

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 2 February 2010

(Extract from book 1)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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

Joint committees

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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.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

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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:

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Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Resigned 18 January 2010

⁶ Elected 15 September 2007

⁷ Resigned 6 August 2007

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Tuesday, 2 February 2010

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The SPEAKER — Order! The house today acknowledges the lands of the tribes and nations of the Aboriginal people of Victoria.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

The SPEAKER — Order! I remind members that the lower public gallery to the left-hand side of the house is deemed to be part of the Legislative Assembly chamber for the duration of the statement and Council members are also now permitted onto the floor of the house.

Members of the Council entered chamber.

The SPEAKER — Order! The house will pause while the statement is circulated.

Documents circulated.

Mr BRUMBY (Premier) — Speaker, and members of the Legislative Assembly:

I begin by acknowledging the traditional owners of the land on which we stand, the Kulin nation, and I also welcome members of the other house who have joined us.

My task on this, the first sitting day of 2010, is to outline our government's agenda for the year ahead, as detailed in the 2010 annual statement of government intentions.

The document has been circulated for the information of members.

This is the third year an annual statement of government intentions has been presented to the Victorian Parliament.

In 2008 I delivered the first statement of government intentions as part of our government's commitment to further opening up Victoria's democratic processes so that Victorian families and communities can have earlier notice of, and a greater stake in, the policies and debates that shape our great state.

The 2009 statement of government intentions outlined our plan to protect our economy in the face of the global financial crisis — the biggest infrastructure investment in Victorian history to secure jobs and build crucial community assets to support families now and into the future.

Our 2009 agenda was shaped by our determination to stand up for Victorian families in the face of massive global challenges.

It was an ambitious agenda comprising 82 legislative and 195 non-legislative initiatives, and I am pleased to report to the house that during 2009 we implemented 94 per cent of those initiatives, with another 3 per cent reliant on the Council of Australian Governments and national reforms.

In total, 72 bills either were passed or are on track for delivery in 2010 and 190 other initiatives either have been delivered or are progressing according to schedule.

This is a significant achievement in the face of unexpected challenges, including the worst natural disaster to hit our state — the Black Saturday bushfires — and the impact of the turmoil on global financial markets.

Rising to the challenges

2009 taught us that new threats to Victorian families can emerge with furious speed and destructive power.

When both houses of this Parliament gathered on 3 February for the first sitting day of last year, we could never have foreseen the tragedy that was to befall our state just four short days later.

The Gippsland fires just days before the resumption of Parliament, sadly, did not represent the full fury of the bushfire season.

On February 7, 2009, Victoria suffered through Australia's worst ever natural disaster. The Black Saturday and Gippsland fires claimed 173 lives and destroyed more than 2000 homes.

Speaker, it is appropriate on this first sitting day of 2010, and as we prepare this week to mark the first anniversary of this tragedy, that we pause to reflect; we pause to remember those who perished, those who survived, our heroic emergency services personnel, and the Victorians in bushfire-affected communities who are doing the hard work of putting their lives back together.

Honourable members stood in their places.

Mr BRUMBY — The lessons are many from that terrible tragedy — the key lesson for our government and this Parliament is that new threats to Victorian families can emerge rapidly and have devastating consequences.

It is a lesson that reinforces our government's determination to invest in Victorian families and to build resilient communities.

It is also why standing up for Victorian families — for jobs, services and a fair go — is at the heart of our government's legislative agenda.

In detailing that agenda it is why we are determined this year to do the hard work to turn around alcohol-related crime, by supporting police, by toughening our laws and by building a culture of respect.

It is why we are focused on managing growth in our state to secure the quality of life that Victorians rightly hold dear.

And it is why our government and this Parliament must rise to the challenges of the future — long-term challenges including managing the transition to a low-carbon future.

And while Victoria is one of the first economies out of the blocks as the world recovers from the global financial crisis, we are not yet out of the woods.

Against this backdrop, the 2010 statement of government intentions — our legislative agenda for the year — is firmly focused:

on strong leadership to tackle the big issues of today;

on building for the future by delivering the biggest infrastructure investment in Victoria's history; and

on standing up for Victorian families in the face of the global challenges of our time.

Strong leadership

Strong leadership is required to tackle the challenges of today that pose a threat to the quality of life in our state.

Rebuilding after the 7 February bushfires and preparing for future bushfire seasons are significant tasks for our government, the Parliament and the community.

And while it is the case that Victoria is better prepared for this bushfire season than at any time in our history, the work must continue on rewriting the

fire-preparation rule book, as we respond to the final conclusions of the bushfires royal commission in July.

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 particularly around entertainment precincts.

Since coming to office, our government has increased the number of police by more than 1400 and is delivering a further 520 police in the current term with a record number of recruits going through the police academy.

We will continue to recruit more police and toughen our laws — and we will roll out new programs this year to foster greater respect for each other and the community as well as a greater sense of individual responsibility.

Building for the future

Victorian families want their government to address the issues of today, but also to look over the horizon and focus on the future. This has been a decade of investment in water, which is producing dividends right across the state.

The goldfields super-pipe has secured the water supply of Bendigo and Ballarat — with Ballarat moving from stage 4 to stage 3 restrictions from the start of this year.

The Wimmera–Mallee pipeline — the largest water infrastructure project in Australia — will be completed this year, six years ahead of its original schedule.

This huge investment has already delivered for farmers and the residents of more than 40 towns in the Wimmera and Grampians regions, who have moved from stage 4 restrictions back to stage 1.

Victoria's longest, most severe drought on record has not ended, but we are securing our water supply for the future.

The Sugarloaf pipeline will come on line in coming weeks — and work continues on the food bowl project — a \$2 billion investment to save water and deliver it to farmers, rivers and communities, as well as on the desalination plant which provides a secure non-rainfall-dependent source of water.

Work will start this year on the Melbourne–Geelong pipeline to deliver water to Geelong.

These investments provide the roadmap back from water restrictions and to responsible and sustainable water use right across the state.

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.

