sales in that bracket.

In terms of urban planning Melbourne is also achieving the most compact developments on the east coast, with an average of 512 square metres compared to the 750 square metres which was typical of developments 15 years ago.

It is a fact that people are moving to our state. In fact they are moving here in large numbers, because it is one of the most livable places anywhere in the world. It also has a strong economy, thanks to the jobs-building budget that we put in place, generating two out of three new jobs across Australia — so it has great livability, a strong economy and excellent housing affordability. Our policies and actions are supporting the delivery of affordable, sustainable and livable communities, and we want this to continue.

The failure of others to support sensible plans for Melbourne's growth — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to opposition members that the Premier will not be shouted down.

**Mr BRUMBY** — The failure of others to support sensible planning policies for our state inevitably means — —

*Honourable members interjecting.*

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

**Mr BRUMBY** — It inevitably means higher housing and land prices and inevitably means that young first home buyers will be frozen out of the market in Victoria.

**Ms Beattie** interjected.

**The SPEAKER** — Order! I ask the member for Yuroke, once again, and the member for Narre Warren North to cease interjecting in that manner.

### **Police: crime data system**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the \$70 million LINK crime data system, which is meant to replace the LEAP (law enforcement assistance program) system and which was due to be operational in 2008 and then in 2009 and is still not operational in 2010, and I ask: will the Premier explain exactly what is causing the delay in the rollout of LINK?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Bass to cooperate in the smooth running of question time.

**Mr BRUMBY** (Premier) — My understanding in relation to this matter is that the rollout is in fact linked to the — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is not helping with the smooth running of question time.

**Mr Donnellan** interjected.

**The SPEAKER** — Order! Neither is the member for Narre Warren North, and I warn him.

**Mr BRUMBY** — My understanding is that the rollout of the system is linked to the new boundaries for emergency management which have been put in place across Victoria. When those boundaries are finalised the rollout will progress as planned.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Ferntree Gully is warned, the member for Kilsyth is warned and the member for Nepean is warned.

**Housing: affordability**

**Ms GREEN** (Yan Yean) — My question is to the Minister for Finance, WorkCover and the Transport Accident Commission. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house the consequences to housing affordability when there is a reduction in land available for development?

**Mr HOLDING** (Minister for Finance, WorkCover and the Transport Accident Commission) — I thank the member for Yan Yean for her question, because like all members on this side of the chamber she shares a commitment — —

**Dr Napthine** — On a point of order, Speaker, I ask you to examine the question. The question raises concerns with regard to its being hypothetical and asking for an opinion. I ask you to rule the question out of order.

**The SPEAKER** — Order! The question asks about consequences, not an opinion, and it talks of when there is a reduction, not if there is a reduction or a possible reduction, but when there is — —

*Honourable members interjecting.*

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

**Mr HOLDING** — I would be embarrassed too if I were those opposite.

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the member for Yan Yean that interjections of that type will not be tolerated in the chamber. I suggest to the Minister for Finance, WorkCover and the Transport Accident Commission that he address the question, not debate it.

**Mr HOLDING** — I thank the member for Yan Yean for her question because, like all members on this side of the chamber, she shares the commitment to make sure that as many Victorian families as possible can realise the great Australian dream of owning their own home. She shares that commitment, and we want to see as many Victorian families as possible realise the dream of owning their own home. It is for that reason that this government introduced and continued the first home owner grant.

In 2009 the first home owner grant assisted more than 50 000 Victorian families to realise the dream of

acquiring and owning their own home. It was a very important step forward for those families. In fact under the current arrangement the grant provides \$18 000 for Victorian families in the metropolitan area who are purchasing a newly constructed home.

At the same time the government has put in place the policy document *Melbourne @ 5 Million*, and that contemplates an additional 284 000 homes in growth areas to provide for future growth and to ensure that housing remains affordable for Victorian families. There will be 284 000 homes in growth areas under that policy document, *Melbourne @ 5 Million*, and of course, if you want to implement a plan like this, you need to have a plan to do two things.

You need a plan, firstly, to provide an expansion to the urban growth boundary — to provide the growth to enable that housing to be built; and secondly, you need a plan to provide for the infrastructure for the families that will live on the urban fringe, because one thing that is completely unacceptable to this government is to see families put in the situation where they have to consume a litre of petrol just to go and buy a litre of milk.

We want to see infrastructure provided to families where they are living and where the growth is occurring, and so you need a plan. You need a plan, firstly, to provide for the expansion in growth areas and, secondly, to provide the infrastructure for families moving into that area.

Why would you need such a plan if your only commitment to infrastructure was not building it, but rather flogging it off? Why would you need a plan — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister to come back to the question instead of debating it.

**Mr HOLDING** — We have a plan in place, *Melbourne @ 5 Million*, for 284 000 new homes in the growing suburbs of Melbourne to make absolutely sure there is enough land supply available to meet the needs of families moving into those areas. We have a plan to provide for the infrastructure that families need in those growing suburbs because we know that without an expansion to the urban growth boundary and without a plan to provide for the infrastructure that families need you will add up to \$30 000 to the cost of a house on the urban fringe of Melbourne. We think this is outrageous because, at the end of the day, the only reason you would not care about families who are struggling with housing affordability is if you had never had to struggle

to afford anything yourself, and we completely reject this notion.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister is debating the question. I ask him to come back to the answer and I ask him not to invite the interjections of the opposition.

**Mr HOLDING** — Thank you, Speaker — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for South-West Coast, and I ask the member for Bulleen to cooperate in the smooth running of question time.

**Mr HOLDING** — I conclude on this point: we do not believe the urban growth boundary should finish in St Georges Road, Toorak.

### Crime: knife attacks

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the recent comments of Dr Julian Bondy, an associate professor at RMIT University, following a two-year study in Melbourne, that there had been a ‘dramatic increase’ in knife crime in the last few years, that more and more young people were carrying knives and that:

They never appear on the crime statistics. They never appear in hospital statistics ...

and I ask: will the Premier now legislate for mandatory reporting of stab wounds as now occurs in the United Kingdom?

**Mr BRUMBY** (Premier) — In relation to knife attacks, as I pointed out to the house yesterday in answer to, I think, two questions on this matter, the Victoria Police statistics show that over the last eight years, including the last two years, the number of knife attacks has been reducing. If members recall my answers from yesterday, I also indicated that despite those statistics two phenomena were occurring which were of great concern to me, to the government and to Victoria Police: firstly, an increasing tendency for young people to carry knives and, secondly, when violence has taken place, an increasing severity in the types of wounds that are inflicted. It was for those reasons we announced additional measures yesterday, and I foreshadowed further measures. These things build on the series of measures — —

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

*Honourable members interjecting.*

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

**Mr Ryan** — It is directed to the fact that the crime statistics do not portray the true situation, and I ask you, Speaker, to ask the Premier to return to the question he has been asked.

**The SPEAKER** — Order! The question as originally asked by the Leader of The Nationals spoke of increasing knife crime, which I believe the Premier was addressing. The Leader of The Nationals knows the Chair cannot direct any minister as to how they will answer a question. I rule that the answer by the Premier is relevant.

**Mr BRUMBY** — As I indicated to the house yesterday, the figures released by Victoria Police show the number of knife attacks has reduced by 23 per cent from 2001–02 to 2008–09.

**Mr Ryan** interjected.

**Mr BRUMBY** — That is the number of reported attacks, from Victoria Police.

*Honourable members interjecting.*

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

**Mr BRUMBY** — As I indicated previously, we have doubled the penalties for carrying prohibited and controlled weapons; we have new penalties for unlawfully carrying weapons in and around licensed venues; we have removed self-defence as a lawful excuse for carrying dangerous articles in the case of attack; and of course we have now introduced new random search powers for police, which are the strongest in the country.

**Mr Ryan** — On a point of order, Speaker, the Premier is very clearly debating the question, which was: is he going to legislate to enable this to happen so we get a true picture of the figures in relation to knife attacks? That is the question, and I ask that he answer it.

**Dr Sykes** interjected.

**The SPEAKER** — Order! The member for Benalla will not stay in the chamber if he continues with that level of interjection!

**Mr Batchelor** — On the point of order, Speaker, the Premier was clearly answering the question as asked. The question was about knife attacks, it was about

statistics and it was about knife crime, and the Premier's comments related to all those elements. This is just another attempt by The Nationals to disrupt the Premier's flow.

**The SPEAKER** — Order! I uphold the point of order originally taken by the Leader of The Nationals. The Premier was debating the question. I do, though, express some disappointment in both the Leader of The Nationals and the Minister for Energy and Resources for taking points of order and abusing them, as they have both done.

**Mr BRUMBY** — Finally, I remind the Leader of The Nationals that as a result of the changes to the law that we have put in place, if you are carrying a prohibited weapon in Victoria, there is now a penalty of up to four years imprisonment or 480 penalty units.

**Mr Delahunty** interjected.

**The SPEAKER** — Order! It is very rarely that I need to caution the member for Lowan, but I ask him to cooperate with the smooth running of question time.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I suggest to the member for Bass that he need not encourage anyone.

### Housing: government initiatives

**Mr DONNELLAN** (Narre Warren North) — My question is to the Minister for Housing. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline what steps the government is taking to reduce social housing waiting lists and relieve the upward pressure on rents?

**Mr WYNNE** (Minister for Housing) — I thank the member for Narre Warren North for his question. It is a great time to be the Minister for Housing and to be delivering on this government's fantastic social agenda.

I am pleased to advise the house that as of this week contracts have been signed for nearly 2400 new homes across the state to be delivered through the Nation Building economic stimulus plan. Construction is already under way on nearly 2000 of those new homes, and by the end of the year we will have commenced construction on all 4500 new homes for low-income families.

This intervention is making a real difference in the lives of low-income Victorians, especially when you consider the combined effect of the Nation Building

investment, the record \$510 million the Brumby government committed to public and social housing in the 2007–08 budget and our partnership with the federal government for 3000 new units under the national rental affordability scheme. When combined with those other initiatives, this is going to make an extraordinary difference.

But it can only be successful when combined with a coherent and strategic approach to land release and the provision of community infrastructure. Unfortunately a position recently adopted by some means that many growing communities will be left without the infrastructure they need. The government's plans to expand Melbourne's urban growth boundary, provide 20 years of land supply and keep downward pressure on housing prices have not been supported by all those who should have supported them.

This debate could not be more timely. Earlier today the Real Estate Institute of Victoria released its updated vacancy rate for Melbourne's private rental market, and again it is at a record low of 1.5 per cent. This vacancy rate is putting further pressure on housing affordability, further pressure on the rental market and further pressure on the public housing waiting list. The reputable National Social Housing Supply Council has concluded unequivocally that lower housing supply means more homebuyers stay longer in the private rental market, which pushes more low-income people — —

**Mr McIntosh** — On a point of order, Speaker — —

*Honourable members interjecting.*

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

**Mr McIntosh** — You are not listening, are you? You are still in denial.

**The SPEAKER** — Order! The member for Kew has been given the call.

**Mr McIntosh** — My point of order is that the minister is clearly reading from a document, and I ask you in the usual form to ask him to table the document for the advantage of the whole house.

**The SPEAKER** — Order! Is the Minister for Housing reading from a document?

**Mr WYNNE** — They are my own extensive notes.

**The SPEAKER** — Order! The minister is using his own notes.

**Mr Baillieu** interjected.

**Mr WYNNE** — I'll come to you in a minute!

Make no mistake, the failure to expand housing supply will hurt low-income families. I was particularly interested to read some advocacy being made to the government within the last couple of hours on the self-evident point that Victoria needs a strategy for land release to ensure an adequate supply of affordable housing land.

*Honourable members interjecting.*

**Mr WYNNE** — It is a self-evident point, a self-evident truth; it is a good thing. This commentary comes from the opposition housing spokesperson, who voted against the government's land release policy last night! When will the Leader of the Opposition get a coherent housing and planning policy?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Consumer Affairs and the member for Burwood are both warned.

### **International students: enrolments**

**Mr BAILLIEU** (Leader of the Opposition) — My question is for the Premier. Will the Premier confirm that some Victorian universities and private providers are reporting a dramatic decline this year in enrolments of international students from particular regions? If this is so, to what extent is it occurring and to what does the Premier attribute that decline?

**Mr BRUMBY** (Premier) — I understand quite a bit of information has been released publicly in relation to this issue. If you go to some of the university websites, you will find that information.

In relation to the second part of the Leader of the Opposition's question, one thing that has been very widely reported in the media and in the federal Parliament — indeed it was the subject, in part, of the statement made, if I recall correctly, by the minister for foreign affairs — that in many posts overseas there has been a tightening of the visa requirements by the Australian government.

*Honourable members interjecting.*

**Mr BRUMBY** — You don't like facts! We will get the statements and the cuttings and we will email them to you.

These facts have been widely publicised. Indeed the recent changes to visa requirements have been well enunciated by the federal government, including by the Deputy Prime Minister, Julia Gillard, who has made it clear that the migration mix coming into Australia needs to change and will change and that visa requirements are different from what they were previously. These are the major factors that are driving changes in the composition of international students.

### **Roads: government initiatives**

**Mr LANGUILLER** (Derrimut) — My question is for the Minister for Roads and Ports. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of how the Brumby Labor government is investing in suburban and outer metropolitan roads, and is the minister aware of any challenges?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Derrimut for not only his question but also his continuing support for the Brumby government's massive investment in our road network. This investment in our road network not only ensures that motorists are able to get home to friends and family rather than spending time in traffic but also provides the opportunity for us to recognise that a very substantial investment is being made in our network.

Unlike others, the Labor government is going about improving our road network. We have a \$38 billion plan, the Victorian transport plan, which is the largest single investment in transport infrastructure in this state's history. More importantly, it is a plan of action. It is a plan in which we have said what we will do and we have indicated when we will do it, and we are going about doing it and delivering it.

Others want to rip up that plan. Opposition members do not have any plan of their own, but they want to rip it up. Some 623 days ago — that is almost the gestation period of an unnamed Asian elephant — we were told that there would be a plan. On 11 June 2008 we were told:

Today's announcement will form part of an integrated transport strategy for Victoria which will be progressively announced in the lead-up to the next state election.

If this strategy is integrated, it is also very generously staggered.

**The SPEAKER** — Order! I ask the minister to come back to answering the question and to stop debating the question.

**Mr PALLAS** — In the last 623 days the Brumby government has invested more than \$1.7 billion in 28 projects improving and maintaining Victoria's arterial road network — things like the completion of the \$48 million Taylors Road underpass, the upgrade of Derrimut Road in Hoppers Crossing and the \$50 million investment at Thompson Road between Carrum Downs and Cranbourne, which is near completion.

We are delivering on these projects to help meet the needs and aspirations of a growth state. We are delivering on these projects to help Victorian working parents and their children achieve the great Australian dream of home ownership. A recent decision made by some could put all that at risk — all that investment in road infrastructure which is aimed at meeting the needs of growing communities. A recent decision made by some could see families spend a litre of petrol to buy a litre of milk.

Some others do not care much about housing affordability. Some others can afford housing to be unaffordable to ensure positions of comfort and privilege.

**The SPEAKER** — Order! The minister should come back to addressing the question, which was about suburban and outer metropolitan roads.

**Mr PALLAS** — When it comes to the delivery of suburban and outer metropolitan roads, the people of Victoria deserve clear plans and concrete actions. They deserve to see that jobs are being provided for, that we are growing our opportunities and that we are building stronger communities for the future.

Victorians do not need rumours of invisible plans that are never bankrolled, nor do they need wondrous crystal apparitions. But all of this is what we are getting from the Leader of the Opposition. The Brumby government's investment in our roads is an investment in jobs. It is generating jobs, boosting our economy and also ensuring that Victoria is the best place to live, work and raise a family.

#### **Office of Police Integrity: telephone recordings**

**Mr RYAN** (Leader of The Nationals) — My question is to the Attorney-General. With charges against Noel Ashby having been dismissed, I ask: when did the Attorney-General first become aware that telephone conversations between government members of Parliament and Victoria Police as well as government staff in Victoria Police had been secretly recorded by the Office of Police Integrity?

**Mr HULLS** (Attorney-General) — As the honourable member would know, the process in relation to telephone intercepts has been made clear to members in this place before. He would also know it would be a breach of the law to disclose information in relation to these matters.

**Mr Ryan** — On a point of order, Speaker, the Attorney-General is clearly debating the question. When these matters were put to him previously his answer then was that he could not answer because of the impending trial of Noel Ashby. That is no longer a mechanism which would at all preclude his being able to answer this question. It is completely apart from the provisions of the relevant legislation that govern the issuing of warrants; rather it is to do with the minister's own frame of mind about the matters which I have addressed in this question. I ask you, Speaker, to direct him to answer it.

**The SPEAKER** — Order! Despite being given a number of points made in debate by the Leader of The Nationals, the Leader of The Nationals knows that the Chair cannot direct a minister as to how to respond to a question. I do not uphold the point of order.

**Mr HULLS** — I will reiterate what the facts are in relation to this matter: in relation to telephone intercepts generally, once they have been applied for and granted, the Minister for Police and Emergency Services is advised about that on a confidential basis. In relation to when those telephone intercepts and warrants cease, some time after that, the Attorney-General is advised — that is, after the event. That is in a general sense what occurs. I do not intend to say anything that would breach the law.

#### **Regional and rural Victoria: government initiatives**

**Mr HARDMAN** (Seymour) — My question is for the Minister for Regional and Rural Development. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby Labor government is investing in rural and regional Victoria, and is she aware of any attempts to threaten that investment?

*Honourable members interjecting.*

**Questions interrupted.**

**NAMING AND SUSPENSION OF MEMBERS**

**Members for Albert Park, Ballarat East, Dandenong, Kororoit and Melton**

**The SPEAKER** — Order! The member for Albert Park, the member for Ballarat East, the member for Dandenong, the member for Kororoit and the member for Melton will all leave the chamber for an hour, under standing order 124.

**Members for Albert Park, Ballarat East, Dandenong, Kororoit and Melton withdrew from chamber.**

*Honourable members interjecting.*

**Members for Kororoit and Melton**

**The SPEAKER** — Order! I name Mr Nardella, the member for Melton, and Ms Kairouz, the member for Kororoit, and I ask the minister in charge of the house to take the appropriate action.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Rodney for some cooperation. I warn the members for Scoresby, Kilsyth and Hastings.

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

That the member for Kororoit (Ms Kairouz) and the member for Melton (Mr Nardella) be suspended from the service of the house during the remainder of the day's sitting.

**Motion agreed to.**

**QUESTIONS WITHOUT NOTICE**

**Regional and rural Victoria: government initiatives**

**Questions resumed.**

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Seymour for his question. I congratulate the member for Seymour on the fantastic work he is doing in his local area, where this morning we were officially opening the new multipurpose facility of the Kinglake West tennis club. What a fantastic community represented by a fantastic local member that is.

From day one we on this side of the house, like the member for Seymour, have been working hard to rebuild regional communities right across the state, communities that had been completely and utterly neglected by the government of the 1990s. As a result of this hard work we have seen a transformation of regional Victoria, which along with the rest of the state — the whole of Victoria — has grown and thrived. We have seen more jobs come to Victoria and more jobs in regional Victoria along with more people, more services and a dramatic improvement in regional infrastructure.

It is exactly this approach that those opposite consistently fail to understand. That must be why the Leader of the then National Party when in government voted 1150 times to shut down schools, shut down country hospitals and shut down country train lines.

**The SPEAKER** — Order! I ask the Minister for Regional and Rural Development not to debate the question. Question time is not an opportunity to attack the opposition leaders.

**Ms ALLAN** — One of the key ways we have made an investment in regional Victoria is through the Regional Infrastructure Development Fund (RIDF), a vital fund that has invested in vital regional infrastructure. You just have to look at three examples that tell you the story. There is the Wangaratta Performing Arts Centre, a fantastic modern facility opened by the Premier. I am sure the member for Murray Valley can confirm that this venue is now attracting thousands of people who would never have had the opportunity to see those performances in Wangaratta without the centre.

We turn to Ballarat, and I am sure the member for Ballarat West — and the member for Ballarat East, if he were able to join us — would also be able to confirm that the investment in IBM's IT services centre in Ballarat, which has been facilitated with regional infrastructure development funding, has helped create 300 new jobs — a great boost for jobs in Ballarat.

Finally, in Gippsland — and I am sure the members for Gippsland can attest to this as well — with government assistance through RIDF, Australian Paper was able to secure 950 jobs for the Gippsland region. I mention these projects because, as we know, none of these projects delivering jobs would have seen the light of day if those opposite had had their way.

But we know there is more to do. There continues to be a task ahead of us. The Brumby government recognises that to support regional communities and regional

businesses and industry across the state you need to have a plan. This is why we are working in partnership with regional communities: to put in place a plan that is going to help to guide our future population, jobs growth and infrastructure into the next decade.

To put this in a broader context, this is part of our statewide approach, our whole-of-government, government-wide work on guiding development for regional Victoria and for Melbourne's growth areas as well. But unfortunately, as we know, very recently the plan to deliver infrastructure for Melbourne's growth areas has been opposed by some. I advise the house that this in turn puts at risk our plans for regional Victoria.

The position adopted by some people would place an additional burden on Victorian regional communities. It would put a burden particularly on regional Victorian families who would have to pay for infrastructure in metropolitan Melbourne. It also, as we have heard today, puts pressure on house prices, and I contend that it is not going to be confined to metropolitan areas — it will have a flow-on effect to regional and rural Victoria as well.

**Mr Ryan** — On a point of order, Speaker, the minister is debating the question. She should confine herself to the question she was asked as opposed to using question time to attack the opposition.

**Ms ALLAN** — On the point of order, Speaker, the member for Seymour asked me about attempts to threaten investment in regional and rural Victoria, and I contend that I was addressing that part of the member's question.

**The SPEAKER** — Order! I do not uphold the point of order in that I believe the minister was addressing the question, but I remind her that I will take a very dim view of any further commentary on the Leader of the Opposition or any other opposition member.

**Ms ALLAN** — The Brumby government rejects this approach. We stand by regional communities to help them facilitate investment, to facilitate jobs and to support communities right across the state because we understand and appreciate the value of having a plan that governs for the whole of Victoria — metropolitan Melbourne, regional centres and rural towns and communities. That is what we will continue to do on this side of the house, whereas last night we once again saw regional Victoria being ratted out by those opposite in favour of serving their city-centric master.

## ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

### Debate resumed.

**The SPEAKER** — Order! Before calling the member for Altona to speak on the annual statement of government intentions I remind all members that this is an inaugural speech and due courtesy should be provided.

**Ms HENNESSY** (Altona) — It is a great honour and privilege to stand here today representing the electorate of Altona and the people of Melbourne's west. As this is my first speech as a parliamentarian, I wish to acknowledge the traditional owners of the land upon which Parliament House stands as well as the land now covered by my electorate: the Kulin nation.

I grew up surrounded by people who believed that you should work hard to make things better and that you have a responsibility to help others. This influence led me at a young age to follow their example and be active in my own community. It also led me to start thinking about the social and economic issues that exclude people from being valued members of our community.

The main reason I stand here today is that I have always believed it is the role of governments to lay down the foundations for a prosperous and fair society and to eradicate injustice. I do not believe governments should always hold our hands, but they should not sit on their hands either. We do not elect governments to walk away from people and communities that need them most. We do not elect governments to do nothing while people are treated unfairly or unjustly.

Governments should be enablers of prosperity and equal access to opportunities — of making sure that people have every chance to realise the power and possibility of a good education, to stay healthy, to find a good job and to achieve their potential, wherever they live and whatever their circumstances.

Throughout my working life I have seen too many people having a rough trot in life. I have worked to try to help them get back into the workforce after being retrenched, having their businesses fail, being a carer without enough support or being ill themselves. During the by-election campaign in Altona I spoke with people with similar stories to tell, and I was struck yet again not just by their personal losses but by the social and economic cost of their exclusion from things like meaningful employment and a connected community life. I am firm in my belief that equality of opportunity is the basis for a fair and successful society that is

resilient in connected communities, a productive workforce and a strong economy.

President Franklin Roosevelt said:

We have always known that heedless self-interest was bad morals; we now know that it is bad economics.

I agree with the Nobel prize-winning economist Paul Krugman, who recently argued that in tough economic times it helps to recognise that the converse is also true: that good morals are good economics. In other words, helping those who need it, especially those in a time of crisis, through things like better employment and business support, better health services and education opportunities, is not only the morally right thing to do; it is also more likely to be a far more effective form of economic stimulus than slashing public spending. Making sure that governments can sustain public and community services is not only morally the right thing to do; it is also a way to avoid job losses and limit the extent of an economic slowdown.

Victoria is very fortunate to have in John Brumby a Premier who understands this very well. I am proud to be part of a government that gives priority to investing in areas that lead to better opportunities, such as schools and hospitals, jobs, skills and training, and vital community services.

There is no doubt that Melbourne's west has benefited from these opportunities and from its growing popularity as a place to live. I love living and working in the west. We are still subject to some misconceptions from other Melburnians — mainly those who have not set foot in the west for quite some time, if at all. But it is their loss, because they are missing out on what is now one of Melbourne's most interesting, dynamic and diverse communities — and one of the fastest growing.

Despite our changing fortunes, there is still work to be done. I want Altona to be a place of great opportunity. I want to know that a young girl or boy from my electorate can be confident of having the same opportunities as someone growing up in any other part of Melbourne. I want to know that the people in Laverton have the same chances and choices as people in our most privileged and well-off suburbs. I want to know that the families of Point Cook or Altona Meadows or Hoppers Crossing have every reason to believe that their aspirations for themselves and their children will be realised.

We are a lot closer to achieving these things, but we still need to attract more investment and business to Melbourne's west. We still need more local jobs so that people do not have to travel as far to work, and we need

to continue to build a secure, sustainable and diverse employment base.

We need to continue to improve transport connections within the west and between the west and the rest of Melbourne and Victoria. We need to continue to improve the skills of our workforce and to keep investing in infrastructure to keep up with growth and change. We need to keep investing in quality education. We need to support our community leaders and community groups — those like the Laverton Action Group, which is doing such a remarkable job of inspiring and working with our local community to regenerate it. I intend to be a very strong advocate for these things within government, and I intend to do everything I can to make sure that my community is a community that feels safe and optimistic, that celebrates its diversity and that works together to build a future that is fair and full of opportunity.

My sense of fairness and equality comes from my professional and personal experiences. I would like to acknowledge the influence of my parents, Joan and Greg Hennessy, my brothers, my grandparents and my friends. My father has worked on just about every piece of major infrastructure ever built in Victoria. As a child I spent many days being taken on tours of assorted tunnels, bridges and sewerage plants — or 'purification plants', as he prefers to call them. Whilst I complained a lot about these tours — because, let's face it, they are not an eight-year-old's great idea of a fabulous weekend — along with Dad's great enthusiasm for civil infrastructure they showed me the difference that governments can make when they have the foresight and commitment to deliver big public projects in areas such as transport and water.

My mum has been instrumental in inspiring my belief in justice and opportunities for all, especially in the area of education. Bringing up a clan of children when you have multiple sclerosis is a daunting task, but one my mother managed with extraordinary humour and courage. She was passionate about all of us getting a good education and challenging accepted wisdoms. To this end she banned television from the house, and instead of taking us to the zoo she took us to university biology departments; and we were banned from ever entering McDonald's and were made to hiss at it when we drove past it. It was only when I was in the company of other children and would so hiss that I discovered this was not standard childhood behaviour.

My brothers have also been a great source of encouragement and endless entertainment. They have given me very effective, practical instruction on how to win, or in my case how to lose, a good fight.

I owe a great debt to my wonderful grandparents — Sven and Marjorie Larsen of Bendigo, and Tess and Herb Hennessy of Gippsland — who were big-hearted, deeply loving and generous people who taught me much about being a decent human being.

I also want to thank my in-laws, Lang and Leondis Dean, for their support. Long-time residents of Dimboola, now of Ballarat, they are also great examples of people who care about others and their community. And, of course, they did me the very fine service of producing my wonderful partner, Bernie.

So my families' legacy to me is one of enduring kindness, of not judging people because they are different, in difficulty or down on their luck.

To my friends across the Labor Party, my campaign team and local branch members, I thank you for your work and encouragement. I would also like to thank the labour movement. I promise you that I will be a strong voice in this Parliament for jobs, fair employment conditions, safer workplaces and a better deal for working families.

I would also like to say a word of thanks to my old law firm, Holding Redlich, that gave me so many wonderful opportunities and experiences. I also need to acknowledge the support of my civilian friends from all walks of life whose humour and loyalty continue to sustain me. I trust they will continue to keep me in touch with what people are really saying about politicians, to the extent we do not already know that.

It was Sir Isaac Newton who said, 'If I have seen further, it is only by standing on the shoulders of giants'. I am very conscious that in being here today I stand on the shoulders of many people whose wisdom and advice has guided and inspired me. I would not be here without them. They include Allan Griffin; Kim Carr; my local federal members of Parliament Julia Gillard and Nicola Roxon; Daniel Andrews, Minister for Health; Gavin Jennings, Minister for Environment and Climate Change; Andrew Giles; and former Premier Steve Bracks and former Premier Joan Kirner, who is here today — a remarkable woman whose commitment to improving the lives and representation of women is one I hope I can emulate.

To my predecessor in the seat of Altona, Lynne Kosky, I say a big thank you for your example of community leadership, your untiring support for the city's west and your 14 years of service to the people of Altona and Victoria.

To my partner Bernie and my exuberant daughters, Lily-Rose and Ginger: you are my inspiration. I hope I make you proud.

Finally to the people of Altona for electing me as their representative, I say thank you. I assure you that I will represent your hopes, concerns and interests with dedication and passion. I assure you of my commitment and that of the Brumby Labor government to making sure that the people of Melbourne's west have every opportunity to secure a bright and successful future. Thank you so much for this opportunity. I will give you my utmost.

#### **Honourable members applauded.**

**Mr WELLER (Rodney)** — It gives me great pleasure to rise to speak in reply to the annual statement of government intentions by the Premier. Once again this statement was typical of the government: all spin and no substance. I will go through the statement. The Premier says the government is standing up for Victorian families — for jobs, services and a fair go. I think we need to go and tell that to the people of Leitchville where the local factory has closed down, costing 80 jobs, because of the government's policies.

The town of Leitchville has also been denied access to the natural gas pipeline, which was promised by the Labor Party during the 1999 election but which it has failed to deliver in 10 years.

#### **An honourable member interjected.**

**Mr WELLER** — Indeed, it was last century that it was promised.

Then we have Picola, where the local sawmill has been closed down as a part of the river red gums national park. So the local economy of Picola has lost five jobs, which has a flow-on effect that is quite devastating. On the front page of today's *Weekly Times* we see that the Victorian Farmers Federation has done the figures that show that the water policies of this government and the federal government are costing regional areas of Australia, including northern Victoria, 5599 jobs.

I return to the statement by the Premier, which says:

Making our streets safer also requires the hard work of driving culture change to help our police and communities address the issue of alcohol-related crime and antisocial behaviour around entertainment precincts.

That is all well and good, but what is the government doing in the electorate of Rodney? It is reducing police numbers in the shires of Moira and Campaspe. All the

alcohol outlets are paying extra money for their licence fees, but police numbers are being reduced.

The statement then goes on to talk about water:

The Sugarloaf pipeline will come on line in coming weeks ... a \$2 billion investment to save water and deliver it to farmers, rivers and communities ...

The people of northern Victoria are well aware that there will not be any extra water. There will no water for the farmers, because the government has promised 519 000 megalitres in savings, when last year there was only 350 000 megalitres. Indeed if the sums are done on last year, there would only have been 180 000 megalitres saved, so the government is 340 000 megalitres short on its savings.

The Premier went on to say:

In the same way that our long-term water plan is securing our water supply our \$38 billion Victorian transport plan will build the transport links required to support Victorian families into the future.

Another lot of spin! If you go through the budget papers, you see that only \$8 billion has been committed. How can you say it is a \$38 billion plan when there is only \$8 billion in the budget for it? To say it was anything more than what is in the budget papers is misleading; as I said, it is only an \$8 billion plan.

It goes on:

We will drive the biggest infrastructure investment in the state's history, safeguard Victoria's business competitiveness ...

I suggest government members go and tell that to the dairy farmers in northern Victoria, where we have seen under this government's rule, from the year 2001–02 to 2009–10, this current year, the milk flow in northern Victoria drop from 3.2 billion litres down to an anticipated 1.7 billion litres. Why? The government's policies have not made members of the dairy industry in northern Victoria feel as though they will be secure and competitive. They fear that because of the pipeline to Melbourne and because of the government allowing the federal government to come in and buy back water, there will not be enough water — and we have seen the contraction of the dairy industry in northern Victoria.

The statement says the government is standing up for Victorian jobs; it refers to the largest school capital program in Victoria's history in 2010. We all know it is the federal government that has been funding that. We also know that the state government has been creaming money off the top through management fees within the

department. I have schools in my electorate that have been allocated \$850 000 but are only getting \$560 000 of it. The Victorian government is creaming that money off, putting it in other places and denying schools in my electorate their full allocation.

We also hear that the government is going to upgrade the tennis centre and that the Premier has a vision to build the best sports and cultural precinct in the world. What about a bit of a spend outside of Melbourne? A community facility that really needs a rebuild is Victoria Park in Echuca. The very old facilities there are desperately in need of a rebuild, but nowhere in the statement is there any reference to a vision for that.

There are also the netball courts at Rochester. The member for Northern Victoria Region, Kaye Darveniza, in the Council has been there and seen those courts. The players cannot play on them this year, yet the government refuses at this stage to help out. The government then refers to 10 police stations being replaced or upgraded. There is no mention of Echuca or Rochester. There is not much in this statement for the seat of Rodney.

We also have a reference to aged care and community services facilities across the state. All members would know that the workers are working overtime with no pay. I know of nurses in the aged care area working perhaps 80 hours when they should be doing perhaps 40. There should be a ratio of 1 nurse to 7 patients, but quite often the ratio is 1 to 9 or 1 to 17, and the nurses and their carers have been saying to me that it is not sustainable. We need to address this, and nowhere in the statement of intention is the government saying it will fix that.

Now we come to this:

In 2010 our bushfire priorities will be: strengthening fire preparedness, including developing township protection plans ...

The best thing we can do for fire preparedness is reduce the fuel loads, and the best way to reduce the fuel loads is to have harvesting of timber in ecological thinning and to have cattle in the bush, for ecological reasons, reducing the fuel loads.

The statement says we are going to have tougher laws and a more visible police presence, but as I have already mentioned, the plans are to reduce the number of police in the Moira and Campaspe shires, which would be a disgraceful act and contrary to what the Premier has been saying.

Now we come to the farce of it all — the real spin: this government now has a minister for respect. Members would have seen earlier today in question time what this government delivers as respect. From the Premier and the Attorney-General down, government members do not respect the parliamentary processes, and they do not respect members of the opposition. The Premier came to Rodney on 11 January to announce funding for the port of Echuca. That may have been quite good, but if there was respect, he would also have invited other members of Parliament. The local member was not invited by the Premier nor by the Minister for Regional and Rural Development. Fortunately the local shire informed me what was going on, and I got to be there.

The Minister for Health also comes into my electorate, making announcements, and he and his department never inform me; I have to find out from locals.

**Mr Wynne** — What about me? What about the library?

**Mr WELLER** — The library? I must admit — the minister is at the table — that when he was going to open it at 11 o'clock, the minister rang me at 10.30 a.m. and said, 'I'm coming; are you going to be there?'. That is the respect we get. It needs to be shown all the way down the line. We talk about fairness, but that is what we get.

**Mr Wynne** — You didn't answer the phone the day before.

**Mr WELLER** — Because I was looking after my constituents; I am too busy to be talking to sideshows. What we need to do is go back to the rivers and the red gums. The government says it is committed to the rivers and red gums, but in reality government members do not care about them; if they did, they would not be pumping the water that is being saved from the Wimmera-Mallee pipeline — that was allocated to the Loddon, Campaspe and Goulburn rivers — to Melbourne, because Melbourne has two years of water in supply. They would be supplying that water to the Gunbower Forest — it could be delivered down the Goulburn. If government members were fair dinkum about the environment, they would be giving the water to it.

Government members do not want to talk about priorities and getting their communities involved. Why are they cutting down the community's involvement in the catchment management authorities? Their plan for this year is to take involvement away from the communities and have the catchments run by bureaucrats.

**Mr LANGUILLER** (Derrimut) — It gives me great pleasure to make a few comments in relation to the 2010 statement of government intentions that was presented by the Premier on 2 February. Today I wish to focus on an area very dear to my heart, as it is for everyone in this house and particularly for those on this side of the house. It relates to the multicultural nature of our community and all of those things that we have done to ensure that our community remains one of diversity, one of success — —

**Mr Wynne** — And tolerance.

**Mr LANGUILLER** — And indeed one of tolerance, as the member for Richmond, who is passionately committed to the area of tolerance and diversity, points out.

Our statement of government intentions, of course, focuses on families, on fairness and on the future of Victoria. Victoria's cultural, linguistic and religious diversity is one of our greatest assets. Victoria's new multicultural policy, All of Us, was launched in March 2009 after extensive statewide community consultation, and the policy sets out a framework for continuing to strengthen and promote multiculturalism across the state. In 2010 the government remains committed to supporting diversity, to promoting community harmony and to ensuring that Victorians have appropriate access to services that are responsive to cultural needs.

I wish to take this opportunity to commend the government — and indeed to commend the minister — because I believe that ultimately it is about people and it is about members of Parliament who become ministers and who remain committed to a long-term and historical agenda. The ministry and the government of today are the custodians of what many of our predecessors, particularly on this side, have undertaken to protect for decades on end — indeed since the Second World War — to ensure that this nation becomes a successful nation, a diverse nation and indeed a nation which thrives on the diversity of languages and ethnicity.