Over the past year our government has made huge investments in better roads: completing the Calder Highway duplication, the Deer Park bypass and stage 3 of the Geelong Ring Road; and major work is under way — and it is virtually complete — to widen the Monash Freeway.

This year, major works will commence on Peninsula Link — along with six other major road projects.

Honourable members interjecting.

The SPEAKER — Order! Government members, particularly the member for Narre Warren North, will cease interjecting in that manner. I ask for some cooperation from the member for South West Coast, the member for Kew and the Leader of the Opposition.

Mr BRUMBY — In public transport a new train each month will be delivered for our rail network.

Mr Mulder interjected.

The SPEAKER — Order! I suggest to the member for Polwarth that if he wishes to stay in the chamber he should cease interjecting in that manner.

Mr BRUMBY — New major rail projects to start this year include the \$4.3 billion regional rail link, the South Morang rail extension and the electrification to Sunbury.

The new rail operator will be making improvements to increase reliability, reduce delays and upgrade stations. The new trains will enable a new timetable to be introduced in the middle of the year, with more services to accommodate the continuing strong growth in patronage.

In country Victoria the Maryborough passenger service will be reopened and the \$612 million north-east rail revitalisation project will see a new rail bypass constructed at Wodonga and tracks upgraded between Melbourne and Albury, as well as a new station, platforms and refurbished carriages for V/Line passengers.

Standing up for families

These major infrastructure projects are securing jobs for Victorians right now.

In 2010 we will stand up for Victorian families by making the most of opportunities to secure jobs and create new ones.

We will drive the biggest infrastructure investment in the state's history, safeguard Victoria's business competitiveness, and develop new opportunities for exports and innovation. And — despite the lack of political consensus in Canberra — we will continue to lay the groundwork in 2010 of ensuring that a future carbon pollution reduction scheme provides a climate of opportunities for Victorians.

We will take new actions to manage population growth sustainably, to better integrate growing communities with new transport links and to protect the livability of towns and suburbs across the whole state.

Standing up for families and their quality of life also means continuing to improve the services that Victorian families need — better schools and hospitals, no matter where they live.

Emerging from the global financial crisis

A strong economy is what drives opportunities for Victorians.

The good news is that Victoria has weathered the global financial crisis better than most jurisdictions anywhere in the world:

our economy has created more jobs than any other Australian state and our budget remains in surplus;

we have led the nation in building approvals for the past 19 consecutive months; and

our debt levels are amongst the very lowest found in Organisation for Economic Cooperation and Development countries.

As a result of strong and decisive action by our government — in partnership with the Rudd government — there is a strong pipeline of major projects and residential construction activity in our state, with Access Economics forecasting Victoria will have the fastest growth of all the states in financial year 2009–10, and above-average growth in 2010–11.

Standing up for Victorian jobs

Despite Victoria's relative economic strength, the world economy faces a long road back from the global financial crisis.

That is why we responded so quickly when the commonwealth announced its Nation Building stimulus package a year ago, bringing forward our infrastructure investments so that we could hit the ground running and generate jobs.

In the 2009–10 federal budget Victoria achieved a total share from the three commonwealth infrastructure funds of 38 per cent.

In 2010 the largest school capital program in Victoria's history — the Victorian schools plan — will continue, with seven new schools opening and projects proceeding in literally hundreds of schools across the state.

The government will continue to invest in world-leading health infrastructure: major work on the new Royal Children's Hospital will continue. There are close to 2000 people currently working on the site. We will also commence the redevelopment of the Box Hill Hospital, along with planning for the \$1 billion Peter MacCallum integrated cancer centre, which we intend to build into one of the top 10 cancer centres in the world.

Our unprecedented building program is transforming Victoria's schools, health facilities and transport network.

We will begin a major upgrade of the tennis centre, upgrade Hamer Hall and open the Wheeler Centre for books, writing and ideas — key projects as part of my vision to build the best sports and cultural precinct in the world.

Other building projects commencing and progressing in 2010 to secure jobs and deliver better services to Victorians include:

opening 11 new children's centres across the state, while commencing work on five more — at St Kilda, Yarraville, Doncaster, Moe and Laurimar;

10 police stations replaced or upgraded — in Wyndham North, Axedale, Balmoral, Pyalong, Riddells Creek, Buninyong, Koo Wee Rup, Korumburra, Lara and Mortlake;

four new and upgraded technical education centres — in Heidelberg, in Wangaratta, at the

Box Hill Nursing Skills Centre of Excellence and at the Bendigo Regional Institute of TAFE Charleston Road redevelopment;

the redevelopment and expansion of the Ararat prison;

as well as major public housing projects and aged-care and community services facilities right across the state.

Our unprecedented infrastructure program is delivering the stimulus that our economy needs, with Victoria responsible for 67 per cent of all jobs created in Australia in 2009 — that is more than 75 000 new jobs.

Maintaining our competitive edge

Our government understands that some Victorian businesses are being hit hard by the global financial crisis and are working hard to recover.

We understand these businesses, particularly small businesses, need strong leadership so they can continue to create more jobs for Victorians.

We will continue to help Victorian businesses — large and small — grow through comprehensive regulatory reform, maintaining a competitive tax regime and faster planning approvals.

A new export strategy for Victoria will help secure jobs in the face of increasing global competition and a strong Australian dollar, and an expanded network of overseas offices will support more companies to build and grow overseas markets.

Ongoing strong investment in skills is essential to attract the jobs of the future to Victoria — particularly in biotechnology and broadband services, as well as the new green jobs generated by a changed approach to water and energy conservation.

In 2010 we will roll out our \$316 million skills for Victoria reform package that will create 172 000 additional training opportunities and give every young Victorian a guaranteed training place.

Planning for growth

There is no doubt that a decade of strong economic growth has made Victoria a great place to live, work and raise a family.

As the commonwealth continues to pursue a strong migration program — and as Victoria continues to experience a baby boom — careful planning is needed

to ensure we secure and enhance our prized quality of life in this state.

In 2010 we will make Victoria's planning system more efficient, with a major overhaul of the Planning and Environment Act. We will introduce a bill to clarify the roles of state and local governments and to further streamline the planning process.

To meet population growth over the next 20 years, Melbourne alone will need to accommodate another 600 000 dwellings.

That is why in 2010 we will prepare for this growth by utilising some of the windfall profits accruing to developers, to provide infrastructure and services for families in Melbourne's growing suburbs.

We will also continue to improve access and affordability through the Victorian integrated housing strategy, together with major investment in homelessness in partnership with the commonwealth.

Managing growth sustainably is a major challenge facing our thriving regional centres.

In 2010 our blueprint for regional Victoria will support the diversification of local economies, strengthen the farming sector and improve services and infrastructure in regional areas.

Rewriting the rule book on bushfires

I spoke earlier about the Black Saturday and Gippsland bushfires and their terrible impact on our state.

In 2010 we will deliver projects under the joint state-commonwealth bushfire reconstruction and recovery plan, including new schools and community hubs, redeveloped tourist attractions and more help for small businesses to get back on their feet.

Our response to the royal commission's first interim report was to support all of its 51 recommendations, and we have provided the commission with an implementation plan for these recommendations.

In March this year we will provide the royal commission with another report, detailing progress made on implementing these recommendations.

Many new changes have already been introduced including a new national fire danger rating system, a new warning system to alert residents and an extensive public education campaign.

In 2010 our bushfire priorities will be: strengthening fire preparedness, including developing township

protection plans for even more locations across Victoria; delivery of phase 2 of the emergency alert system; and extending the community fireguard and Fire Ready Victoria awareness campaigns.

We will also fast-track the upgrade and construction of 60 regional fire stations and 6 incident control centres, fund new equipment, including 30 ultralight tankers, and replace 20 existing CFA tankers and pumpers.

Most importantly, the government will work with the emergency services and the community to implement the final recommendations of the bushfires royal commission and amend emergency management legislation as required.

Safe and secure communities

Just as we are focused on protecting our communities from bushfire, we are determined to make our streets safer and address alcohol-related crime.

Tougher laws, a more visible police presence and a focus on promoting mutual respect within our society will turn around this issue.

In Victoria we have seen how tougher enforcement of new laws, together with cultural change, has reduced harm in a number of crucial areas.

New laws on compulsory seatbelts and drink driving, as well as increased community awareness of the pain inflicted on families, kick-started Victoria's attack on the road toll.

Tougher antismoking laws and greater public awareness of health risks associated with smoking have also significantly reduced smoking rates.

Stronger occupational health and safety laws and changed attitudes in the workplace have seen workplace fatalities and industrial accidents reach record lows.

The same approach is needed in relation to safety around entertainment precincts. While tougher laws in our state have seen the overall crime rate fall to the lowest in Australia, the number of assaults in our state remains too high.

We are giving police greater powers to deal with violence on our streets and boosting police numbers, but there is more work to do to encourage the cultural change necessary to reduce harm from alcohol-fuelled violence.

That is why we are supporting mutual respect within our community through the newly created respect agenda portfolio.

Our state has a proud tradition of philanthropy, volunteerism and helping those in need. We intend to build on this to encourage respect through greater community involvement right across our state.

Today, with the Minister for Education and the Minister for the Respect Agenda, I visited Footscray City College to discuss a new program being rolled out in schools this year to promote more respectful behaviour.

Programs such as this will be the building blocks of fostering greater respect in our society, and I firmly believe that our classrooms can be the engine rooms of this cultural change.

We will also address community concern about crimes motivated by hate and prejudice in our response to a review of how the criminal and justice systems deal with hate crimes.

Services for Victorian families

Our focus on standing up for Victorian families and building stronger, more secure communities means 2010 will see new hospitals, new schools and new school buildings delivered so that Victorian children, families and communities can have the best possible start in life, the best possible health care and access to the highest quality education and training opportunities right through life.

Better early childhood services, a strategy to boost rural education outcomes and improvements to vocational education and training will ensure a better future for young Victorians.

We will continue to work in partnership with the commonwealth to transform our education system by implementing the digital education revolution and national education reforms.

Securing Victoria's position as an international education provider of choice will also be a key focus in 2010. New measures such as mentoring programs, scholarships and the new international student care service will provide better support for international students.

Alongside education, good health is of course central to Victorians' wellbeing and their ability to participate in work and in the broader community.

As well as our record building program, we will implement reforms agreed to in the national health-care agreement to provide real improvements to the health services Victorian families need.

Our government is also strongly focused on preventive health and reducing the burden of chronic disease in our society.

That is why we have committed to increasing survival rates from cancer by 10 per cent by 2015 — saving 2000 Victorian lives every year — under our \$150 million cancer plan: 2010 will see a focus on screening for breast, cervical and bowel cancer.

We will also improve support for Victorians with a mental illness, and for the mental health workforce. Practical measures to achieve this include establishing a mental health list in the Magistrates Court to provide a more holistic approach to offenders with a mental illness or cognitive impairment.

Fairness

Our aim as a government is to make Victoria the best place in Australia — but we also want to make it the fairest.

That is why in 2010 we will build on the foundations of our successful A Fairer Victoria strategy to provide targeted support to disadvantaged Victorians and their carers:

- we will support vulnerable young Victorians to engage in education, training or employment as part of a vulnerable youth framework, focusing on prevention and early intervention;

- we will recruit more child protection staff to respond to the needs of vulnerable children and families, including more early childhood development workers to support vulnerable children aged up to five years; and

- we will take common-sense action to build more age-friendly homes, workplaces and communities, and improve services for older migrants, under our 10-year Ageing in Victoria plan.

Our plans for a fairer Victoria will also see a focus on improved economic outcomes for Aboriginal Victorians via increased employment and new mentoring services and tourism projects, as part of the Victorian indigenous economic strategy.

And we will increase legal protection for Victorians living in privately run supported residential services.

New legislation will also be introduced to implement nationally agreed reforms to strengthen consumer protection.

And we will work towards our target of 50 per cent of all new government board appointments being women, and implement the Right to Respect plan — our 10-year strategy to prevent violence against women.

Environment and climate change

Responsible government requires clear action to address the risks to our economy and way of life posed by climate change.