I say in passing that I also commend the statements and the commitments made in the previous government statement. I note from the Premier's speech made in this house on the 2009 statement of government intentions that it outlined a plan to protect the economy in the face of the most serious financial crisis we had faced for decades. Understandably, and quite correctly, it was the biggest infrastructure investment in Victoria's history, which was aimed at what is fundamentally important — something that those on this side of the house learned, and learned quickly, from childhood —

that is, that we need to have a job, we need to have a home, we need to have health and we need to have education if we are to be successful as individuals and indeed if we are to be harmonious and successful as a community and as a society.

I wish to take this opportunity to make the following comments, which I think are worth mentioning because they reflect clearly that on this side of the house the government is committed to delivering on every promise it makes. That 2009 agenda was an ambitious agenda. It comprised 82 legislative and 195 non-legislative initiatives, and it was pleasing to hear from the Premier that 94 per cent of those initiatives, with another 3 per cent relying on the Council of Australian Governments and national reforms, have been met. Not many governments in any jurisdiction anywhere in the world, may I say respectfully, can put on the record that 94 per cent of promises they have made have actually been met. In our case some of the remainder of our agenda is reliant on our partnership with the federal government, and I am confident that that will come through. Victorians can stand confidently and look to the government for leadership, for seriousness and for commitment and reliability. When it comes to making a commitment, they know that this government will come through.

I wish to refer to a paper which I submitted at a New Zealand conference, which I titled 'Multiculturalism, democracy and the Victorian Parliament'.

**An honourable member** interjected.

**Mr LANGUILLER** — I thank the member. The conference was a CPA conference — a Commonwealth Parliamentary Conference. I proudly represented the Victorian Parliament and my colleagues, and I decided to submit some background to the history of multiculturalism in this society.

I wish to remind members that the change in federal government in 1972 ushered in a new era of migration in Australia, which saw refugees arrive from Vietnam, from Lebanon, from Cyprus, from Chile and indeed from Uruguay, like myself. I wish to place on record again my appreciation and that of my friends, colleagues and family members of the policy of the government at that time which made provision for me and many others to come to this nation and take advantage of an education and find a safe haven.

**Mr Wynne** — And public housing!

**Mr LANGUILLER** — And public housing. I am equally grateful for the fact that I was able to enjoy the privilege of living in the high-rise in Flemington. I will

not forget my housing experience in the unit at 67/120 Flemington — —

**Mr Wynne** — Racecourse Road.

**Mr LANGUILLER** — Racecourse Road, as the member for Richmond correctly remembers and reminds me. That was a great experience for me, and it gave me an enormous opportunity. I will always be indebted to the community and to the taxpayers and governments of the time for making that provision available to me.

Coming back to this statement, let me say that according to the last census among the top five communities from overseas living in Victoria are England, with 163 000, Italy and New Zealand, and there are a whole range of other communities, including Sri Lanka and now countries from Africa. I repeat: how do we protect multiculturalism and human rights? The preamble to the Multicultural Victoria Act states in paragraph (1):

The Parliament of Victoria recognises and values the cultural, religious, racial and linguistic diversity of the people of Victoria.

Although it is important to recognise diversity, it is also important to promote it, and that is why I commend the government for its commitment to promoting it. The act also states:

The Parliament of Victoria wishes to promote this state as a united community —

which we are —

with shared laws, values, aspirations and responsibilities within which people from a diversity of backgrounds have —

- (a) the freedom and opportunity to preserve and express their cultural heritage; and
- (b) the freedom and opportunity to participate and contribute to the broader life of society; and —

last but not least —

- (c) equal rights and responsibilities under the laws of Victoria.

Equal rights and equal responsibilities are very important, and I for one recognise and state that we must always emphasise the necessity to remain equal before the law and to have the responsibility of exercising equal rights and taking up equal opportunities. The distinction between simply recognising diversity and actively promoting it is critical for any modern society from our point of view

but in particular for Victoria, being the most multicultural and diverse state in Australia.

I commend the government, I commend the statement of intentions and I commend the ministers responsible for it, because I believe that the challenges we now face can be met within the law and can be met within the community. I have no hesitation whatsoever in placing on record that this is the most multicultural, most harmonious and indeed most tolerant society I have lived in. When I look at other nations around the world I remain very strongly and very passionately of the view that whilst there might be an element or two that reject this notion of multicultural harmony, institutionally this country and the people as a whole are good and are absolutely committed to harmony and to making sure that diversity — linguistically and culturally — remains a pivotal part of this community.

**Mr WELLS** (Scoresby) — I join the debate on the annual statement of government intentions of February 2010. I say from the outset that I had a different speech prepared for debate on this particular booklet — an embarrassing booklet — until I witnessed question time today. What an embarrassing situation it was for the government during question time to have three, four or five of its own members thrown out for a publicity stunt — and that is all it was. It was a grubby attack. You can see the government unfolding. Day by day it is becoming more desperate and aggressive. When it comes to grubby attacks, this government is leading the way.

On page 34 of the annual statement of government intentions, under the heading ‘Implementing the urban growth boundary’, it says:

The government announced a review of the urban growth boundary when *Melbourne @ 5 million* — which provided a long-term plan for managing Melbourne’s growth — was released in December 2008. The expanded urban growth boundary provides for an additional 284 000 households in the growth areas of Melbourne.

You would not believe what the ministers were saying during question time today in response to their own Dorothy Dixers. They were trying to convince the Parliament that because the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill had been voted down in the Legislative Council, three things were going to happen: firstly, the sky was going to fall in; secondly, the supply of blocks of land was going to significantly decrease; and thirdly, the price of blocks of land was going to significantly increase. All the Dorothy Dixers focused on these three points.

I remember that in the previous state election campaign Labor promised there would be no new taxes. That turned out to be a blatant lie. It is typical of this government, which will say and do anything to hang on to power. We have already started to see this. Without any doubt, you can never trust Labor members because of their desperation to hang on to power.

Is it not interesting, given the two points the government tried to make in question time today — that the supply of land will decrease and the price of blocks of land will significantly increase — to note an HIA (Housing Industry Association) press release put out today headed ‘Melbourne’s future land supply at risk’. It says — and I am very surprised the Premier did not refer to this press release today during his list of spins:

The Housing Industry Association is pleased the Victorian government’s unfair levy on new housing has been defeated in Parliament, but is now calling on the government to proceed with the expansion of Melbourne’s growth boundary or risk jeopardising the state’s land supply and affordability.

The HIA has made it very clear that it wanted this new, big tax voted down. It is pleased that the opposition, along with the Greens, has voted it down, and it is now calling on the government to take action to make sure that the land supply and affordability issues are addressed.

The press release goes on to quote HIA’s Victorian executive director, Gil King, who said:

In an environment where affordability is already deteriorating, such a move would be disastrous for the state’s competitiveness and for future generations of Victorians who will see their housing dream further out of reach.

He went on to say:

Despite numerous flaws with GAIC and widespread industry opposition to the bill, the government tried to push on with minor amendments that did not address industry’s concerns, only to see it defeated.

The press release continues:

HIA had called for amendments such as changes to the timing of the payment ...

And so it goes on.

I would also like to quote from a letter to the Premier, dated 11 November 2009. It says:

The Australian Property Institute, Housing Industry Association, Master Builders Association of Victoria, Property Council of Australia and Urban Development Institute of Australia, the peak bodies representing the development and building industries, have united to oppose the Planning and Environment Amendment (Growth Areas

Infrastructure Contribution) Bill as presented in the exposure draft released on 16 October 2009.

Our individual positions —

the letter goes on to say —

on the growth areas infrastructure contribution (GAIC) as outlined previously have not changed. We are fundamentally opposed to the introduction of any new taxes on land and housing developments.

How much clearer can it be? This government is out of touch and is no longer listening to the people. We now have a situation where during the whole of question time today the government, in an incredibly embarrassing display, tried to blame the opposition, saying that the defeat of the GAIC bill would somehow create a decrease in land supply and that the price of blocks of land would significantly increase. I do not quite get that. How is putting \$95 000 per hectare of brand-new taxes on land that needs to be developed going to force prices to decrease? There is something in that equation I am missing.

Let us move on to the annual statement of government intentions presented by the Premier. You have to remember that John Brumby has been running the state for 11 long, dark years. There is no doubt that the Brumby government has run out of ideas. Where is the vision and where are the solutions that will fix the shambles this state is in? Violent crime is at record levels, waiting lists at hospitals have blown out, education standards have fallen, we are on stage 3A water restrictions and we now have runaway debt with no repayment plan and no ideas. Where are the solutions to the problems in this state?

Let us look at the details. On page 27 of the statement there is a reference to PSOs (protective services officers). It says, under the heading 'The Victoria Police Bill 2010', that the government was:

Removing the cap on the number of protective services officers (PSOs) that can be employed by Victoria Police and expanding the roles in which the chief commissioner may deploy PSOs (such as at train stations) ...

I remember that when the Leader of the Opposition, the Leader of The Nationals and the shadow Minister for Public Transport announced this policy it was totally rejected by the government. Those people had no idea what was going on around them — the stabbings, bashings and further assaults that take place on trains and at train stations — so the opposition put forward an idea, which was pooh-poohed by the government at every step. It was embarrassing for the Premier, because he had no idea what PSOs did at any time. It seems that PSOs were good enough to support

members of Parliament by protecting the Parliament and the Shrine of Remembrance, but when it came to public transport and the Victorian public, for some reason the Premier had a different idea and thought that PSOs should not protect them. It is incredibly embarrassing for the government that once again the PSOs are being highlighted in the proposed Victoria Police bill and that the government is moving along those lines.

In the last minute I have to remind the government of its unbelievable disrespect for the outer east. It is good to see the member for Monbulk at the table. Does he remember the promises that government members made to the people in the outer east? They promised there would be no tolls on the Scoresby freeway. In 1999 they promised that Rowville police station would be a 24-hour station. It is not; that promise was a lie. They promised to extend the tram line to Knox City in 1999, but it was a lie, and that promise will never be fulfilled. In 1999 government members promised that a feasibility study would be done on extending the suburban railway line to Rowville, but the headline of the local paper a fortnight ago was 'Rail scuttled' when the Premier came out and said it was not going to happen — another broken promise.

Government members said that come hell or high water Waverley Park would be saved for Australian Football League football. You can never, ever trust the Brumby Labor government.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — It gives me great pleasure to speak on the annual statement of government intentions. The year 2010 is about building — building jobs, building our economy and building our communities. Victoria will see a program of activity that continues to provide strong leadership and delivers the state's biggest ever infrastructure development and a government that stands up for Victorian families — for our jobs, our families and our communities.

We see this activity in my own community. The Monbulk Community Centre is due to open — a fantastic redevelopment incorporating Monbulk Primary School and a redeveloped community centre delivering maternal and child health care, children's services and a preschool, and a library to be used by students and the broader community. This wonderful project has been delivered by three levels of government and the local community. Construction has begun on Burrinja, the cultural centre in Upwey, which will be the first dedicated performing arts facility in the Dandenong Ranges, and it is a wonderful project.

We are about to open the Montrose recreation reserve, LeisureWorks in Boronia and schools right through the Dandenongs — from Monbulk to The Basin Primary School, where yesterday I announced a feasibility study to look at creating a community hub for the community of The Basin, just as we have done for the Monbulk community, and we have seen similar projects move ahead right across the state.

Just over a year ago our state was struck by the worst natural disaster Australia has ever experienced. Some 12 months on many lessons have been learnt and much rebuilding is continuing. Victoria learnt the extraordinary power of communities and the pivotal role that sport plays in our lives. Within my own portfolio responsibilities in 2010 the Brumby government will continue rebuilding each and every sporting club destroyed or impacted on 7 February 2009. New state-of-the-art lights will soon be raised at the Kinglake football ground. Work will continue on the Marysville skate park, the Strathewen sports centre and many other projects. This is in addition to the dozens of projects already completed, including redevelopments at the Yarra Glen Pony Club, the Steels Creek Tennis Club, the Kinglake West Tennis Club and the Marysville pool.

I would like to highlight one project in particular. In September I joined the Deputy Premier and the member for Seymour at the Marysville Bowls Club, where the Deputy Premier announced a grant of \$200 000 for the laying of a synthetic bowling green. An email from the president of the Marysville Bowls Club, Dr Nick Jans, states:

This is great news for the club as a whole, not just for the bowlers (who have every right to be hugging themselves!). This will undoubtedly spur our membership, give us a higher profile within the bowling community, and generally result in a greater flow of visitors to the district.

Every visitor who comes will spend some money somewhere; and that's great for Marysville and the Triangle.

This year will also see the Brumby government continuing its vision to build the best sports and cultural precinct in the world. Work will commence on several major sporting infrastructure projects and will continue on many others nearing completion. The investment in these major sporting projects totals close to \$1 billion — close to \$1 billion worth of work and hundreds upon hundreds of jobs created. Victoria takes great pride in our world-leading sports precinct, which is Melbourne and Victoria's version of the Sydney Harbour Bridge and the opera house. If there is one thing that sets Melbourne and Victoria apart from the rest of the country and the rest of the world, it is our

fantastic sporting and cultural precincts right across the state.

In April work will commence on the \$363 million redevelopment of Melbourne Park, a project which has seen the Australian Open secured until at least 2036. This project will see a redevelopment of Margaret Court Arena, including the installation of a retractable roof, and the development of a new eastern plaza, which will house 21 new courts and tennis player facilities to rival any in the world. This will be the first grand slam venue with three weatherproof stadiums. The retractable roof over Margaret Court Arena is a fantastic outcome for other sporting codes, particularly basketball and netball, the players of which have been absolutely keen for — a new stadium with 7500 seats.

Immediately following the grand prix major work will commence on the new \$52 million state athletics centre at Albert Park, which will create a new state-of-the-art home for the Victorian Institute of Sport (VIS) — its own home — and for our athletics community as well. This project will herald a new era for track and field events. This world-class facility will be of international standard and will finally locate all of our principal Olympic sports — aquatic and track and field — in the one precinct. The project will also deliver more dedicated recreational space and more synthetic pitches and turf fields for all Albert Park users, and bring together all components of the South Melbourne Football Club. Whether it be for elite sport or community sport, this is a fantastic project.

Work will also commence on an upgrade to the Great Southern Stand at the MCG. The government will contribute \$30 million to this project, and an announcement will be made in the coming months on the totality of that project. The Brumby government will save Yarra Park through a \$22 million water project, which will secure the health of this beautiful park, and that is a project which would not have happened without the action of the Brumby government.

Work will continue on the \$27 million state basketball centre at Knox. Stage 1 of this new heart for basketball in Victoria will see the construction of six new basketball courts, including a 3500-seat show court, and it will also house two synthetic soccer pitches, which will serve as a regional base for Football Federation Victoria. Importantly, this will be the first time basketball has ever had a home to call its own.

Australia now has a new home for winter sports, with the new \$58 million National Ice Sports Centre having just opened its doors. This is the first two-rink ice

facility ever developed in Australia. If members have not been there, I encourage them to visit the centre. It is an extraordinary facility and a great addition to our sporting and recreation landscape.

Many Australian Football League (AFL) and Victorian Football League training ground upgrades will be completed in 2010, and the cost of the work on those projects has totalled more than \$100 million. Earlier this month I opened Carlton's new state-of-the-art development at Visy Park. Whether it is Arden Street or the Whitten Oval for the Bulldogs, these are extraordinary projects which not only provide state-of-the-art facilities for the elite athletes of those AFL clubs but also open up the doors of these clubs to the broader community. They are fantastic projects.

Most excitingly the next jewel in Melbourne's sporting crown will open in May. The new rectangular stadium will be a revelation for sport in Melbourne. Sporting fans will never have experienced anything like it, particularly Rugby Union, Rugby League and soccer fans. It will be the new home for Melbourne Storm, Melbourne Victory, Melbourne Heart and the Melbourne Rebels, which will be our team for the Super 15 Rugby competition. We got that over the line after many years of hard work, so it will be fantastic to see the Melbourne Rebels Rugby Union team.

The year 2010 will also be a big year for our athletes. Later this year many Victorians and VIS athletes will head to India to represent Australia at the Commonwealth Games. We saw firsthand in 2006 how passionate we are about the Commonwealth Games, and we look forward to another successful competition in India, so good luck to our athletes.

The government will also continue to work closely with the federal government and Football Federation Australia on our bid to host the 2018 or the 2022 World Cup. As we will see when it is held in June, the World Cup is the world's biggest sporting event, and there is no better place in the world to see a World Cup final than the Melbourne Cricket Ground. Together with our continued record of investment in country and community sport, the Brumby government is delivering stronger sport, stronger communities and stronger security in terms of Victorian jobs.

In 2010 we will see a focus on mutual respect in our community. As part of our respect agenda the Brumby government will shortly release a new code of conduct for community sport. For the first time funding will be tied to how clubs and sporting associations make their sports venues places where everyone from every background can enjoy playing sport, free from abuse,

discrimination and the so-called ugly-parent syndrome. That will be a big announcement this year and will be a major component of our respect agenda.

In 2010 the vulnerable youth framework will be an opportunity to drive more consistent, systemic approaches to supporting young people across the spectrum of vulnerability and youth services. There are six Better Youth Services pilots that have been undertaken, testing the proposed features of a new comprehensive framework. The Brumby government is committed to getting the vulnerable youth framework right for services, families and the most vulnerable young people in our community.

In 2010 the Brumby government will continue improving the experiences of international students in Victoria. As I mentioned yesterday, I recently joined the Premier in Carlton when he launched the new International Student Care Service that is being managed by the Victorian Multicultural Commission. It is a service which provides international students with a single point of contact where those in need can obtain advice, support and assistance 24 hours a day, seven days a week.

In 2010 the government will continue promoting harmony and ensuring that our multicultural communities have access to services that are responsive to their cultural needs. There will also be a review by Geoff Eames of our sentencing laws, and I do not have time to go into the detail of that. It will be a major review and will continue the extensive redevelopment of our cultural precincts in the central business district, so 2010 will be a big year for all of us.

**Mr TILLEY (Benambra)** — I rise today to speak in reply to the Premier's self-promoting annual statement of government intentions 2010. Hopefully the Minister for Sport, Recreation and Youth Affairs will remain in the chamber during this debate, because it is disappointing to look at some of the good things done in Victoria, particularly with my being a keen supporter of Rugby Union, while also recognising some of the other activities of this government which deeply disturb me. I will say more about that in a moment.

The overriding concern which is daily being highlighted to me and my colleagues in the coalition, which the Premier failed to cover in his speech, is that Victorians are hurting. Victorians daily not only are faced with fraught economic conditions and a tightening jobs market but must also deal with challenges thrown up by this government, which does not care, has run out of puff and has run its race.

The list of challenges is long and extensive: crime, alcohol-fuelled violence, traffic congestion, poor public transport, corruption, appalling bushfire preparedness, poor land management, the Premier's reneging on his solemn promise to implement the bushfire royal commission's recommendations, violence against international students, high and ever-increasing taxes, increasing levels of state debt, a fire services levy system which punishes those who contribute rather than those who neglect their obligations, water infrastructure and water policy which is seeing the state run dry and water being taken through the north-south pipeline from the state's great agricultural regions to be flushed down the toilets of Melbourne residences, growing hospital and public housing waiting lists, and liquor licensing fees which are putting the hammer to small, local country pubs that are the bedrock institutions of many country towns and, as we saw yesterday, to the live music venues, because Labor cannot control alcohol-fuelled violence in Melbourne. I could go on with a whole range of further points, but be assured that after 10 long years of inept governance, the list most certainly continues.

For a group of people — the members opposite who repeatedly espouse ad nauseam that they want to make Victoria the best place to live, work and raise a family — Labor could not have failed more comprehensively in this task. Change and new leadership are needed in law and order, transport, water, land management, the economy, education and health.

In law and order, whether it be violent crime against the person, crime against international students or the lack of operational front-line police, Labor has been derelict in its duty to Victorians. It is not just the coalition that says this. In late January the Productivity Commission released a damning assessment of Labor's law and order commitment.

The Productivity Commission found that in Victoria today under Labor there are fewer operational police per capita than in any other state in Australia, that Victoria consistently spends less per capita on police services compared to other states and that since 2006-07 Victoria has seen a decline per capita in the number of police. All this is in an environment where violent crime has increased by 40 per cent over 10 long years under Labor and where violent assault has soared by 70 per cent in the same period.

We also have a problem in this state with violence against international students and with a government that, firstly, for years has not been willing to accept that there has been a longstanding problem; and secondly, is not prepared to put in the hard yards to find solutions. It

is only willing to flagrantly plagiarise the hard work of private Victorian enterprise in the name of quelling bad press. Labor's actions on this front could not have been more insidious, and they point to a culture of laziness and incompetence which is rife through ministerial and departmental offices across the state.

To demonstrate the depths to which Labor will stoop to save face, International Student Care Australia is a Victorian small business which provides care and support for those who have come from overseas to study in Victoria. This business has been going since 2003. Before violence against international students became a front-page issue, representatives from International Student Care Australia approached the government to raise their concerns as professionals in the field who deal with international students on a daily basis.

Despite representations and meetings with the Minister for Skills and Workforce Participation and her office, their concerns fell on deaf ears. It was not until overwhelming public pressure forced this government to act that it so brazenly plagiarised the intellectual property of International Student Care Australia and passed it off as the government's new program to solve the violence against international students, badged 'International Student Care Services'.

The Premier and, in particular, the Minister for Skills and Workforce Participation should be ashamed for, firstly, ignoring the long-held professional concerns of International Student Care Australia; and secondly, for plagiarising its hard work at the last minute in an attempt to look as if the government actually had a plan to deal with violent crime. This cannot be permitted to stand. This is a disgrace, and the government must ensure that appropriate recognition and compensation will be afforded to International Student Care Australia for its hard work.

Moving on to look at the next 12 months from a local perspective, Benambra residents are hurting as well. Violent crime, road death and trauma, poor land and wildlife management and delays, and a lack of commitment to the completion of vital rail infrastructure projects continue to dog the community.

Recently there have been many deaths on our local roads. The government's road safety policy is not working. Only last Sunday the Minister for Police and Emergency Services heralded the impounding of the 10 000th hoon car as if it were a reason to celebrate. There should not be one youth driving on our roads in Victoria whose car has been impounded. We should not get to the stage where we take cars off the road or

where we have to crush them. We need a strong commitment to proper education and proper support for police and a whole range of activities I do not have the time or opportunity to detail.

The 10 000th impounding of a car shows that Labor's hoon laws do not work. Tougher action against hoons is needed, which is why the coalition will increase impounding periods, crush recidivist offenders' cars and take a zero tolerance approach to hoons on our roads. Governing cannot just be for today; in governing we must govern for today and for the medium to long term.

As I have mentioned in this place previously, the much delayed and still to be completed Wodonga rail bypass project has taken a decade, but day by day it is getting closer. We must wait to see whether we get our passenger rail services returned. It is lucky we are not holding our breath, but each day we are getting closer. There have been long delays, but the infrastructure project continues and will drive growth for several of the major employers in my electorate.

Today Labor wants to rip up a longstanding commitment to industry in Wodonga by commencing the removal of the rail infrastructure known as the Wodonga spur line. Not only will the government not leave the line but it will remove every piece of the infrastructure. In the medium to long term the spur line would have driven employment as it would have serviced the factories of the largest employer in the region as well as businesses whose medium to long-term plans show they rely on this spur line to move the goods they need to drive employment.

I call upon the government to ensure at the very least that the present infrastructure be left in place. I also call on the Labor government to live up to its 2001 memorandum of understanding with local industry to ensure the operation of the spur line when the Wodonga rail bypass is finally delivered.

In conclusion, fuel reduction and proper land management have been ignored by Labor. This inaction will have implications in the short, medium and long term. As I have said continually in this place, the north-east of Victoria experienced three large and complex fires; the area faces a fuel load management problem.

We have a very big 12 months ahead. Work must start anew to repair the damage caused by 10 years of inaction, indolence and incompetence by the Labor government. The coalition has plans for the future. Members should stay tuned, because the next 12 months are going to be very interesting indeed.

**Mr NOONAN (Williamstown)** — It is a great pleasure to rise to make a contribution on the 2010 annual statement of government intentions. In starting my contribution I want to congratulate the new member for Altona on her inaugural speech in this place. I certainly look forward to working with her as I believe she will be a great advocate for people in the western suburbs and of course in her electorate of Altona.

This is the third year the Brumby Labor government has set out its priorities and plans on the first parliamentary sitting day of the year. History will record that 2009 was very much shaped by the state's capacity to see off the worst global financial crisis in our lifetimes. This was compounded very early last year by the worst ever natural disaster which we now know as the Black Saturday bushfires that occurred on 7 February. The fires resulted in the tragic loss of 173 lives. Through all of this Victorians demonstrated their resilience and enormous generosity of spirit.

This year's statement is entitled 'Families, fairness and the future of Victoria'. It is deliberately ambitious and capitalises on our strong job-building economy. It is a statement that supports the state's largest ever capital works program. It continues to provide unprecedented support to disadvantaged communities. Finally, it is a forward-looking statement that delivers for Victorian working families.

But it is Victoria's strong economy that will drive opportunities for working families this year. It is well documented that Victoria created over 75 200 jobs last year, which was three times more than any other Australian state. Opposition members hate that, because they hate good news. The opposition hates the fact that Labor is smashing it in this area.

The member for Scoresby, who is the shadow Treasurer, last year responded to the budget on 7 May by saying:

This budget was supposed to be about jobs. It is, but it is about jobs being lost, not protected. Unemployment will reach 7.75 per cent, which means at least 70 000 Victorians will lose their jobs.

He was wrong, as he often is. Worse still, the Leader of the Opposition does not have any plans to create jobs in Victoria. We know that in his 4000-plus word response to the government statement he mentioned the word 'jobs' only once — and that was only in passing. He does not care about working families; he cannot relate to working families.

However, while the opposition in this state fumbles around looking for a policy in this area, the federal

Leader of the Opposition, Tony Abbott, has been breathing new life into WorkChoices. This was a policy some said was dead and buried, but seemingly it is now being resurrected by the Liberal Party. Why would the opposition resurrect WorkChoices, and will the Leader of the Opposition in this Parliament endorse Mr Abbott's view that WorkChoices was not all bad? I guess when you do not have any other job-creating policies the answer might be yes, but time will tell on that front.

Members should contrast that with the Brumby Labor government, which has a job-creating plan for the state. Victoria simply leads the way. As the Premier mentioned in his statement, Access Economics is forecasting that in 2009–10 Victoria will have the fastest growth of all states with 2.9 per cent and above-average growth in 2010–11 of 3.9 per cent. The growth is being supported by the government's massive infrastructure program, which will deliver new schools, hospitals, roads — and it is pleasing to see the Minister for Roads and Ports in the chamber — rail extensions, children's centres, technical education centres, aged-care facilities, police stations, community facilities, water projects and public and social housing projects.

It is the area of public and social housing on which I would like to make a few comments. The Premier often says we cannot be the best place if we are not the fairest. Tackling homelessness and supporting vulnerable Victorians is a priority for the government. Adequate, affordable, safe and secure housing plays a critical role in people's lives, providing them with a base from which to engage with the broader community. That is why this government, in partnership with the commonwealth, is investing enormously in public and social housing. In fact this joint investment is unprecedented.

The Brumby Labor government has committed \$500 million to boost the number of public and social housing dwellings across the state. This includes \$300 million to build 1550 units through housing associations, and \$200 million to build 800 public housing units. In addition \$99.2 million has been allocated to Victoria from the commonwealth through a national partnership on social housing. This will deliver over 500 units.

The commonwealth's Nation Building stimulus package is delivering approximately 4500 homes to Victoria through a massive \$1.3 billion capital injection. Finally, the national affordable housing agreement between the state and commonwealth governments will deliver \$1.4 billion for both housing and homelessness. This is a substantial and

unprecedented investment by Labor governments to reduce the number of people who are on our public housing waiting lists and to drastically reduce the levels of homelessness.

Contrast this with the opposition's heartless view on this issue. Anyone who follows these issues closely will have noted that Tony Abbott said recently that he would not continue with the Rudd government's goal of halving homelessness by 2020. This revelation came to light in an article by Michael Perusco in the *Age* of 16 February. Michael is the chief executive officer of Sacred Heart Mission, an organisation that works at the coalface with homeless people and supports our most vulnerable. This article states:

In justifying his stance, Abbott quoted from the Gospel of Matthew: 'The poor will always be with us'.

In response to Abbott's view, Perusco stated unequivocally that:

Abbott's comment about people choosing to be homeless is another old and inaccurate cliché. It is a convenient myth that continues to be perpetuated by those who wish to avoid taking appropriate action to reduce homelessness.

Perusco's view was supported by Stephen Nash, chief executive officer of Homeground Services, who wrote a letter to the editor of the *Age* which was published two days later, on 18 February. Nash stated:

The 'choice' argument is a furphy to distract from an unwillingness to provide real choices and opportunities.

The Brumby Labor government understands and cares about vulnerable and disadvantaged people in our community. I am proud to be part of a government that invests so heavily in public and social housing. We are determined to make a difference in this area and have a willing ally in the Rudd Labor government at the commonwealth level.

I will watch with interest as the Baillieu-led coalition develops its policy in this area. I suspect it believes there are no votes in supporting the disadvantaged and homeless in our community, so the issue will probably not feature prominently in its policies, if at all. Time will tell on this issue as well.

In the time I have left I want to make a few comments about my plans and priorities for the Williamstown electorate. Schools and education again feature prominently. Bayside College, Altona North campus, should see stage 2 of its capital works program completed this year, creating an exciting combination of flexible learning spaces and wonderful new facilities at that campus. This should be complemented by the opening of a library, which is being built by the

Hobsons Bay City Council at Altona North. The project is being supported by the state government.

We will also see stage 1 plans well and truly advanced for Bayside College's Newport campus. Just down the road the newly named Newport Gardens Primary School is going through its stage 1 capital works program. I am looking forward to that being completed and opening in the not-to-distant future. I know the students, teachers and school council are very much looking forward to that being completed.

This year should also mark the reopening of the Yarraville Community Centre in Francis Street. It is an iconic project and building in my local area. It has been supported by all three levels of government in equal partnership and remains one of my most satisfying achievements during my first term as the local member.

We should also see the completion of a new shared path between Brooklyn and Yarraville later this year. This is the extension of the Federation Trail, which is the largest single investment under the Victorian cycling plan released last year by the Minister for Roads and Ports, who is here in the chamber.

Equally important for my local community is the early works which have commenced on the truck action plan to remove thousands of trucks from roads in the inner west. I note that the member for Polwarth came out to have a look at Francis Street and met the group from the Maribymong Truck Action Group. However, he did not make any commitments about what the opposition might do if it had the opportunity to do something about that issue.

The Substation Community Arts Centre in Newport should also be fully operational during the course of this year, and construction work will commence on the redevelopment of the Williamstown Cricket Ground. Agreement on the future of the Seaworks site in Williamstown should be finalised in the coming months, and I am very hopeful that Victoria University will formalise a lease to bring a new, exciting learning centre of excellence to Melbourne's premier waterfront location.

There is plenty to do. As I commence my third calendar year in the job, I can assure the people of the Williamstown electorate that my appetite for achieving positive outcomes remains very large.

**Mr MULDER** (Polwarth) — I rise to join the debate on the annual statement of government intentions. I will start by raising some issues regarding policing, particularly in relation to my electorate of Polwarth.

Not long ago we had a very serious incident in Colac, when a brawl broke out outside a nightclub. When you have police commenting in the local paper that they feared for their safety after they turned up to break up a brawl and complaining bitterly about the lack of resources, you know you have a serious problem. The day you have the police fearing for their safety in a country town is the day you know you have a government that has lost control of law and order.

I will also raise an issue in relation to the small towns of Cressy, Beeac and Lismore, which are all in my electorate. In Cressy there is a brand-new police station with a sign on the door that says an officer may be available a couple of hours twice a week, depending on operational matters. That little town has lost its permanent police officer, but there is a brand-new police station sitting there.

I wrote to the Minister for Police and Emergency Services about this matter. He said, 'That is okay. That town can be serviced from Beeac. The Beeac police officer is well known to people in the Cressy community'. It was not that long ago that I raised serious issues in relation to the town of Lismore, which went year after year without a police officer. Lismore has a brand-new police station but no police officer. It is one thing to go around opening up brand-new police stations, but it is another thing to actually put permanent police officers at those locations.

I am deeply concerned about the trend of violence in the metropolitan area of Melbourne that originated around the nightclubs. Younger people out in regional and rural Victoria are starting to mimic that type of behaviour. With a lack of police resources we are going to end up with some very serious situations. We have already had one young man in Colac seriously injured. He was bashed and ended up in hospital. He is still undergoing treatment. I am genuinely concerned about what I see as a trend of behaviour that originated in Melbourne but which is starting to filter out into regional and rural Victoria.

I will touch on the issue of education and a matter that is unfolding as I speak at the Apollo Bay College. I have not seen before a school community become so incensed at the lack of action by the government that the school captains took the issue up. That has happened in this case, and they are taking on both federal and state governments about the condition of the Apollo Bay College. It is like a tsunami down there. There is a wealth of support behind the two young school captains, who are trying to get something done about their school. I have had the shadow Minister for Education down there. Darren Cheeseman, the federal

member, went down and tried to bully the local school council, school principal and teachers into backing down on the issue. The government has to pick this issue up and get on top of it very quickly, because if these students are successful, this will become a trend across the state where you will have school captains taking on the government over lack of funding to schools.

I will touch on some issues relating to my portfolio area. They are set out on page 38 of the annual statement of government intentions, where it picks up a number of matters about the government transport plan, supposed new trains, train contracts, myki and new rolling stock. Anybody who had a look at the *Age* today would have a little bit of an understanding about what we have said time and again. Labor governments and money are a very poor mix.

Some \$850 million in capital is going into the myki project — a smartcard ticketing system that simply does not work. Here are some examples of the introduction of smartcard technology in other cities: \$289.4 million went into London's oyster card, \$122 million went into Chicago's card and \$96.7 million went into Montreal and Quebec's city opus card. But here in the little state of Victoria \$850 million of taxpayers money is being spent. Based on a comparison of those other cities and their population bases, it is an extraordinary amount of money that has produced absolutely nothing.

The great concern I have in relation to this issue is that when you look at not just the capital spending but at the recurrent spending on top of that, you see it is now running at about \$1.41 billion and is climbing as we speak. That could have purchased 40 brand new six-carriage train sets. That could have purchased 200 trams for the Victorian public transport network. I have said all along that, yes, the government should spend money on transport. I have never denied it. But the concern is the government's prioritisation of how it spends it!

When you look at all of the other issues that have not been dealt with in providing a sound and safe public transport network, you have to ask who on earth ever convinced the Premier, formerly the Treasurer, to write a cheque for this project on day one? I am talking about issues such as drainage around tracks; I am talking about getting the mud out of the ballast so that you do not rot the sleepers; I am talking about an appropriate sleeper replacement program; I am talking about replacing rails at intervals recommended by engineers rather than waiting until they break and cause train cancellations and train delays; I am talking about

critical points and crossings that have not been replaced at intervals recommended by engineers, and I am talking about train air conditioners that do not work.

We have got to get back to the basics. We have to make sure we get the rail system and the foundations of the rail system sound. We do not have that at the moment. We have money being poured down the throats of these types of projects. It is an utter disgrace. It is becoming an utter embarrassment to the people of Victoria. It does not matter what this government does in relation to transport, particularly public transport, it simply cannot seem to get it right. There is an issue in relation to the government's new trains that are now arriving in Victoria. The problem with this government is that it loves spin and loves all the jargon that comes with announcements and the time lines it sets, but when reality sets in and those dates arrive nothing will have happened.

Myki was supposed to be running by the end of 2007. We are now in 2010. As I said, it is a \$1.41 billion project. It is still running late; it still has not been delivered; it is still not working. We get all the spin about 30 per cent of freight transport being on rail by 2010. The government walked away from that. *Melbourne 2030* states that 20 per cent of people will use public transport for their transport trips by 2020. Once again, that will not happen.

In terms of the rolling stock, the Premier put his foot absolutely in the issue by saying in his transport plan that we would have trains on the tracks in late 2009. Then later he said we would have one a month from December onwards. In an act of utter desperation just prior to Christmas the Premier insisted, firstly, that myki be switched on — it has been an absolute and utter debacle — and secondly, that a train that was sitting in a workshop be pulled out for a publicity stunt. The train was pulled out, it went up the rail, it turned around and then went straight back into the workshop. It was a statement made by the Premier some time ago to gain great political acclaim, but when it came to the date of delivery nothing happened.

We have had all sorts of reasons as to why these trains have not hit the tracks. At one stage the Premier claimed there was a risk that Somali pirates may capture these trains on the high seas — —

**Mr Pallas** interjected.

**Mr MULDER** — I do not think they are flying, but neither is the Minister for Roads and Ports. The Premier said these trains might have been captured on the high seas which would have caused a delay in the trains

getting onto the tracks. When the new Minister for Public Transport, Mr Pakula, with his strong union background, was appointed to the role of Minister for Public Transport we thought, 'Here we go. Here is a man who will step in and sort the issues out with the unions to make sure these trains can get out there and get onto the tracks'. Then the new Minister for Public Transport went behind closed doors. He came out and said, 'There are a few technical issues and trifling matters, but there really is nothing stopping these trains from running'. If you get someone with a strong union background going behind closed doors with the rail, tram and bus drivers unions to sort out an industrial matter which according to the minister himself is a trifling matter, what hope would you have sending that particular minister to deal with something that is extremely serious?

In closing I raise the issues about the PSOs (protective services officers), which all of a sudden turned up in this particular document. When we announced a policy of putting PSOs on train stations from 6.00 a.m. to the last train at night, seven days a week, we were mobbed and ridiculed by the Premier and the Minister for Police and Emergency Services. On page 27 of the statement there are details of the government's own intention to do exactly that. The Premier claimed he did not know about it. The Minister for Police and Emergency Services said, 'I put that in there to prove what a pack of hypocrites the Liberal Party in coalition is'. This is from Sideshow Bob. What is an absolute disgrace he is to this government and to this state.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member should refer to members by their titles.