As I said last year, Victorians cannot go it alone on this. We need to work in partnership with the commonwealth to achieve the best possible environmental outcomes locally, nationally and globally.

We will deliver a climate change white paper outlining new investment and action on climate change out to 2020 to encourage development of new, greener technologies.

The white paper will build on our Climate Communities program, which will see \$23 million in grants for community action on climate change.

And we will introduce a climate change bill to ensure that actions taken on climate change are backed up by Victorian legislation.

We will detail the innovations and market reforms that will help Victoria make the transition to a more sustainable energy supply in our Future Energy statement.

And we will set out our plans to attract the jobs of the future economy to Victoria.

Victorians are also rightly concerned about protecting the environment around them.

Historic legislation to protect Victoria's iconic river red gum forests and create a new national park network along the Murray River was passed in late 2009.

In 2010, the recently released land and biodiversity white paper will guide the government's sustainable management of natural resources and diverse ecosystems right across the state.

Conclusion

Speaker, our agenda for 2010 is firmly focused on standing up for Victorian families.

Our record building program is securing thousands of Victorian jobs — tens of thousands of jobs — as we build for the future.

Our record investment in our schools and our hospitals is giving families access to the world-class services they need.

Our government will continue to rebuild bushfire-affected communities and better prepare for future bushfire seasons.

Work on key projects under our \$38 billion Victorian transport plan will continue to address the decades of neglect and transform our transport networks into the world-class system our state needs.

Our investment in non-rainfall-dependent water infrastructure is securing water supplies for our towns, rivers and farmers across the state.

Our record police recruitment, tougher police powers and new stations and equipment across the state continue to drive down the crime rate. Combined with our respect agenda, this investment will deliver cultural change to address alcohol-related crime.

Our strong record of investment across the whole state will continue with a new blueprint for regional Victoria to capitalise on new opportunities for our regional cities and rural communities.

Our commitment to build a fairer Victoria will become more important than ever before as the world emerges from the global financial crisis.

And we are looking to the future — as Victorian families expect — to secure our environment, create a climate of new opportunities in Victoria and lock in our quality of life.

In 2010 we will stand up for families and we will deliver on the plans and priorities outlined in this 2010 annual statement of government intentions.

Investment in Victorian families is an investment in Victoria's future.

I commend this statement to the house.

The SPEAKER — Order! Responses to the statement will be listed on the notice paper for consideration tomorrow. I ask the house to pause to allow members of the Legislative Council to withdraw.

Members of the Council withdrew from chamber.

RESIGNATION OF MEMBER

Member for Altona

The SPEAKER — Order! I wish to announce that on 18 January 2010 I received the following letter of resignation from the member for Altona:

I wish to advise you of my resignation as the member for Altona in the Victorian Parliament, effective immediately.

It has been a great honour to serve the people of Altona for over 13 years and in particular to serve as a member of the Bracks and Brumby governments since 1999.

During that time we have seen significant reform, and I am proud to have been a member of a team that has delivered substantial and long-lasting opportunities for the people of Victoria.

I would like to thank the Premier, the cabinet and my caucus colleagues for the opportunity to be a minister. A better team would be hard to find.

And I would like to extend my thanks to those who have shared with me the experience of being a member of the Victorian Parliament.

Whilst this has been a difficult decision, it is the right decision for my family and me.

In consequence of the resignation I issued a writ on 18 January 2010 for a by-election to be held on Saturday, 13 February 2010.

MINISTRY

Mr BRUMBY (Premier) — I wish to inform the house of the new responsibilities that will be undertaken by ministers in this Parliament.

As the honourable member for Broadmeadows, Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs, I will now answer for the Minister for the Respect Agenda in another place.

The honourable member for Bendigo East is the Minister for Industry and Trade, and Minister for Regional and Rural Development. She will answer for the Minister for Innovation, and the Minister for Information and Communication Technology in another place.

The honourable member for Thomastown is Minister for Energy and Resources, and Minister for the Arts. He will answer for the Minister for Environment and Climate Change in another place.

The honourable member for Mill Park is Minister for Community Development.

The honourable member for Melbourne is Minister for Education and Minister for Skills and Workforce Participation.

The honourable member for Tarneit is Minister for Roads and Ports, and Minister for Major Projects. He will answer for the Minister for Public Transport in another place.

The honourable member for Richmond will now answer for the Minister for Planning in another place.

In the Legislative Council the Honourable Justin Madden is Minister for Planning and Minister for the Respect Agenda. The Honourable Martin Pakula is Minister for Public Transport and Minister for Industrial Relations.

QUESTIONS WITHOUT NOTICE

Public transport: myki ticketing system

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his admission on radio this morning in regard to the company installing myki that 'at this point in time that job hasn't been done', and I ask: is the government withholding payments under the contract and levying liquidated damages on the myki contractor, or is the company continuing to receive full payment from the government despite the job not being done?

Mr BRUMBY (Premier) — Self-evidently, as I said on radio this morning, the work in many areas in relation to the ticketing system has not been undertaken. It is self-evident, I think, that myki is operating.

Honourable members interjecting.

Mr Mulder interjected.

The SPEAKER — Order! I will speak to the member for Polwarth one more time.

Mr BRUMBY — As honourable members are aware, myki is operating in Geelong, Seymour, Ballarat, Bendigo, Warragul and the Latrobe Valley. The rollout has been taking place. The first myki free offer was a success, with more than 360 000 cards having been registered, and additional offers will of course be made as myki continues to roll out. I think it is self-evident that there are difficulties with the rollout through Kamco. As I made clear this morning on radio and to the media today, the contract with Kamco has KPIs (key performance indicators) built in. Where

those KPIs are not achieved, no bonus payments are made.

Economy: performance

Ms BARKER (Oakleigh) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, invest, work and raise a family, and I ask: can the Premier outline to the house how the strong performance of the Victorian economy is supporting working families?

Mr BRUMBY (Premier) — I thank the honourable member for her question. Our government has a very strong record of standing up for families in our state, standing up for working families. We on this side of the house understand the importance of job security. We understand the importance of jobs in providing opportunities for all Victorians. That is why in the face of the biggest downturn in the world economy since the Great Depression we took decisive action to create and secure jobs, to invest in our schools, our hospitals, our new roads and our public transport projects and to secure our water supplies. At the time we brought down our jobs-building budget the opposition opposed the measures we put in place — it opposed that budget — to generate tens of thousands of new jobs across our state. Our judgement was right. Our approach was right.

Recent economic data shows and confirms the strength of our economy. Access Economics last week said of our state:

Victoria continues to punch above its weight amid difficult conditions.

As I have said, Access Economics is forecasting that Victoria will have the strongest growth of any state in Australia in the financial year 2009–10.

Since this house last met, the economic data that has been released makes this point very clearly. We are building in this state more homes for families than any other state. There have been more dwelling approvals in Victoria than in any other state over the last 19 consecutive months. With one of the most generous first home owner schemes anywhere in Australia, we saw an all-time record 53 730 Victorians buy their first home in 2009.

Recent data shows that consumer sentiment in Victoria is the highest of all the states in Australia. The value of private consumption expenditure grew by 3.5 per cent, again ahead of growth in any other state, and our unemployment rate is 5.2 per cent — the second lowest in Australia.

I mentioned in my speech on the statement of government intentions that if you look over the calendar year of 2009 you see that we generated 75 000 new jobs in our state. That represents more jobs, easily, than any other state in Australia — more than two-thirds of all the new jobs generated across Australia. A big part of that has been our \$11.5 billion infrastructure program. This is not only about future proofing our state through things like water security; it also generates jobs for working families. An example of the work that is going on is the desalination plant. The Victorian-based company Olex was awarded the \$43 million contract to supply power cable for the desalination plant. That contract, by the way, secures 770 jobs, including 375 based at Tottenham. Victorian-based Tyco Water was awarded a \$150 million contract to build 84 kilometres of pipe, again for the desal project, creating 50 new jobs and securing another 50 jobs at the Somerton factory.

If you look at the Victorian transport plan, the major infrastructure and the new rolling stock, you see that two companies, Alstom and Bombardier, have been short-listed for that. Those contracts, too, will create hundreds of new jobs for our state. If you look across what we are doing in the defence manufacturing area, the new opportunities, the air warfare destroyer program, the land and helicopter — —

Mr Ryan — On a point of order, Speaker, the Premier has been speaking for more than 4 minutes, and I would ask you to have him conclude his answer.

Honourable members interjecting.

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

Mr Hodgett interjected.

The SPEAKER — Order! I suggest to the member for Kilsyth that his constant interjections have not gone unnoticed. I take this opportunity to ask him to cease interjecting in the manner he has perfected this afternoon. I do not uphold the point of order. The Leader of The Nationals and I must be running on different time clocks, but I suggest to the Premier that he has been speaking for 4 minutes. The Premier, to conclude his answer.

Mr BRUMBY — If you look across the state, as I was saying, whether it is in defence manufacturing or with the new hybrid Camry, which is being rolled off the production line as I speak, or whether it is in country Victoria, where I was last year with the member for Bendigo East and Minister for Regional and Rural Development at George Weston Foods — a

great employer in Castlemaine that has made a huge investment of \$150 million, dragging in jobs from other states and creating an additional 200 jobs in Victoria — you find that these are the sorts of projects which we are supporting and which our budget supported last year.

Today's statement of government intentions was all about securing our future — building a better, stronger Victoria. In the area of jobs and economic development, I believe the plans we have put in place, the infrastructure program, our skills program and our competitive tax rates — all these things — create the environment where last year a record level of jobs was created in our state, the engine room of jobs across Australia.

Public transport: myki ticketing system

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to his claim in the house on 24 June 2008 that 'recent testing of myki on five buses in Geelong was completed on time' and that 'it achieved positive results', and I ask: can the Premier confirm that regional bus operators have made large financial claims to the Department of Transport for losses because of a drop in revenue due to myki's failure to operate effectively on the regional bus network?

Mr BRUMBY (Premier) — The honourable member in this question has not provided any — —

Honourable members interjecting.

Mr BRUMBY — I am answering it. Is it all right if I answer it?

Honourable members interjecting.

The SPEAKER — Order! I suggest to all members that screeching across the chamber will not see us finish question time in an orderly manner today.

Mr BRUMBY — As I was endeavouring to say, the honourable member has not provided any information or evidence in relation to that matter. If he cares to do so, I will get the information for him.

Schools: government initiatives

Ms GRALEY (Narre Warren South) — My question is for the Minister for Education. 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 advise the house how the Brumby government

is continuing to take action to provide a world-class education system in 2010?

Ms PIKE (Minister for Education) — I thank the member for Narre Warren South for the question and particularly for her longstanding interest in education and the hard work she does in her local community standing up for the families and children of that community.

In 2010 we can already see evidence of this government's strong and profound commitment to our no. 1 priority — that is, the education of our young people. We are continuing to invest in education to make sure that every child right around this state has a great opportunity. In 2010, 40 new and refurbished schools will open in the new school year. It is incredibly exciting for those children and their families to be among the thousands of students who, over the course of this year, will have new and refurbished facilities.

This number includes five of the 11 new schools that are being built under our public-private partnership school program. Those five schools, which will open this year, are I must say incredibly impressive facilities. The Premier visited Point Cook Prep-Year 9 College, and I had the very great pleasure, with the member for Narre Warren South, of officially opening Alkira Secondary College in her community. It is situated in Cranbourne North, in one of Melbourne's busy and growing suburbs and communities. The facilities are absolutely fantastic — they are world class — and we are incredibly proud that our commitment to education has yielded these fantastic results.

Some of the facilities the students there will be able to enjoy are state-of-the-art information and communications technology, including wireless internet access — both internal and external, so that kids will be able to use their laptops outside in the yard as well as inside the school buildings; environmentally sustainable design features, including energy efficient buildings and a wetland; a performing arts building that the community will also have access to, with music and drama rooms, cooking facilities and entertainment facilities — all of those things that can connect schools with the community; and a fantastic integrated science and technology building.