**Mr MULDER** — I will refer to him by his title, which is the Minister for Police and Emergency Services.

**Ms GRALEY (Narre Warren South)** — Today it is a great pleasure to respond to the Brumby Labor government's annual statement of government intentions. This statement clearly outlines how this government will continue to ensure that Victoria remains the best place to live, work and raise a family. This is a statement about family, community, jobs and Victoria's future — the sorts of things that matter to all Victorians. The statement outlines the government plan for better health services, better schools and improved public and road transport. It is also a clear statement about making sure that families, like the families I represent in Narre Warren South and in the outer suburbs, continue to enjoy a quality lifestyle.

The statement demonstrates what the Brumby government is doing to continue to secure jobs and protect Victoria's strong economy. You have to say that securing jobs and protecting Victoria's strong economy is exactly what every Victorian expects of the government. Members might recall that last year's statement was made by the Premier in the middle of the worst financial crisis since the Great Depression. It was a statement about jobs and how the Victorian government was going to secure successful futures for Victorians. Its content was critical in securing jobs in Victoria against the global economic downturn. It was the decisive action of both the Brumby and Rudd Labor governments that protected our strong economy and secured jobs for Victorians and Australians.

Our economy remained resilient in the face of the GFC (global financial crisis). We retained a AAA credit rating and remain — and members opposite should take notice — the only Australian state with a budget surplus. We invested a record \$11.5 billion in infrastructure and were supported by billions of dollars of commonwealth stimulus funding to create jobs. This massive injection of infrastructure funding is still creating jobs today as projects are being completed in 2010, and this will continue in the coming years.

If you drive around my electorate of Narre Warren South, you will see great evidence of the growth in infrastructure. Not only are we enjoying new schools, extensions to hospitals and great new community facilities, but importantly there are many more people moving into the Narre Warren South electorate and buying their first new homes. This government is well behind the people who want to get a new home, a dream home in which to bring up their families and make sure they can provide a better lifestyle for their children than they had themselves. These are the sorts of things that we as parliamentarians should be supporting.

I notice that in Victoria first home buyer grants are ahead of anywhere else in Australia. That is because we retargeted our first home buyer assistance, to help first home buyers hoping to build their first homes and to create 19 000 construction and related jobs. You see the tradies out there, the on-site supervisors, the people who are building these places, and you see the planners and the council officers, all the people who are involved in making sure the new estates are going ahead so people can get their dream homes. This is happening more in Victoria because we have the most generous first home buyer assistance of any state, and we helped a record 50 730 Victorians buy their first home last year despite the GFC.

During the last two years Victoria has had the highest level of housing starts of all the states. Roughly one in three housing starts in Australia in the September quarter was from Victoria. Dwelling investment in Victoria grew by 7.3 per cent in the September quarter in contrast to 6.7 per cent nationally. The strong recovery of dwelling investment in Victoria reflects the relative availability and affordability of land in Victoria. If you come to my electorate, you will see people buying land and home packages for \$250 000 and upwards, using their first home buyer grant to enter this important market.

It is extremely regrettable that last night the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill was defeated in the upper house, because we on this side of the house know it is essential. It is referred to in the statement under 'Planning for Melbourne's future'. It is imperative if we are going to provide essential infrastructure in the growth areas to levy a growth areas infrastructure contribution when windfall gains will be made by developers when land is rezoned. It is critical that the contributions are there for the delivery of infrastructure in these new areas. I wonder how those opposite can go about denying the people of the outer suburbs the infrastructure, community buildings and all the things they want in their new suburbs. They are now going to be denied those things because of the actions of those opposite.

I go back to the fact that building new homes is also about creating new jobs. The aim of the government was to create 35 000 full-time Victorian jobs this year, and in fact we created over 99 700 jobs in Victoria in the last year, which represents more than two-thirds of all the jobs created in Australia and is a fantastic record. Since 1999 in total 565 500 Victorian jobs have been created, and our unemployment rate is down to 5.3 per cent.

Consumer confidence in Victoria remains the highest of all the states, and the global financial crisis demonstrated that both the government and business have a role to play when it comes to creating jobs. Unfortunately some people in my electorate have come to my office saying they have lost their jobs, and that is very sad for them and their families. However, I found it refreshing and of great benefit to the people who had lost their jobs that the government had established the back-to-work site and service. I know that a number of people we put in contact with the site found it was a very beneficial experience and often helped them into training assistance, which I hope will allow them to re-enter the labour market as quickly as possible.

In my electorate I am very proud to say that we have a fantastic hospital, the Casey Hospital. It is continuing to expand, and we are seeing more people going through that hospital. It was specifically designed to cater for the growing community in and around Berwick and Narre Warren South. When it opened five years ago Casey Hospital had just over 400 staff. It now has over 600 staff, and more than 4750 babies have been born at the hospital. We are going to have an extension to the special-care nursery, which means again that families in my electorate will have the services they need close by, and that is really good when you are going through some of the challenges that come with new babies.

Not only do we have great health services, but the annual statement of government intentions is all about extending the services, and I commend the Premier on his championing of the billion-dollar Peter MacCallum Cancer Centre project and the cancer action plan. I notice there are additional breast-screening services, which is a pet subject of mine.

I would like to finish my contribution by saying what a fantastic job is being done in delivering the school infrastructure program, creating extra classrooms and facilities for schools across Victoria. Recently it was a pleasure to have the Minister for Education at the opening of one of the most fantastic school buildings you would see anywhere in Victoria — namely, Alkira Secondary College. They not only have great facilities but the teachers were back there early, working hard to make sure that a great curriculum was going to be delivered to the young people of my electorate. It just shows what fantastic facilities there are for children in the Narre Warren South electorate.

The annual statement of government intentions talks about Monash University, Chisholm TAFE and Berwick Technical Centre — all these extra education facilities are available depending upon what the student is strong in or would like to be educated in.

I finish by saying that this is an excellent document and will continue to make Victoria the best place to live, work and raise a family.

**Mr NORTHE** (Morwell) — It gives me great pleasure to make a contribution to the debate on the 2010 annual statement of government intentions. I will give a fair appraisal of how the annual statement of government intentions impacts upon the Morwell electorate. In doing some research for my contribution, I found, as will as other members who search and read the documents within the statement, that there is very little that refers to the Morwell electorate.

On page 6 of the statement, under the heading 'Infrastructure for roads', there is mention of a road link between Melbourne and Traralgon. That is fair enough. On page 10, under the heading 'Investing in road and rail', there is mention of the Princes Highway east duplication from Traralgon to Sale, and I support and acknowledge this important project in our region. On page 19 mention is made of the rebuilding of the Callignee community centre following the bushfires. Again that is another important project, which I acknowledge. On page 52, under the heading 'Rural health', mention is made of the development of the Latrobe Community Health Centre in Morwell. Again I acknowledge and understand the importance of that project.

On page 82, which is the last contribution in the annual statement of government intentions, table 3 is headed 'Delayed non-legislative initiatives', and it refers to the commissioning of the Gippsland Water Factory. All in all, we see only two new projects in the annual statement of government intentions that are earmarked for the Morwell electorate. I will now touch on the Gippsland Water Factory. The principle of the project is a good one in that it seeks to make sure that we recycle domestic and industrial wastewater for other purposes. Unfortunately not only has this project experienced significant delays but it has also experienced extensive cost blow-outs. What the Gippsland Water ratepayers have faced is a 71 per cent increase in their water rates over five years. I acknowledge that the government has contributed \$50 million to this project, but the reality is that since being elected in 1999, this government has received somewhere in the vicinity of \$3.5 billion in water dividends and levies. So the \$50 million for this project is small beer.

However, it is our pensioners and those people who can ill-afford to pay who are experiencing most of the heartache at the moment with an increase in their water rates of 28 per cent and 26 per cent over consecutive years. They are doing it tough. To rub salt in the wound, the Minister for Water has requested that Deloitte undertake a review of the cost blow-outs for this project. I have queried this; in his response to me the minister has said he may not release publicly the findings of this review. This is extremely disappointing, given the ratepayers of Gippsland Water are paying for a significant amount of this project.

Chapter 1 of the statement talks about jobs. I find it quite curious that the Building the Education Revolution (BER) program is packaged within the section on jobs. I know this will rile many regional businesses, particularly in my region. I concede and welcome the investment in our schools in terms of

funding, but the BER program is essentially flawed. It favours the involvement of bigger businesses and not regional businesses in these important projects. Many speakers on this side of the house have expressed concern about the value for money in this particular program, and the fact that many schools are receiving infrastructure and projects they do not need.

Quite simply, regional businesses are missing out under this program, and I could give many examples of where regional businesses are not being given an opportunity to participate in this program, which is disappointing.

Chapter 1 also refers to the Victorian transport plan and talks about the \$4.3 billion regional rail link. It specifically refers to the major regional centres of Geelong, Ballarat and Bendigo. What is missing is a reference to Gippsland. Under the government's \$4.3 billion plan the Gippsland community will receive a reduction in services, because the government is proposing to terminate some rail services at Flinders Street station, not Southern Cross station. What will the Gippsland commuters get out of \$4.3 billion? A reduction in services.

Chapter 2 refers to the bushfires, and I want to touch on this section albeit briefly. I want to acknowledge the impact of the bushfires in the Gippsland community. We know the bushfires of late January 2009 and on Black Saturday caused enormous destruction in the local community. I know a lot of people and organisations have been involved in the recovery phase, and the community has been so generous during the recovery process. I simply want to point out that there are many challenges ahead for our community as we move forward.

There is a reference under 2.4 to the fire services levy, an unfair and inequitable levy that is imposed on regional businesses in particular. That has been highlighted on many occasions in this house by the opposition. Many Gippsland businesses will be looking forward to making a contribution to the green paper which the government has released. Unfortunately, as we know, this will not occur until June 2010. The time lines of that are quite curious. The levy has an enormous financial impact on many regional businesses, and Gippslanders are not immune to that fact.

Chapter 3 talks about the communities being safe and secure. Much has been said, particularly in recent days, about crime statistics and police resources. My electorate is not immune to the issues of crime and violence, and unfortunately the Traralgon entertainment precinct is one of those listed in that regard, but we

have what is called the Traralgon CBD Safety Committee, and a number of initiatives have been adopted by this committee over time.

One such initiative was to have a local NightRider bus service that would allow revellers to commute back to the neighbouring towns of Morwell, Moe and Churchill. That was a very successful pilot project and was well supported by the police, but despite extensive representation, the government has failed to recognise or support this important project. I might say there are many NightRider services operating in the metropolitan area of Melbourne, and they are quite successful. One has to scratch one's head and wonder why this cannot be adopted in the Latrobe Valley.

In chapter 3 reference is also made to liquor licensing, and I will not talk too much about that. We know the impact of the increase in the liquor licence fees upon many businesses across the whole of Victoria. Whether it be country pubs, family-owned licensed grocers, florists, art galleries or wineries, the impact is enormous. The Brumby government has simply got it wrong.

In chapter 4, section 4.1 talks about promoting growth in regional and rural Victoria. The Leader of The Nationals spoke about this in his contribution to the debate about the blueprint that had been adopted in 2009 being nowhere to be seen. It is mentioned in here again in 2010. We wait with bated breath to see whether the government will produce such a document, given that nothing happened in 2009.

In 4.4 improved public transport services are mentioned. I have spoken about the reduction in V/Line services that this government is proposing, and I have made reference in this house many times to the Sunday pass. Despite having intertown bus services on Sundays in the Latrobe Valley, those who have a Sunday pass are not able to use this service. It is an absolute disgrace.

Chapter 6 refers to A Fairer Victoria, and one of those paragraphs talks about strengthening child protection. We know that unfortunately the Gippsland region has been severely impacted on by a lack of support and resources in respect of child protection. In August 2009, 60 per cent of child protection cases in Gippsland were unallocated. That is an awful number to highlight.

The Productivity Commission also highlighted the fact that the Brumby government's spend on child protection was 28.3 per cent less than the national average, and that is an awful indictment of the government. It is little wonder that child protection

workers are unfortunately leaving the system. I know some work is being done in terms of recruitment at the moment, but there is still obviously a long way to go.

Paragraphs 6.2 and 6.3 talk about supporting seniors and people with a disability. I have mentioned some of the issues around transport and funding of utilities having such an enormous impact on our community.

Chapter 8 deals with the environment, climate change and so forth. I know the government has the climate change green paper out at the moment. It recognises the challenges under an emission trading scheme and what effect that would have on the Latrobe Valley community. The wording within that is very nicely bandied, but there is no plan for the future of the Latrobe Valley community should the emission trading scheme be introduced. This is an enormous worry and concern not only for the community but also for those people employed in the industry into the future. All in all there is a big challenge ahead in terms of the statement of government intentions.

**Ms GREEN (Yan Yean)** — It gives me great pleasure to join the debate on the annual statement of government intentions. Doing so reminds me and all of us that the debate on the 2009 statement of government intentions took place just a few short days before — and then after — the dreadful events of Black Saturday. Twelve months on I want to acknowledge the contribution of so many people across this great state who have supported my communities in their hour of need, in particular the communities of Whittlesea, Kinglake West, Humevale, Strathewen, St Andrews and Christmas Hills.

I want to pay tribute as well to the survivors of those dreadful events for the way they are getting on with and rebuilding their lives, either back on the sites where their homes were damaged or in new communities. I pledge that I will continue to support them, as will my staff, and I know the rest of the government will as well. I want to particularly thank the emergency services volunteers and all the emergency services personnel and police for their work on that day and in the 12 months since.

It has been an intense effort not just in recovery but at the same time in preparing and making the state safe for the current fire season. This current fire season is not yet over, but members of my community and the whole of Victoria are counting their blessings that we have had a much cooler and more humid summer, which has given the emotions of many communities — as well as the physical and emotional efforts of our firefighters and the families who support them — a rest.

I want to commend the agencies for the work they have done in preparing for the fire season. As a government we committed almost \$1 billion extra to firefighting and reconstruction efforts. That included an \$11.5 million behavioural change and community education campaign and \$28 million for the upgrade of level 3 incident control centres across the state. The government has also invested in a trial of specially modified DC-10s to support our aerial firefighting fleet and has given valuable support to the iconic skycranes, Elvis and Elsie. The DC-10 is a major boost to aerial firefighting capability.

This addition to our aerial fleet was also bolstered by a partnership between the Country Fire Authority and Westpac, whose contribution of a FireWatch fire-spotting aircraft has been a welcome addition. The twin-engined FireWatch aircraft enhances the CFA's fire-spotting capacity, particularly in Victoria's high-risk bushfire-prone areas. We also acknowledge the support of Toll Holdings, its employees and families. Their \$450 000 contribution has funded six refurbished vehicles to boost operations on the front line.

I am very pleased there has been a launch of the emergency alert, a telephone-based warning system that can alert communities in the event of a threatening emergency such as a bushfire. This has been used many times across the country — it is a national system — but I am pleased it has not needed to be used in any substantial way in our state this fire season.

As I said, in 2009 we had enormous challenges with those dreadful fires along with the impact of the global financial crisis. I am pleased that as a government we have stood up for Victorian families in the face of these challenges and have still been able to deliver very good jobs outcomes and improved services. In particular in my community we have seen investments in infrastructure and in securing our water. I was pleased to be with the Premier and the Minister for Water for the launch of the beginning of the Sugarloaf pipeline, where we saw real water flow into the Sugarloaf Dam. I have been pleased that many regional communities across the state have been able to come off water restrictions due to other such investments, and I look forward to my own community being able to have a decrease in water restrictions as well.

With the Victorian transport plan — the \$38 billion transport plan, which we will not be tearing up but are absolutely committed to — one of the biggest ticket items is the South Morang rail extension project of \$650 million, which is under way. The first sod will be turned some time during this year, and passengers will be able to use that from 2013. We are also seeing the

rollout of the yellow SmartBus, the yellow orbital; the planning works are being done now. That will provide rapid service in an east-west direction, and for the first time it will give my community direct access to the airport. That will be used not only for travel; there is a very significant employment hub in my area.

Also in relation to infrastructure I am pleased that the relocation of the wholesale fruit and vegetable market is under way at Epping. The transport plan also identifies the establishment of a rail freight hub at Beveridge, and we will soon see the beginning of the duplication of the new section of Plenty Road.

Jobs in the construction sector are incredibly important to my community as the Yan Yean electorate has the highest number of tradespeople in the state, so investment in infrastructure like this is wonderful. In relation to the first home owners grant, 3 out of the top 10 postcodes that have benefited from the first home owners grant are in my electorate. The building community has also benefited from the enormous number of school upgrades in my electorate at Diamond Creek East Primary School, Apollo Parkways Primary School, Meadow Glen Primary School and smaller rural schools in Kangaroo Ground, Panton Hill, Doreen and Arthurs Creek. The new schools are Epping Views, Laurimar, The Lakes South Morang P-9 and Mernda Central primary schools.

This morning I was with the Minister for Health at the Northern Hospital in Epping. The hospital has taken delivery of some additional equipment to assist in the monitoring of babies during the birthing process. We also observed progress of the building works for the new beds that are being built at the Northern Hospital to make sure that women in my community have birthing services close to home. In relation to the 11 new children's centres that are being constructed across the state, the Mernda one has just been finished and is now open, and there will also be one completed at Laurimar. I am pleased that we are continuing the police station upgrade or replacement program across the state, and I am extremely proud of that because our police not only deserve to be well resourced but they deserve to have good workplaces.

In terms of our planning for growth, I am extremely disappointed that this week all the opposition parties have combined against the government's proposal to secure \$2 billion worth of investment in infrastructure to serve our new suburbs. There are windfall profits to be made by property developers and people selling parcels of land in the growth areas, and it is extremely disappointing to me to see that \$2 billion has been voted against by the opposition parties. It will mean that

other much-needed infrastructure that could have been undertaken may not be built. I refer to future rail extensions that are necessary in my electorate and which have been identified in the Victorian transport plan, such as proposals beyond South Morang to Mernda and also from Epping to the growing areas of North Epping. That is certainly an opportunity lost, but I commit to my community.

I will continue to champion the work that needs to be done in my community to keep it as the best place to live, work, invest and raise a family. I commend the private sector for the way that it has held up its end and invested in my local area in recognition of what the state government has done, in particular Mission Foods and Gruma, involving 650 jobs and one of the best factories I have seen in Epping. I commend the statement of government intentions to the house.

**Mr KOTSIRAS** (Bulleen) — We have now had 11 years of a Labor government — 11 long and dark years; 11 years of inaction; 11 years of blaming others and taking no responsibility; 11 years of a government resorting to personal attacks; and 11 years of arrogance from this failed and very tired government. Two weeks ago it got a scare. The recent by-election should have said to the government, ‘You are not listening’. To my surprise the response was that it was ‘a magnificent result’, while other members tried to find excuses for its poor showing. A particular website from which I wish to quote outlines that members on the opposite side of the house are now trying to blame each other rather than facing the fact that they have not been listening to Victorians.

While lunching at the European, an upmarket eatery across the road from the Victorian Parliament, I found myself sitting at a table immediately behind a gaggle of state Labor polities, including two cabinet ministers, one of whom is retiring and the other thinks of himself as the next Premier. Most of the talk was about Altona. The ‘meme’ was ‘he was unelectable in ‘99 and he still is ... we’re gonna lose’. The chat then wandered around if/how it was possible to ‘dump him before the election’. Why do I suspect that ‘he/him’ is Premier Brumby?

Can I say that instead of blaming each other, members opposite should realise that they have not been listening to Victorians and that after 11 years in government — a very long time — they should not be saying there is more to be done. You would think that after 11 years, they would have achieved something, but unfortunately they have not.

If we look at my electorate of Bulleen as it relates to the annual statement of government intentions, the electorate of Bulleen unfortunately misses out again. There are no positive initiatives for Bulleen. In looking

at page 39 under the transport plan one has to be very sceptical about this government in relation to the freeway link going through my electorate. The member for Yan Yean supports the freeway link going through my electorate and Ivanhoe. I wonder if she has spoken to the residents the value of whose properties will decrease. I am sure she has not.

The member for Ivanhoe did not support a freeway link going through Ivanhoe and Bulleen. In actual fact he opposed it because he listened to the residents. The new ALP candidate for Ivanhoe supports a freeway, but he is afraid to tell his branch members. At a recent branch meeting I am advised that he told them that he does not support the freeway link, but told an *Age* journalist he does support it. He did not speak about tunnels, he spoke about the freeway link. So again I ask the residents of the Ivanhoe electorate to be very careful. While the current Labor member supported them and looked after their interests, the ALP candidate for Ivanhoe does not care about them. The current Labor candidate simply supports the government and the minister; in fact he is just a mouthpiece for the Minister for Education.

In relation to this so-called statement of government intentions, after 11 years you would think the government would bring in something concrete, something new — some new initiatives. The government has so many thousands of public servants, and ministers have so many advisers, yet they came out with a motherhood statement booklet that does not allow comparison of year with year and contains many motherhood statements with no measurable outcomes.

If you have a look through this booklet, you will see there is nothing in there for my electorate in terms of schools. Schools in my electorate miss out again. Manningham Park Primary School was forced to close by this government. Despite all its rhetoric about not closing schools, it forced this one primary school to close. It forced those children to go to other primary schools. I am hoping the school will be used by Bulleen Special School, because that school is bursting at the seams and needs the extra classrooms. I will continue to fight to make sure that the Manningham Park Primary School site remains an educational establishment and is used by Bulleen Heights Special School, because the need is there.

If we have a look at multicultural affairs, again, despite a policy vacuum by this government, you would at least have thought that after 11 years it would have come up with something new in this document. Unfortunately after 11 years there is nothing there; there are more motherhood statements but nothing concrete. Instead it

refers to its All of Us campaign that was launched in March 2009. I have to tell members that this campaign, which was comprised of a good brochure with colour photographs of the minister and the Premier, achieved nothing. One has to wonder what the Minister for Multicultural Affairs, the Minister Assisting the Premier on Multicultural Affairs, the parliamentary secretary assisting the minister who assists the Premier on multicultural affairs and all the public servants are actually doing.

We have the Victorian Multicultural Commission, which is meant to be a bridge between the community and the government, but I am disappointed with the VMC because currently, under George Lekakis, it is only an extension of the government. In 11 years I have never seen the VMC stand up for Victorians; it has been silent. This government has failed in terms of our cultural diversity. It has failed to deliver any positive initiatives, but the VMC is saying and doing nothing about it.

Let us look at the issue of international students, on page 47 of the annual statement of government intentions. Three years ago the opposition warned this government about the problems international students are facing, but government members did nothing but sit on their hands. Only now, after three years and after they have been forced to do something, are they claiming to be proactive. They have failed for three whole years.

Last year, as a solution to the violence on our streets and to the troubles of our international education sector, the Minister for Education offered our international students a trinket — a USB stick — as a small gift. She told schools to give every international student a USB stick. That was supposed to solve the problems of violence against international students and of our colleges closing down.

I ask the government when the audits of our private colleges were undertaken. Today we heard of another closure: Hales Institute has closed down. I have been advised that that college was recently audited by the Department of Innovation, Industry and Regional Development. If that is true, why did the government fail to discover that the college was falling apart financially? Why is it that 1000 students have been displaced and now need another college to go to? It is due to this government's inaction and its failure to look after our international students that this sector is now in disarray.

I will also talk briefly about innovation. In this annual statement of government intentions there are only

motherhood statements in regard to innovation. The minister is very good with photo opportunities and travelling overseas, but he is not good at achieving anything of substance. Government members talk about biotechnology. Everyone knows that biotechnology is a huge area, but the question is: what is Victoria trying to achieve, and how would you measure the success of the government's policies in biotechnology?

Government members say Victoria is one of the leading biotechnology states, but there is no measure to gauge the outcomes and the success of government initiatives. I ask the government to come up with an idea or an initiative whereby the state of Victoria can compare itself to other states and other nations. It is no good talking about being the best at something if you do not have the ideas or the vision for how to get there.

Before I finish I have to say again that this annual statement of government intentions is a failure. After 11 long and dark years this tired government has not said anything new to the Victorian community and it has not put forth any new vision. It shows that it is just a tired, old government, and it is time for it to go.

**Mr CARLI (Brunswick)** — It is with great pleasure that I rise in support of the annual statement of government intentions. I want to compliment the government and the Premier on the initiative of coming out with these statements every year to highlight and outline future strategies so that there is transparency and clear intentions on view for the community of Victoria in relation to what the government intends to do, both in its legislative program and in the raft of activities of state government. It is a very important element, further demonstrating the government's commitment to transparency and democracy in the state of Victoria.

I particularly want to focus on the issues of community building, culture, health and the support government gives to volunteers, sporting groups and community groups — the things all honourable members would be aware of as the things that make community and the places we live really important to us.

The Brumby government has a very strong commitment towards building strong, resilient and healthy communities which benefit people. We must ensure that we build ties of fraternity and solidarity in those communities, and that we build the health of those communities, both physical and spiritual.

I want to talk about the work that has been done around literature and around the fact that Melbourne is the second UNESCO (United Nations Educational,

Scientific and Cultural Organisation) City of Literature. That honour was given to Melbourne in 2008, and Melbourne is now one of UNESCO's creative cities. This demonstrates the strength of the writers and the publishing industry in the state of Victoria.

The importance of the Melbourne Writers Festival and the number of books and authors here demonstrates that Melbourne is a centre of writers and literature. As I said, it was the second city after Edinburgh to be given the title of City of Literature. This annual statement of government intentions demonstrates the importance of that.

This year the Wheeler Centre, a \$20 million initiative, will be opened as part of the State Library of Victoria. It is a major initiative to ensure that literature remains part of the cultural life of this city and the state. The centre will provide practical opportunities for people to read, and there will be launches, discussions and lectures by international speakers. The centre highlights the importance of literature and the publishing industry to the state of Victoria, and particularly to the city of Melbourne.

The centre will also present the Alfred Deakin lectures and the Victorian Premier's Literary Awards. It has a number of programs and partnerships. It demonstrates the government's commitment to the arts and culture, but more importantly it demonstrates the commitment our government has made to ensuring that high culture and the arts are popularised and become part of the fabric of life, rather than simply being something for elites.

I also want to highlight the importance of sport in our community. All members would be aware that sporting clubs are integral to the social fabric of our community, from the smallest sporting club to the major football, cricket, soccer, netball and other clubs throughout the state.

In terms of Australian Rules football, the government has made a strong commitment to build infrastructure for Aussie Rules at a community level. There is the \$28 million suburban ground upgrade program, which has seen major redevelopment of existing football grounds that are being turned into community centres — multipurpose centres. Near my electorate of Brunswick is Princes Park, where a redevelopment is taking place at the moment. The whole area is being revamped to cater for a series of activities not only for the football club and sport but also for the people who live in that area. The same is true of the North Melbourne ground in Arden Street, which has become a hub of community life.

One could say that Victorian Football League grounds have been almost abandoned, but over the last three years there has been funding of \$10 million to ensure that they are upgraded. We are seeing improvements in terms of basic infrastructure for Aussie Rules in this state.

I turn to the world game. Soccer is a game that is experiencing enormous growth, particularly amongst girls. The growth rate for the number of girls playing soccer has been in double figures for probably a decade. As members would know from their own electorates, soccer is bursting at the seams. Like Aussie Rules, soccer has been affected by the drought, and the government has been committed to drought-proofing grounds and planting drought-resistant grasses and synthetic playing surfaces to ensure that these sports can survive difficult times. The government has also introduced the Strengthening the World Game program, which has been about getting funds — some \$5.7 million over three years — into local communities to build infrastructure and to ensure that clubs and organisations are encouraged, along with local government, to build up the capacity for the growth of the game and particularly to ensure that facilities are available for girls and women.

Broadly speaking, that is part of the state government's commitment to and support for Australia's bid for either the 2018 or the 2022 World Cup, and there is no doubt that the Asian Cup would come before that. The government is really building up the capacity in this state to be part of an Australian bid for both the Asian Cup and the World Cup. As a government we believe we can successfully have a World Cup in Australia and maintain both the Australian Football League and the National Rugby League seasons. That can all be managed, and there is no doubt that there is a very strong commitment from the Brumby government and the Rudd government in Canberra for the staging of the World Cup in Australia.

Resources have also been made available for athletes who will compete in the Commonwealth Games to be held later this year. One can see that the government is committed to sport at the community level and at the elite level. The elite level not only provides for Victorian champions but also provides inspiration and models for children to participate in sport, to become healthy and to become part of the infrastructure and community base of our sport.

In general, community sport has been a strong focus of this government's commitment. The Brumby government has invested in revitalising community sport, particularly in regional Victoria and particularly

in Aussie Rules and netball. In fact Aussie Rules and netball have been linked together. Measures have been taken to ensure that grounds are drought proof.

The government has also been supporting volunteers. The life of a community depends on the work of volunteers, and community clubs rely on and need volunteers. The programs implemented by the government have been about strengthening communities. More broadly, the government has tried to reduce red tape and to provide support for volunteers and for training to ensure that community groups are better equipped to engage in the many areas of community activity. That has been a major focus of the Brumby government, as can be seen in this year's annual statement of government intentions. The statement makes it clear that building strong communities, revitalising communities and ensuring that healthy activities are available for young people and for whole communities has been a strong focus of government activity.

This support is important for all members of Parliament. From our activities in our local electorate we will all be very aware of the strength of volunteer activity, the strength of community clubs and the strength of the various community associations, so it is critical that government is present to ensure that these initiatives are supported.

I am very supportive of the annual statement of government intentions. It is a very good indication of the support this government is giving local communities.

**Mr DIXON** (Nepean) — In my contribution to the debate on the annual statement of government intentions I intend to comment on chapter 5, which commences on page 44 of the printed speech under the heading 'Improving education and health', which relates to my shadow portfolio of education. The paragraph under the heading 'Next steps with the Blueprint for Education and Early Childhood Development' begins with the words 'Improving educational outcomes', which is a worthy and probably self-evident aim. Any government that has responsibility for education aims to improve standards.

Some 12 months ago the Auditor-General reported that despite over \$1 billion of state funding being put into specialist maths and literacy programs since 2005 there has been no measurable improvement in the overall standard of literacy and numeracy in Victoria. He went on to say that the longer the students were in the system, the lower the standard was. I am glad the government has recognised that failure and has said it

intends to improve educational outcomes. I do not know what the government has been doing for the last 10 years; however, the Auditor-General has said there is room for improvement, and I certainly agree with him.

It is quite obvious that the federal Minister for Education, Julia Gillard, is not happy with the standard of education in Victoria and in all the other states. She often talks about the low standards of literacy and numeracy, about schools that are failing and about how we should address that problem. She has spoken about teachers who are not performing, about how we should address that issue and about the lack of information that parents receive about how their children are going and how their schools are travelling. She has taken control of a whole range of issues, and she is now running a national agenda, which I will talk about a bit later. Julia Gillard is not happy with the standard of education in Victoria either. She has commented many times about that, and she has said how she would like to improve it and how she is going about fulfilling her wishes.

When educational standards are mentioned government members always say that Victoria is top in the country in national testing. That might be so, but I think we have to look a bit deeper than that. Firstly, when you start to look at the statistics you realise that while we might be getting good results compared to the other states, we have by far the lowest rates of participation in that testing, so the number of exemptions and the number of students who do not sit that test is higher in Victoria than in any other state or territory. That has happened in every area that was tested — in maths, science and literacy in years 3, 5, 7 and 9. In every single one of those groupings the Victorian students had the lowest number of students participating. No wonder! Parents of autistic children and parents of children with disabilities have expressed their disappointment — and some of their national bodies have come out and expressed their disappointment — that those students are asked not to attend on days of testing. I think we have to look more deeply at what those results are saying.

When you look at it you see it is not a high benchmark to excel in the National Assessment Program — Literacy and Numeracy testing. It is a fairly hollow thing to say that in Victoria the standards are great because we are on top of the table in NAPLAN.

The next section I will talk about, at page 44, is the ultranet rollout. This is the year the ultranet is going to be rolled out. The project has been through a couple of tender phases. Many people in the IT industry have been very unhappy with the tender process, and in fact

the winning tender was not even short-listed, so I do not know how that worked.

The original ambit of what this program was going to deliver for parents, families, students, teachers, schools and communities was going to be world leading. However, when reality struck the tenders started to come in, and after announcing what it would do, the government started to talk to the industry. Now what it will actually deliver is a pale imitation of what the industry originally wanted it to deliver. At the same time as the standard is going down, the original cost of \$60 million has actually ballooned out to \$76 million. That is a massive, almost 30 per cent increase in the cost of the program to deliver even less than was originally going to be delivered.

In fact we have had ultranet coaches sitting around in schools, being paid but doing nothing for months because there has been nothing to do. We have also found out that many of the computers in our schools now — and the government might say we have great computer ratios, but many of the computers in the schools are not capable in terms of the ultranet — are too old. Only the latest computers will be able to cope with the requirements necessary to run the ultranet program.

While we are talking about computers, at page 46 the statement talks about the national secondary school computer fund. I do not know what that is doing in this statement because it is actually a national fund and it is federal money, albeit that it is not delivering what Prime Minister Rudd said it would deliver and it will not put a computer on every desk of every year 9, 10, 11 and 12 student by the end of this year. The Brumby government had a cheek to put it into this statement of government intentions when the fund is bailing the Brumby government out.

The federal government is spending money on computers that should come from the state government. Even though the state government has included this in its statement, the federal government, as has been pointed out and written about in many papers throughout Australia, is just not delivering on what Prime Minister Rudd promised in terms of computers.

At page 45 the statement talks about the rural education strategy. We have been waiting a long while for this strategy. It has been promised for years and apparently this year we are going to see it. It is something that is eagerly awaited by many students, teachers and families in rural Victoria. It has been pointed out by many of my colleagues in The Nationals that education in country Victoria leaves a lot to be desired.

There are a lot of classes being taken by teachers who are not qualified, especially in secondary schools, to deliver the subjects they are being asked to teach. That affects the achievement of their students and also the length of time that young people will stay in school. If students are not being taught by teachers who know what they are talking about or are enthusiastic about what they teach, they will pick up on that pretty quickly and then leave.

We have got very low completion rates of year 12 and retention rates throughout secondary schools in country Victoria. Those rates are falling away and have been falling away under this government. A rural education strategy is a great thing, and while I hope it works, the government has not got too long to work on it. The government only has until the end of the year, so it remains to be seen what we will get out of that.

Finally on education, there is the national education reform, and the government has included a list. This goes back to my earlier point that everything is being run nationally now. There are national programs for knife education, bullying, curriculum, testing, BER (building the education revolution), literacy, numeracy, to improve failing schools and on teacher competence. They are all national programs for which this government is proudly saying it has signed up.

Of course it has signed up, because it is getting a bucket of money out of it. The only reason the federal government has put the programs there in the first place is because Victoria was failing in all those areas. It is hardly something for this government to brag about, that it is part of the national partnership. This government has lost the plot on education; it is not even handling it any more. The minister is now able to take on some other portfolio responsibilities because she has got far less to do. Education in Victoria is being run from Canberra.

Lastly, on my electorate, in planning terms the Mornington Peninsula is not part of Melbourne. All Melbourne's planning laws apply to the Mornington Peninsula and loopholes are being exploited in the many small coastal and inland villages and towns of the peninsula. Mornington Peninsula needs a planning scheme that addresses the needs and the particular character of the peninsula. We do not want Melbourne 2030 as part of our planning scheme. We are the Mornington Peninsula, we are not Melbourne, and there is no mention of that.

In relation to traffic congestion, there is no mention of any plan at all to relieve congestion on the Mornington Peninsula. A two-lane road, Point Nepean Road, carries

30 000 vehicles a day; that just cannot be good for anyone. There is the alternative of an inland route, which contains a reserve, that needs to be studied, but there is no mention of that in the statement. The Mornington Peninsula might as well not exist as far as this statement of government intentions is concerned.

**Mr SCOTT** (Preston) — It gives me great pleasure to speak on the annual statement of government intentions 2010, and there are a couple of issues I will touch on in my contribution. Firstly, I am very heartened to see the statement of commitment to residential tenancy reforms. In my electorate there are a large number of renters, and in particular there are renters in a park which is referred to as a residential park.

A residential park is a halfway house in many ways, between traditional renting and home ownership, where people own a demountable home, or what is referred to as a relocatable home, that is located on land that is rented but the building is owned. This creates a number of issues for constituents in my electorate where, in many ways, people have neither the security of home ownership nor the benefits of renting, which will allow people to relocate and start their lives at a new address easily without significant loss of capital. In essence, often when people buy these relocatable or demountable homes they are actually buying the right to live in that place.

The building itself is often worth a lot less immediately upon purchase than the actual value of the lease people are purchasing for the security. The buildings and the land they rent the use of are really a form of secure renting; usually they are longer term leases. Often persons are of retirement age, who cannot afford to get into a nursing home but who have some money — often from superannuation or from the sale of a property — but who do not have enough money to buy a traditional retirement village unit.

These persons enter into the housing market by purchasing a demountable or relocatable home in a residential park, and then renting the land. That also allows them to access a rent assistance payment from the commonwealth government, making the economics of the situation more viable for people without significant resources.

However, persons in this situation have at risk a significant capital asset, because they do not have control of the land they rent. Often new sites are not easily available if they wish to move from the park in which they are living, and on some occasions — and I know this is true in the Summerhill Residential Park in

my electorate — relocatable homes may in theory be relocatable but in practice they are fixed and often quite expensive and difficult to relocate.

This creates significant issues where persons do not have the advantages of a normal renter who can easily move and who does not have capital tied up in an investment. At the same time they do not have the security of home ownership with the rights and powers of a person who owns their own property.

This creates special issues which I am very glad to see will be addressed in a bill which will amend the Residential Tenancies Act. I know the amendment will be of great heart to many residents in my electorate, particularly those who live in the Summerhill Residential Park and who have been struggling under very difficult circumstances.

I would like to mention the Fosters, who have been struggling for reform in this area and struggling to have the rights of tenants living in residential parks recognised by the state. I am glad to see this mentioned in the statement of government intentions. I believe this is a needy group of people who are in a vulnerable situation because of the power relationship they have with the owner of a park. They need legislative redress, and I am very glad to see the issue will be addressed.

I will move on to electoral law reform, which is mentioned in the statement. The government has committed to examining options to amend the Electoral Act 2002 to increase electoral participation and to introduce legislation to implement these reforms. This occurs in the context of a federal process where a federal green paper has been produced on electoral reform. That green paper outlines a number of issues relating to the participation of disadvantaged members of our community in particular.

Previously I have spoken in the house about persons who are illiterate and who have great difficulty in participating in a system where you are required to number a ballot paper in an often quite complex manner.

There are a number of other issues that have arisen, such as the participation of young people. There is an underenrolment of young people on the electoral roll. This is an area that needs urgent attention, and I hope that any examination of the Electoral Act 2002 will examine a means to increase the participation of young people in our political process. Voting is possibly the most fundamental civil right in a system of representative government. Persons who do not have the right to vote, whether because of legal, social or

cultural barriers, are denied the most fundamental civil right in our society.

I also think we should consider those who do not speak English and their ability to participate in what can be quite a complex electoral process, as well as those who are itinerant and who are often unable to maintain an address. There are provisions in the current act that deal with those persons, but I think further work can be done. In discussing electoral reform I think it is important to note that electoral reform in our society is a bit different to most other Western societies in that there is an element of compulsion. Enrolment and voting is compulsory.

In other societies it is not considered a great problem if a certain group in that society chooses not to participate or otherwise does not act in the electoral process because it is a voluntary process. But that is not the case with our system. In our system there is an element of compulsion; it is compulsory to enrol and to vote. Some of the arguments against having reforms which enfranchise people, which are run in other jurisdictions, in my view do not have great currency in a jurisdiction where people are compelled to enrol and to vote.

I would also like to touch on the fact that the introduction of a climate change bill is listed in the statement of government intentions. It will be the Victorian response to climate change this year. This occurs in the context of any federal and international action. Climate change is an international issue, and the Victorian government alone simply cannot respond to it. Obviously legislation will have to await the outcome of various federal and international processes, but it is my firm belief that any serious attempt to address climate change, which is based on the presumption which I share, that carbon dioxide is likely to be causing changes to the environment and increasing temperatures over time through what is colloquially known as the greenhouse effect, should be based on the most efficient means available.

In my view 'efficient means available' is to price carbon dioxide. The pricing of carbon dioxide within a market mechanism allows there to be an efficient response to the pricing of what is referred to as an externality. The view of those within economics and science who believe in climate change and believe we should respond, which I do, is that carbon dioxide has a negative impact on the environment, and if something has a negative impact on the environment, an appropriate mechanism to deal with it is to price that negative impact into the production of the goods or service that is having the negative impact. By setting a price on carbon within a market economy, the economy

will respond and in effect reduce the damage caused by the negative externality.

There are other alternative proposals which are essentially a regulatory or an expenditure of tax dollars. As has been noted by Ross Garnaut, this approach is akin to the sort of economics that was practised in the Soviet Union. I think in 2010 we should be seeking to have more efficient mechanisms to deal with problems such as the damage that is caused to the environment by pollution, whether it be carbon dioxide or other pollutants. I note that a trading system — I think it was in sulphur dioxide if I am not mistaken; so-called acid rain — operates successfully in places like the USA and has proved to be a very effective mechanism to deal with acid rain. The government will be responding, and I hope we can have a national and international system which will respond sufficiently to the challenges provided by climate change.

The statement of government intentions builds on the excellent work that has been achieved by this government. It would be remiss of me not to mention the excellent state of the Victorian economy when compared to other major economies around the world. In Australia, and in Victoria in particular, we have managed to avoid some of the most damaging elements of the global financial crisis. When you look at economies in Europe or in America we are in a much better state, and in part I think that is due to the stewardship of this current government. I commend the statement of government intentions to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the annual statement of government intentions. I will begin with section 4.1 which is headed 'Promoting growth in regional and rural Victoria'. It states:

The government supports the diversification of regional economies and strengthening of the farming sector, which are vital to Victoria's economy and to the wellbeing of regional Victorian communities.

If that is what the government is aiming to do, it has surely been going about it in an interesting way in recent times. We have seen our farming sector suffer and job losses throughout rural Victoria. The Brumby government has neglected rural Victoria, and to make such a bold statement is to invite a fairly solid criticism of its performance.

The statement goes on:

It will also maintain efforts to increase the attractiveness of living and working in rural and regional Victoria through improved access to services and community infrastructure and support for community development initiatives.

Education, health, public transport and law and order are critical issues across rural Victoria. These are mostly suffering from neglect and I find it pretty hard to take.

The government has its blueprint for regional Victoria, according to the statement, but the member for South Gippsland summed that up well when he said the blueprint was promised in 2009, it never appeared and the government has now promised to deliver it in 2010. Failure to deliver is very much a mark of this government.

On page 38 of the annual statement of government intentions, in section 4.4, transport is described as:

a particular challenge to overcome for Melbourne and regional Victoria if we are to remain one of the most livable places in the world.

That is so true, and so much is happening now. We hear a lot about the problems of transport in Melbourne, but these problems are equally as big in country Victoria. The passenger train to Mildura has been a long-promised and long-awaited event; it is currently in a feasibility stage. The statement points out that the government has rolling stock and that there are 74 V/Line carriages to be delivered; among those it ought to be able to find two or three for Mildura.

Also on page 38 we again see a reference to the government's \$38 billion plan, which promises everything to everyone but has got only \$8 billion funded. So there are promises but little delivery to everybody.

I would like to acknowledge the work in Mildura of members of a passenger train group who have worked very hard to try to retain the passenger train. Standardisation of the Mildura line appears to be on hold or to have been handpassed to the federal government.

The building and education revolution: what a mess it is in country Victoria! I will begin by pointing out the problems of the Murrayville P-12 college. Staff and students went on their Christmas holidays expecting a \$149 000 amenities or toilet block to be built, only to come back and find that they had new sinks, troughs, a couple of taps, a few new cisterns, and an email dated 11 January which basically said, 'Sorry. Costs blew out. This is what you are going to get. Call us if you have got a problem'. Have they called! I thank the shadow Minister for Education, who is in the house, for his work in this area, because \$149 000 should buy you more than that, even at the end of Victoria, at Murrayville — a particularly lovely place.

The story of Murrayville P-12 gets worse. I refer to the way this project was contracted. It was structured to disadvantage rural and regional businesses. The grouping of the contracts meant that many of the businesses and builders in country Victoria could not bid for the project because they did not have sufficient insurance, and they simply were not big enough, so the work was denied to country Victorians.

I will move on to other education issues. The annual statement of government intentions talks about the 'digital education revolution'. Just like myki, if you have software problems, you are going to be in trouble. One of the schools in my electorate tells me it cannot get technical support. I said, 'Do you have remote access where you hand over and someone fixes the problem?'. They said, 'No, we have to wait for the technician to drive out to our site, because remote access has not been rolled out to us yet'.

The digital revolution is the black revolution across some of the schools in my electorate as they wait for a technician who seems to struggle to get from the larger centres where they are needed every day. Anyone who depends on computer systems knows just what we are talking about with respect to these problems. Some revolution that turned out to be!

Then you wonder why we have school retention rate problems in the country. The statistics have been well quoted, and the member for Nepean made much of this as he spoke about this issue — that the declining rates of retention between metropolitan and non-metropolitan, or country, schools is very apparent. There has been a decline in country schools from 72 per cent retention up to year 12 down to 67 per cent, while in metropolitan areas retention rates remained relatively static. This is shameful, and it is becoming all the more understandable.

This flows on to tertiary participation. We are still awaiting the government's response to a report of the Education and Training Committee, which outlined the disadvantage for young people living in the country and the participation rates. That is mentioned in section 5.2 of the government's statement, in which it is said that during 2009 the committee reported to the government and that the government would respond in 'early 2010'. The government had better hurry up and get on with it because there is an awful lot of work to be done in that area to work out what we are going to do to ensure young people in the country remain involved in education. Similarly, if you do not want to go on to tertiary education, my electorate does not have a trade training centre.

In health, the Mildura Base Hospital is in rapid need of attention. The hospital is a public-private partnership, but the government has dealt with public-private partnerships in health elsewhere — they can do this — so why is there such a long delay in tending to the needs of a hospital that is grossly inadequate? The accident and emergency, midwifery and post-operative departments at Mildura Base Hospital all have major problems.

We also have an issue with adequately accommodating residents in other departments. If you are going to recruit and retain the professionals you need in the country, you have got to be able to deal with them. Mental health — what a shame! The Mildura Base Hospital's ward 5 is a 12-bed facility and there are no other facilities nearby in the region. Ward 5 is constantly under pressure. The hospital made an application for supported accommodation, for prevention and recovery care (PARC), which seems to be stalled in the system, with no-one in Mildura knowing when we will get that. I thank Mallee Family Care for their mental health day, at which it was demonstrated that the need in my electorate for mental health care is twice the state average.

With respect to law and order, the issue is police numbers. Recruitment and retention of police in country areas is vital. We constantly hear about shift shortages. Not only do we not have enough police but there are constant stories about shift shortages. Red Cliffs and Merbein both want 24-hour police stations, because those communities want preventive policing, not reactive policing.

Then we get to the issue of using country dollars from liquor outlets to solve city problems. The Wemen, Hattah and Merbein South stores have all had 500 per cent increases in their liquor licence fees, but that is to fund a problem not of their making.

This government has failed country people on water. The *Weekly Times* said it all in an article printed today, with the VFF (Victorian Farmers Federation) stating that the federal and state water policy had cost 5599 jobs. A fair amount of those jobs are from Mildura. To add salt to the wound, the Wimmera–Mallee pipeline water savings appear to be going to Melbourne.

Irrigators have survived commodity difficulties in the past, and they have soldiered through the downturns before, but the lack of security of allocation is what is difficult this time, it is what is different, and that is what is driving them off their land. What this government has failed to do is give any of those growers the

confidence that the security of allocation will be there so that they can then work through these commodity cycles that have occurred.

The CMA (catchment management authority) merger has continued to be an issue, where it appears that control has been shifted closer to Melbourne from local areas.

The CMA mergers between the Murray and Melbourne authorities in my electorate with the Wimmera and Southern Mallee are a recipe for disaster. We are asking too few people to do too much. As you move governments away from locals, you become remote from communities and you fail them. The CMAs have a role. If they become remote, that will make living and farming far more difficult.

This government's claim to make country Victoria a far more livable place is an absolute sham. The Brumby government is failing regional Victoria. The annual statement of government intentions is a case of too little too late. It is just spin. It lacks substance and it gives no joy to country Victoria.

**Ms D'AMBROSIO** (Minister for Community Development) — I am pleased to rise in support of this government's statement of government intentions. It is a significant document which demonstrates the Brumby government's commitment to making Victoria a fairer place for all Victorians by continuing to give disadvantaged groups and communities who are doing it tough more support and more opportunities.

This is something the Brumby government has been committed to for many years, and it has yielded some impressive results. For example, since 2004 the Brumby government has provided \$92 million for 546 community organisations and projects through the Victorian community support grant program. It has also provided \$20 million for eight community renewal programs which are designed to help those Victorian communities at a local level who are facing extra challenges. We want to grow Victoria, but we want to make sure that everyone grows with it.

Our government has also provided \$8.6 million over the past three years to build or upgrade 47 community facilities and public spaces where people can get connected. We have also expanded the no-interest loans program, together with Good Shepherd Youth and Family Services and National Australia Bank, to 45 new sites across Victoria. This program has provided an extra 2700 loans through the NILS (no interest loan scheme) to families in financial hardship. This is about helping those families get back on their

feet. These are just some of the initiatives this government has driven in order to make Victoria a fairer place.

This year's statement continues this laudable process. It acknowledges the essential role community groups play in securing the high quality of life that Victorians enjoy. It outlines the next phase of the Brumby government's plan to strengthen community organisations. The government has come a long way in achieving this aim.

We have established the Office for the Community Sector (OCS). That office is about cutting red tape and boosting funding to help Victoria's 35 000 community organisations grow and prosper. Through its website, regular e-bulletins and working parties, the Office for the Community Sector has been instrumental in strengthening partnerships between government agencies, businesses and philanthropic organisations. With Consumer Affairs Victoria, the office is working to reduce the regulatory burden faced by not-for-profit organisations by developing, for example, online reporting mechanisms. We are also simplifying the grants processes and developing more efficient and consistent grant making across government.

In addition to the work of the OCS, the Brumby government has funded four community foundations in high-need areas — that is, inner North Melbourne, Wendouree, Colac and Bass Coast — to allow people to invest directly in their own communities. As the statement outlines, this government will fund a further eight community foundations in the coming 18 months.

The Brumby government's statement also acknowledges the important role volunteers play in our communities. A third of Victorian adults volunteer in one way or another. There is no doubt that volunteers contribute tremendously to the economic, social and environmental wellbeing of all Victorians. This is also an area this government has been committed to over many years.

Over the past five years we have provided over 1400 grants totalling \$5.2 million to community organisations to assist them to recruit, train and retain volunteers. We have committed a further \$9.3 million to a new strategy to promote community involvement.

We have also recognised the efforts of Victoria's volunteers through the Premier's volunteering awards, which have lauded 30 volunteering organisations that involve hundreds of volunteers right across the state. It should be noted that nominations for these awards are now open for 2010.

In the annual statement the Brumby government builds on this commitment by pledging to continue to deliver its \$9.3 million volunteering strategy. This is a key plank of the government's respect agenda. This strategy will involve working with and supporting many of our most important volunteer organisations including the Country Fire Authority, the Salvation Army, the Australian Red Cross and local sporting clubs as well as the many hundreds of small volunteer organisations whose contributions help make Victoria a better place to live.

In the year ahead the Brumby government has committed to working on ways to sustain and grow our dedicated volunteer base. We need to acknowledge that the nature and level of volunteering is changing in ways that require adaptation. The government needs also to offer new ways and new opportunities for people to volunteer. Through the development, for example, of a new web portal, the Brumby government will make it easier for people who are interested in volunteering to learn about opportunities and get involved.

We will also work to encourage young people to become volunteers by helping community organisations to develop new types of opportunities that are more suited to the ways in which young people can donate their time. We will continue to award small grants to community organisations seeking to create new opportunities for diverse groups of volunteers. This is a program that has to date been very successful and popular amongst these groups.

The Brumby government's commitment to fairness is also reflected in our pledge to release this year A Fairer Victoria 2010, which is our sixth A Fairer Victoria statement. This is the backbone of this government's social policy agenda. Through A Fairer Victoria, the Labor government has already invested more than \$5 billion over the last five years in addressing disadvantage and promoting inclusion. The Brumby government recognises that issues regarding disadvantage flow on to every aspect of a community's wellbeing, including weak educational results, poor health outcomes and low productivity. This is why A Fairer Victoria brings together a number of policy areas, including education, early childhood development, training, health and justice, to lift up those areas and people who are at greatest disadvantage by tackling a whole-of-life experience for those people and their communities.

We have so far seen the success of programs like the community renewal program and the neighbourhood renewal program in restoring hope and pride in many disadvantaged communities across the state. Eight

community renewal sites have been set up since 2006, actively involving local residents in decision-making and planning processes. The beauty of that is that the process is owned by the community, with the local community deciding what its needs are, what changes need to be brought about, how to achieve those changes and how to deliver terrific outcomes at the local level. The result has been around 100 community events, 44 public space and facility upgrades, and 25 projects — for example, to improve skills and early childhood development. This program is also about creating real jobs and more local activities to draw people together.

Some of my cabinet colleagues could speak of a number of other A Fairer Victoria success stories, including the construction or purchase of 12 900 new social housing units, increased levels of community safety, an overall reduction in the crime rate since 2000–01 and the provision of over \$100 million for more than 1300 aquatic and sporting facilities between 2005 and 2008. These are just some of the many achievements delivered under A Fairer Victoria so far. I am very pleased that this government is continuing that good work in the year to come.

I would like to congratulate the Premier on once again delivering an agenda that promises to make Victoria an even fairer place to live. This statement provides an opportunity to build on years of terrific work, some of which I have outlined. I am very proud to be part of a government that has an ongoing, resounding commitment to social inclusion and one that looks out for people and communities who need extra assistance, and I am pleased to support the statement of government intentions for that very purpose.

I also wish to add that the statement of government intentions provides a framework for us to mark off where our progress takes us in terms of outcomes for social inclusion. I am pleased that I will have the opportunity to help deliver the programs and commitments that have been reflected in the statement of government intentions.

**Mr THOMPSON (Sandringham)** — The Labor Party has had the carriage of government in Victoria for some 21 of the last 28 years, and in terms of the problems Victorians face with infrastructure and service delivery those problems must be sheeted home to the current Victorian government.

I spent the weekend conferring with a number of different community groups across my electorate. Interesting things emerged from those consultations. Senior citizens regard themselves as the forgotten

people. The Brumby government has moved to online consultations and myki tickets; you have to pay \$10 to get a ticket even if you use the service only two or three times a year. People on low incomes are concerned about the impact on their finite resources. Then there is the rollout of smart meters, which is of major concern to senior citizens, and there is also a cost impost on Victorian working families.

There is a question of safety on public transport and on the streets of Melbourne. Today I had a call from a concerned constituent who is a government employee and who expressed his distress at being assaulted outside a 7-Eleven store on the corner of Bluff and Highett roads last night. He felt the government had not done enough to address antisocial behaviour and to put enough police on the streets to respond to law-and-order issues. That was a continuing theme throughout the course of my consultations.

Several people raised concern in relation to violence on public transport. At this point the Labor Party has not copied the Liberal Party proposal for protective service officers from Victoria Police manning Victorian rail stations in the metropolitan area from 6.00 p.m. until the last train, to restore a sense of safety on public transport. Senior citizens, women and children are not safe on the Victorian public transport system and not free to travel as they once were.

There are some 75 000 people a year migrating to Victoria. It is all very well to parade this as a great figure, the greatest number of arrivals since the gold rush, but not if you are a lazy government that has not done the hard yards or the budgeting to provide the services that people require, such as additional hospital beds to reduce the waiting lists.

On that point, this morning I raised in this house the circumstances of a man who was told to line up for an important elective surgical procedure at one of the major hospitals in Melbourne on 10 February. He waited 4 hours. Virtually no-one gave him any meaningful information in that time: they said it was someone else's issue and someone else's matter. After 4 hours it was the doctor himself who came along and said, 'Sorry we had to cancel your procedure today; we cannot operate on you'. This was for a major surgical procedure, after this gentleman had rearranged his financial affairs and his business interests in order to undergo the procedure. It was put off. He said it is not good enough. I said we can follow it up, and he said, 'My concern is not for myself, but how many other people in this state have confronted what I have confronted? It is just not good enough'. With 21 years of the last 28 in government, it is just not good enough.

We have another issue in relation to Neighbourhood Watch. People felt safe in their communities; they looked after each other. In 1987 the municipality of Sandringham was one of the first places in Victoria to establish Neighbourhood Watch groups. People were part of the community; they worked together; they volunteered to contribute their time to determine wise and worthy outcomes and feed the information back to the police. Now Victoria Police has restructured Neighbourhood Watch and is proposing not to provide the information that the local residents relied upon, the crime data street by street. It is decimating the volunteer base. In my area, in the cities of Kingston and Bayside, these changes to programs, which have worked wisely and well for over 22 to 23 years, are not good enough. People are feeling alienated by the changes under way.

I am pleased to note developments in relation to the Sandringham police station, which has been the subject of a broken Labor promise since 1988. At that time the Labor Party said that if it were re-elected it would build a new police station on this site. If it had not been for the vigorous work of the local community, the land would have been sold off and would not have been available. I am pleased to report there is steady progress following some excellent work and advocacy for a new police station, which will shortly be opening.

But there has been a problem in the consultancy process on the way through. It was suggested that there was going to be a particular design feature that would protect the amenity of the neighbouring houses from the effects of a facility that would be operating 24/7. Unfortunately, without consultation with the residents, certain changes were made to the design of the building which will reduce the level of privacy for adjoining backyards. I think it is important for the minister and for the council to come to the party and provide a better outcome so that people can enjoy their local neighbourhood and the amenity they have had to date.

I also look forward to receiving my invitation to the opening of the planned new Sandringham police station. I did not get one to the opening of the courthouse; I did not get a formal invitation to meetings with ministers passing through my electorate; but mark my words, I aim to be there on the day the new Sandringham police station is opened, along with many people from local Neighbourhood Watch groups who have done their best to minimise the incidence of crime and offences against person and property in the Sandringham area.

I mentioned before that the older people in the district feel as if they are the forgotten generation, and more needs to be done to integrate service delivery to those

people who are not part of the dotcom generation. At one point Victoria regarded itself as the information superhighway of the world. In the 1990s Bill Gates regarded government service delivery in Victoria as a model of excellence. Since the election of the Bracks and Brumby governments, what have we got? We have lost more money through project overruns in the IT area than we lost through the Pyramid Building Society and the former State Bank in government terms. Myki is just one of a series of failed IT projects. There is HealthSMART and the ultranet, and there was Anite, the Ministry of Housing project which was a five-stage project that never got past stage 1. Then there is the remarkable Electronic Conveyancing Victoria, a \$50 million or so white elephant; it has been operational for two years, but there has only ever been one transaction and that was on the opening day. A \$50 million white elephant! The list goes on. In question time today we heard about the issue in relation to the LEAP (law enforcement assistance program) upgrade. At this stage it is not going forward at a high velocity.

Well over \$1 billion and perhaps up to \$2 billion has been wasted by this government. It cannot deliver. The information superhighway on the part of the once great Victorian government in the Kennett years now stands as a boulevard of broken IT dreams.

Then there are other issues as well in relation to the government. In the city of Kingston there has been approximately a 23 per cent increase in local crime, and there has been a rising crime rate across Victoria in the area of assaults. These matters are not being properly addressed. Conversely, we saw the attempt to address it on the steps of Parliament House last night with a heavy-handed approach that did not work in consultation with local communities, that did not work in consultation with local interest groups. We have the absurd example of a flower shop having to pay more for its licence to distribute a bottle of wine or champagne with a bouquet of flowers in order to address the violence and thuggery that is taking place on city streets where people are not feeling safe.

Then there is the question of the New Street railway gates — here is a good one! — which have been closed for two years. How can we expect a government that cannot open a railway gate to get its ticketing system right or the overall processes and operations of government? The people in my electorate are angry. It will be reflected on 27 November in the upper house vote and I look forward to the 2010 state election. Bring it on!

**Mr SEITZ (Keilor)** — I rise to speak on the annual statement of government intentions, which in itself is a progressive step. It took a Labor government to bring this statement in and bring it forward to this house so that not only the Parliament but also the public can read and know what the plans are and can judge later on whether these things have been delivered. In addition, the statement clearly identifies the ministers responsible for the delivery of these intentions of the government. Of course, there may be some hiccups; there will always be some changes, particularly when new things are experimented with, tried and brought in.

People naturally resent change. When someone gets over about 50 years old they do not like many changes happening in their lives. However, we make changes because we are a growing country and a growing state, and we are growing very fast to accommodate people in this state, so naturally changes will be made as we go along.

The statement is a good blueprint that we can work with. The first item we see is jobs — securing jobs through infrastructure — which is important. After all, we have to have infrastructure to be able to create jobs, attract industries and move commodities around. If we do not have adequate road, rail or air systems, we cannot move goods around. Victoria is doing quite well in those fields, but there is an ongoing commitment to those things.

The next item is delivering on the commonwealth stimulus package, and we are talking about big money there in funding for roads which will supplement the state government's funding. The commonwealth will also supply funding to supplement the government's funding of housing. We are attracting more people to this state and naturally we will need to accommodate them. It is important for everybody that they have a secure roof over their heads. It is a primary need of any individual in our society. Once that need is satisfied, people will look at their secondary needs and their pleasure needs such as plasma television sets and all the rest of the in-house entertainment systems. But if you do not have a roof over your head, where will you put all that sort of stuff? Housing may take the form of affordable rentals or it may be social housing, which is an important factor. Again the minister responsible for delivering on those fronts is identified in this statement, and that is highly commendable.

It is an important document for the bureaucracy, the wider public, private industry, local government and the federal government to enable people to understand what the government is planning, its aims and what it is prepared to deliver over the next 12 months. The

statement covers the period before the next election and beyond, because some of these projects cannot be finished within the next nine months. It is important that it be followed through and that it is ongoing despite any changes in the ministry. Ministers may resign, but the projects need to continue; they are contained in the statement and are part of the direction in which the government is going.

I commend the document to the house, because without it all the individual bureaucracies would be pulling in different directions. This way they have a blueprint, a direction in which the government is heading, together with the government's aims and objectives. They are clearly spelt out in this statement which was presented to the house by the Premier. It is a terrific example of how confident the government is that it is willing to put in front of this house and in front of the people of Victoria its 12-month forecast and to implement those projects one at a time as each ministry is geared up to do its work. There will be no surprises for the departments. They cannot say that they did not foresee that this and that had to be delivered now, in the next 6 or 12 months. There is no excuse; the broad parameters are outlined here in this document. The document provides that function.

The document also covers police and keeping the community safe. The government has new controls and reform amendments to the legislation to cover liquor licences. These are all aspects that allow everybody in society and in commerce who deal with these things — be they in the judiciary, our legal or accounting firms, finance groups, developers or small individual family businesses — to have an idea where they are going and what is happening.

The statement talks about the respect agenda. The Minister for the Respect Agenda will go down that important path and develop that issue further. It is another important step so that people can know about and be able to have an input into what they see as the agenda for development.

The statement then talks about hospitals and ageing citizens health care, which is again expanding, particularly in the western suburbs. We are going ahead in leaps and bounds in western health services, providing better buildings and attracting Melbourne and Victoria universities, with graduate and undergraduate study taking place in the area, and with students operating and working from the area's hospital, in conjunction with those two universities. That is a good outcome for our area, and people need to know about it.

The statement then refers to volunteering. Victoria depends on a lot of volunteers, as do most other states in Australia. The support, encouragement and respect we have for our volunteers is a big commitment. The minister responsible for that area has had his input into this document and so knows what the future holds in that direction.

The statement refers to a fairer and better justice system. I must say that since the Attorney-General has held that position, he has brought in more legislation than any other minister, with the changes being aimed at modernising the justice system. Yet there is always something to be changed or amended as life goes on and things change. Who would have thought about hoon and hoon legislation 20 or even 15 years back? It has taken courage, it has taken development, and it has taken input.

The statement refers to the amount of money that has been taken from people who have made ill-gotten gains — criminally gained money that has been amassed and which now has been confiscated. Changes have made it easier for law enforcement authorities to do that so that people see that crime in this state does not pay, because the money will be taken off them if they cannot prove they got it legitimately. That is very important for society, particularly in allowing people in their neighbourhoods to feel safe, comfortable and confident.

At the moment talk about one ethnic community is being highlighted in the media and so forth, yet when you interview members of that ethnic community you find out that they feel safe and quite comfortable living in Victoria, despite what we read and hear in the media. When one looks at it one sees that such issues have happened in the past with different communities but that it is the media playing the issue up. Then of course you get copycats who follow reported acts.

When we talk about the West Gate Bridge we cannot advertise how many attempted suicides take place there so that we do not get copycats. I would say the media should be playing this issue down and acting responsibly with respect to such communities. The government has established a special police task force in the western suburbs to assist the Indian community so that we do not have this fear agenda being driven.

When there was the attack on the world trade towers in New York, members of the Muslim community in the United States were not game enough to leave their houses because of the hatred of communities as created by the media. That has settled down because of positive action taken by the government and particularly the

people of New York, stressing that they were all the same and could live together in harmony without having to worry about hatred being fanned against the Muslim community. It had been perceived that the Muslim community had attacked the American world trade towers, but things have settled down and the community there is getting on quite well.

This annual statement of government intentions will also deliver those things here. The issue will pass, and there will be other newcomers who will have the same experience in the future.

**Mr BURGESS** (Hastings) — I rise to contribute to the debate on the 2010 statement of government intentions, entitled ‘Families, fairness and the future of Victoria’. It is the first part of this title that I find so interesting — the Brumby government’s decision to revisit the family when it has so obviously neglected families right across Victoria and specifically in the Hastings electorate.

When we consider the state government’s impact on Victorian families, it is difficult not to think of the hundreds of families that have been left in a position of financial difficulty as a result of the Inghams plant fire in Somerville. On 11 January a fire devastated the facility and has jeopardised the jobs of the plant’s 700-plus employees and several hundred subcontractors.

This is the only facility for an industry worth \$350 million to the local economy. Inghams is the second largest employer on the Mornington Peninsula, and it is anticipated that the flow-on effects of this fire will impact on thousands of people. I spoke out about the need for the state government to step in and provide assistance to get this critical employer back up and running in the shortest possible time; not surprisingly, I was roundly attacked by this Labor government for having the audacity to suggest that a government should spend public funds to save people’s jobs.

The government did belatedly come to the party with some assistance. It agreed to help with a water-saving program that Inghams and I had been working on getting the government to go along with for the past several years. The government performed one of its more palatable backflips by belatedly coming to the party with some level of support for Inghams. The Labor Party certainly know how to take its pound of flesh! The announcement of its support for Inghams was like a Labor caucus meeting. Now, this week in Parliament, ignoring the anguish of the 300 employees who lost their jobs, the Premier had the nerve to claim his government had created 300 new jobs at Inghams. The arrogance of this man is breathtaking!

The government has done the very minimum it can get away with to support the company, and in so doing Inghams has had to let go more than 300 people. The opportunity was there to allow those people to continue in employment. When so many families are hurting, the Brumby government needs to stand up and work with all key stakeholders to ensure that an assistance package is in place to fully restore this vital industry as soon as possible.

In the Premier's message he stated that the government acknowledges that street violence and drunken behaviour threaten the way of life of our local communities. The Brumby government can make whatever assertions it likes about the state of law and order in Victoria, but ultimately Victorian families are acutely aware that this government has failed them dismally on the most basic of rights, and that is the right to feel safe and secure.

I continue to receive complaints from local residents and shopkeepers concerned about the escalation of vandalism, hoon driving, violence and other unlawful behaviour on our streets. A reduction of nearly 20 per cent in front-line policing in our local area has resulted in a 38 per cent increase in violent crime. That is an absolute disgrace.

I receive reports almost daily of shops having their windows smashed in and local residents being harassed by youths and hooning. The hooning is so dangerous that it is only a matter of time before another person is seriously injured or worse on our streets. It is not a new problem for this state government, but it is clearly a problem that is beyond its control.

My community has recently fought long and hard to defeat the Brumby government's outrageous plan to downgrade the Hastings police station from a 24-hour-a-day facility to a 16-hour-a-day facility, and given the circumstances we find this state in, that is an outrageous attack on the safety of our local communities. While the community won this battle, we are under no misapprehension that this government will not try the same tactic again.

The communities of Somerville and Langwarrin have felt the ill-effects of these policies as well. Police officers from Frankston and Hastings are striving to do their job on a shoestring of resources. Just before the last state election the state government announced that it was to build a new police station. It named the new police station Langwarrin-Carrum Downs, when most people were aware it never intended to put it near Langwarrin and always intended to put it in Carrum Downs. The government thought it would tell the

people of Langwarrin that it was going to take care of their problems at the same time. The reality has been something completely different. I am now told that the resources for this new police station will be absorbed from the current low level of resources at Frankston, Hastings and other local police stations. Again, it is disgraceful.

The absolute proof of the way this government rewards its excellent police is the case of Gordon Charteris, who will very shortly leave the police force forever, unfortunately. After 32 years of decorated service this man, for the first time ever, felt the need to speak out about the low level of resources. When he did, within weeks he was gone. He had been forced out. He had been removed from his position simply because he had the courage to speak out. Again, this is an absolute disgrace. The Premier really should pay the consequences for that, and I am sure he will.

You only need to look as far as our public transport to see other examples of the Brumby government's failings in law and order. Again I get complaints weekly about the vandalism and mindless damage on the Stony Point railway line. The latest attack has been on the myki system, believe it or not. We managed to get a myki reader installed down at the Somerville railway station. Clearly there is no possibility of using it any time in the near future, but it has been the latest victim of graffiti and has been defaced. It contributes to an environment that is anything but conducive to patrons utilising our rail network. The Brumby government has again failed to outline how it would improve safety on our public transport.

Recently the opposition announced its transport safety policy on how it would approach these things. Having zero tolerance for violence on the public transport system and two protective service officers on each of the metropolitan and regional stations from 6 o'clock until after the last train, including on the Stony Point line, would go a long way to making our commuters feel much safer. It would make me more comfortable in allowing my children to go on the public transport system, but it is something that the state government has basically ruled out and does not think is a good idea.

The Brumby government must also work to ensure that our level crossings are protected. In my electorate we have a very unfortunate history with level crossings. Just in my short time in Parliament we have had two deaths in my electorate on level crossings. The death that occurred at the Bungower Road crossing could have been avoided had there been boom barriers in place. The state government has belatedly come to the

party and promised that that will be rectified, but again, as with most commitments this government makes, nothing has happened. When it thought it was worthwhile the government came out and said it would fix it and then did nothing about it. And as if to create difficulty for the people trying to cross at that railway crossing, there is no pedestrian crossing, so people are forced to take their chances out on the road with the traffic and the trains.

I will move on to an issue that I have raised in this house many times — that is, the state government's commitment to putting a bitumen plant at Crib Point. Most people would know that the Minister for Planning called that in and then decided he would allow it to go ahead, which was completely contrary to a written promise given by the previous member for Hastings on behalf of the state government at that time saying the government would never let it go ahead. The people of Crib Point now understand very clearly that when the government's mouth is moving it is probably a lie.

The community of Baxter is also locked in a titanic fight with this state government. The environment effects statement that was done on the Peninsula Link — and by the way, Baxter residents are very much in favour of Peninsula Link but opposed to the fact that the government wants to put through an overpass — and the plan that was shown to the local community suggested that this would be an underpass. Just recently the state government has ruled out putting through an underpass, and it will now push through with what is being referred to as 'Brumby's Baxter barrier' right through the heart of the Baxter community. This will create a lot of difficulties for the people who live in Baxter. It will have a very serious effect on their house prices and also on their amenity and enjoyment of life.

There is no reason why the government could not be putting through an underpass. It has said that one of the reasons was the groundwater there, because it is a flood plain. It has failed to take into account the fact that the Gunnamatta outfall runs almost directly under this point, and it would be very easy to put in place a system which would allow that water to drain away and which would probably improve the circumstances overall. This statement of government intentions is really more of the same from this government — a complete and dismal failure.

**Mr HELPER** (Minister for Agriculture) — It gives me an enormous amount of pleasure and pride to speak to the 2010 annual statement of government intentions.

If I may, I will just reflect on the presentation we have just heard from the member for Hastings — and I

understand how difficult it must be to be an opposition member of Parliament, whose primary purpose in life is to whinge, whine and moan. I want to compliment the member for Hastings on succeeding at all of those tasks extraordinarily well in his presentation.

*Honourable members interjecting.*

**Mr HELPER** — In that sense, let me draw a contrast with the annual statement of government intentions, which is very much about looking forward, building a future in this community that matters to families, addressing the needs of families and providing the necessary support, whether it be through infrastructure, whether it be through services or whether it be through the legislative changes that we need to make to keep our statute book modern and relevant. All of these changes are about making the lives of families more rewarding in this state.

To paint the picture of this forward-looking and positive statement of government intentions, I will also look back on what this government has achieved over the last 12 months and indeed prior to that. In my own electorate it has achieved things like the return of passenger rail to Ararat, which has made an enormous difference to the community of Ararat. One could ask rhetorically, because it would be unruly to respond to interjections, when that service was stopped.

To give a brief history lesson, the passenger rail service to Ararat was scrapped, ripped away, stripped off the community of Ararat during the seven dark years of the Kennett government. We have not had a bigger kick in the head to the communities of Ararat and the region than the removal of services that occurred during those seven dark years. We can look there for an example of what a Labor government does in response to the needs of regional communities. It is the government's intention to return passenger rail services to Maryborough, and that will occur during the period covered by this annual statement of government intentions. I very much look forward to the residents of Maryborough, whose rail services were ripped away during the seven dark years, having their rail services restored to them.

*Honourable members interjecting.*

**Mr HELPER** — Let us look at some other achievements over the last 12 months, and indeed over the period this government has been in power. The reconstruction and rebuilding of every hospital in my electorate is, I think, a very proud achievement of this government. Again, it demonstrates the strength of the

commitment the Brumby government has to regional Victoria.

I heard an interjection before — it cannot be disorderly to hear an interjection — about the north–south pipeline. Let me just say that the food bowl modernisation project is a highlight of the modernisation of the irrigation infrastructure of this state. Members of the opposition and those who are so expert at whingeing, whining and moaning should reflect on the alternatives. If they believe in this day and age, when there is water scarcity and an increasingly high value is placed on water, that an irrigation system that leaks like a shadow cabinet can actually be sustained into the future, then I dare say to them that they have lost touch with reality.

Members, of course, are all united in the sadness with which we reflect on the bushfires of February last year. I do not think there is a millimetre of difference between the members of this chamber in terms of the sorrow we feel for those directly affected. The government has to have as a very high priority the response to and recovery of the communities affected by those fires. We also have to have a constant and large agenda to improve the safety of those Victorian communities that face bushfire dangers. For example, the government plans to further develop township protection plans across Victoria and to fast-track the upgrade and construction of regional fire stations. The credibility of the government is very strong in that regard.

The investment that has been made in our emergency services is extraordinary. For example, just a short while ago I had the pleasure of joining the Minister for Police and Emergency Services at the opening of the Halls Gap fire station, a rebuilt fire station set up in conjunction with ambulance services. It is a terrific model for the Halls Gap community. So we see that the government has a track record of delivering on community safety, and it has a plan to continue doing so.

I will touch on a couple of initiatives in my portfolio area of agriculture that are planned for this year and outlined in the statement of government intentions. Clearly the initiatives flying out of the \$205 million Future Farming initiative announced in Horsham by the Premier are bearing fruit, and they will continue to bear fruit during the year covered by this statement. For example, we are investing in global positioning system net infrastructure, which will provide farmers with the opportunity to engage in high precision farming, reducing the costs of those services and providing the ability to increase farm yields. This is very important to

farmers, of course, but also incredibly important in terms of the environment and reducing inputs. Here we see just one example of many initiatives that make a big difference to our farming community. I could wax lyrical for much longer than the time that is available to me about the initiatives contained in the annual statement of government intentions when it comes to agriculture.