The students at the school, the parents and the teachers — the whole school community — are incredibly proud and delighted to have these facilities, and they deserve them; they have worked hard. This is what a good government does: it invests the money and provides these resources. I am very proud that Labor

governments, both here and in Canberra, see fit to invest in education. I am pleased that the people on this side of the house — the Labor side of the house — supported this investment, and I am a bit disappointed, I must say, that the Liberals in Canberra opposed it.

This year 850 000 Victorian school students in government and non-government schools, including over 65 000 preps, will be joined by almost 63 000 schoolteachers to start the 2010 school year. Amongst them are the nation's first 45 teachers appointed through the Teach for Australia initiative. These 45 teachers are high-performing university graduates who have undergone intensive summer training to prepare them for the very challenging and exciting year ahead in 14 government schools.

We are also working in partnership with the federal government. This year millions of dollars of extra funding is being invested in our schools to improve literacy, numeracy and other learning outcomes for our students. We face an ongoing challenge, with ongoing investment and ongoing commitment being given to this most important of tasks.

We are absolutely committed to continuing to build a world-class education system, with 21st century facilities and more teachers and support staff, and to giving our children every opportunity to thrive, learn and grow, because we understand the aspirations parents have for their kids and their desire that we work with them to invest in this most important of tasks.

Police: numbers

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. I refer the minister to the growing tide of assaults and bashings in Victoria that in the last 10 years of this Labor government has seen violent crime rise by about 40 per cent and assaults skyrocket by almost 70 per cent, and I ask: given that the 2010 Productivity Commission report on government services shows that Victoria — —

Honourable members interjecting.

The SPEAKER — Order! Government members will not attempt to shout down the Leader of The Nationals while he is asking a question.

Mr RYAN — I ask: given that the 2010 Productivity Commission report on government services shows that Victoria once again has the lowest number of front-line police per capita of any state in Australia, is it not a fact that nothing will ever improve under this minister, because he is all talk and no action?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the deputy leader of the Liberal coalition for the question.

Honourable members interjecting.

The SPEAKER — Order! The minister will address members appropriately or he will not be heard.

Mr CAMERON — On a point of order, Speaker, previously the house has been advised that the two parties are in a coalition and the honourable member for Gippsland South is the deputy leader of that coalition.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Police and Emergency Services to take his lead from the Speaker and address the Leader of The Nationals as the Leader of The Nationals.

Mr CAMERON — As you, Speaker, will be aware it is Labor that has been the party of investment when it comes to police.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Police and Emergency Services will not be shouted down by members of the opposition. I suggest to the members for Malvern, Warrandyte and Nepean that they are sitting the closest to me, and thus the loudest voices I hear.

Mr CAMERON — We had a choice: whether we could promise to increase police numbers and then slash them by 800 or whether we would promise to increase police numbers and actually increase them — and that is exactly what Labor has done. While we have seen an overall drop in the rate of crime of 25 per cent in the last decade, the government knows it has to continue to work with police in terms of resources, which is exactly what it is doing and exactly why when you go out to the police academy you see the recruits out there building up police numbers across this great state.

The Productivity Commission report the honourable member referred to talks about the issue of crime rates. When you have a look at that you see it says that Victoria is a low-crime state. Every year the grants commission looks at policing services in terms of policing needs and crime rates. What you find when you look at it is that Victoria is above the national average, and the reason for that is essentially the low crime rate in Victoria. We are a low-crime state.

That is not to say there are not challenges, and that is why we have given police the powers they need. We have worked with them. We have given them move-on powers. We introduced banning notices, something those opposite tried to sabotage in the upper house. That is why we have given police powers to fine people.

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the question, and I ask you to have him answer the question he was asked as to why it is that we are on the bottom of the ladder in the nation for front-line police.

The SPEAKER — Order! I believe the minister was talking about the Productivity Commission report which formed part of the member's question. I do, however, suggest to the police minister that inviting that level of interjection from the opposition is perhaps not the best strategy for today.

Mr CAMERON — I take the point, Speaker. That is why we have given police this power. That is why we work with them on resources, and that is what we will continue to do. We reject the policy of those opposite to promise 1000 police and then cut them by 800.

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Polwarth, South-West Coast and Malvern to address members in a respectful and appropriate manner.

Transport: Victorian plan

Dr HARKNESS (Frankston) — My question is to 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 outline recent developments in the Brumby Labor government's \$38 billion Victorian transport plan?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Frankston for his question and for his continuing support of the Victorian government's efforts to deliver the best transport system in Australia, supporting jobs and also better connecting communities. The Brumby government is building a better transport network for all Victorians to help motorists spend less time in traffic and more time at home with family and friends.

The government has three bills this year that will help deliver the \$38 billion Victorian transport plan. Those bills will better integrate and coordinate our transport network. They will improve road safety by extending

vehicle impoundment laws for repeat drink and drug drivers as well as providing a stronger response to unlicensed driving and extreme speeding.

We have invested more than \$7.4 billion in building better roads right across Victoria, including investing \$3 billion in regional Victoria. We are also making Victorian roads safer and less congested through our unprecedented investment. The \$759 million Peninsula Link is something for which the member for Frankston has been a strong advocate, and might I say that without his advocacy this project may well not have been delivered. His has been an enormous effort.

The upgrades to the M1 and M80 corridors are providing substantial improvements to existing road infrastructure. There are improved links for the Geelong Ring Road and at Anthonys Cutting, and let us not forget the Yarra Glen bypass, Colac-Lavers Hill Road and the work that will soon commence on the northern section of the Nagambie bypass. Additionally we are investing \$115 million in walking and cycling facilities right across the state.

Only this government has a plan for freight in Victoria — Freight Futures — the first comprehensive freight strategy in this state's history. Only this government has a plan for managing growth of our commercial ports — through our Port Futures strategy. On 25 November 2009 the channel-deepening project was completed — over \$200 million under budget and ahead of schedule.