I will just touch on two more projects the government has committed to during the period covered by the statement. Those are the Western Highway duplication from Ballarat to Stawell and the Nhill trailer exchange. The Nhill trailer exchange is an important initiative to modernise our freight sector and ensure that it has the infrastructure necessary for it to be competitive. The Western Highway is the backbone of my electorate in terms of roads. It services not only my electorate but communities well beyond that, and it is an important transport link. Every kilometre of the Western Highway that is upgraded reduces travel time, thereby increasing the amount of time families can have at home and, importantly, have at home safely, because upgrades obviously improve road safety as well. The duplication will also contribute to road freight efficiency, and will have a significant impact on the agricultural sector. It is a terrific initiative and a terrific commitment going forward.

In my small business portfolio we are always concerned with the reduction of red tape. We expect to reduce red tape by \$2.46 billion over the next 10 years.

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

**Mr JASPER** (Murray Valley) — In joining the debate on the annual statement of government intentions I want to take to task the Minister for Small Business, who was the last speaker, on what he said about what is happening in northern Victoria. In speaking about the opposition's attack on the north–south pipeline, which takes water from northern Victoria to Melbourne, he related that project to the upgrade of the food bowl, which is known as the food bowl modernisation project. To put those two projects together is an absolute disaster.

We in northern Victoria strongly support the food bowl modernisation program — it is absolutely necessary; however, we have some concerns about how it is being done. The fact is that the system in the Goulburn Valley was antiquated and needed upgrading. Opposition members supported that project, but we certainly did not support the north–south pipeline taking water from a distressed system in northern Victoria to people in metropolitan Melbourne. Let me make that clear.

I take issue with the Minister for Small Business coming into the house and attacking members of electorates in north-eastern and northern Victoria by linking the food bowl modernisation project, which we strongly support, with the north-south pipeline, which we totally oppose.

I read the annual statement of government intentions with a great deal of interest, particularly the speech made by the Premier. It is a glossy document, and much of it contains what I call motherhood statements. I have a fair amount of concern, firstly, about the statement made by the Premier, and secondly, about what is contained in the documentation.

On the positive side I should say that I have been able to achieve positive developments in the electorate of Murray Valley since I have been in the Parliament. I applaud the actions that have been taken in relation to issues such as the upgrade, modernisation and standardisation of rail for north-eastern Victoria, which will be a great result.

The Wangaratta Performing Arts Centre has been great. I have been involved in most of the representations to make sure that we achieved those results.

In the area of health care northern Victoria has certainly got some results. Let me tell the minister that we need more, and I will talk to him about them, because I want to see more funding for the hospitals in my electorate. They are doing the job, but they certainly need support from the government through more funding.

Having mentioned some of the positives, there are things that are of concern for country people, and the government needs to take note of these issues.

I will start with the myki ticketing system — an absolute disaster. We were in England some years ago; its system was very simple and worked well. Why did we not get something simpler that would work in Victoria? Here we are, years down the track, and the ticketing system has not been implemented. As far as the government and the state are concerned, myki is a disaster.

Another subject I want to raise is that of electricity smart meters. It is another issue which I think the government has got wrong. I am receiving representations right across my electorate from people who are absolutely concerned about the implementation of the smart metering system. The government needs to review the matter and do something about it.

I will mention other things. I will start with the report on river red gums, which examined issues along the

Murray and Ovens rivers. Legislation has been introduced into the Parliament to establish four national parks, and we are totally opposed to what is proposed. The national parks organisation cannot look after what it has now, so let us not add more to what it is doing. I have spoken to people along the Ovens River who have gone in and talked to people in Parks Victoria, who cannot even identify its properties on the map, let alone what is going to be taken over and how it is going to be managed. In fact one of the landowners said to me, 'We put cattle in on that country that will now be in the national park, but in a short time without the cattle you will see it infested with vermin and noxious weeds and grass that kangaroos will not be able to jump in'.

All of these issues are causing concern to people in the northern part of Victoria, and indeed all people in country Victoria. Taking cattle out of national parks and out of the Barmah forest, as was mentioned by the member for Rodney, is an absolute disgrace. Why does the government not go and talk to people who live in these areas and respond to them?

One farmer who has land along the Ovens River which will be taken over by the national park came into my office. He is absolutely devastated, because he sees that an area which he has managed for generations will not be managed or looked after by the national park authorities. He says it will be overgrown and not managed properly, because the national parks people cannot manage what they have got now, without more land for them to manage being added.

In the few minutes available to me I have tried to encapsulate the concerns of people in northern Victoria. Another issue I would like to raise is the amalgamation of authorities that are responsible for large areas. Members should have a look at the report on the catchment management authorities. It has been proposed that the three large catchment management authorities in northern Victoria — in Wodonga, Shepparton and Bendigo — be brought together into one huge body. That would be an absolute disaster. The catchment management authorities will not be able to manage things effectively.

I turn to the issue of ambulance services. The minister will be aware of the difficulties that occurred at Yarrowonga prior to Christmas and over the Christmas-New Year period. I applaud the minister for acting quickly, and indeed Ambulance Victoria for acting quickly. There is a new ambulance station and additional staff have been provided, but now there is an issue with the ambulance call centre. The one at Wangaratta is one of five in country Victoria, and there is a proposal to centralise them in Ballarat. If there is an

accident in north-eastern Victoria, people will ring the special system in Ballarat and then be asked, 'What is the address?'. After having given an address, the call centre staff will say, 'Where is it? We do not know where it is'.

The minister is shaking his head, but I have talked to people in the system, and they tell me that a lot of the people who are involved in the call centres are specially trained to be able to respond to these things, but if they do not know the location and have no information about where they should be going, then corrective action should be taken. I do not support the centralisation of services, which is happening across Victoria; it is costing jobs in these areas, such as Wangaratta, and a lesser service will be provided. I would like to talk to the minister later about that. I certainly will, because it is an important issue as far as I am concerned.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Beattie)** — Order! Could members on my left show a little respect to the member for Murray Valley?

**Mr JASPER** — It really does not matter, Acting Speaker. If they talk, I will talk above them anyway. There is no problem there, and *Hansard* will contain everything I am talking about, even if it is members of my party who are talking. Don't worry: the speech in *Hansard* will be a true representation of what I am speaking about.

I turn to border anomalies, which are a huge issue for those of us who live on the border between Victoria and New South Wales. I bring to the minister's attention a matter he should look into — that is, fishing licences. The former Border Anomalies Committee was abandoned by the former Premier after having not done very well in the 1990s. We have re-established the Border Anomalies Committee, and it meets regularly each year.

Fishing licences have been a big issue since the 1980s and the 1990s. Two years ago it was indicated that there was agreement between Victoria and New South Wales that there be a uniform fishing licence between the two states, but it has not happened. I spoke to officers from the Premier's department only last week and was told they were sorry, it was to have happened last year, but they are still trying to get it negotiated through the New South Wales government. These are the issues that affect us in northern Victoria. These are the issues that the government must address. We must get action on them, and get action quickly.

In the little time I have left there is another issue I will mention, regarding the water tank subsidy. The subsidies are for people who put in a water tank, provided they are on a reticulated system. Anyone who lives a few kilometres out of Wangaratta and is not on a reticulated system cannot get access to that subsidy. In responding to me, the minister said that people in country areas are used to saving water — —

**An honourable member** interjected.

**Mr JASPER** — Of course they are, but they need tanks the same as people in the towns, and they are saying, 'This is what we will do'. That is an issue to which former and current water ministers will not respond. They are issues which are clear-cut, as far as I am concerned. We need to understand what they are doing and the effect it has on those of us who are living in country Victoria.

That is the situation I sought to cover in a few minutes. On the one hand, yes, I have been able to get some great results for my electorate of Murray Valley, but I see the things that are happening at present and there is no doubt that most people in country Victoria are really concerned about what is happening because of this government. The government is not listening to the people and not working for the people, and when it comes to the election later this year country people in their droves, particularly those in northern Victoria, will vote against the government purely and simply because of the actions that have been taken in recent times.

If the government does not understand that, it is not in the world of reality. I suggest that the Minister for Health, who is at the table, visit his parents in Wangaratta and talk to them about what is happening, because they must realise that this is an effect that will go right across northern Victoria and down to southern Victoria.

The government must realise what will happen the day it comes into the house and says, 'We are providing this, this and this to country Victoria'. The people out there, the people in the marketplace, the people who vote, know what is going on and they will not be voting for a government that is not going to deliver what they want in goods and services for country Victoria. I could say I dread what will happen to this government, but I do not: I am pleased it will happen.

**Debate adjourned on motion of Mr FOLEY (Albert Park).**

**Debate adjourned until later this day.**

## RADIATION AMENDMENT BILL

### *Statement of compatibility*

#### **Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

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

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

#### **Overview of the bill**

The purpose of the bill is to amend the Radiation Act 2005 (the act) to enable the Department of Health to administer the act more efficiently and effectively. The bill will allow the Secretary of the Department of Health to impose additional conditions on management licence-holders relating to the management or control of the use of a radiation source. It will also allow the secretary to impose conditions on licence exemptions that require compliance with an incorporated document. The scope of certain offences will be clarified by inserting a fault element. Finally, the bill will enable the secretary to publish on the internet limited parts of the register maintained under the act that relate to use licences.

#### **Human rights issues**

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

###### *Section 13(a): right to privacy*

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

I consider that clause 8 of the bill engages but does not limit the right to privacy because the interference with privacy is not unlawful or arbitrary.

Clause 8 amends section 138 of the act to give the secretary the power to publish and maintain on a website limited parts of the register the secretary is already required to establish and maintain under that section. Specifically, the bill will enable the secretary to publish and maintain on the internet:

- the name of a use licence-holder;
- the number assigned to a use licence-holder for the purpose of the register;
- the date on which a use licence expires or, in the case of a use licence that has expired, the date of expiry;
- a description of the use allowed under the use licence;
- the radiation source the licence-holder is permitted to use or the purpose for which a radiation source identified or described in a use licence may be used;

if a use licence is suspended, the date of suspension;

if a use licence has been cancelled, the date of cancellation; and

if a use licence has expired, the date of expiry.

The secretary will only be able to publish and maintain on the internet the date on which a use licence was cancelled for a period of 12 months after the date of cancellation and the date of expiry of a use licence for a period of three months after the date of expiry.

The clause does not unlawfully interfere with the right to privacy because it specifies what information can be published about a current or former use licence-holder. The clause does not arbitrarily interfere with the right to privacy because it enables the secretary to disclose information for an important purpose — to enable management licence-holders to confirm whether particular employees, contractors and applicants for employment currently hold an appropriate use licence. The government of Victoria wants to encourage management licence-holders to take reasonable steps to verify that their employees and contractors are appropriately licensed under the act. The interference with the privacy of individuals is minimal because the secretary may only publish and maintain on the internet the information needed to ascertain whether an individual currently holds an appropriate use licence. Importantly, the provision does not enable the secretary to publish other personal information about current or former use licence-holders such as their date of birth or residential or business address.

##### **2. Consideration of reasonable limitations in accordance with section 7(2)**

As the right under the charter which the bill engages is not limited by the bill, it is not necessary to consider the application of section 7(2) of the charter.

#### **Conclusion**

I consider that the bill is compatible with the charter because, although the bill engages the right conferred by section 13 of the charter, it does not limit that right.

Hon. Daniel Andrews, MP  
Minister for Health

#### *Second reading*

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

That this bill be now read a second time.

The purpose of this bill is to make a series of minor amendments to the Radiation Act 2005 to ensure that Victoria has radiation safety legislation that is consistent with national directions to protect people and the environment from harmful effects of ionising and non-ionising radiation.

In particular, clause 4 of the bill, which relates to the definition of ‘radiation practice’, will allow the Secretary of the Department of Health to impose further conditions on management licences relating to the

management or control of the use of a radiation source. There are approximately 2500 management licences issued predominantly to companies. These licences authorise a diverse range of practices in medical, dental, veterinary, industrial, education and research sectors.

The proposed changes will ensure that appropriate restrictions can be placed onto these licences to protect health and the environment from the harmful effects of radiation.

Clauses 5 and 7 of the bill clarify the scope of several key offence provisions in the act by inserting a 'fault element' into those offence provisions.

Clause 6 of the bill will allow the secretary to impose conditions on any licensing exemptions that require compliance with incorporated documents such as codes of practice. Currently the exemption can be made but must reproduce the contents of the codes or standards.

Clause 8 will allow the secretary to publish on the internet specified details about the persons who are licensed to use radiation sources.

There are over 9700 licences issued to individuals to use radiation sources in Victoria, ranging from basic dental X-ray equipment to sources containing significant amounts of radioactive material used in industrial practices.

The Victorian government wants to encourage management licence-holders to take reasonable steps to verify that their employees and contractors are appropriately licensed under the act.

The publication of a limited public register (i.e., names and details about the type of licence issued) will ensure that businesses can quickly verify that staff and contractors hold the appropriate licences.

The bill specifies the information that may be published as: the names of the use licence-holders holding the use licences; the licence number; the date on which each use licence expires; the description of the use that is allowed by the licence and the detail of the kind of radiation source that may be used under each licence.

The bill will also allow the secretary to publish details about any cancelled or suspended licences.

Importantly, the bill does not give the secretary the power to publish on the internet any information about where a current or former use licence-holder lives or works.

The provisions will come into effect on a day or days to be proclaimed, or on 1 February 2011 if not proclaimed beforehand.

These amendments to the Radiation Act 2005 will continue to ensure that Victoria remains in a leading position in Australia in respect of the regulation of radiation safety to protect both people and the environment from the harmful effects of radiation.

I commend the bill to the house.

**Debate adjourned on motion of Dr NAPHTHINE (South-West Coast).**

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

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

### *Statement of compatibility*

**Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010.

In my opinion, the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

This bill makes various consequential amendments to Victorian legislation following the enactment of the Health Practitioner Regulation National Law (Victoria) Act 2009 ('national law'). The national law establishes a new national scheme for the accreditation and registration of health practitioners.

Health practitioners in 12 health professions in Victoria are currently regulated by the Health Professions Registration Act 2005.

Health practitioners in all but two of those health professions will be regulated by the national law as of 1 July 2010. Chinese medicine and medical radiation practitioners will be included in the national scheme on 1 July 2012.

It is necessary to amend the Health Professions Registration Act 2005, and other acts, as a consequence of the new national scheme.

The bill:

amends the Health Professions Registration Act 2005 to take account of the enactment of the national law, in particular, references to definitions of various registered health practitioners;

makes consequential amendments to other Victorian legislation as a result of the national law, including provisions in the Drugs, Poisons and Controlled Substances Act 1981 which authorise persons to have possession of poisons or controlled substances; and

provides for transitional arrangements to give effect to the national law.

**Human rights issues**

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

While the national law engages rights protected by the charter, this bill does not do so. The rights engaged by the national law were addressed in the statement of compatibility accompanying the Health Practitioner Regulation National Law (Victoria) Bill 2009.

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

As the bill does not engage any rights protected by the charter, it is not necessary to consider reasonable limitations.

**Conclusion**

I consider that the bill is compatible with the charter as no provisions of this bill engage human rights.

Hon Daniel Andrews, MP  
Minister for Health

*Second reading*

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

That this bill be now read a second time.

The Statute Law Amendment (National Health Practitioner Regulation) Bill 2010 seeks to make transitional and consequential amendments to Victorian legislation, to allow for the full implementation of the Health Practitioner Regulation National Law (Victoria) Act 2009 and for the operation of the national registration and accreditation scheme for the health professions to commence on 1 July 2010.

In addition, the bill provides for an ongoing regulatory framework, under the existing Health Professions Registration Act 2005, for Chinese medicine and medical radiation practitioners in Victoria until they join the national scheme on 1 July 2012.

The Health Practitioner Regulation National Law (Victoria) Act establishes the regulatory framework for the national scheme for the health professions and creates a single registration and accreditation scheme

for 10 health professions from 1 July 2010. The professions of Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners, medical radiation practitioners and occupational therapists will also join the scheme from 1 July 2012.

The commencement of the national scheme is significant for the Australian health-care system. The national scheme will provide additional safeguards for the community and practitioners, and improve workforce flexibility and mobility.

This bill contains three categories of amendments. These are:

1. minor amendments, technical in nature, to be made to the Health Practitioner Regulation National Law (Victoria) Act to allow for national consistency;
2. transitional and consequential amendments to the Health Professions Registration Act 2005; and
3. transitional and consequential amendments to other Victorian legislation.

The amendments to the Health Practitioner Regulation National Law (Victoria) Act are minor amendments to ensure national consistency in the legislation for the national scheme. The first amendment removes the Public Records Act 1973 from the list of excluded legislation under the national law. Initial advice was that the public record matters would be addressed through a national approach, however it has now been determined that state and territory legislation should continue to apply.

The second amendment includes a regulation-making power in the act. This is a standard legislative approach which will provide an additional safeguard by enabling Victorian regulations to be made should they be necessary for carrying out or giving effect to the national scheme. This regulation-making power is only to be used for minor transitional changes to give effect to the national scheme in Victoria and can not be used to make any substantive changes.

The amendments to the Health Professions Registration Act represent the main amendments of this bill. These allow for the regulation of Chinese medicine and medical radiation practitioners to continue unchanged until they join the national scheme on 1 July 2012.

The bill contains provisions that allow for the continued operation of the Pharmacy Board of Victoria for the purpose of pharmacy premises regulation until such

time as the new Victorian Pharmacy Authority is established. The government intends to introduce a bill in May 2010 to establish the new authority, the Victorian Pharmacy Authority Bill. Passage of this bill would allow for the Victorian Pharmacy Authority to be established prior to 1 July 2010.

In addition, a transitional provision has been included to allow for the current state health profession registration boards to continue in operation beyond 1 July 2010 solely for the purpose of finalising their financial reports for the year ending 30 June 2010 (in accordance with Victorian financial management legislation).

Finally, there are a number of Victorian acts which require minor consequential amendments as a result of the Health Practitioner Regulation National Law (Victoria) Act. These amendments relate mainly to definitions, for example those of 'medical practitioner' or 'nurse'. Other specific amendments are also required to the Victorian Civil and Administrative Tribunal Act 1998 and the Drugs Poisons and Controlled Substances Act 1981.

The VCAT act requires amendment to ensure that VCAT can continue to carry out its functions in relation to Chinese medicine and medical radiation practitioner boards under the Health Professions Registration Act and also carry out the same role under the Health Practitioner Regulation National Law (Victoria) Act in relation to the national boards.

And finally, the Drugs Poisons and Controlled Substances Act requires amendment to ensure that the current rights of health practitioners to possess, sell or supply poisons are maintained under the national scheme. Amendments have been made to replicate the current powers to possess, sell or supply poisons that exist under the Drugs Poisons and Controlled Substances Act for medical practitioners, dentists, pharmacists, nurse practitioners and endorsed optometrists and podiatrists. This bill also amends the Drugs Poisons and Controlled Substances Act to allow for the minister to authorise, under certain conditions, registered nurses who are endorsed as being suitably qualified by the National Nursing and Midwifery Board to possess, sell or supply poisons.

The Statute Law Amendment (National Health Practitioner Regulation) Bill is an integral part in the implementation of the national scheme for the health professions.

I commend the bill to the house.

**Debate adjourned on motion of Dr NAPHTHINE (South-West Coast).**

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

## CREDIT (COMMONWEALTH POWERS) BILL

### *Statement of compatibility*

**Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Credit (Commonwealth Powers) Bill 2010 (adoption bill). In my opinion, the adoption bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### **Overview of the bill**

The purpose of the adoption bill is to adopt certain commonwealth legislation, to refer legislative power to the commonwealth in accordance with section 51(xxxvii) of the Australian Constitution to enable it to make amendments to that legislation, and to make related transitional and consequential provisions. The adoption bill is the result of the National Credit Law Agreement 2009 (the agreement). Part 10 of that agreement provides that the Australian government, in consultation with the states and territories, will review the national credit law scheme no later than 30 June 2012.

The adoption is limited to two commonwealth acts and includes a referred power for the commonwealth to expressly amend those acts. The two commonwealth acts (referred to as the national credit legislation) are:

The National Consumer Credit Protection Act 2009 (cth) (the NCCP act), as amended by the National Consumer Credit Protection Amendment Act 2010 (cth). (The NCCP act also attaches the National Credit Code (the code) as a schedule); and

The National Consumer Credit Protection (Transitional and Consequential Powers) Act 2009 (the transitional act).

This statement assesses the compatibility of the adoption bill (including the national credit legislation) with the charter. The adoption bill, the NCCP act, the code and the transitional act are discussed in turn.

The national credit legislation is not subject to the interpretative obligation under section 32 of the charter because it will operate as commonwealth legislation. The power to make declarations of inconsistent interpretation under section 36(1) of the charter will likewise not be available. Further, the regulator of the national credit legislation, the Australian Securities and Investments Commission (ASIC), is not a public authority for the purposes of the charter.

### **Credit (Commonwealth Powers) Bill 2010 (the adoption bill)**

The charter implications of the national credit legislation, as currently enacted, are considered below.

The adoption bill also refers a power to amend the national credit legislation (clause 6(1)). The amendment reference is limited by subject matter to the kind of credit and consumer leases covered by the code. It is also limited to 'express amendment', meaning 'the direct amendment of the text of the national credit legislation (whether by the insertion, omission, repeal, substitution or relocation of words or matter) by another commonwealth act or by an instrument under a commonwealth act, but does not include the enactment by a commonwealth act of a provision that has or will have substantive effect otherwise than as part of the text of the national credit legislation'. Clause 7 of the bill contains some express exclusions from the amendment reference. These relate to: state taxes; the recording of estates or interests in land; provision for the priority of interest in real property; and any law that excludes or limits state law with respect to the creation, holding, transfer, assignment, disposal, or forfeiture of a state statutory right.

It is not possible to assess the charter compatibility of any future amendments that may be made by the commonwealth Parliament in an exercise of the referred power. I note that the adoption bill does not include a requirement for states and territories to consent to any commonwealth amendments to the national credit legislation. However, under clause 5.4 of the agreement, the commonwealth ministerial member of the ministerial council will consult the council about amendments. Where three or more state ministers consider that the amendment is for a purpose beyond the scope of the referral, a meeting of the council must be convened. Under clause 5.4(2), the commonwealth minister will not pursue an amendment voted against by three or more state ministers at that meeting. The adoption bill also empowers the governor to terminate the adoption or the amendment reference (clauses 5 and 8).

### **Transitional provisions and consequential amendments**

The adoption bill also contains transitional provisions and consequential amendments to a number of Victorian statutes which raise issues concerning the rights to property, fair hearing and privacy.

#### *Right to property and fair hearing*

Part 3 of the adoption bill is concerned with transitional provisions. Once the national credit legislation becomes operational, the old code will cease, as will the ability to commence proceedings in the Victorian Civil and Administrative Tribunal (VCAT). Existing court and tribunal proceedings will, however, be finally determined and enforced under the current scheme (clauses 14 and 15).

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. 'property' may include existing causes of action. However, a change in the process and forum in which rights and liabilities will be determined does not of itself amount to a deprivation of property.

Individuals will continue to have protections and obligations and the right to have them fairly determined by a competent, independent and impartial court under the national credit

legislation. Accordingly, I consider the adoption bill to be compatible with the right to property in the charter. I have also considered these provisions against the right to a fair trial protected by section 24 of the charter and I am satisfied for the same reasons that they do not limit that right.

#### *The right to privacy*

Clause 9 permits the Director of Consumer Affairs under the Fair Trading Act 1999 (Vic) to disclose to ASIC any information that it reasonably requires under the national credit legislation, which he or she has acquired in the course of acting in that role.

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

To the limited extent that clause 19 permits disclosure of personal information, it will engage the right to privacy. However, any disclosure of private details by the director will not be unlawful or arbitrary because disclosure will be for specific regulatory purposes in accordance with the privacy principles under the Information Privacy Act 2000. The use of that information by ASIC will similarly be subject to the commonwealth privacy principles under the Privacy Act 1988 (cth). Accordingly, I consider clause 19 to be compatible with the right to privacy in the charter.

### **The National Consumer Credit Protection Act 2009 (cth) (the NCCP act)**

The NCCP act implements a national licensing regime for credit providers, brokers and intermediaries. It introduces new responsible lending conduct requirements, which will be a key condition of holding a licence. As the sole regulator of the scheme, the Australian Securities and Investments Commission (ASIC) is provided with enforcement powers. The NCCP act also introduces dispute resolution mechanisms, remedies for consumers including compensation, and criminal and civil penalties for licensee misconduct.

The NCCP act has already been amended by the National Consumer Credit Protection Amendment Act 2010 (cth) and I have also considered the effect of that amendment.

Although it is generally incorporated entities that are licensed to engage in credit activities, incorporation is not a requirement and the NCCP act also imposes obligations that apply to individuals. Accordingly, I must consider whether those obligations raise any human rights.

### **Granting, variation, suspension and cancellation of licences, banning and prohibition orders**

Under the NCCP act a person must not engage in credit activities without a licence granted by ASIC. The act grants ASIC a range of powers to grant, vary, suspend, cancel or impose conditions on licences which are set out in chapter 2. ASIC may also ban a person from engaging in credit activities (section 80). (These types of decisions are referred to here as licensing decisions). Special provisions apply to licensing decisions for authorised deposit-taking institutions (ADIs) and Australian Prudential Regulation Authority (APRA) regulated bodies (sections 38, 46, 56).

Where applicants or licensees are individuals, some of these powers raise the right to property under section 20 of the

charter, and the right to a fair hearing under section 24 of the charter.

#### *The right to property*

Section 20 of the charter has been described above.

Section 45 of the NCCP act allows ASIC to impose, vary or revoke conditions on Australian credit licences at any time. However, ASIC must give the licensee the opportunity to appear at a private hearing before ASIC and to make submissions.

Sections 54 and 55 allow ASIC to suspend or cancel a person's licence with or without a hearing on a range of prescribed grounds. A hearing must be given before a decision to suspend or cancel a licence is made unless:

the licensee has made an application for suspension or cancellation (section 54(1)(a));

the licensee ceases to engage in credit activities (section 54(1)(b));

the licensee is insolvent, convicted of serious fraud or incapable of managing their affairs by reason of mental impairment (sections 54(1)(c) and 54(2)).

Similarly, under section 80(5), a hearing is not required for banning orders when the decision is based on a suspension or cancellation imposed on one of these grounds.

Although 'property' may include statutory rights such as licences, the cancellation or alteration of a licence will not amount to a deprivation of property where the licence-holder did not have a reasonable expectation of the lasting nature of the licence. While the NCCP act defines property to include a licence at section 20, section 44 expressly states that a licence is granted on the basis that it can be suspended, cancelled and varied and conditions can be imposed, varied or revoked under the act or later legislation.

Even if it is arguable that some of these licensing decisions could amount to a deprivation of an individual's property, in most cases the licensee has an opportunity to contest the decision at a hearing.

In summary, the provisions are in accordance with law so as not to limit property rights in the charter.

#### *The right to a fair trial*

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. In *Kracke v. Mental Health Review Board & Ors (General)* [2009] VCAT 646, Justice Bell interpreted civil proceeding in section 24(1) of the charter as encompassing proceedings which are determinative of private rights and interests in the broad sense, including administration proceedings. The right in section 24(1) may be relevant (although non-applicable) to licensing decisions made by ASIC under the NCCP act. Importantly, his Honour noted that if section 24(1) does apply, the whole decision-making process, including avenues for review and appeal, must be examined.

The NCCP act requires that the hearings conducted by ASIC for the purpose of making these decisions must afford procedural fairness. Applicants and licensees are entitled to be represented and make submissions (sections 41, 45(5), 55(4), 80(4), 83). ASIC must comply with notice requirements and provide written reasons (sections 42, 45(4), 60, 61, 84, 85). However, ASIC is not an independent court or tribunal for the purposes of section 24(1) of the charter. Nor are its hearings held in public. Although ASIC must hold a hearing in relation to the variation of conditions on licences held by ADIs, it is the minister who makes this decision (section 56(2)(c)). Further, as outlined above, hearings are not always required before all licensing decisions are made. Where hearings are not provided, it is evident that the decision to suspend or cancel a licence or make a banning order is a consequence of legal or factual determinations established by other courts, tribunals or bodies, such as a conviction of serious fraud or that the licensee is insolvent.

I am of the opinion that these provisions are compatible with the fair hearing right in the charter because procedural fairness is afforded to a person appearing before ASIC in relation to licensing decisions, and these decisions of ASIC are subject to review by the Administrative Appeals Tribunal under section 327 of the NCCP act.

#### **Provision and disclosure of information**

A number of provisions in chapter 2 of the NCCP act (which is concerned with licensing) require licence applicants and licensed credit providers to disclose information to the regulator, ASIC. This obligation to provide information exists for a range of purposes, such as enhancing consumer protection and responsible lending practices.

For the purpose of regulation, ASIC may require a range of information from licensees, such as financial statements and records, audit reports, compliance certificates, notice of credit representatives and any other assistance in relation to compliance as reasonably requested (sections 49, 50, 51, 53, 71, 88, 98, 102). ASIC may also request information such as audit reports from applicants applying for a licence (section 37(4)). An auditor must disclose attempts by licensees to influence his or her report or findings, contraventions of the NCCP act or matters impacting on the licensee's ability to comply with its obligations (section 104).

To promote responsible lending, the NCCP act also imposes a number of requirements on licensees engaging in credit activities to give information to credit consumers such as credit guides, written quotes and assessments of suitability (sections 113, 114, 116, 117, 120, 126, 127, 132, 136, 137, 143, 149, 150, 155). Credit representatives and debt collectors must provide credit guides and disclose all fees and commissions to consumers (sections 121, 144, 158, 160). There are specific restrictions on suggesting to consumers that they enter into or stay in unsuitable contracts or leases (sections 123, 124, 146, 147) in addition to the prohibition in section 30 on people holding out or advertising that they are licensed to engage in credit activities if that is not the case. Under section 33 it is also a civil and criminal offence for a person engaging in a credit activity to provide information that is false or misleading.

ASIC is empowered to disclose certain information in the performance of its regulatory functions. Section 213 of the NCCP act provides that ASIC must establish and maintain one or more public registers and may prescribe the level of

information and details contained in the register about persons that are subject to the act. The registers may contain information about persons engaging in credit activities as well as those subject to banning orders, and ASIC is authorised by section 214(3) to make such information available to the public.

Section 219 allows ASIC to establish and maintain registers of documents lodged with ASIC, as well as to compel a person to provide information to the document register (section 220). However, section 219(4) provides that ASIC is not required to make document registers available to the public.

Section 73 permits ASIC to release information to licensees about credit representatives. The act restricts the uses the licensees can make of that information to making decisions about actions involving and against that representative. A breach of these restrictions is a criminal offence and the lawful use of the information by the licensee is protected from defamation proceedings (see sections 73(7) and 16). The same qualified privilege in proceedings for defamation is also given to auditors for statements made in an audit report (see sections 105 and 16).

These provisions raise the right to freedom of expression under section 15 and the right to privacy and reputation under section 13 in the charter.

#### *Freedom of expression*

Section 15 of the charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information.

Section 15 of the charter may be engaged by the sections of the NCCP act outlined above that require the disclosure of information to consumers and to ASIC, which create offences for providing false and misleading information, and which prohibit certain advertising. However, to the extent that the right to freedom of expression is engaged, these sections would fall within the exceptions to the right in section 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order.

These provisions enable appropriate oversight and monitoring of compliance with the NCCP act and are reasonably necessary to ensure that credit providers and others who choose to be involved in the industry are meeting their obligations and responsibilities, which have been designed to protect consumers.

Accordingly I consider these provisions to be compatible with the right to freedom of expression in the charter.

#### *Privacy and reputation*

Section 13 of the charter has been described above. A 'lawful' interference with privacy is one that is authorised by a positive law that is adequately accessible and formulated with sufficient precision to enable a person to regulate his or her conduct by it. The prohibition on arbitrary interference requires that lawful interference must also be reasonable and proportionate in all the circumstances.

To the extent that these provisions allow for the collection, storage and release of personal information of individuals (as opposed to bodies corporate), they will engage the right to

privacy. Any interference with the right occurring in accordance with the provisions of the NCCP act and regulations will not be unlawful and is subject to the safeguards provided in the Privacy Act 1988 (cth). In relation to reputation, section 16 of the NCCP act limits the protection given to licensees and auditors from defamation proceedings (sections 73(7) and 105) to statements made without malice. 'Malice' is defined in section 16(2) to include ill will to the person concerned and any other improper motive.

In summary, applicants, licensees and credit representatives will voluntarily become subject to these provisions through applying for or obtaining a license and/or participating in a regulated industry. As information is collected and disclosed for the purpose of protecting consumers and ensuring the proper regulation of credit activities, the provisions are reasonable and proportionate and consequently not arbitrary. Accordingly I consider these provisions to be compatible with the right to privacy in the charter.

#### **Investigation and enforcement powers**

Chapter 6 of the NCCP act is concerned with compliance and enforcement. It gives ASIC powers to make investigations, conduct examinations, inspect books and gather information, commence criminal and civil proceedings following an investigation, and conduct hearings. Criminal prosecutions and civil proceedings may follow. ASIC is provided with similar enforcement rights, obligations and capacity to administer and discharge its duties under the ASIC Act 2001 (cth) and the Corporations Act 2001 (cth) in order to regulate credit activities and maintain public confidence in the integrity of the credit industry.

#### *Examinations and information-gathering activities*

Section 253 provides that ASIC may, by written notice, require a person to give all reasonable assistance in connection with an investigation and to appear before a specified ASIC member or ASIC staff member for examination on oath and to answer questions. ASIC may also issue notices under sections 265, 266, 267 and 268 requiring the production of books.

Section 295 provides that it is not a reasonable excuse for a person to refuse or fail to give information because it might tend to incriminate the person or make the person liable to a penalty. This provision also applies to ASIC's power under section 284 to summons witnesses to give evidence and/or produce documents when conducting a hearing (division 2 of part 6-5). Failure to comply with these coercive powers is an offence under section 290.

#### *Freedom of expression*

The compulsion to answer questions and produce documents engages the right to freedom of expression under section 15 of the charter. As discussed above, the right to freedom of expression includes the right not to impart information.

The assistance of those responsible for and familiar with the processes and operations adopted by businesses engaged in credit activities is necessary to conduct investigations into whether or not the regulatory obligations on credit providers are being complied with. This duty to assist is co-extensive with the other obligations undertaken by credit providers by participating in a regulated activity. Further, people with incriminating evidence who may not be implicated in any misconduct, but operate within the relevant credit business,

have that knowledge because of their role or position. Unless required to provide that evidence, they may not otherwise be forthcoming with information due to concerns about their future prospects or employment, and concurrent confidentiality and contractual obligations.

These provisions enable appropriate oversight and monitoring of compliance with the NCCP act and are reasonably necessary to ensure that credit providers and others who choose to be involved in the industry are meeting their obligations and responsibilities, which have been designed to protect consumers. Therefore, to the extent that freedom of expression is engaged, these provisions would fall within the exceptions to the right in section 15(3) of the charter, as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order.

#### Self-incrimination

Section 25(2)(k) of the charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. This right is also an aspect of the right to a fair trial protected by section 24 of the charter. The decision in *Re Application under the Major Crime (Investigative Powers) Act 2004* [2009] VSC 381 (*Major Crime*) holds that this right, as protected by the charter, is at least as broad as the privilege against self-incrimination protected by the common law. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

The NCCP act abrogates the privilege against self-incrimination by compelling testimony but replaces it with an immunity. Under section 295(3), if a person claims before making the compelled statement that the statement might tend to incriminate them, that statement is not admissible as evidence against them in criminal proceedings or civil proceedings for a penalty.

This immunity is limited in two ways. First, it only applies to the direct use of the compelled statement in subsequent proceedings. It does not apply to 'derivative' use. What that means is that if, as a result of the compelled statement, further evidence is uncovered that incriminates the maker of the statement, the use of such further evidence in a criminal prosecution against the person is permitted. Secondly, the immunity applies to compelled testimony but it does not apply to the compelled production of documents. It is necessary to consider in turn whether either of those limits on the scope of the immunity amounts to an unjustifiable limit on the right not to have to incriminate oneself, as protected by the charter.

#### 1. The absence of derivative use immunity

In the decision in *Major Crime*, the Supreme Court held that, in the circumstances of that case, both a direct use and a derivative immunity were required to ensure that questioning under section 39 of the Major Crimes (Investigative Powers) Act 2004 (which abrogated the privilege) was compatible with sections 25(2)(k) and 24 of the charter. However, the Chief Justice did not rule out the possibility that a denial of derivative use immunity might be capable of justification in a different regulatory context.

Having regard to the factors in section 7(2) of the charter, I consider that the absence of a derivative use immunity for testimonial evidence appropriately balances the right against self-incrimination and the public interest in efficiently and effectively investigating criminal offences under the national credit legislation, for the following reasons.

#### (a) The nature of the right being limited

This has been outlined above. There are a number of rationales for the right against self-incrimination. These include the fact that the state should not be able to compel individuals to assist it to prove that they have committed an offence, the concern about oppressive state conduct, the related concern about reliability of evidence, and the protection of privacy.

#### (b) The importance of the purpose of the limitation

The statutory purpose underlying the limits to the right against self-incrimination is to enable the regulator to perform its compliance and enforcement functions having regard to the difficulties faced when investigating offences against the national credit legislation. The maintenance of public confidence in the credit industry requires active oversight of credit providers and protection of consumers. The nature of and interconnected functions served by the credit industry requires that investigations must be conducted, concluded and resolved as promptly as possible.

#### (c) The nature and extent of the limitation

ASIC can compel evidence only for the specific purpose of monitoring compliance with the national credit legislation. The people who will be subject to those powers have chosen to participate in regulated credit activities in which they have assumed duties and obligations.

Procedural fairness is afforded to examinees and witnesses, and ASIC's use of powers under the act is subject to parliamentary scrutiny by the Parliamentary Joint Committee on Corporations and Financial Services. Decisions concerning the exercise of these powers must comply with the statutory preconditions set out in the Act, must not be oppressive, unreasonable or improper and can be the subject of judicial review.

#### (d) The relationship between the limitation and its purpose

There is a close relationship between the limit and its purpose. Experience in the related context of enforcing corporations law has shown that granting immunities in a regulated commercial context to the type of individuals most likely to be examined and exposed to criminal and civil penalties (those who are responsible for the proper administration of credit activities) leads to protracted investigations, with the result that those responsible for wrongdoing and misconduct can ultimately escape liability.

#### (e) Less restrictive means reasonably available to achieve the purpose

It is for these reasons that all forms of derivative use immunity were removed from corporate regulation following extensive inquiries and empirical research into the difficulties of investigating and prosecuting corporate misconduct offences. Having considered the right against self-incrimination in other common law jurisdictions and under

human rights instruments, both the 1991 report by the Joint Statutory Committee on Corporations and Securities considering 'Use Immunity Provisions in the Corporations Law and the Australian Securities Commission Law' and the 1997 'Review of the Derivative Use Immunity Reforms' by John Kliver concluded that direct use immunity for oral testimony was sufficient protection for individuals who have voluntarily taken on positions of responsibility and privilege in a regulated industry.

In my view, the same reasoning applies in this context. Investigations into credit and financial services offences face similar difficulties because the evidence of offences is generally only to be found within the domain of the relevant operator and knowledge of the offences is held by those responsible for compliance and day-to-day operations, and in their books and documents.

The extent of these powers is commensurate with ASIC's pre-existing regulatory powers in similar settings.

(f) Other reasons

I have also taken account of the importance of uniform legislation in this area, which is driven by recognition of the complex role played by the credit industry in the national economy. By the end of the 1980s, a lack of consistency between the various pieces of state and territory legislation was becoming an increasing problem and a number of inquiries have called for uniform regulation. The purpose of the adoption of national credit legislation is to end the inconsistent operation of the current Uniform Consumer Credit Code across the states, reduce duplication and compliance costs for businesses, and complexity for consumers. The result will be greater protection of consumer interests and a well-functioning credit market.

2. No immunity for the production of documents

I consider that the limit placed on the right by the absence of immunity in relation to the production of documents is justified for the following reasons.

(a) The nature of the right being limited

The right in section 25(2)(k) of the charter is a right not to 'testify against oneself', the core idea being that a person should not be conscripted into incriminating themselves. For that reason, a search of and seizure of a person's records is not generally considered to breach the privilege against self-incrimination as the person has not been conscripted into articulating or producing what is expressed in the records. I accept that the right does nevertheless protect against the compelled production of documents as well as to enforced oral testimony. However, in my view, the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents that are brought into existence to comply with a request for information. That is consistent with the decision of the High Court of Australia in *Environment Protection Authority v. Caltex Refining Co. Pty Ltd* (1993) 178 CLR 477:

It is one thing to protect a person from testifying to guilt; it is quite another thing to protect a person from the production of documents already in existence which constitute evidence of guilt, especially documents which are in the nature of real evidence ... Plainly enough the

case for protecting a person from compulsion to make an admission of guilt is much stronger than the case for protecting a person from compulsion to produce books or documents which are in the nature of real evidence of guilt and are not testimonial in character: per Mason CJ and Toohey J at page 502. See also per Deane, Dawson and Gaudron JJ at page 527 and per McHugh J at page 555.

A number of the purposes that underlie the privilege against self-incrimination are not implicated or are less implicated by the compelled production of documents that already exist or of real evidence, in particular, the concern about oppressive conduct or psychological pressure being brought to bear in the creation of the evidence, and the related concern about the reliability of the evidence.

(b) The importance of the purpose of the limitation

The purpose of restricting the right against self-incrimination has already been described above.

I note that the same 1991 and 1997 reports discussed above that saw the removal of derivative immunities from the Corporations Law also supported the complete removal of any immunity for the production of documents in that context.

(c) The nature and extent of the limitation

ASIC's powers to compel the production of documents can only be used against specific people and types of documents. Only people engaged in credit activities, and their representatives, bankers, lawyers and auditors can be the subject of a requirement under sections 265, 266 and 267 to produce documents. These are persons who have obligations under the national credit legislation and other laws, including statutory responsibilities to create and maintain certain documents (for example, books and documents relating to credit activities, audits, the affairs and financial situation of a licensee, and general compliance with relevant laws).

The same parliamentary safeguards and judicial oversight outlined above apply.

(d) The relationship between the limitation and its purpose

The nature of investigations into credit activities and financial services is frequently complex and involves extensive use of documentary evidence. The ability to bring proceedings would be severely curtailed if the documents of key people relating to credit activities could be withheld, or alternatively if they could not be relied upon.

(e) Less restrictive means reasonably available to achieve the purpose

Having regard to the nature of misconduct in the credit and financial services industry, there are no less restrictive means available to ensure that compliance with and breaches of the national credit legislation are properly investigated and responded to.

As noted above, the search of a person's records is not generally considered to breach the privilege against self-incrimination as the person has not been conscripted into producing the records. However, the use of search and seizure powers is generally more intrusive and disruptive to

businesses, primarily because it is a less efficient method of obtaining the information.

Accordingly, I consider these provisions to be compatible with the right against self-incrimination in the charter.

#### *The right to privacy*

Because ASIC is limited in the types of documents it can compel production of, it is unlikely that the documents will contain personal information. The exception is the ability to require documents relating to the financial information of a person engaged in credit activities. When that person is an individual, the production of that information will engage the right to privacy under section 13 of the charter.

Division 2 of part 6-3 of the NCCP act relates to the inspection of books. To the extent that this division concerns the personal information of individuals, it too potentially engages section 13 of the charter.

However, where personal information contained in books is inspected in accordance with the relevant provisions, or where books are seized in accordance with the relevant provisions, any interference with privacy will not be unlawful. In addition, as the purpose of the inspection and seizure powers is regulatory in nature, and the books will be seized or inspected for the purpose of protecting consumers and ensuring the proper regulation of credit activities, any inspection and/or seizure will be reasonable and proportionate and consequently not arbitrary.

#### *Hearings*

Division 2 of part 6-5 of the NCCP act relates to ASIC's powers to hold hearings for the purposes of the performance or exercise of any of its functions under the commonwealth legislation. The fair hearing right in section 24 of the charter is engaged in relation to this division. It provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. As discussed above, for the purposes of section 24, the adequacy of an individual's access to a fair hearing must be regarded in its entirety. While ASIC is not an independent and impartial body, it must conduct the hearing in accordance with natural justice under section 285(2)(c). The decisions ASIC makes as a result of the hearings it conducts can be subject to judicial review. All questions of law arising during a hearing must be referred to a competent court under section 287.

Section 278 provides that ASIC has discretion in relation to whether or not the hearings are to take place in public or in private. The factors which ASIC is to have regard to in exercising its discretion are whether evidence that may be given is confidential or relates to the commission of an offence; any unfair prejudice to a person's reputation that would be likely to be caused if the hearing took place in public; whether it is in the public interest that the hearing take place in public and any other relevant matter. Section 280 provides that if the commonwealth credit legislation requires a hearing to take place in private, the hearing must take place in private.

Under section 24 of the charter, a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by law. It will often be in the interests of individuals

involved in these hearings that they be held in private, particularly where subsequent or concurrent criminal proceedings concerning their conduct are likely.

Section 293 provides that a person must not engage in conduct that results in the disruption of a hearing. Section 293 may prevent an individual's right to freedom of expression under section 15 of the charter during a hearing if the individual was doing so in a disruptive manner. However, this restriction is necessary to ensure the proper conduct of hearings. Further, as ASIC must observe the rules of natural justice during hearings, individuals will be afforded the opportunity to appear and make submissions (section 285).

Accordingly, I am of the opinion that these provisions are compatible with the rights to a fair trial and free expression in the charter.

#### **Offence provisions**

##### *Legal onuses and the presumption of innocence*

It is an offence under section 291 of the NCCP Act for a person to give false or misleading information when complying with an obligation under chapter 6, or in the course of an examination or a hearing. The penalty for committing this offence in the context of compliance or at an examination is 100 penalty units or 2 years imprisonment or both. A lesser penalty applies to the offence when it is committed at a hearing — 10 penalty units or 3 months imprisonment or both. Section 291(3) provides a defence where the defendant believed on reasonable grounds that the information was true and not misleading at the time he or she gave it.

Section 294 of the NCCP act makes it an offence to conceal, destroy, mutate or alter a book relating to a matter under an investigation (or pending investigation) by ASIC. The penalty is 200 penalty units or 5 years imprisonment or both. It is a defence under section 294(2) if the defendant did not intend to defeat the purposes of the NCCP act, delay or obstruct the ASIC investigation or proposed investigation.

The NCCP act imposes a legal burden on a defendant in respect of the defences. By placing a burden of proof on the accused, the defences in these provisions limit the right to be presumed innocent in section 25(1) of the charter, when the accused is an individual. However, I consider that the limits upon the right are reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors.

##### *(a) The nature of the right being limited*

The right to be presumed innocent is an important right that has long been recognised well before the enactment of the charter. However, the courts have held that it may be subject to limits particularly where, as here, the offence is of a regulatory nature; and a defence is enacted for the benefit of an accused to escape liability where they have taken reasonable steps to ensure compliance, in respect of what could otherwise be an absolute or strict liability offence.

##### *(b) The importance of the purpose of the limitation*

The purpose of imposing a legal burden is to ensure the effectiveness of enforcement of and compliance with the NCCP act, through prohibiting the giving of misleading and false information when compelled to provide evidence under

the act, and the concealment or destruction of books relevant to an investigation. The purpose of imposing a burden of proof on the accused is to ensure that the offences can be effectively prosecuted and operate as an effective deterrent.

The purpose and effect of the defences is to provide a defendant with an opportunity, in appropriate circumstances, to escape culpability for providing false information or concealing books in breach of obligations under the NCCP act, because the contravention was not deliberate.

*(c) The nature and extent of the limitation*

The burden of proof is imposed in respect of the defences. The prosecution would have to establish that the defendant gave false or misleading information or engaged in conduct to conceal or destroy books that related to an investigation.

*(d) The relationship between the limitation and its purpose*

The imposition of a burden of proof on the accused is directly related to its purpose. Unless the defendant can satisfy the court that he or she did not deliberately give false or misleading information or conceal books in order to hinder ASIC's investigation, they will be convicted.

It is appropriate that failure to comply with an obligation under the act to provide information or to properly maintain books required under the regulatory framework is culpable, and that the accused must establish the reason for that failure to discharge his or her responsibilities. The defences relate to matters that are within the knowledge and control of the accused and it would be difficult and onerous for the Crown to investigate and prove them beyond reasonable doubt.

*(e) Less restrictive means reasonably available to achieve the purpose*

Although an evidential onus would be less restrictive upon the right to be presumed innocent, it would not be as effective because it could be too easily discharged by the accused, leaving the prosecution in the difficult position of having to prove what the accused did reasonably know or intend to do. The inclusion of a defence with a burden on the accused to prove the matters on the balance of probabilities achieves an appropriate balance of all interests.

Accordingly, I consider these provisions to be compatible with the right to be presumed innocent in the charter.

***Evidential onuses and the presumption of innocence***

A number of regulatory offences within the NCCP act impose an evidential onus on a defendant to adduce or point to evidence that goes to an exception, excuse or defence. The criminal offences contained in sections 29, 88, 124, 147, 207, 227, 228, 240, 274, 290, 292 and 293 impose such a burden. In my view, these provisions do not transfer the burden of proof, because once the defendant has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised. Furthermore, the burdens do not relate to essential elements of the offences and are only imposed on the defendant to raise facts that support the existence of an exception, defence or excuse.

Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence.

However, even if these provisions limit the right to be presumed innocent in section 25(1) of the charter, the limitation would be reasonable and justifiable under section 7(2) of the charter because the defences and excuse provided for relate to matters within the knowledge of the defendant.

Accordingly, I consider these provisions in the act to be compatible with the right to be presumed innocent in the charter.

**Schedule 1: the National Credit Code (the code)**

The code is similar to the current Uniform Consumer Credit Code and is attached as a schedule to the NCCP act. It provides a consumer protection framework for consumer credit and related transactions.

**Obligations and restrictions relating to the provision of information: freedom of expression**

The code regulates what information credit providers must give to consumers, and how and when it must be given. It prescribes form and content requirements of credit contracts, related mortgages and guarantees and consumer leases (sections 14, 17, 18, 42, 55, 173, 174). Credit providers must comply with pre-contractual disclosure obligations in sections 16 and 56. They are required to provide statements of account (sections 33, 34, 35), statements of amounts owing (section 36), and statements of pay-out figures (section 83).

The code also imposes a number of notification responsibilities on credit providers including requirements to give written notice to consumers (which comply with sections 183, 195 and 196) when certain action is undertaken by credit providers. Notice must be given where changes occur in fees, interest rates, contracts, mortgages, guarantees, credit limits, guarantor liabilities and repayments (sections 61, 64, 65(1), 66(1), 67, 68, 69, 71, 72(3), 73) or where action is taken to recover debt (sections 38, 85(3), 85(9), 87(2), 88(3), 89, 90, 93, 102(1), 178). Credit providers must also provide information about a debtor's liabilities and rights (sections 94(2), 95(3), 38, 102(1)). There is also an obligation on credit consumers to provide notice to credit providers when they undertake certain action, such as disputing an account (sections 38(1), 58(1), 85(1), 130(5)), and to give reasons (sections 72(3) and 94(2)).

As described above, freedom of expression includes the right not to impart information and may be engaged where there is a requirement that compels the provision of information. However, to the extent that these provisions engage the right to freedom of expression, they come within the limitation in section 15(3) of the charter as they are reasonably necessary for the protection of public order. It is reasonably necessary for consumer protection that credit providers be required to fully inform consumers on their rights and liabilities, and it is also necessary for both parties to be required to provide notice when any action is taken which may affect the rights and responsibilities of either the consumer or the provider.

**Obligations and restrictions relating to advertising**

Section 150 places regulations on advertisements that state or imply that credit is available, which require rates, fees and charges to be stated. If an interest rate is advertised, comparison rates must also be stated under sections 157 and 160, in the manner required by sections 161, 162 and 164. Section 163 requires that a comparison rate in a credit

advertisement must be accompanied by a warning about its accuracy. The requirements in sections 161 to 164 also apply to documents containing comparison rates.

Similarly, section 153 provides that an interest rate must not be disclosed in an advertisement or to a debtor before entering into a contract, unless it is expressed as a nominal percentage rate per annum or is the comparison rate calculated as prescribed and accompanied by the required warnings.

It is a criminal offence under sections 154, 155 and 156 for a person to make a false or misleading representation about a matter that is material to entry into a credit contract (or a related transaction), or in attempting to induce another person to enter into a credit contract (or related transaction). It is also an offence for a credit provider or supplier to harass a person or to visit a person's home without prior arrangement, when attempting to get that person to apply for credit or to enter into a credit contract or a related transaction, or inducing the resident to apply for or obtain credit.

#### ***Freedom of expression***

These provisions engage the right to freedom of expression by both restricting and requiring expression. The definition of 'expression' is broad and has been interpreted by other jurisdictions to even include false, misleading and dishonest communications. However, these provisions come within the limitation in section 15(3) of the charter because they are reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. These sections enable appropriate regulation of credit providers in their dealings with consumers through advertising and are reasonably necessary to ensure both the fair and transparent operation of the industry and to protect consumers from dishonest conduct or harassment. Accordingly, I consider that these provisions are compatible with the freedom of expression right in the charter.

#### ***The right to be presumed innocent***

Breach of the advertising requirements in the code is a criminal offence with a penalty of 100 penalty units (section 150). Under section 151(1) a person properly identified in an advertisement is liable for an advertisement breaching these requirements, in the absence of proof to the contrary, if they provide credit, own or have an interest in any goods, or supply or have an interest in the supply of any goods or services promoted by the advertisement. Section 152 effectively provides a due diligence defence to an offence under section 150, when the breach was outside the defendant's control.

By placing a burden of proof on the accused, section 151 limits the right to be presumed innocent in section 25(1) of the charter, when the accused is an individual. Section 25(1) of the charter has been described above. I consider that the limits upon the right are reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

##### *(a) The nature of the right being limited*

The right to be presumed innocent is an important right that had been recognised well before the enactment of the charter. However, the courts have held that it may be subject to limits, particularly where the offence is of a regulatory nature.

##### *(b) The importance of the purpose of the limitation*

The purpose of imposing a legal burden is to ensure the effectiveness of enforcement of and compliance with the code, through imposing a duty on those responsible for credit advertisements to give consumers appropriate and reliable information.

The purpose and effect of the defence is to provide a defendant with an opportunity, to escape culpability for publishing material that does not meet the requirements of the code, because the exercise of reasonable care by the defendant could not have prevented the breach.

##### *(c) The nature and extent of the limitation*

The burden of proof is imposed in respect of a defence only, and does not apply to an essential element of the offence.

Before the defence could apply, the prosecution would have to establish that the advertisements did not meet the code's requirements.

##### *(d) The relationship between the limitation and its purpose*

The imposition of a burden of proof on the accused is directly related to its purpose, which is to ensure that people responsible for credit advertisements act reasonably and diligently to comply with their obligations under the code.

##### *(e) Less restrictive means reasonably available to achieve the purpose*

Removing the defence altogether would not infringe the right to be presumed innocent. However, this would not achieve the purpose of enabling the accused to escape liability in appropriate circumstances. Although an evidential onus would be less restrictive upon the right to be presumed innocent, it would not be as effective in achieving the purpose of the provision because the defence relates to matters that are principally within the knowledge and/or control of the defendant.

Accordingly, I consider this provision to be compatible with the right to be presumed innocent in the charter.

#### **Entry to residential property to repossess goods: the right to privacy**

Section 99 permits a credit provider to enter a person's home to repossess mortgaged goods in accordance with the mortgage. The power to enter a residential property only arises if the court has authorised the entry or the occupier consents in writing (section 100). Section 101 enables the court to make an order for repossession or delivery of the goods.

As the exercise of this authority permits access to private residences, the right to privacy is engaged. However, these powers arise in controlled and prescribed circumstances as set out in the code for the purpose of enforcing regulated contractual agreements and are lawful. Consequently, I do not consider that these provisions can be described as arbitrary.

Accordingly, this provision is compatible with the right to privacy under section 13 of the charter.

### **National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009 (the transitional act)**

The transitional act regulates the registration of persons to engage in credit activities. Registration is a transitional authorisation to engage in credit activities that applies in the period before all persons who engage in credit activities are required to be licensed under the new consumer credit regime. This act deals with how a person becomes registered, the obligations of registered persons, and the suspension and cancellation of registrations.

The transitional act has been assessed against the charter. As most of the provisions contained in the transitional act are also present in the NCCP act, the conclusions below will draw heavily on the reasoning already outlined earlier in this Statement.

#### **Offence provisions: the right to be presumed innocent**

Sections 4 and 6 of schedule 2 part 2 prohibit a person from engaging in credit activities if not authorised to do so under the transitional arrangements relating to registration and licensing. Subsection (3) of these provisions provides defences for contravening the provision, such as having acted on behalf of an authorised principal. In relation to criminal trials, the defendant bears an evidential burden in raising the defence.

It is questionable if the evidential burden in relation to these offences actually transfers the burden of proof so as to engage the right in section 25(1), because once the defendant has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised. As indicated earlier, courts in other jurisdictions have generally taken the approach that an evidential onus on an accused to raise a defence does not limit the presumption of innocence. The purpose of the defence is to enable the defendant to escape liability in appropriate circumstances. In my view, this provision is compatible with section 25(1) of the charter.

#### **Prohibition on holding out and advertising: freedom of expression**

Section 8 of schedule 2 part 2 applies section 30 of the NCCP act to the transitional act, which prohibits a person from holding out and advertising that the person is authorised to engage in credit activity when that is not the case.

As outlined above, to the extent that this provision may engage the right to free expression, it comes within the limitation in section 15(3) of the charter because it is reasonably necessary for consumer protection.

#### **Obligations of registered persons**

Section 17, 18 and 19 of schedule 2 part 3 require registered persons to provide information to ASIC when issued with a notice. Failure to comply attracts both criminal and civil penalties. The obligation to provide information includes statements and audit reports about credit activities engaged in by registered persons. A registered person is also obligated to provide assistance to ASIC, which includes showing ASIC the person's books or giving other information.

#### **Freedom of expression**

While the requirement to provide information is a limitation on the freedom of expression, the requirement is reasonably necessary to ensure compliance with the act, which is necessary for the protection of public order under section 15(3) of the charter.

#### **Right to privacy**

To the extent that these provisions result in the disclosure of personal information, the interference with an individual's privacy will be authorised under law and will occur in precise and circumscribed circumstances, which are connected to the regulation of credit activities. Furthermore, as discussed earlier, ASIC is subject to safeguards regarding the disclosure of information collected by it.

Accordingly, I consider that the transitional act is compatible with the right to freedom of expression and the right to privacy.

#### **Registration and licence provisions**

The transitional act grants ASIC a range of powers to vary, suspend, cancel or impose conditions on the registrations and licences held by persons engaging in credit activities. In the event that licensees are individuals, the transitional act technically engages the right not to be deprived of property in section 20 of the charter.

#### **Right to property**

Section 14 of schedule 2 part 3 allows ASIC to impose, vary or revoke conditions on registrations at any time. However, ASIC must give the registered person written notice of the imposition as well as an opportunity to appear at a private hearing before ASIC and make submissions. To the extent that such decisions may restrict the use of the statutory registration for credit activities, the property right may be engaged. If so, the restriction is in accordance with law and would not be arbitrary, particularly given that a person holding a registration has an opportunity to argue before ASIC as to whether conditions should be imposed, varied or revoked.

Section 21 of schedule 2 part 3 cancels the registration of every person at the end of 30 June 2011. However, every holder of a registration is able to apply for a licence. As this is part of the transitional arrangements in transforming the regulatory regime from utilising registrations to utilising licences, the deprivation of property is in accordance with law and not arbitrary.

Section 23 of schedule 2 part 3 allows ASIC to suspend or cancel a person's registration without hearing for a range of prescribed grounds. However, as outlined in the discussion concerning licensing decisions under the NCCP act, even if a deprivation was found to have occurred, the cancellation and suspension of a licence, or the refusal to renew a licence, will occur in accordance with law.

#### **Right to fair trial**

Section 23 of schedule 2 part 3 allows ASIC to suspend or cancel a person's registration without hearing. While such a provision may engage the right to a fair trial, a hearing in this situation is not required as the decision made by ASIC will be based on facts and determinations made by other courts, tribunals or bodies, such as a conviction for serious fraud. As

outlined earlier, any decision which is based on disputable grounds such as a suspected contravention of the transitional act cannot be made without offering a hearing, and decisions made by ASIC concerning licensing and registration are subject to review.

Accordingly, the provisions relating to licensing and registration of persons who engage in credit activities are compatible with the charter.

#### Conclusion

I consider that the adoption bill, NCCP act, the code and the transitional act are compatible with the charter.

Hon. Tony Robinson, MP  
Minister for Consumer Affairs

#### *Second reading*

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

That this bill be now read a second time.

#### Introduction

The Credit (Commonwealth Powers) Bill is part of the national business and regulatory reform agenda agreed by the Council of Australian Governments (COAG).

In April 2008 the Productivity Commission released a review of Australia's consumer law framework. It identified deficiencies in the jurisdiction-based regulation of consumer credit. In particular, it noted gaps in coverage, variations in requirements across jurisdictions and the lack of ability for the law to respond quickly to rapidly changing credit markets.

The Productivity Commission recommended the transfer of responsibility for the regulation of credit to the commonwealth government, to be administered by the Australian Securities and Investments Commission (ASIC).

In line with this recommendation, to ensure consistency in regulation across Australia and to address gaps in the current scheme, in 2008 COAG agreed to the transfer of the regulation of consumer credit to the commonwealth.

The transfer of the regulation of consumer credit to the commonwealth represents a key milestone in the COAG national partnership agreement to deliver a seamless national economy. Once the national scheme is fully implemented, those involved in the provision of credit will be subject to a single system of regulation administered by ASIC. Consumers across Australia will have consistent remedies and protections available to them, and will enjoy enhanced protections under the new national credit laws.

The national reforms in the area of credit are the subject of an intergovernmental agreement known as the national credit agreement, signed by the Premier in December 2009. The national credit agreement records the agreement to adopt a single national legislative scheme for the regulation of consumer credit. In particular, the national credit agreement notes the agreement of states to transfer certain legislative powers to the commonwealth Parliament to enable the commonwealth to introduce national legislation for the regulation of credit.

#### Background to reforms

Presently in Victoria, most consumer credit contracts are regulated by the Uniform Consumer Credit Code (the UCCC). The UCCC was developed in the early 1990s in an endeavour to achieve national uniformity in the regulation of consumer credit. Each state and territory has adopted the UCCC as law in their respective jurisdictions.

The UCCC imposes comprehensive disclosure requirements on credit providers in relation to consumer credit contracts, including consumer leases. It regulates the methods for calculating and advertising interest rates, fees and charges. The UCCC enables courts to vary the terms of a consumer credit contract to relieve hardship for consumers, to reopen unconscionable transactions or to review unconscionable interest rates or charges. The UCCC deals with processes and rights related to the enforcement of credit contracts and securities.

While the UCCC has achieved a degree of uniformity in relation to the regulation of consumer credit, various aspects of the regulation of consumer credit remain inconsistent.

Separately to the UCCC, jurisdictions have legislative schemes for the registration or licensing of credit providers or intermediaries such as finance brokers. Credit providers and intermediaries operating nationally must deal with several different state and territory regulators, and can be subject to up to eight separate regulatory regimes. This increases costs for credit providers and intermediaries operating nationally and makes compliance more difficult. This, in turn, increases the cost of credit for consumers.

Another major concern with the current arrangement is the requirement for consensus among all states and territories for the formulation and passage of amendments to the UCCC, and delays resulting from procedural requirements in each jurisdiction. The use of credit in Australia, the number of credit providers and the variety of credit products available to consumers

has increased significantly over the past 20 years. For example, it is far more common than it has been in the past for consumers to access credit through intermediaries rather than directly from a credit provider. An effective regulatory scheme must be able to respond quickly to these types of changes in the marketplace.

A comprehensive review of Victoria's consumer credit laws was conducted in 2006. The government has introduced a number of improvements to Victoria's consumer credit laws since that time, including introducing a mandatory requirement for registered credit providers to be members of an approved external dispute resolution scheme. To improve protection for consumers, credit providers in Victoria are also subject to the unfair contract terms provisions in the Fair Trading Act 1999. Victoria has also been instrumental, through its role in the Ministerial Council on Consumer Affairs, in promoting and developing improvements to the UCCC. This bill represents a further important step for Victorian consumers and businesses in the area of consumer credit.

### **The national credit laws**

I turn now to the pertinent provisions of the national credit laws. The relevant commonwealth acts are the National Consumer Credit Protection Act 2009 and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009. I will refer to these two acts as the national credit laws. The national credit laws received the royal assent on 15 December 2009.

The national credit laws have been developed in consultation with state and territory representatives on the dedicated Financial Services and Credit Reform Implementation Task Force. The commonwealth has also undertaken consultation with industry and consumer groups.

The national credit laws introduce a single, uniform licensing scheme for those who engage in credit activities. Credit providers, finance brokers and others who provide credit assistance or act as intermediaries will be required to hold an Australian credit licence from 1 July 2011. The national licensing scheme will be phased in from April 2010, allowing time for industry to prepare. It will replace the existing state and territory schemes. The commonwealth regulations will exempt certain classes of people from the licensing requirements, such as point-of-sale retailers who arrange credit or act as intermediaries through an arrangement with a credit provider.

Licensees will be required to be members of an approved external dispute resolution scheme. Credit providers in Victoria are already subject to this important requirement, which is designed to ensure that consumers have access to low-cost dispute resolution options.

The national credit laws introduce new responsible lending conduct requirements for licensees. The centrepiece of the responsible lending reforms is a provision that will require a licensee to assess the suitability of a credit product for a consumer's stated objectives and financial circumstances. Credit providers and finance brokers will be prohibited from suggesting unsuitable credit products to consumers. They will also be subject to enhanced disclosure requirements to enable consumers to make informed choices about credit products and services. The responsible lending conduct requirements will be fully operational by 1 January 2011, with significant obligations commencing from July 2010.

The national credit laws will introduce a national credit code to replace the existing UCCC. The national credit code will be substantially similar to the existing UCCC, enabling a smooth transition from the state-based scheme to the national scheme for industry and consumers alike. Unlike the UCCC, the national credit code will apply as a commonwealth law and will be administered by ASIC.

The national credit code will include certain enhancements from the provisions in the UCCC. The commonwealth will adopt state and territory proposals under development for the reform of mandatory comparison rates, default notices and other provisions dealing with fringe lending practices. The commonwealth will also extend the application of the national credit code to residential investment properties and make adjustments to the threshold loan amount to which hardship provisions in the national credit code will apply.

The national consumer credit scheme represents a significant milestone in the national reform agenda, and will achieve consistency for businesses and consumers across Australia.

### **The Victorian bill**

I turn now to the key features of the Victorian bill.

The bill grants to the commonwealth Parliament the constitutional powers it requires for the effective enactment and operation of the national credit laws. It includes provisions dealing with the repeal of certain Victorian legislation relating to credit, makes necessary

consequential amendments to Victorian laws, and deals with the transition to the new national scheme.

The bill adopts, for the purposes of section 51(xxxvii) of the commonwealth constitution, the text of the National Consumer Credit Protection Act and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act. The adoption of the national legislation allows these acts, as originally enacted by the commonwealth, to operate as a law of the commonwealth in and for the state of Victoria. The adoption is necessary to ensure that the commonwealth has sufficient constitutional power to enact and administer the national credit laws.

In addition, the bill refers to the commonwealth the power to make amendments to the national credit laws in the future. The amendment power is limited to amendments that relate to the subject matters of 'credit' or 'consumer leases' as those terms are defined in the national credit code.

The amendment power is further limited by provisions which confirm that the commonwealth cannot make amendments to the national credit laws that would interfere with specified areas of state legislative responsibility. The national credit agreement also confirms that the commonwealth will not legislate in these excluded areas of state legislative responsibility. Including these protections in the bill is important to ensure that Victoria's legislative powers in areas that might be related to credit are not inadvertently transferred to the commonwealth. This is consistent with previous referrals of power to the commonwealth. The excluded areas of state responsibility relate to: state taxes; the recording of estates and interests in land; the priority of interests in real property; and state laws relating to state statutory rights (such as water rights). The bill also includes a provision which allows Victoria, by a proclamation of the Governor in Council, to terminate the adoption or the referral of powers to the commonwealth.

On 10 February 2010, the commonwealth introduced into Parliament the National Consumer Credit Protection Amendment Bill 2010. This bill amends the national credit laws to recognise as full participants in the national scheme those states that adopt the national laws and that exclude specified areas of legislative responsibility from the commonwealth's amendment power. Victoria has worked closely with the commonwealth to ensure that these important amendments to the national credit legislation proceed.

The bill repeals most of the provisions in the Consumer Credit (Victoria) Act 1995 to make way for the new

national scheme. These repeals will abolish Victoria's registration scheme for credit providers and negative licensing scheme for finance brokers. Pending the outcome of the commonwealth review into interest rate caps, Victoria will retain sections 39 and 40 of the Consumer Credit (Victoria) Act, which cap the rate of interest for unsecured consumer credit contracts at 48 per cent and consumer credit-related mortgages at 30 per cent.

The Credit Act 1984 and the Credit (Administration) Act 1984 will be retained, with appropriate consequential amendments. The retention of these two acts is necessary because they apply to certain contracts entered into prior to November 1996 that are not captured by the new national credit laws.

The bill includes transitional provisions that allow for a smooth transfer of functions from Consumer Affairs Victoria to ASIC (Australian Securities and Investments Commission). Consumer Affairs Victoria will continue to work with ASIC to ensure a successful transition. The transitional provisions in the bill also deal with the treatment of ongoing court proceedings that were commenced under the UCCC.

The bill also includes provisions that displace the operation of the national credit legislation in limited circumstances. These provisions avoid inconsistencies between Victorian laws and the new national credit laws. For example, specific Victorian laws relating to cooling-off periods for motor car purchases in Victoria will be expressed to exclude the operation of slightly different provisions in the national credit code.

### Conclusion

The introduction of a uniform national scheme for the regulation of consumer credit represents a landmark law reform measure in Australia. This bill is an important step towards the commencement of that scheme.

Victoria, together with the other states and territories, will continue to work cooperatively with the commonwealth to bring about these important national reforms. Under the national credit agreement, Victoria, through the Ministerial Council for Corporations, will have an important ongoing role in overseeing the implementation of the scheme, reviewing its operation, and considering any future proposals to amend the national credit laws.

Victoria will also support the implementation of a proposed second phase of reforms by the commonwealth in the area of consumer credit. These reforms will follow the initial national credit laws.

I commend the bill to the house.

**Debate adjourned on motion of Mr O'BRIEN (Malvern).**

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

## ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

**Debate resumed from earlier this day.**

**Mr FOLEY** (Albert Park) — It gives me great pleasure to rise and make a few brief comments on the *Annual Statement of Government Intentions — February 2010 — Families, Fairness and the Future of Victoria*. This document reflects the continued commitment of this government to deliver practical and innovative arrangements that both update and modernise the operations of the Parliament and government and engage people with these great institutions.

This reflects the government's commitment to ensuring that the privacy of the Parliament and the democratic institutional framework of the state stay modern and relevant to the people of the state. This initiative is about the endless task of ensuring that the Parliament stays relevant to Victorians and that it maintains the people of Victoria in its confidence as being able to represent their interests in the broader community. We see international arrangements growing regardless of government arrangements that the hollow logs in The Nationals might want to bang on about. The growing disconnect we see globally in many communities between the institutions of democratic representation and the people of those societies is not replicated in Victoria. When that disconnect and the cynicism of distrust grow, the institutions of democracy can be strained and the bonds of civil society are equally strained.

This initiative is but one of a train of measures designed to increase the transparency and openness of the Parliament and government. I particularly welcome it. Along this line I note that the legislative and regulatory reform provisions of section 9 of the statement are particularly important to this broader goal.

Whilst many people harbour a healthy cynicism and sceptical disposition regarding the operations of government, which are perhaps necessary preconditions of the coin of the politician class, I ask where else in a comparable jurisdiction do we see such an integrated and acknowledged approach to modernising the institutions and operations of democracy in Parliament

and government. I particularly note, as I did earlier today in my statement on the Economic Development and Infrastructure Committee's report, that the government gives opportunities, as the government has outlined in the initiative section 2 of this statement, for a new and interactive technological approach to reshape the relationship between Parliament, government and the people of Victoria. It opens up new and exciting mechanisms for new forms of democratic participation across the state. I particularly welcome that aspect of the statement.

I now turn to some of the specific commitments that are particularly important to the thriving communities which I have the honour and pleasure to represent in this place, and which contribute to particular areas of social inclusion, including the commitment to opportunity and the equality of outcomes for the good people of the electorate of Albert Park. The first of those I would like to address is that of — —

**Mr Kotsiras** — Do you live there?

**Mr FOLEY** — I live in the electorate of Albert Park. My family has been there only since 1937, if the member for Bulleen wants to know! In regard to education, as members well know, this government's first and foremost area — —

**Mr Kotsiras** interjected.

**The ACTING SPEAKER (Ms Beattie)** — Order! The member for Bulleen is to speak through the Chair.

**Mr FOLEY** — It is this government's first priority. The schools plan which the Victorian government is well and truly on the way to implementing has, in partnership with the Rudd federal Labor government, rebuilt all the schools in my electorate. These are wonderful schools that are growing and being dealt with — —

**Mr Walsh** interjected.

**Mr FOLEY** — Because the member for Swan Hill wants to know, I will tell him which schools they are: Elwood Primary School, Elwood College, St Kilda Primary School, St Kilda Park Primary School, Middle Park Primary School, Port Melbourne Primary School, Port Phillip Special School, the Elwood Talmud Torah Congregation school, Galilee Regional Catholic Primary School and St Columba's Primary School. They have all established — or indeed have finished, as in the case of Middle Park Primary School — processes of rebuilding and modernisation as a result of the support of this government.

All of those schools are growing in their enrolments; all of those schools show great and tangible confidence in the benefits and opportunities that public education brings to young Victorians' lives. In an area where private school education at a secondary level is quite the norm, we see the extremely exciting project of the new college in Albert Park, a \$20 million-plus investment, well under way, with the opening of that school scheduled for the beginning of the 2011 academic year. We look forward to that momentous occasion.

I refer to some of the other issues that are important to the community I represent in this place. I want to spend a few moments talking about the social and community housing investments that are equally well and truly under way, as a result of the economic stimulus package from our friends and partners in the Rudd Labor government and the record investment by the Brumby Labor government.

Across the electorate over 400 different family and individual units are currently being built or are in the process of being renovated as a result of this package. I place particular emphasis on the community-based functions that the registered housing associations and community housing organisations play. I make particular note of the Port Phillip Housing Association, St Kilda Community Housing Ltd, the South Melbourne community housing group and a range of other organisations that contribute in this important area and what these people do, in an area where housing price availability is increasingly putting the price of housing beyond the range of many people. These organisations continue to offer some of our most vulnerable citizens who are at risk of either homelessness or being forced out of communities that in many instances they have lived in for generations the opportunity to maintain not only affordable housing but links to their communities. Seeing the benefit this brings to families and individuals is a very important aspect of some of this government's many achievements in this area.

However, I am saddened to note that there continue to be low-level campaigns against some of these developments, sometimes motivated by misunderstandings but sadly all too often with links to particular members of Parliament, particularly in the other place. They know who they are and I will not grace their dastardly efforts with the honour of naming them. They will not be successful, because the district of Albert Park is an area that has a long and proud tradition at all levels of government and community of welcoming those who seek housing support, whether they be migrants, the homeless or those at the margins

of society. In that respect what this set of documents sets out in key messages in those two areas is of particular importance in maintaining social cohesion, diversity and the commitments this government has to equality of outcomes and opportunities.