Only this government has a plan to save lives on our roads. In 2009 Victoria recorded 5.44 deaths per 100 000 head of population compared to 7.31 deaths per 100 000 head of population for the rest of the nation. We have reduced our fatality-by-population rate by 41 per cent since 2001 — quite an outstanding result. Arrive Alive 2 is two years into achieving its aim of a 30 per cent reduction in our total fatality rate. When we get to that point — and we will, through sheer diligence and effort and the involvement and commitment of the community — we will have achieved 100 fewer lives being lost on our roads every year. That is 100 fewer obituaries and 100 fewer families being torn apart by the loss and tragedy of this waste.

Only this government has a plan to deliver better transport networks in Victoria — because we believe Victorians deserve the best transport system in this nation. Conversely, from those opposite we hear no plan, no strategy and no vision. Victoria deserves better!

Police: resources

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's statement to this house on 11 March last year on police resourcing:

Resource levels are a matter for government. I believe our record in government speaks for itself.

Honourable members interjecting.

The SPEAKER — Order! I ask government members not to interject in that manner.

Mr BAILLIEU — And I ask: given that the 2010 Productivity Commission report on government services shows that for the fifth year in a row Victoria is the lowest spending state on police resourcing per capita in Australia, is it not a fact that the Premier's record in government does indeed speak for itself and speaks for itself every night on the streets of our state as people are bashed and assaulted in record numbers?

Mr BRUMBY (Premier) — That was the speech that went missing from the 1997 Liberal Party state council, wasn't it? That was the speech that went missing when you could not get up off the floor and argue for increased police numbers. That's right!

The SPEAKER — Order! I ask the Premier to confine his remarks to the question as asked.

Mr BRUMBY — Actions do speak louder — —

Ms Thomson interjected.

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

Mr BRUMBY — Actions do speak louder than words, and by the end of this year we will have added almost 2000 additional police to the number in this state. As a proportion the number of additional police we have added exceeds the rate of population growth since we have been in government, so there have been real increases in police numbers. I invite any objective commentator, including Liberal Party members, to compare that with the cuts of 800 that were made in the 1990s. Those cuts — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth!

Mr BRUMBY — Let us go through the facts.

Mr Wells interjected.

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

Mr BRUMBY — Let us go through the facts rather than the make-believe and the fiction of the Leader of the Opposition.

Honourable members interjecting.

The SPEAKER — Order! Government members will cease interjecting. The member for Narre Warren North is warned.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He invited the house to take the word of an objective commentator. The Productivity Commission's 2010 report has demonstrated that this state is the lowest spending of all states.

Honourable members interjecting.

The SPEAKER — Order! The member for Burwood is warned. I ask all members for some cooperation. I do not uphold the point of order.

Mr BRUMBY — Let us get to the facts if we can. The most recent Victoria Police crime statistics come on top of the data released last year by the ABS (Australian Bureau of Statistics) — —

An honourable member interjected.

Mr BRUMBY — It makes things up, too, does it? All of that data — —

Honourable members interjecting.

Mr BRUMBY — If the opposition wants to say that the Chief Commissioner of Police meddles in the statistics, it should say that. Is it saying that?

Honourable members interjecting.

Mr BRUMBY — Is the opposition saying that the ABS meddles in the statistics?

Honourable members interjecting.

The SPEAKER — Order! The Premier will confine his comments to the question as asked. I ask for some cooperation from members of the opposition to allow the Premier to address the question.

Mr BRUMBY — What those statistics show is that Victoria's crime rate has fallen for the seventh consecutive year. Victoria's crime rate is now 25.5 per cent lower than in 2000–01.

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew is warned.

Mr BRUMBY — Crime rates are now at their lowest point since the introduction of computerised recording in 1993.

We have had more than 5000 new police recruits come through the police academy. We have record police numbers, with more police now on the front line than ever before. We have a record police budget of \$1.9 billion, and since 1999 we have rebuilt or refurbished 160 police stations.

In relation to statistics, again, what the Australian Bureau of Statistics and the Victorian police statistics show over the last year — despite what the Leader of the Opposition has asserted today — is that overall crimes against the person are down by 0.2 per cent, robberies are down by 1.7 per cent, crime against property is down by 3.5 per cent, residential burglary is down by 4.6 per cent, theft from motor vehicles is down by 11 per cent, theft of motor vehicles is down by 13 per cent and the crime rate on public transport — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier just to wait for one moment. I suggest to the member for Malvern that he needs to cease interjecting in the manner in which he has been interjecting for the last 5 minutes. I will not speak to the member for Malvern again other than to exercise standing order 124.

Mr BRUMBY — The crime rate per million trips on public transport has fallen 10.5 per cent in the last year. They are the facts. The number of knife attacks — —

Honourable members interjecting.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The facts are recorded in the 2010 Productivity Commission report, to which the question referred.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Health, in particular, for some cooperation.

Mr Baillieu — The facts are as the 2010 Productivity Commission report to which I referred in the question records. The question also referred to record numbers of bashings and assaults. The Premier in his answer is debating the question, not addressing

the question, and demonstrating as a consequence that he is in total and utter denial and is completely and utterly out of touch.

The SPEAKER — Order! I believe the Premier is being relevant to the question, although I suggest to the Premier that, even given the number of interjections, he has been speaking for some time, and I ask him to conclude his answer.

Mr BRUMBY — The number of knife attacks, which includes assaults involving knives, has decreased by 2.9 per cent. What has increased — —

Honourable members interjecting.

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

Dr Napthine — On a point of order, Speaker, the Premier is reading and quoting from a document, and I ask him to make the document available.

The SPEAKER — Order! Is the Premier reading from a document? If so, is the Premier able to make the document available?

Mr BRUMBY — I am reading from notes.

The SPEAKER — Order! He is reading from notes.

Honourable members interjecting.

The SPEAKER — Order! If the Premier is making use of notes, he does not need to make those notes available to the house — as all members know.

Mr BRUMBY — As I have said on many occasions, with additional police and stronger police powers we have seen the crime rates come down. What has been increasing over the last 12 to 18 months is the level of public disorder offences — alcohol-fuelled violence and associated assaults. The government has never made any secret of that, and nor have I. In every media interview that is what we have said. That is why we toughened up all of the liquor licensing laws.