I will spend a few moments discussing the fact that this community also has the benefit of having a substantial area of beaches, from Elwood through to Port Melbourne, and areas up the Yarra River to the city. We are facing the real challenges of climate change and potential rising in sea levels. Despite the fact that those cynics opposite only so recently claimed that they understood and supported the notion that climate change and man-made contribution to climate change were real phenomena, it did not take much scratching for those opposite to reveal their true colours. They are the cynics of climate change in this community.

Whilst those opposite may be driven by short-term poll arrangements, the government's commitments in the statement to addressing global climate change will ensure that man-made contributions to areas such as coastal inundation and sea rising will be seen and dealt with in a proper and appropriate way. We will ignore the fact that these cynics — these people who oppose everything — say anything and do anything for the cheap headline on whatever today's issues might be. We look forward to the opportunity of ensuring that the federal and state parliaments work in cooperation to ensure there is a price on carbon, and that the measures taken to ensure the delivery of responses to climate change are real and meaningful. Those on that side of the house might not take that view, but I look forward to the delivery of the commitments in the government's statement.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to speak on the Premier's annual statement of government intentions. What a sham document we have had presented to this Parliament. What a sham document this Premier has again wheeled out to provide to residents in the state of Victoria. This document is meant to be the government's blueprint on how it is going to deliver and improve services in the state of Victoria. One only needs to look through the document — which talks about police, about public transport, about education and about health — to see the way in which this government, after a 10-year period, after a decade of inaction, has sorely let down not only residents in my electorate but the residents of Victoria. I should be able to go to this document and identify how this government intends to deliver improved services and infrastructure to residents in the city of Knox. Unfortunately if I go through the document I see there is no clarity, no explanation and

no direction on how this government is seeking to improve the lot for residents in my electorate.

I will start with public transport. This government talks about its \$38 billion blueprint, but not one project — not 1 cent of that \$38 billion — will be delivered in my electorate for new services or improved infrastructure. The Minister for Health, who is at the table, would understand the significance of the Rowville rail feasibility study, a commitment that was made by this government in 1999. I supported the feasibility study when I was on the local council, and I support the feasibility study now, because the reality is that people in my community want action. Ten years later this government has finally agreed that it has no intention of doing anything about it.

The Premier recently confirmed what everyone in Rowville knew: he has no intention of delivering on that funding commitment. This government will spend \$20 million on fairy lights on the West Gate Bridge. All my community wants is \$2 million for a feasibility study; we have not even asked for a train line, just for \$2 million. Yet this government is unwilling to do anything to improve the lot of residents in my community.

Let us look at law and order. In the same year, 1999, this government promised hand on heart that if elected it would deliver a 24-hour police station in Rowville. I can tell you one thing, Acting Speaker: the police do not operate at the Rowville police station 24 hours a day because at night and over the weekends that facility is shut, and residents from my community are reliant on police brought in from Knox and Boronia and all points west to try to serve the residents of Rowville. It is a disgrace.

My community is angry about and sick of the inaction of this government. My community wants action. My community wants more police on the beat. My community wants action taken to deal with hoon driving. My community wants the return of police foot patrols. My community wants to see divvy vans driving throughout our community at Rowville Lakes shopping centre and Wellington village shopping centre and Stud Park so that people know there is a local police presence and once again they can feel safe in their community.

But what is this government doing about that? It is not doing anything. It is blaming everyone. It says everything is fine, everything is wonderful, and it then quotes the statistics. It is in denial. All it does is tell my community everything is wonderful because the statistics demonstrate that everything is wonderful.

I am telling the government that everything is not wonderful. You only need to look at the newspapers or the television to see that. Just recently a number of stabbings have occurred across the state. My community is fearful. We have a situation in Ferntree Gully village where there is great concern about the level of crime occurring in and around that shopping centre complex. I call upon and implore this government to do everything in its power to provide more police on the beat. It claims to be governing for all, but it is certainly not governing for people in Knox.

With respect to education, this government promised there would be a 10-year rebuild program, but only one primary school in my electorate — Kent Park Primary School — has actually received a rebuild under this government's plans. I do not begrudge Kent Park Primary School that upgrade at all, but other schools in my community, such as Ferntree Gully North Primary School, Mountain Gate Primary School and Wattleview Primary School want to know what is happening to their schools. Wattleview Primary School was promised that when it merged with the former Ferntree Gully Primary School it would get an upgrade. It accepted the merger, but it did not get the upgrade. So at the end of the day this government is again letting down my constituents.

We need to look again at the closure of schools. The minister will sit there and yell and shout and whine and carp that she is not part of a government that closes schools. But if you drive down Dorset Road, you will pass not one but two schools that were closed under the watch of this government: Ferntree Gully Primary School and Ferntree Gully Secondary College.

What has happened to those sites? They have sat idle for years. The government has admitted it has wasted half a million dollars — \$500 000 — on maintaining empty school sites. What could that half a million dollars have done to improve educational resources within Ferntree Gully? The primary school site is to be the home of an 87-unit public housing development, a development that was brought in overnight without any community consultation. Ferntree Gully residents were not asked whether they were happy with 87 units, with 3 storeys, with the development that was proposed; it was just sprung upon them overnight by this government. When the community asked the Premier if it could have a say on how the development was to look, it was told, 'You cannot have a say. We have made a decision'. The Premier is sitting here in Spring Street dictating to people in Ferntree Gully what is in their best interest.

With regard to the secondary college site, that facility has been closed for three years, and we still have no answer. I can only hope that shortly the government will make an announcement that it will upgrade that facility to an ASD (autism spectrum disorder) facility, but nobody knows because the community is not being consulted by this government.

With respect to the other components of the statement of government intentions, I note that the government is seeking to repeal further legislation. In my former shadow parliamentary secretary role I had responsibility for the passage of those pieces of legislation. I note also that the Premier is seeking to introduce two more bills.

I read with interest under the transport component on page 38 of the statement about key milestones that are going to be identified in delivering on the government's commitments. One of the key milestones was myki, and the statement says:

Victoria's new public transport ticketing system, myki, is now operational on the metropolitan train network and on many regional town bus services. The system will continue to be rolled out in 2010.

I can tell the house one thing: myki is not working. Myki is a joke. My community knows that it is a joke and that this government has wasted good money by sending it after bad on a ticketing system that does not work. We did not bother to look at ticketing systems that already operate around the world. The reality is that we already had a ticketing system in place. At the moment people can buy tickets at ticket machines. Nobody asked for myki. The government came up with the bright idea to implement a ticketing system, and it has wasted hundreds of millions of dollars. We have nothing to show for it; it is just good money down the drain. I think that is reflective of the way in which this government is handling Victoria's state of affairs. One only need look at the news: whether or not they are marching up and down the street, Victorians are sick and tired of the way this government is disregarding their views.

**Mr HARDMAN** (Seymour) — I rise to contribute to the debate on the 2010 annual statement of government intentions, which is a fantastic way to inform the people of Victoria about the plans that the state government has to make Victoria a great place to live, work and raise a family. This is a goal that the government enunciates. It is clear, and it guides us in what we do. The statement of government intentions is the way in which we show Victorians we are being transparent about what we are going to do, and obviously it is a measuring stick to judge us on as we

go through and meet the goals, aims and principles that our government abides by.

As the member for Seymour and the newly reappointed Parliamentary Secretary for Community Development and Bushfire Reconstruction, I am particularly pleased to see the issue of bushfires being given such a high priority, and A Fairer Victoria and building active communities as well being given priority in the statement of government intentions. I think that is very important.

We have a significant job ahead of us in bushfire reconstruction and recovery. The government has been working on housing through the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA). What is important to say here is that the state, federal and local governments have all worked together on many of these projects. But in the end, it has been the state government, with fantastic support from the local community, that has brought in a number of ways to ensure that the communities that were greatly impacted by the bushfires get a chance to rebuild.

We talk about building back better. We also know there is a long way to go, and we have to be very sensitive to the community's needs. This government understands that, and VBRRA understands that. Christine Nixon and Ben Hubbard, who are running VBRRA, and all their staff, from the top right down to the people who are working on the ground with the local communities, are totally dedicated.

The construction of the rebuilding advisory centres in Kinglake and Marysville is under way, but there are also mobile building advisory centres which have been travelling throughout the bushfire-affected areas, making sure people have the best advice to go forward and are given the right contacts for where to go. I think that has been very useful. As time goes by and more people decide to rebuild and then look at their plans, those will be important facilities. Importantly the rebuilding advisory centres being built in Kinglake and Marysville will be great community buildings for those towns into the future.

A number of community facilities across the state were destroyed. However, a small example of the rebuilding of these facilities was evident today when the Minister for Regional and Rural Development and I visited Kinglake West. We had helped the tennis club move an old school building onto their site and refurbish it with kitchens, toilets and proper facilities so it was more useful. That hall is a great facility that flows from the tennis court on one side and the cricket oval on the other. The people of Kinglake West really value it.

The state government contributed \$51 000 from the Small Towns Development Fund, \$8000 came from a community rebuilding fund from the federal government, \$2000 from the local council and about \$7000 in local volunteer labour. The local plumber, the local plasterer and many other volunteers all pitched in to help make this a great project. We opened that today, and those people were really pleased. It will not just service the tennis club; the community emergency response team also uses this venue for their training and as their base as well, because it is a great space. They have been after a home for quite some years, and now they have it.

In regard to government infrastructure, we lost the Marysville police station and schools in places such as Marysville, Middle Kinglake and Strathewen. The construction of those schools is well under way and every time I go back to Marysville it is great to see that the construction of the school there is well and truly under way. I know that as Middle Kinglake and Strathewen schools start their reconstruction process, it will help lift those communities into the future.

Community engagement is a really important part of this process so that communities have a great input into how they will be rebuilt through their community recovery committees, but also through a number of other consultation sessions which have occurred over time. I think that has helped people own what is going on. In places like Marysville, where there was once a beautiful village, it was going to be very hard to recreate the character it had. But at least asking people about how they want to recreate that town will help. Some fantastic facilities have been built there. I think that into the future people will want to live in some of these communities because the facilities they will have will be second to none for the size of their towns.

We need to ensure that businesses and tourism are also given support to re-establish. They were all very much affected both within the bushfire areas and in surrounding areas. Giving them a voice and making sure there is support there is all happening. The people in there are good operators and good listeners and can empathise with the local community. They are working with groups of volunteers and local people who, whilst having been affected by the bushfires themselves in most cases, are putting in a considerable amount of time to ensure their communities are rebuilt.

That is why it is important that this year we support business to return to these communities in some tangible way. These businesses will have received an insurance payout; they could go and set up somewhere else. If they go back into those communities and

rebuild, there is a considerable risk. We need to understand that and try to find a way to give those people confidence that the government and the whole community are behind them. Members would know from listening to the radio that because of Australian Tax Office rulings, the Victorian Bushfire Appeal Fund cannot be used for those purposes, so government has to step into that space to help where possible.

The idea for Marysville Central came from the community. It has been built and is operating now with specialty shops, a Bendigo bank — they have not had a bank in Marysville since I have been the local member — and a supermarket. It is a great space. When you go into that place, you do not really know you are in a bushfire-affected area. In Kinglake, they have the Kinglake Ranges business centre.

Wellbeing is obviously important as is the rebuilding of the infrastructure and the parks themselves. The Cathedral Ranges, the Kinglake Ranges National Park, and the Yarra Ranges National Park up at Lake Mountain all require a great deal of work. Parks Victoria is doing a really fantastic job and is working with the community to help make those places provide an even better visitor experience into the future, which will be good for the ongoing businesses in those towns and the wellbeing and livability of those areas.

Delivering for disadvantaged and vulnerable Victorians is very important right across the state. It is great to be part of a government that is actually building another 5000 homes for people with the help of the federal government. I am pleased that we are focusing on issues such as homelessness and improving the health and educational outcomes of indigenous people and their ability and capacity to gain work and be active members in our community.

Those things are all in the annual statement of government intentions and they are really important. I think that is fantastic. We are working with communities through neighbourhood renewal, community renewal, community building initiatives — getting people right across the state, especially in disadvantaged areas, to have a say in how they want to make their place a better place to live, work and raise a family. That comes back to what our government's aim is: our principal goal is to make Victoria that place for everybody.

It is great to see that continued focus on improving facilities at schools as well as at other educational institutes, and it is great to have the federal government assisting us through the Building the Education Revolution. There is also our commitment through the

Building Futures program. Schools across my electorate and across the whole state are really benefiting.

**Dr SYKES (Benalla)** — I rise to comment on the government's annual statement of intentions. I would like to focus on the serious and widening social disadvantage gap between country Victorians and their city counterparts, and the actions and inaction of this government exacerbating that situation.

The social disadvantage gap between country and city is influenced by natural disasters such as the 12 tough drought years we have experienced and also the three megafires, but government actions and inactions have had a very significant impact. It is a sad reflection on the Brumby government that claims to represent all Victorians when it has forgotten people in country Victoria.

Take for example the 12 tough drought years. The Brumby government's budgets have all been planned on the assumption that the drought will break. Then there have been belated announcements in October of each year of a continuation of assistance measures in some form. This has led to a great deal of stress on the people dealing with the drought and an inability to plan their financial matters as they go through the continuing drought.

Similarly the government has failed to make long-term financial commitments to the funding of essential services such as drought outreach workers, and that has placed great stress on them and the clients they serve. That has contributed significantly to a deteriorating mental health state amongst our farmers, their families and the communities in general. There have also been anomalies with the drought assistance measures which this government has failed to correct over many years.

If you look at the bushfires situation, the government's action or inaction in relation to bushfires has again increased the stress levels in country communities and resulted in significant economic impact on them. In terms of fuel reduction, the number of times this government has been told it must increase fuel reduction activity would be measured in the tens if not hundreds of significant reports by experts. As we are seeing at the bushfires royal commission at the moment, that message is repeated time and again. We have senior Department of Sustainability and Environment staff highlighting the importance of fuel reduction burns and the need for the number of those to be substantially increased.

Communication black holes: all the pleas by communities such as those at Tolmie, Kevington, Strathbogie, Mudgegonga, Kancoona and Rosewhite for effective mobile telephone communication, effective Country Fire Authority communication and effective radio and TV communication have fallen on deaf ears. We still have ongoing issues with the cost sharing of boundary fences as the Brumby government is refusing to pick up its 50 per cent share of fences where public land adjoins private land. We also have failures to deliver on proper early bushfire warning systems and mayhem in relation to the catastrophic day warnings.

In relation to water, the north-south pipeline issue has been raised many times. All I can say is it defies belief that the government can steal water from the dry environment of northern Victoria and pump it down that pipeline, when Melbourne has two years supply of water in storage and plenty of other options for enhancing its long-term water storage availability. That is why I have repeatedly called and will repeatedly call upon the government to plug the pipe.

We also had inaction in the government's failure to support the fast-tracking of securing Bright's water supply and that of the Ovens Valley in general. Bright needs water for the growth of the town and the associated tourism industry, and the upper Ovens Valley and the Ovens Valley in general need assurance of their water supply for the agricultural industry to get going again after the demise of the tobacco industry. Acting Speaker, many people in the area, including you and I, strongly support the call to build the Big Buffalo dam.

Whilst speaking about the Alpine shire, I note the government has failed to act on the tourism icon in that area, the Mount Buffalo Chalet. It has been closed for, I think, three years. Despite claimed intentions, the government has failed to do anything substantial to reopen that chalet. It still has not put through the legislation to enable lengthening of the lease, there are doubts about the financial commitment to putting in place the infrastructure, and there has also been a significant churning of project managers.

If we look at education, we see that the appalling year 12 completion rates among country kids compared with city kids has been responded to by this government, after 10 years of government, by saying it has a plan — and that is the best it can do after 10 years. If we look at country young people going on to university, we see deferral rates for them way above the deferral rates of city young people, because they simply cannot afford to go off to university.

The all-party parliamentary inquiry in Victoria looking into this matter recommended that all young people going off to tertiary education should be financially supported. The government's response to that was to support the recommendation in principle, which is code for, 'We will do nothing'. I understand that today the federal government's proposals to toughen up on the youth allowance for country young people are being debated in the federal Parliament. I would like to find out what the state government has done in terms of speaking up on behalf of country young people. I suspect the answer is nothing.

If we look at health, we see significant funding shortfalls in country hospitals for both capital works and operating expenses. Benalla is under pressure. Mansfield needs significantly increased funding for its accident and emergency services, particularly given they service the Mount Buller ski slopes. We also have Mansfield needing to fund the full cost of the nurses' enterprise bargaining agreements. The Alpine hospital recently put off staff because of funding constraints. Nagambie hospital is under pressure. Euroa hospital is under pressure. The government's funding formula for small country hospitals is not meeting their basic requirements.

Patient transport is an issue in country Victoria. We need the Victorian patient transport assistance scheme to be properly funded so that people who have to travel significant distances for medical assistance can have those costs offset by subsidies and have reasonable access to the medical specialists that their city counterparts take for granted.

We also need improved ambulance services, particularly at Nagambie. We rely on the Nagambie community emergency response team, which does a great job, but Nagambie is a growth area and it must have an ambulance service put in there.

When we look at support for local business or small business, the government's inaction on the fire services levy is nothing but a disgrace. When small businesses in country Victoria are paying a fire services levy that is 84 per cent of their insurance premium and the government's response is, after enormous pressure, 'We will have a review, but we won't start that review until July of next year and we won't come up with any findings until after the next election', that shows you it is not fair dinkum about that. Thank God the royal commission proceeded much more quickly.

We also have the government's appalling cash grab with liquor licence fees, which we debated for 2 hours this morning. Let me summarise that by saying that all

members of this Parliament support the notion of a risk-based fee structure, but the government's approach to it is clumsy and callous in respect of the number of people who are being impacted on by the fee structure. The government's response is to go into denial and attempt to discredit the coalition MPs who have stuck up for the many country pubs, clubs and not-for-profit organisations that are hurting badly as a result of this approach.

If we are to address social disadvantage, we need a serious commitment by the government to help country communities grow their wealth, we need equitable water policies, we need increased health and transport services, we need support for our vulnerable people, we need support for our education facilities so that our young people can have similar education opportunities to their city counterparts, and we need the government to genuinely commit to representing all Victorians, all Victorian families, and to not treat country Victorians as second-class citizens. Country Victorians, as the member for Murray Valley said, will not forget the way they have been treated, and come 27 November this government will be told.

**Mr HUDSON (Bentleigh)** — The statement of government intentions is a great outline of what the Brumby government is doing for the benefit of Victorians and what it plans to do in 2010. It shows a strong commitment to building a strong and dynamic economy that secures the jobs of today and creates the jobs of tomorrow, particularly the jobs we will need in a new globalised economy.

We can see the success of the Brumby government's strategy, because in the last year Victoria created two-thirds of all the jobs created in Australia. Australia itself had quite strong employment growth compared to other economies, and Victoria was the stand-out economy amongst the Australian economies.

Our investment in infrastructure has been absolutely critical to securing and creating 35 000 jobs throughout the period and for the future. I want to focus on the Victorian transport plan for a minute, because not only will that transport plan transform the transport system we have here in Victoria and here in Melbourne but it will create jobs to drive the economy.

Under this government, public transport has been a huge success story. Despite the negative comments from the opposition, what we have seen since the end of 1999 is a dramatic growth in passenger rail trips — a growth from 124 million passenger trips to 215 million passenger trips. The number of passenger trips is

growing is because of the investment this government is making in the transport system.

Today we are seeing public transport carrying 500 million passengers a year. It is predicted that by 2012–13 there will be more than 600 million passenger trips per year, with about 300 million passenger trips on trains. So we can see the task that lies in front of us, with an extra 85 million passengers on trains alone.

The Victorian transport plan aims to achieve two key goals: to cater for that continued strong growth and relieve overcrowding on the existing network, and to significantly extend the reach of public transport into the new suburbs, the new growth areas and the regional areas that are growing so strongly.

All the experts say that to achieve that objective we will require investment in major public transport projects. To get there we have to unblock the choke points that exist within the system — the choke points in the Melbourne underground rail loop, the choke points where we have level crossings intersecting with roads and the choke points where the regional rail system intersects with the metropolitan rail system. That means investing in some big infrastructure projects, such as the \$4.3 billion regional rail link, which involves over 40 kilometres of dedicated regional tracks from Werribee to Southern Cross station. It will allow regional train services from Ballarat, Bendigo and Traralgon to have dedicated tracks into the city unimpeded by the rapidly growing number of services on the metropolitan rail system. As a consequence of separating them out the capacity of those lines will be increased by 9000 passengers an hour, and it will also free up capacity in the metropolitan rail system.

Then we have the new Metro Melbourne rail tunnel, which will run from Footscray down through the Parkville university precinct, under the central business district, down St Kilda Road and into the Domain, at a cost of \$4.5 billion. It will provide a fully separate rail line for the Sydenham and Sunbury services, with 20 trains an hour running in each direction. We have already committed \$775 million in 2012–13 to that project.

That is the best way to reduce unacceptable congestion in Melbourne on our rail corridors in the north and north-west of Melbourne and on our road corridors on the West Gate Freeway and on Footscray, Dynon and Ballarat roads, and it is the best way to connect our growing northern and north-western suburbs to the jobs in the central business district — the global jobs in the new economy. It will drive urban consolidation along our transport corridors and give us the extra capacity

we need to make extensions to the railway network not only out in the north and north-west but also in the south-east and to the north where extensions are needed to meet the growing suburbs. That is also coupled with the 32 new next-generation trains we have committed to at a cost of \$2 billion, which will come into service from 2013.

But that is all under threat from the opposition, because the opposition spokesman on public transport has made it absolutely clear that he is not committed to the Melbourne rail tunnel project. He has failed to back these large projects. He has indicated that these projects are on the backburner. He has indicated that his approach will be a back-to-basics approach — concrete sleepers, rail signals and maintenance upgrades of trains. That is what he is on about.

In an interview in the *Herald Sun* on 12 February the opposition leader made it clear he would only honour existing contracts and that he would go for a back-to-the-basics approach first. That is a recipe for disaster for Melbourne. It is a recipe for congestion, it is a recipe for depriving people of access to job opportunities, it is a recipe for bringing Melbourne to a grinding halt and it is a recipe for ensuring that people in the outer suburbs do not have access to employment and to the social, recreational and retail opportunities they need.

That approach will spell the end of the livability of Melbourne. That approach will mean that 32 new next-generation trains are likely never to be delivered, and that up to 60 new low-floor, high-capacity trams similar to the Bumble Bees on route 96 will not be ordered, because we know from experience that the opposition hates making significant investments in this kind of project. It hates putting money into capital. In 1999 the capital money going into public transport was \$60 million. This year, a decade later, it is \$5.3 billion. The opposition always undercosts projects. It undercosted the Cranbourne East extension and the South Morang extension, and it never intended to deliver them.

That is the real threat to the viability of Melbourne. It is a threat to our plans to reduce congestion, to increase access to job opportunities and to maintain the livability of Melbourne. It is also a threat to our jobs and our long-term economic growth, because if you do not have an efficient city, if you do not have a city that effectively moves people and freight around, then you have a recipe for disaster. We already know that congestion costs the economy over \$3.2 billion a year and that that will increase over the next 10 years to more than \$10 billion a year.

We cannot afford to delay these projects. We need immediate bipartisan support for these major rail projects in Melbourne. We do not need the people of Victoria to be told a shonk, to be told that we can somehow make the system work better if we just upgrade the sleepers, if we just do something to improve the signalling or if we improve train maintenance — that if we buy a few more new trains, somehow the system will be fixed. With a city of 5 million people and massively growing suburbs, the system will not be fixed unless we are prepared to make major investments in projects like the metropolitan rail tunnel.

Most importantly, unless we make these investments we will not be able to provide access to jobs for those who live in the northern and western suburbs of Melbourne, where there are only about 45 000 jobs available within a 30-minute commute. In Dandenong and Ringwood, by comparison, there are over a quarter of a million jobs within a 30-minute commute. Job opportunities for those people will diminish unless we do something about improving access to the jobs in the CBD and in the inner city. That is what the government requires, and that is what the statement of government intentions delivers through the government's commitments. I commend it to the house.

**Dr NAPHTHINE** (South-West Coast) — It is interesting to follow the member for Bentleigh, who spoke about the government's record in transport. This member is undoubtedly proud of the government's \$1.3 billion myki ticketing fiasco; he is obviously proud of a \$38 billion, largely unfunded transport plan on the never-never. Perhaps this is the member who initiated the spending of \$20 million on fairy lights on the West Gate Bridge, which should have been spent fixing roads in country Victoria. That is the transport legacy of this member and his government.

Page 41 of the annual statement of government intentions refers to the green triangle freight action plan. It says:

The government has committed \$5 million for road upgrades needed to allow longer B-doubles on selected routes ...

However, the reality is that the green triangle freight action plan was launched in April last year with great fanfare by the Minister for Roads and Ports, and the first line of the press release says:

New road and rail freight links are key elements of the \$340 million green triangle freight action plan ...

Some \$340 million was promised by the previous minister, but only \$5 million was delivered. That is not

enough to paint the white lines on the roads in south-west Victoria. What we are getting out of the green triangle freight action plan under this government, which talks big and delivers little, are larger, longer and heavier monster trucks on our roads in south-west Victoria, with no money to upgrade the roads, no money to install passing lanes to make the roads safer for all road users, no money to fix the pot holes and no money to fix the dangerous surfaces.

Now we find, in a press release from the Minister for Roads and Ports on 15 February, that some of that \$5 million is going to be used for works on the Portland-Casterton Road at Digby. It is no wonder that the local newspaper, the *Portland Observer*, said on 22 February:

There are indications the state government is preparing to extend its higher productivity freight vehicle trial to arterial roads such as the Casterton-Portland Road.

On 24 February it ran the heading 'HPFV funding shifts sideways'. The truth is now coming out. These monster trucks will be unleashed not just on the initially designated roads but right across south-west Victoria — and they are coming to a road near you!

The government needs to come clean on its secret plan to unleash these monster trucks across the length and breadth of Victoria. It needs to come clean and deliver on its promise of \$340 million to upgrade road and rail in the green triangle area. It needs to spend real dollars on fixing these roads rather than continuing to make false promises. The sort of roads that need to be fixed — and I am pleased the member for South Barwon is here — include the Princes Highway west. We need to duplicate it to Colac, we need more passing lanes to the South Australian border, we need to fix the dangerous and unsafe road surfaces, and we need to start planning duplication between Warrnambool and Port Fairy.

We need to fix the Henty Highway, the main route to the port of Portland. We need to fix the Portland-Nelson Road, and we need to know whether the government is going to put monster trucks on that road. We need to fix the Hopkins Highway. Recently there was a letter in the Warrnambool *Standard* from a former mayor of the Moyne Shire Council, Brenda Hampson, who described it as the worst and most unsafe road in Australia. We need to fix the Warrnambool-Caramut Road and the Woolsthorpe-Heywood Road. These are all arterial roads and highways which are the direct responsibility of the state government, and they have been neglected under this city-centric state Labor government which does not care about country Victoria.

I turn to pages 49 and 50 of the annual statement of government intentions, which refer to health care and in particular mention cancer services. In that context I again commend the work of Peter's Project, which is working hard to deliver improved cancer services in south-west Victoria. Our region urgently needs the state government to commit to delivering radiotherapy services to Warrnambool and south-west Victoria, and for the federal government to approve licensing for an MRI (magnetic resonance imaging) machine in Warrnambool.

An MRI machine would improve diagnostic services and is an essential part of the diagnostic tool kit of a major regional centre. Radiotherapy services are absolutely essential for the delivery of cancer treatment services for people in south-west Victoria and the Greater Green Triangle, and that service needs to be based in south-west Victoria.

The Portland community is extremely concerned about ensuring it is able to maximise the benefit of the life-saving south-west emergency helicopter, for which the community fought hard over the last 10 years. Portland District Health has examined a number of sites for the helicopter to use in emergency situations and has determined after this detailed examination that the site directly opposite the hospital's accident and emergency department is the very best site for safe use by the helicopter and to ensure the rapid transfer of patients who are facing life-and-death circumstances to the helicopter and on to Melbourne tertiary hospitals. Unfortunately, in a letter to me of 4 February the Minister for Environment and Climate Change wrote:

The joint assessment concludes that the site is not suitable to be developed for a helipad.

I ask him to reconsider that in the interests of saving lives. His letter says there are problems with the stability of the cliff face. The fact is there is no evidence of erosion in the area being considered for the helipad. There is no evidence in the Parsons Brinckerhoff report that the department has had done, and no evidence in the engineering assessments done by Portland District Health itself.

In his letter the minister also states:

The public would be excluded from coastal Crown land when the helipad is in use, which would interrupt access to the Great South West Walk.

However, the president of the Friends of the Great South West Walk, Rob Bartlett, said his group had no problem with the helipad on the route. Clearly the minister has failed to consult the community, and listen to it.

I urge the minister and the government to listen to Portland District Health and the local community rather than resort to the political abuse that the minister delivered in the other place today. I can assure the minister I will not be deterred, and the Portland community will not be deterred, by this politically motivated abuse from the minister. We will continue to fight for the best outcome for my community and my electorate that will save lives.

It is wrong for the minister to say this decision should be made by the Glenelg Shire Council, which, as the land manager, has to abide by the parameters under which it manages the land, which are set by the minister and the government. The minister cannot hide behind the Glenelg Shire Council. This decision should be made in the interests of saving lives and in the interests of the Portland and district community. That is what we are calling for, and the best way for the minister to go forward is to work with the Minister for Health and Portland District Health to allow the helipad to be developed in that area.

In the 90 seconds I have left I will refer to some projects which appear in the annual statement on page 63 under the heading 'Community sport'. Specifically I refer to the drought proofing of a number of our community sporting facilities. I urge the minister to provide funding for synthetic greens at both the Koroit Bowling Club and Warrnambool Lawn Tennis Bowling Club.

The Koroit Bowling Club has 60 members, with a 30 per cent increase in membership in the past three years. Currently its third application for funding for a synthetic green is before the minister. It has the strong support of the Moyne Shire Council, and it is the only club in that council area that does not have a synthetic green. A synthetic green would reduce water consumption, extend the playing season, provide better access for people with a disability, young people and visitors, and it would be at a lower cost of operation to the club.

The Warrnambool Lawn Tennis Bowling Club is in the Lake Pertobe area. The green has been wrecked by nearby Norfolk pines sucking the water out of the area and is near the caravan park. A synthetic green would be a fantastic addition that club members and visitors could use. I ask the minister to support putting in a synthetic green at the Warrnambool Lawn Tennis Bowling Club.

Finally, the practice facility at Hawkesdale Cricket Club is an old asphalt netball court. There is some matting at the edge of their cricket pitch facilities, but

they need net matting over the whole facility to save young people in particular from skinning their knees and doing enormous damage to themselves, and the shire is supportive of that. I ask the minister to support funding for these sporting grounds.

**Mr CRUTCHFIELD** (South Barwon) — It is a pleasure to speak in support of the Premier's annual statement of government intentions, which again sets out the blueprint for the state. Like most other members, I will speak briefly on a more strategic and statewide level and then focus parochially on my patch, the seat of South Barwon.

It should come as no surprise that the Premier's statement of government intentions has focused on Victorian families and on securing employment opportunities, which has been most challenging. Hopefully we are over the worst, but it has been a most difficult economic climate. Many speakers have spoken about the GFC (global financial crisis), but I would say there is some unanimity about Victoria's sound position in respect of riding out the GFC.

We have been resilient from a broader economic base point, but importantly through the generation of employment opportunities. I think it was the member for Bentleigh who articulated that Victoria has led Australia in terms of employment opportunities. Employment is the key to families and to communities, and my community is no different from any other. That is why I am particularly pleased this statement again focuses on keeping and generating jobs for the state, but in particular details investment in health, education, community facilities and transport infrastructure and other essential services.

Whether it is additional teachers, additional nurses, additional DSE (Department of Sustainability and Environment) firefighters, CFA (Country Fire Authority) firefighters — my previous occupation — additional ambulance personnel or tradies who are now working in the construction industry on many of the infrastructure projects that we are supporting, they all add resilience to my community of South Barwon.

It is a wonderful part of the world, and it is growing. There is a new greenfield development called Armstrong Creek, which the government is fast-tracking. Geelong is very similar to Melbourne. From a council perspective, our supply of land for building allotments is in the vicinity of 18 months to two years. That is why the council has been thanking the state government for fast-tracking the Armstrong Creek development.

I look forward to being there when the Premier turns the first sod of the development some time later this year. This development will provide additional allotments for an ever-increasing population. That part of the world rates highly on the scale of livability and lifestyle, and there are employment opportunities.

The statement focuses on a number of service delivery areas and infrastructure projects, and I want to touch on a couple from my patch. Many of the previous speakers have spoken about the historic investment in education infrastructure, not just the infrastructure itself but both the administration staff and the teaching staff.

From a Geelong perspective we have had close to a 35 per cent increase in staffing numbers, both from an administration point of view and from the teachers' point of view, in schools in the Geelong region. We have a beneficiary of that in Belmont Primary School, which I visited on Monday. To say that the school's principal, Mark Arkinstall, and the school community are excited is an understatement. Other than the historic areas of the school, the school will get a completely new building. It is quite a contrast for that school, which was one of the schools about to be closed in 1998. There was a very strong community backlash at the time. The school was saved, although it had an impact on school numbers. You could not see a healthier or happier community than the one at Belmont Primary School.

It is the same at Belmont High School, with the new state mathematics and science centre. Also at Torquay we have committed to a full secondary school in an area that would rival any educational precinct in the state, if not Australia. There is a new child services section, a brand spanking new kindergarten, a relatively new, maybe only three or four-year-old primary school and a secondary school for years 7, 8 and 9, and we have now committed to expand the educational opportunities in Torquay onto the school site next door.

In addition we are also constructing another educational facility in north Torquay. Certainly, from a local perspective, the Torquay Surf Coast people are very excited about our commitment to educational provision. It means an expansion of educational provision to year 12, where currently it is unfortunate that a number of the Surf Coast kids have to go into town to secondary school. Those additional opportunities, both at primary school and the full secondary provision, have been very well received by the Surf Coast.

Additionally, in Armstrong Creek there is a sustainable development. The council and the state government have been very keen to have a sustainability focus for

that development. The money we are spending at Black Rock for additional recycling means there will be a third pipe to that new development for 50 000 or 60 000 people in Armstrong Creek.

The other water infrastructure developments we have announced led to an announcement by the Premier last week about the easing of restrictions in Geelong. That has been exceptionally well received. People understand they have been rewarded. Geelong started the restrictions and the conservation of water many years ago. Geelong has been at the forefront of conservation. The community is well aware of the merits of conservation, and it has now been rewarded with an easing of restrictions back to stage 3.

It is not only the community's conservation efforts that are commendable, but also the record investment from this government in iconic water-saving measures and infrastructure projects such as the Anglesea aquifer, which the Premier and the Minister for Water visited on Friday. That is an additional new supply. If you like, it is an underground dam that does not have the evaporative negatives that above-ground facilities have. It will provide some 20 per cent of additional water to Geelong, and that is about 7 gegalitres on average that will be extracted. It is currently filling Wurdee Buloc Reservoir, and we will be the beneficiaries of that.

In addition, there is the northern treatment plant, which will add another 5 per cent of potable water from the current usage levels to Geelong. That is in conjunction with the federal government, and I thank the federal government, along with Shell, for their investment. That is another wonderful recycling project.

Lastly, there is the 16 gegalitres of water that will come from the interconnector. Final planning is under way in respect of the interconnector. I look forward to a sod being turned very soon, and I have expectations that the project will be finished some time next year.

In total, those projects have given the Geelong community certainty. No longer am I being asked, 'When are we running out of water?'. I am being asked, 'When are we easing restrictions?'. The answer was Friday, but we have just eased them to stage 3. Those projects give absolute security from an economic and a residential perspective, as well as a livability perspective. Geelong, particularly the Surf Coast, is a fantastic place to live, work and invest.

**Mr K. SMITH (Bass)** — It gives me pleasure to stand and talk on the annual statement of government intentions. This is the third statement of government intentions the Premier has delivered, which is

interesting, and I keep asking myself why the Premier did something like this. Before becoming Premier he was the Treasurer, and when he became Premier he lost the glory of being able to stand on budget day and spend half or three-quarters of an hour on his own, just talking about all the things he intended to do. When he became Premier he lost that opportunity, and so he invented this statement of government intentions. It is hard to believe that his ego needs to be fed to that extent.

We are entering the 11th year of this government, and one only has to look at the damage that has been done by this government in those years to see the way our social fabric has been ripped out. In 1999, as the government keeps saying, when the Kennett government lost office, we did not have the drunken brawls that occur in Melbourne as they do now. We did not have stabbings that occur now such as the 11 stabbings that took place last weekend, which is appalling. We did not have the hoons racing around in the streets causing mayhem. We did not have the drunks and drugs that we now have on the streets of Melbourne. We did not have the 24-hour drinking that is taking place in Melbourne, which seems to lead to the alcohol-fuelled violence that occurs now. Those things were not happening.

Since this government came in it has opened up all these opportunities for ratbags to go out and do damage not only to themselves but to other people, and this government stands convicted by what it has done. Now there is a panic as the government tries to change its position. It says, 'We are going to stop the knife attacks that are going on in Melbourne'. We may not have had this number of knife attacks back in 1999, but there is no doubt we have them now. Law and order is failing. The Minister for Police and Emergency Services is at the table. I think he can be blamed totally for what is occurring in Melbourne with the lack of law and order; he can be blamed for the lack of police on the beat, and he can be blamed for the issues that have arisen with the police here in Victoria, because he takes no control or responsibility for his actions or for the actions of his department.

The minister has brought in a lot of strange laws. When the drunks got out of control he wanted to bring in 2.00 a.m. closing; that was going to be a great success, he said. It was all part of the minister's position in trying to overcome a problem — I think that is called a knee-jerk reaction, but it did not work.