For all the crocodile tears, every step we have taken to tackle alcohol-fuelled violence has been opposed by those opposite — every single one of them.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Albert Park.

Mr Ryan — On a point of order, Speaker, with respect, by any standards the Premier is debating the question.

The SPEAKER — Order! I uphold the point of order. The Premier has also been speaking for some considerable time. I ask him to conclude his answer with no further debate.

Mr BRUMBY — On every occasion when we have put in place new measures, new laws or new steps to tackle drunken louts, the Liberal Party has opposed them.

The SPEAKER — Order! The Premier!

Mr Ryan — Speaker, I renew the point of order I just took. The Premier is clearly debating the question.

The SPEAKER — Order! As the Leader of The Nationals could see, I was endeavouring to stop the Premier from doing so. The Premier has concluded his answer.

Justice: reform initiatives

Ms MARSHALL (Forest Hill) — My question is to the Attorney-General. 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 Attorney-General update the house on what reforms the government is making in the justice portfolio that will benefit Victorian working families?

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the members for Evelyn and Bass.

Mr HULLS (Attorney-General) — I thank the honourable member for her question. I have to say I am privileged to be involved in another year of real and lasting reform in the justice arena. This government certainly has a long-term vision for the justice system and will continue to build on its achievements in 2010. That will include further improvements to the legal system's response to victims of crime, including giving courts power to award urgent safety-related payments and increasing the profile of victim impact statements.

Honourable members interjecting.

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

Dr Napthine — On a point of order, Speaker, on the rule of anticipation in respect of the annual statement of government intentions — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Gaming.

Dr Napthine — It seems that the Attorney-General is referring to page 25, and perhaps even quoting from page 25, of the statement. Debate on that statement is to continue later this week. I seek your ruling, Speaker, as to whether in answering questions it is appropriate to anticipate the debate on the annual statement of government intentions or whether the rule of anticipation applies to the annual statement of government intentions.

Mr Batchelor — On the point of order, Speaker, the member for South-West Coast raised this spurious point of order based on page 25 of the statement of government intentions. The one I have here only goes up to page 14 — —

Honourable members interjecting.

Mr Batchelor — This one here — page 14.

Honourable members interjecting.

The SPEAKER — Order! Members will come to order. The Minister for Energy and Resources on the point of order.

Mr Batchelor — Clearly this is similar to the situation when the budget is presented, and it is the ruling of the house that questions and answers cannot relate to matters that are contained in the budget. If there were a ruling, as the opposition desires here, saying that in question time we cannot refer either in questions or in answers to matters that are contained in the statement of government intentions — which I recall last year remained on the notice paper for the entire year — it would mean that question time would be incapable of proceeding. Whilst the member for South-West Coast might think this is a cute point of order at this point in time, it is clearly a ridiculous and unworkable point of order if it is to be enforced.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Footscray

The SPEAKER — Order! The member for Footscray has been warned today, and under standing order 124 I ask her to leave the chamber for 15 minutes.

Honourable member for Footscray withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Justice: reform initiatives

Questions resumed.

The SPEAKER — Order! The member for Kew, on the point of order.

Mr McIntosh — Speaker, it is not a spurious point of order. It is certainly an accepted practice in here, and the standing orders make it perfectly clear that the rule against anticipation includes any matter that is currently before the Parliament. We also know that by convention there is a clear exception in relation to the budget. I am certainly not aware of any convention, ruling or standing order that permits the statement of government intentions to be exempted from the normal rule; and accordingly I ask you to apply the rule in the normal way.

The SPEAKER — Order! I will rule on the point of order. The member for South-West Coast has raised a legitimate concern about the statement of government intentions. However, the points made by the Minister for Energy and Resources are pertinent also, and the best I can do for the house is to provide some guidance on the matter.

In an answer given by the Minister for Roads and Ports I was concerned that he mentioned legislation that was to come before the house. That was not an appropriate way to go forward. In relation to this debate around whether to allow questions on the statement of government intentions, obviously that statement is very wide ranging and I believe some general comments should be able to be made, given that the debate is on the notice paper, otherwise question time would become unworkable, particularly if the statement stays on the notice paper for the entire year. As regards general comments, I suggest to ministers that they refrain from commenting on proposed legislation.

Mr HULLS — The government is passionate about assisting victims of crime, and it intends to look at the powers that courts currently have in relation to awarding urgent safety-related payments for victims and also increasing the profile of victim impact statements. We also intend to look at whether or not it is feasible for a levy to be imposed on offenders to contribute to victim compensation funding. I have to say this is in stark contrast to the abolishing of

compensation for pain and suffering that occurred in the past.

We also intend to overhaul our criminal legislation by making improvements to investigation and forensic policies and practices, as well as revising offences in the Crimes Act to ensure that they are clearer and are indeed contemporary.

As you would be aware, Speaker, a review is under way. Former Justice Geoffrey Eames is looking at crime motivated by racial and other forms of prejudice. He will report to us later this year in relation to that, and we will act on his recommendations. We also think it is important to strengthen the asset confiscation regime to ensure that it is up to date.

Mr Clark — On a point of order, Speaker, the Attorney-General is transgressing your ruling. You were very explicit in saying that it was not in order for him to canvass a list of proposed legislative initiatives that are set out in the annual statement of government intentions. He is in fact doing exactly that and is addressing the house on the very measures which are set out in the statement of government intentions, in breach of your ruling.

Mr HULLS — On the point of order, the fact that the government has commissioned retired judge Justice Geoffrey Eames to undertake a review in relation to crimes motivated by hate and the fact that I am saying today that we will act on his recommendations, I believe, is totally irrelevant to the point of order that has been made by the honourable member.

The SPEAKER — Order! We are in an interesting place. I would love to deal with the point of order but more generally try to find a way through to how we are going to deal in a workable fashion with the statement of government intentions. I ask ministers to refrain from talking in any detail or depth about legislation, but the fact that work is being done in a particular policy area, I believe, should be able to be discussed in this house. I do not uphold the point of order raised by the member for