The minister and the Premier do an act together when they talk about crime being cut over the last 11 years, since the time of the Kennett government. They say

things have improved greatly. They stand up here and they lie to Parliament; they mislead Parliament in the figures they give. We know violent crime against the person has increased dramatically over that period, yet constantly the Premier and the minister come in here and lie to the Parliament, and that is wrong.

We have to hold the minister responsible. He is called Sideshow Bob on the basis that it is a real sideshow when he comes in here. He waves his arms around and tries to be smart. He tries to beat up a bit of action in the place, but he is not as smart as he may think he is. He does not know how to give answers. He stands up here and says, 'It is not my responsibility. This is the police. We are at arm's length from the police'. But we know he is not at arm's length from the police. We know he has been involved — —

**Ms Duncan** interjected.

**Mr K. SMITH** — Yes, come on in and have a good time. We know he has been involved in ensuring some of the police in this state have been degraded by his actions. The hardworking police we have in our local stations are made to work against the odds. They have to work to try to cover for some of the people who are not there, because this government is not in a position to put enough police on the beat to deal with the number of additional people in Melbourne and in Victoria.

The fact is that Victoria has the lowest number of police per head of population of any state or territory in Australia, and our police are paid less than police anywhere else in Australia. This minister does not care. He is listening to what I am saying, but he will not acknowledge the fact that his police force is under a great deal of stress.

He should go out and talk to the police in the police stations. He should talk to them about the difficulty they have in filling rosters. He should talk to senior police in the different areas and find out about the difficulties they face every day when they have to go out undermanned into seriously difficult situations where violence is being committed, yet there are not enough police to handle those situations.

The minister should go into some of the country areas where the ratbags are out and the police do not have enough numbers to deal with the crimes. Officers are called to attend crimes. They ring back and say, 'We cannot get there for a couple of hours. Will everything be okay?' while somebody is getting the crap beaten out of them somewhere and looking for help. They may be getting seriously injured, but the police cannot

attend. I am not saying the police will not come; I am saying they cannot come because there are not enough of them to go around even though they are trying to help people.

Today I had a meeting with the Minister for Housing. I brought in a delegation to talk about the lack of public housing. I see the minister has just come into the house, and I thank him for listening to the delegation and the concerns we raised. I think at the end of the day we convinced him there is a problem both in the Bass Coast and the Cardinia areas with a lack of public housing, a lack of housing crisis accommodation, a lack of housing for people with a disability, a lack of housing for people who are looking for respite, and a lack of public housing to house people without their having to go a long way from where they live now.

The minister has admitted the waiting lists for public housing in the Gippsland area have risen by 5 per cent. The minister understands we have a problem, and I am so looking forward to his being able to commit to some public housing for the Bass electorate. We really need it. We have people in very desperate straits down there.

Roads are another issue this government has neglected badly. Anybody who has travelled down to Phillip Island or to the Leongatha area — or even down to the desalination plant — will know about the pathetic state the roads are in; they are in an absolutely disgraceful condition. The contractors, who were working on the Bass Highway until they went into voluntary administration, were taking so long to complete some of the road schemes that it was an embarrassment to the government.

Then again, you have to worry a little about how much of an embarrassment it was. It took the contractors two and a half years to complete about 3 kilometres of road, and in the meantime people down there were inconvenienced by the reduction in speed limits and everything else like that. It was a real problem for us down in that area. I am going to raise that issue at a later stage as well.

Public transport is an embarrassment to the government. It does not have enough money in the coffers to do anything about honouring its commitment to a \$38 billion public transport plan. The government is not going to do anything to overcome some of the difficulties it has. It will not commit to more trains in some of the corridors because it will not put in the extra tracks that are needed, particularly from Caulfield to the city, which would alleviate some of the problems. You cannot put more trains on a track if you cannot fit them

in. The government talks about new trains, and that is fine. It will put on a new train and take off an old one.

The difficulty we have is that the government has made too many promises it cannot keep or has no intention of keeping. Every year we see an annual statement of government intentions when the Premier sets out his hopes and aspirations. The lies he tells to the Parliament are in the document, and they have been in there for the last three years.

**Mr HOWARD** (Ballarat East) — It is always something else to follow the after-dinner speech of the member for Bass. I would now like to get back to the statement of government intentions that he did not seem to relate much of his wanderings to.

In the statement of government intentions we see a range of very clear commitments that this government has put forward, which are going to show a significant way forward for the people of Victoria and, I am very pleased to say, for the people of my electorate of Ballarat East.

I do not have time to speak about the whole of the statement; I want to focus on the very first chapter, which relates to jobs; that has been a significant issue for the people of Victoria over the last year. In view of the global economic downturn it has been vitally important for the government to act in conjunction with the federal government, and in doing so it has ensured we have both saved many jobs in my electorate and created a number of jobs.

Earlier today I was pleased to speak about a visit by the Minister for Regional and Rural Development to CMI in Ballarat. Through new investment the company was able to announce a major expansion to create 75 additional jobs in Ballarat. Over the last year many other jobs have been provided through investment in infrastructure, and as we travelled around to schools and hospitals in my electorate — Trentham and Ballarat hospitals in particular — we saw major developments happening. I am very pleased that I will be able to go to Trentham to open its brand-new school. This expenditure on education is continuing. It will continue through this year. We will see so many schools across my electorate benefiting from that.

**Business interrupted pursuant to standing orders.**

**Sitting continued on motion of Mr CAMERON (Minister for Police and Emergency Services).**

**Mr HOWARD** (Ballarat East) — It is also great to see expenditure on Ballarat Health Services, and there

are major works happening at the Trentham hospital, part of the Hepburn Health Service.

In terms of sporting infrastructure there are some great projects happening in Ballarat: the new soccer centre is about to open, and the construction of the new indoor aquatic centre at Kyneton is well under way.

In terms of police stations we see the construction of a new police station under way at Kyneton and construction is about to begin on a new one at Buninyong.

Not only is this government investing significant money in valued community infrastructure, it is supporting jobs in doing so; these jobs are going to people across my electorate.

We see significant investment in transport infrastructure. The regional rail link is progressing, as we have heard, to provide a new dedicated rail line into Southern Cross station that is going to benefit commuters travelling on the Ballarat line down to Melbourne and people coming back the other way, of course. We see a return to passenger rail services between Maryborough and Ballarat, which means there will be a new rail platform constructed at Creswick. Creswick residents will be able to use rail services again to travel to Ballarat and Maryborough and to go further afield and on to Melbourne.

Last week I was pleased to be able to inspect the Anthonys Cutting site on the Western Highway with the Minister for Roads and Ports and the Prime Minister. Work has now commenced at the site. That is a fantastic bit of progress. People in my region are going to benefit from the commitment from this government on rail and road services. These are great projects providing great rail and road opportunities that are going to benefit residents across my electorate, and more jobs will be provided.

I want to briefly mention that skills reform is very significant. Not only do we want to support new jobs, but we want to support skills development. The Securing Jobs for Your Future — Skills for Victoria package will deliver \$316 million over four years and provide 172 000 additional training places to strengthen the TAFE sector, including the TAFE sector at the University of Ballarat. This is another great investment.

I am very pleased to see a significant amount of attention directed to A Fairer Victoria supporting disadvantaged Victorians, including seniors, people with disabilities, indigenous Victorians, veterans, refugees, women and so on. We have programs that are

working to advance people with disadvantage, and I am very pleased to see that.

I am also pleased to see we are further advancing those issues we have to tackle in respect of climate change. The white paper is due out soon. It is a bit difficult at the moment to release the paper while we are waiting on the federal Liberal-Nationals coalition to determine its position so that we can move forward with regard to addressing climate change. We want to work in that area and we want to work further on water security, but we have certainly benefited so much in Ballarat from the water security projects, particularly the goldfields super-pipe, which has given Ballarat a significant supported water supply, but we have to work further on the recycling of water and water conservation.

There are a great many things in the statement of government intentions. I certainly commend it to all Victorians. I think we are going to see under this government another year of significant progress that will clearly benefit all Victorians and certainly the people of my electorate of Ballarat East.

**Debate adjourned on motion of Mr R. SMITH (Warrandyte).**

**Debate adjourned until later this day.**

**Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).**

## ADJOURNMENT

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

That the house do now adjourn.

### **City Museum: closure**

**Mr BAILLIEU** (Leader of the Opposition) — I raise a matter for the Premier. I ask the Premier to step in and reverse a wrongheaded decision this government has made; that decision is to close the City Museum.

This call I make is supported by the staff of the City Museum, the volunteers — some 30 of them — the donors, the contributors, the collectors and the curators. The call is also now supported by more than 1300 people who have already signed a petition inviting the government to reconsider this decision.

The City Museum is located in the Old Treasury building, further down Spring Street from the Parliament building. The museum has been there since 2005, and it is a gem. It is self-described and often

described by others as a quintessential Melbourne experience. The City Museum is the museum which tells the story of our city. It has permanent exhibitions. It has seasonal exhibitions; there is one currently running — the museum's concluding exhibition — the Toy Box. There have been some fantastic exhibitions held at the museum over the last few years.

The museum fulfils an educational role. It has more than 30 000 visitors a year. It has been paying its way. It is highly popular. Indeed the City Museum model is the fastest growing museum type in the world — that is, those museums which tell the stories of cities.

The City Museum was closed by this government without consultation. It was closed in an announcement made not by the Premier or the Minister for the Arts, as you might imagine, but by the Minister for Finance, WorkCover and the Transport Accident Commission — because he controls the building. That decision was made late last year, and it was made without explanation, but with just some slick platitudes from the minister, and as a result an essential part of Melbourne will just disappear. I have to say that this minister and this government are committing an act of vandalism; they are trashing a Melbourne gem, a Melbourne icon.

The Minister for Finance, WorkCover and the Transport Accident Commission in the process of closing the museum has shown no appreciation whatsoever for the great job it has done for Melbourne — and worse, he has treated the staff and 30 volunteers at the museum with cold contempt and complete insensitivity. Over the journey this government has undertaken a campaign to starve the City Museum of support funds and promotion; it has done that for the last two or three years. The minister has done everything he possibly could to ensure patronage of the museum is minimised. Last year he even ordered the removal of the City Museum's red signs which were heritage approved and were cited by the museum's director as being responsible for increasing visitor numbers by 30 per cent. Staff have been intimidated; staff have been bullied, and there have been threats of pay being withheld.

### **Langama Park, Sunbury: redevelopment**

**Ms DUNCAN** (Macedon) — The matter I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek from the minister is to provide funding to the Langama Park pavilion redevelopment project in Sunbury. Hume City Council is seeking to redevelop pavilion 2 at Langama Park to provide additional change rooms and upgrade

amenities for players, spectators, umpires and people with disabilities.

These change rooms will be designed to better cater for and encourage more female participation at the park. In their current state they are inadequate to cater for the needs of the five sporting clubs currently using the facilities. Langama Park is a fabulous sporting facility consisting of two pavilions, three senior soccer fields, a senior Rugby field and a dual senior soccer and Rugby field which overlaps two cricket ovals.

The two sports pavilions which were built in the 1970s when Langama Park was first developed remain largely unchanged. Since the mid-1990s Langama Park has been home to junior and senior Rugby League clubs as well as junior and senior soccer and cricket clubs.

Difficulties often arise when so many clubs, all of whom have growing memberships, try to arrange training and match-day schedules around these facilities. The fact that the current facilities are out of date makes this even more difficult. The toilets are inadequate for players and the public, and the current layout of the change rooms does not afford adequate privacy for players. Facilities for umpires are also inadequate, and disabled amenities are poorly located.

Sunbury is a growing area, and these clubs do a great job in catering for young people and not-so-young people. Sunbury United is the name of the junior and senior soccer teams, and the Rugby League and cricket clubs use that name. Sunbury is indeed united by the existence of these fabulous clubs. They provide a terrific community service at Langama Park. I ask the minister to assist these clubs to continue their great work in Sunbury.

### **Courts: Shepparton complex**

**Mrs POWELL** (Shepparton) — I raise a matter for the attention of the Attorney-General. The matter relates to the appalling condition of the Magistrates Court and County Court in Shepparton. The action I seek is for the Attorney-General to urgently commence a complete upgrade or redevelopment of the Shepparton court complex.

Late last year I was advised about the appalling conditions by David Faram, who is a Shepparton lawyer and former president of the Law Institute of Victoria. I visited the complex on 13 January. I saw firsthand the conditions there. There is a lack of privacy for all court users. There are not enough interview rooms. I saw the lawyers I had spoken to talking to clients in a corridor and on the streets. I see this often as

I travel past the complex to go to my office. There are often lawyers speaking to their clients and witnesses on the streets. There is no privacy at all.

The safety of court users is compromised. The foyer is overcrowded. People, including accused persons, witnesses and the families of both children and paedophiles, wait together for cases to be heard. The air conditioning does not work. When I went there it was about 40 degrees. There are white ants in the building, and it has inadequate court rooms, tribunal rooms, toilets and offices.

The Magistrates Court complex was built on the site of an old garage. The building is outdated; it does not meet the justice needs of such a large region. It needs massive maintenance. On Friday, 5 February this year there was torrential rain in Shepparton, which started at about 10.00 a.m. It caused minor flooding in the Magistrates Court. The court had to be closed at 4.00 p.m. Hearings then had to be relocated to the County Court next door, causing a huge disruption to court cases. Friday is the busiest day at court, with many cases to be heard. The County Court has one courtroom. The hearings were delayed and many were postponed. The rain damaged computers, computer systems, carpets, ceilings and walls.

I received a letter from a lady who attended court on the day of the rain to support her daughter. She felt very vulnerable. She complained about the state of the courthouse. She said there was overcrowding, no privacy and nowhere to sit.

We are in a crisis at the moment because the Family Court of Australia refused to sit in Shepparton some years ago. The Federal Magistrates Court has indicated it will no longer sit in Shepparton at times when the air conditioning is unlikely to cope with extreme conditions. The Goulburn Valley Law Association wrote to me, advising it feared for the loss of other circuit courts in Shepparton.

The Supreme Court of Victoria rarely sits in Shepparton because of the difficulties with the County Court and Supreme Court building. I understand that the County Court may cease to sit in Shepparton. This would be a disaster, because the County Court currently sits for about nine months each year. It undertakes mostly serious criminal work. If it had to relocate, this workload would be a huge burden on those wanting access to the justice system in Shepparton.

I am told the Attorney-General is aware of this disastrous situation and has been aware of it for many years. The Goulburn Valley Law Association has been

told that the Shepparton courthouse has been on the priority list for about 10 years.

### **Planning: Casey Gardens Residential Village**

**Ms GRALEY** (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Consumer Affairs, who I happily see is in the house. It concerns the application to construct a seven-storey residential project at Casey Gardens Residential Village.

The action I seek is for the minister to provide advice to residents of Casey Gardens regarding their consumer rights in dealing with this matter. I have been contacted and visited by residents who are concerned about this development. They are concerned that the developers and the council have not been up front with them. They were told last year that nothing was going to change. However, since then new information has come to light. Many residents have moved from other places that were shut down and were hoping to settle down at Casey Gardens for the long term.

Some residents have only recently renovated their sites at some considerable cost. This is something they would not have done if they were not confident of their long-term tenure at the park. Other residents like Ken and Lynne Irwin have been living in their home at Casey Gardens for 22 years and now they may be forced out. The *Berwick Leader* reports Mr Irwin — he is aged 63 years — as saying:

We are really stressed out ... Our lifestyle will be destroyed.

The article states:

A planning application submitted by developers Westmont Pty Ltd, was lodged with the council last June but Mr Irwin said he and many of his neighbours were unaware of the affordable housing plan until the park's manager sent a letter on February 10.

Obviously people are not being told exactly what is going on. I understand that the developer has commissioned a report from a consultant in Toorak to obtain advice on how to assist residents to leave the park. This report has been difficult to obtain. The residents deserve to know what is going on and to be treated with respect.

Casey council will now be making a decision on this proposal on 16 March. I understand that councillors have already met with the developers. I do not believe anyone from the City of Casey has met with the residents. I am very concerned about the welfare of residents and have already spoken to a number of agencies to address immediate needs. These residents

need protection; they need to know they will have a roof over their heads in future.

I note in the annual statement of government intentions that the government intends to introduce a residential tenancies amendment bill. I hope the bill will provide greater security for residents.

I ask that the minister provide advice to residents of Casey Gardens regarding their consumer rights at this very difficult time for them.

### **Crime: arson penalties**

**Mrs FYFFE** (Evelyn) — My request for action is directed to the Minister for Police and Emergency Services. The action I request is for the minister to take action urgently to strengthen laws so those offenders convicted of arson will be subject to extended supervision orders (ESOs) and be required to stay out of bushfire-prone areas for the duration of the fire season.

The Premier was quoted recently in an interview about the respect agenda as saying that the government is strengthening laws to punish those who commit arson. As was reported in the *Herald Sun* on 13 October, the Leader of the Opposition has already pledged to toughen arson laws and impose greater restrictions on convicted arsonists after they are released back into society.

The coalition has publicly stated that anyone convicted of arson or related offences should be held liable upon release and subject to an extended supervision order. Under an ESO restrictions can be imposed on the activities, residence and movements of those considered to pose a high risk of reoffending. Seeing the benefit of the opposition's proposal, the Minister for Police and Emergency Services said that extending supervision orders from sex offenders to arsonists will be considered. That was back in mid-October, over four months ago. Nothing has happened. Nor have we heard anything further about possible changes to arson laws such as the extension of maximum jail terms to 25 years, as was discussed by the Attorney-General during talks with the commonwealth government.

The lack of movement from the government on this critical issue is adding to community anxiety. It is over one year since the fires, and yet we do not see action even though we are still in the midst of the bushfire season. A consequence of the government's delay is that anyone convicted of arson between now and the time any new arson laws are eventually introduced will

receive lighter penalties. This is sending a dangerous message to anyone tempted to commit arson.

In Evelyn we currently have a person remanded in custody who, it is reported, has been charged with 46 alleged bushfire-related offences. With evidence suggesting that up to two-thirds of arsonists have a history of having started fires, a government cannot afford to be as lethargic as the Brumby Labor government has proved to be. I urge the minister, as a matter of priority, to guarantee that convicted offenders will be subject to ESOs and be required to stay out of bushfire-prone areas for the duration of the fire season. Residents of bushfire-prone areas are living on tenterhooks and need peace of mind and to know that everything is being done to limit arson attacks.

### **Laverton: community hub**

**Ms HENNESSY** (Altona) — I wish to raise a matter for the Minister for Community Development, whom, happily, I see is in the house. I ask the minister to support a community support grant application made by Hobsons Bay City Council for the Laverton community hub. The application seeks funding for a multipurpose community facility in the Crown Street precinct in Laverton. The aim is to provide a space for lifelong learning to improve employment and training outcomes, which will also have broader benefits for the health and wellbeing of the community in general.

As the minister will be aware, Laverton faces some unique challenges that make this project all the more important. It is an area that experiences high unemployment and lower than average year 12 completion, its residents include a high number of single-parent families, and it has limited space for community activities.

This development has been identified as a priority by both council and the community and will play a vital role in the delivery of a range of services and activities that are currently unavailable to the people of Laverton and neighbouring areas. The project is the result of a number of years of community consultation and has the support of a range of local community organisations, many of which are keen to make the best possible use of this new hub for the benefit of all.

The cost of the entire project is approximately \$8 million, with \$1 million being sought from the Victorian government, which I understand would be dependent on \$4.5 million in funding from the federal government. I am aware that the Brumby Labor government has an impressive track record of investing in projects that deliver real, tangible results for local

communities, and I firmly believe this project is a practical solution to Laverton's community infrastructure needs. The application makes provision for new training and consulting rooms and offices for outreach services. It also includes recreation space suitable for use by all ages.

It is my understanding that great effort has been put into devising an appropriate governance structure for the facility — one that will allow benefits to be maximised for a wide range of community members. If it is successful, it will truly be a multi-use facility for the benefit of the community as a whole. That is why I call on the minister to act to support this project by approving the grant application, so members of the Laverton community can benefit from all this wonderful facility will have to offer.

### **Liquor licensing: fees**

**Mr JASPER** (Murray Valley) — I raise an issue for the attention of the Minister for Consumer Affairs, who has responsibility for the liquor industry, and seek action to correct the huge range of anomalies and iniquities within the industry which are causing immense confusion and frustration for licensees. The minister would be aware of my representations on behalf of many of my constituents who are licence-holders.

I wish to highlight to the minister very specific examples of unjust licence charges for the minister to respond to. The first is from the Tarrawingee Golf Club, which indicates it has about 80 members. Last year it paid a licence fee of about \$98, which has now been increased to \$397. It believes this is far above what it should be paying because it operates for about 6 hours per week serving alcohol to its members.

The second issue I raise is from a representative of the cafe-restaurant that operates at the Rutherglen Wine Experience. It had been paying a fee of \$357, but that has been raised to an on-premise licence fee, which will be \$795. The operators run the cafe-restaurant selling small servings of wine. Remember, this is at the Rutherglen Wine Experience, and most people who go there would be seeking to drink wine and to have wine available or to go out to wineries, because there is a large range of excellent wineries around the Rutherglen area. They now have an issue which they took to the liquor licensing commission on the basis that they believed they would not be able to return to a lower category, and the commission suggested they pay the higher fee this year and look for a reduction next year.

The third issue I wish to raise on which there has been some response from the minister relates to the Wunghnu general store and post office. The owners were paying \$300 in this year just passed, but they have found their licence fee has been raised to \$6360 because of the hours they operate. They put in an argument to the director of liquor licensing, Ms Sue Maclellan, on the grounds of hardship and changing hours. I understand there has been a response in that case to which the minister would be able to respond, reducing the fee to \$1590. But again this creates enormous problems for the owners in being able to operate this small facility.

Additionally, when the response is provided from the director, she has been saying that the fee that has been charged is less than 1 per cent of the licensee's turnover. The turnover calculated for the Wunghnu general store took into account what the store was selling by way of other commodities through the store itself and the post office, together with a small amount that was being raised from other activities — —

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

### **Box Hill to Ringwood rail trail: feasibility**

**Ms MARSHALL** (Forest Hill) — I rise to raise an issue for the Minister for Roads and Ports. The action I seek is for the minister to examine the feasibility of the construction of a Box Hill to Ringwood rail trail. Even though the city of Whitehorse, which encompasses Forest Hill, at present has a fantastic cycling network comprising over 120 kilometres of cycle routes, this needs to be increased to satisfy the demand within the electorate for more recreational cycling facilities. With the right infrastructure, it is estimated that up to 15 000 more commuters could be encouraged to walk or cycle to school or work within the inner metropolitan area.

The Australian Bureau of Statistics census figures show that compared to the rest of Melbourne Forest Hill has a higher proportion of both people aged 25 to 59 and people who live on their own. At a local level, as part of the Whitehorse bicycle strategy 2007, the council has earmarked \$20 000 to install bicycle racks, signage and line markings at various sites within the region. This is testament to the council's implementation of the principles of the Melbourne 2030 plan, giving more priority to cycling and walking in place of development and in managing roads.

Whitehorse Cyclists Inc., along with the Eastern Transport Coalition, has lobbied for this bike path.

According to Whitehorse Cyclists, the planned extension of the Forest Hill pipe track and the Box Hill to Ringwood rail trail will share a common section with Heatherdale, which would open up the possibility of being able to cycle from Box Hill to Syndal railway station. It would also provide a safe link both to the EastLink trail and to the 40 kilometres of the Knox cycleway for the majority of constituents in my electorate of Forest Hill.

This house knows that it is the Brumby Labor government that is committed to sustainable transport options for all Victorians. The government has built 926 kilometres of on and off-road cycling paths, and let me put that into context: 926 kilometres is further than the distance from Melbourne to Sydney. The Brumby government is currently in the middle of its largest investment in walking and cycling paths in the state's history. The \$115 million Victorian cycling strategy is all about integrating new and existing cycling infrastructure and creating safe and viable transport options.

Completing cycling networks in central activities districts and regional centres is a priority of this strategy. Whitehorse City Council has proposed that a number of cycling routes be established, and the Box Hill to Ringwood rail trail is a major priority. Funding for a feasibility study regarding the establishment of bicycle trails along the Box Hill to Ringwood rail line would help to service the needs of people in my electorate to embrace a more sustainable transport system. So again I ask that the minister look at a feasibility study linking Box Hill to the Ringwood rail trail.

### **Bullioh Football and Netball Club: funding**

**Mr TILLEY** (Benambra) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. It involves grant funding for the Bullioh Football and Netball Club. The action I seek from the minister is to approve the grant application submitted by the Bullioh Football and Netball Club to allow the construction of a new netball court in time for the new netball season starting on the first weekend in April.

The Bullioh Football and Netball Club is a great club established in the Tallangatta Valley. Members play in the Upper Murray Football and Netball league, which comprises many small clubs in the region from both sides of the border. At present netball is played on a makeshift court which runs over two existing tennis courts. The club has been informed by the Upper Murray League that at present the courts are

substandard and present occupational health and safety risks and that should its teams reach the finals this year the league will not permit play on its home ground.

I am informed by members of the club who have contacted my office that a grant application to construct a new court has been submitted and the total cost is around \$25 000. As per the approval requirements, the grant application has been submitted and approved by Towong Shire and VicSport and now awaits the final approval of the minister before works can start.

Members of the Bullioh Football and Netball Club are naturally keen to get construction of the new court under way as soon as possible as the new season is only a month and a half away. The club has been informed that, despite overwhelming local support from the community, Towong Shire Council and VicSport, should any construction of the netball court commence before final ministerial approval, any grant moneys will be lost.

Given the substandard conditions that players now face, the widespread support for such a grant and the clear need, I ask the minister to expedite approval of the Bullioh Football and Netball Club's grant application so members can get on with performing their best in the season ahead.

### **Yea–Wallan roads–Laurel Street, Whittlesea: safety**

**Ms GREEN** (Yan Yean) — The matter I wish to raise is for the attention of the Minister for Roads and Ports. The action I seek is for him to have VicRoads promptly investigate the myriad safety issues that are apparent at the intersection of Yea Road, Wallan Road and Laurel Street in Whittlesea. The intersection poses many complexities, and I am sure that the road builders of today would not design such an intersection, particularly outside a school. At school pick-up and drop-off times this intersection is a dog's breakfast, with much vehicle and pedestrian traffic from Whittlesea Primary School and the nearby Whittlesea Secondary College, which is serviced by a large number of school buses.

I am pleased that the Brumby government has taken action to put in place school safety measures not just outside Whittlesea primary but across my electorate and the state. The school speed zones introduced by our government, the government-subsidised crossing supervisor and the signalised pedestrian crossing offer students some level of safety. However, residents still have concerns about the nature of this intersection. I heard those as recently as two weeks ago at the street

stall that I held at the Whittlesea Country Music Festival, where many community members raised their concerns and reported near misses at this intersection.

Volunteer firefighters have also expressed concern to me, particularly in light of the soon to be built new Whittlesea fire station in Laurel Street as part of Labor's last election commitment, that access for firefighters and emergency vehicles may be impacted by the problems at this intersection. The newly built 24-hour Whittlesea ambulance station is nearby and these emergency vehicles could also be affected. I am proud to be part of a government that takes road safety seriously, and this commitment has resulted in the lowest road toll since records have been kept with the road toll in 2009 dropping below 300 for the first time.

However, every road death is one too many and is a tragedy for the friends and family of the victim. We can always do more, and I am pleased that we have an Arrive Alive strategy through the Transport Accident Commission which will be in operation until 2015. It has delivered many safety improvements in my electorate to many roads including Yea Road, Epping Road and Yan Yean Road. I have previously supported a petition for safety improvements to this intersection, and I seek the support of the minister to have VicRoads again look at what can be done to alleviate the concerns of the residents of the Whittlesea township about this intersection.

### **Responses**

**Ms D'AMBROSIO** (Minister for Community Development) — I wish to thank the new member for Altona for the matter she raised. She is certainly wasting no time in championing the causes of her electorate, and I know that she will continue to behave in a similar fashion with great vigour in the future.

I know the new member is also supporting the hard work of the Hobsons Bay City Council and her community more broadly. They have put together an application for a new community facility in Laverton. The member for Altona has asked me to support an application by the Hobsons Bay City Council to help fund a new multipurpose community facility in the Crown Street precinct at Laverton. As the member quite rightly pointed out, this application is in response to several challenges faced by the community in Laverton. I note that the project seeks to address issues to do with high levels of unemployment, a lower than average rate of year 12 completion and limited space for community activities.

We also need to note that Laverton borders the growing communities of Point Cook and Williams Landing and therefore also faces a shortage of accessible and affordable services for its residents. It is hoped this new development, the proposed hub, will help improve these matters of concern.

The establishment of a community hub has been identified in the Laverton community renewal action plan and by the Laverton Community Association as a high priority for the community. The project is also supported by the Hobsons Bay disability action plan. It is clearly a project that has widespread community support, and I commend the council and the local community for putting in a lot of hard work and a lot of resources to identify practical and tangible solutions to deal with some very difficult challenges.

I appreciate that significant work has been undertaken to develop this proposal. I am very well aware that key local community groups and other stakeholders have been consulted in order to identify the most appropriate mix of services, training providers and accessible community space. They have come up with this proposal for a multipurpose community hub. In particular I would like to note the efforts of the Laverton Community Association and Laverton Community Renewal, both of which played a significant role in pulling this proposal together.

I am also aware that council established a project group, the Laverton Together Project Action Group, to assist in the community consultation process around priorities for the community in general and the community hub specifically. The action group comprised local residents, service providers, local traders, police and council representatives. It is wonderful to see so many different sections of the community coming together to identify one response to a series of issues and concerns for the community.

As the member for Altona correctly stated, the Brumby government has a very good track record on funding projects that deliver real, tangible results for local communities. It is my understanding that the Hobsons Bay City Council application is currently being considered, and I will be looking carefully at this proposal in the coming weeks. I should also highlight, as the member for Altona mentioned, that Victorian government funding would be contingent on federal government funding.

For now let me again thank the new member for Altona for the care and passion she has shown in championing this cause and for the support she has offered her constituents, who have put in a lot of hard work. I

would also like to directly thank the Laverton community and Hobsons Bay City Council for their work over the long time of this proposal's gestation; clearly a lot of time and effort has been dedicated to it. It is certainly the type of action the Brumby government wants to support.

**Mr ROBINSON** (Minister for Consumer Affairs) — The member for Narre Warren South raised an issue that obviously concerns her very much relating to the redevelopment proposal for the Casey Gardens caravan park in which are located a number of long-term residents.

I have had the opportunity of seeing only a newspaper clipping on that, so I am not able to comment on the specific details of that case, but I would always hope in cases like this, where the council is now considering a zoning application or a planning permit to allow for the redevelopment to proceed, that it and the applicant would give careful consideration to the impact of changes that such a proposal would impose on long-term residents. That is a very important consideration.

As the member has quite correctly pointed out, there are a group of residents in the Victorian housing market and indeed across the country who now live in what we could call residential parks and who make very substantial investments in fixed dwellings — in effect, immovable dwellings — and when they are given their marching orders those investments can become largely worthless. It is a very pressing issue.

I will pass details of this case to Consumer Affairs Victoria because there may be some assistance CAV can provide, although I stress in this case I am not aware of the full details. I will say generally in response to the member that the government is very aware of this emergence within our accommodation sector of residential parks, and we have given commitments that we will deal with the emergence of this form of housing by providing greater protection for residents. That is something I know the member will be very interested in seeing come to fruition, and I am very happy to stay in touch with the member as our plans to develop those further protections come to fruition.

The member for Murray Valley has raised by way of example a number of cases of liquor licence-holders in his electorate, and I acknowledge that certain cases he has thrown up demonstrate the complexity of liquor licensing, particularly at a point in time when the government is embarking on the most profound reforms that have been undertaken for a long time. The member has given the example of the Tarrawingee Golf Club,

which has 80 members. I understand the club holds a restricted club licence.

This is actually a very good example of a more substantial issue within liquor licensing that has been there for some time, where the licence type and the activity of the licence-holder do not actually align. As much as the member has pointed out that the club's members trade for about 6 hours a week, the actual restricted club licence, as I understand it after looking it up today, allows the club to trade for some 68 hours a week. On some days it can trade to 10.00 p.m., and on Saturdays it can trade to midnight.

The licence also permits the club to obtain special approval, where it can get the approval, from the director of liquor licensing to allow the presence of underage persons on the premises in connection with sporting activities only.

This combination of conditions on that form of restricted club licence generates an administrative load on the director of liquor licensing, who has to go out or have staff go out to check where the red line is and also undertake scrutiny to make sure that the condition in respect of underage people on the premises is being observed at all times. People would understand we have had in this state a very strong practice over many years of not allowing underage people to be on licensed premises.

That is a good example of where the licence type and the activity are not always aligned. There would be other restricted club licences that would enable trade in very different forms and would have some other conditions attached to them. I take the member's point. I can give this commitment, and we have given this commitment in a number of respects: we are doing further work to look at this disconnection in some cases between licence types and the activities of those licence-holders. It is something that I know the Australian Hotels Association has raised in respect of some hotels, but it is true that it also impacts on other licence-holders.

The other side of that coin, however, in some respects is that some hotels — and an example is the Tungamah Hotel, and I know the member is very familiar with that hotel in his electorate — have a general licence. The licensee of that hotel is Peter Chisnell, well known as a former Victorian Football League star with North Melbourne, I think.

**Mr Jasper** — And with Corowa.

**Mr ROBINSON** — With Corowa and with North Melbourne. Perhaps I should put them in that order.

The general licence for the Tungamah Hotel allows it to trade through the year and on Good Friday between 12 noon and 11.00 p.m., and because of that, should it be the Tungamah Hotel's desire to put on a function on Good Friday for the purpose of raising funds for the Royal Children's Hospital appeal, its licence would allow that to happen as of right. It would not need to seek further permission. I know that that has been an issue with some of the venues in the electorate of the member for Murray Valley, and I hope that understanding will be of some benefit to them.

The member has given the example of a cafe in Rutherglen that wishes to participate in the Rutherglen Wine Festival — an outstanding regional Victorian event. I had the opportunity of being there last year with the member, and the record will show that we participated in the grape-treading event and that the member for Murray Valley did very well. He came a very close second in the contest. He may be losing his edge. He does not like being beaten; I know that. It was probably the flippers that he was wearing that handicapped him on that occasion!

The member for Murray Valley has given me the advice that the licence fee for this particular venue has gone up to \$795. What that suggests to me is that, notwithstanding the fact that it is called a cafe, either it has not been able to fit within or it clearly does not fall into the new restaurant and cafe licence category.

This is another example where a new licence type has been carved out, and our restaurants and cafes, regardless of how long they trade for, are now paying less than \$400 for the first time. That is a progressive move for those thousands of licensees in that category, but there are some venues that call themselves cafes but that do not fit the definition. Some of them have the option of applying to revert to that cafe and restaurant licence, and some have done that; others may have been given advice that in fact they are not able to do that because the set-up within the venue does not accord with the restaurant definition that the regulations and legislation provide for. I would be happy to talk to the member for Murray Valley further about that case.

In respect of the general store, yes, I have had a conversation with the member about that. That is a store that holds a packaged liquor licence for which there are standard hours and for which the legislation has always allowed for extended hours, for which a higher fee is paid. With respect to this particular venue, its fees have gone up.

The venue in this case, as I understand it, being a general store has had the practice of selling liquor for

the full range of hours during which the venue is open, and that has taken it into the category of requiring an extended hours packaged liquor licence. What the venue in this case, as I understand it, has done is reduce its hours to the standard hours, and that has put it back to the \$1590 fee.

The member has made the point in this and other discussions I have had with him that in respect of comparing that store with larger packaged liquor outlets there is an inequity in there, and we acknowledge that. We have acknowledged that within that category there is a constraint on the government in the way it can set the packaged liquor fees for standard hours because of the High Court case some years ago which determined that we cannot apply volumetric charges. The only way you could move today from a situation where a small packaged liquor outlet on standard hours paid a lot less than a much bigger packaged liquor outlet would be to apply a volumetric charge, and that is something that the High Court said to the state of Victoria and all the other states they can no longer do. That is one of the constraints we have in respect of packaged liquor outlet licences, although I can assure the member for Murray Valley that it is something we have had a series of discussions about with the Master Grocers Association of Victoria and that we will continue to discuss it. I think the Premier was on radio the other day saying that he would welcome advice from the Master Grocers Association and indeed that part of the industry if they had ideas as to how that particular constraint could be addressed, because we accept that that part of the industry sees that there is a qualitative difference between the volume of alcohol it sells and the volume that larger stores sell.

I hope those three cases give the member a sense of the work we are trying to engage in. This is work that will continue, because we are in part addressing embedded issues within the industry which have come to the fore as a consequence of the changes but which do not in themselves necessarily reflect the fee changes. Some of them reflect the structural definitions that we are dealing with.

A number of other members raised issues. The Leader of the Opposition raised for the attention of the Premier the decision to close the City Museum, and I will pass that matter on to the Premier.

The member for Macedon raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs in respect of funding of a Sunbury sports pavilion where an upgrade is sought, and I will pass that matter on.

The member for Shepparton raised a matter for the Attorney-General in respect of the condition of the local Magistrates and County courts, and I will pass that matter on.

The member for Evelyn raised for the attention of the Minister for Police and Emergency Services her concerns about extended supervision laws and the strengthening of those laws.

The member for Forest Hill raised for the attention of the Minister for Roads and Ports a request for funding for a study of the feasibility of constructing a Box Hill to Ringwood rail trail. I know that issue was raised recently at a community cabinet meeting, and I will pass that matter on.

The member for Benambra raised for the attention of the Minister for Sport, Recreation and Youth Affairs an application by the Bullioh Football and Netball Club for new netball courts, and I will pass that matter on.

The member for Yan Yean raised for the attention of the Minister for Roads and Ports a request that VicRoads investigate congestion at the intersection of Yea Road, Wallan Road and Laurel Street in Whittlesea, and I will pass that matter on.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.47 p.m.**

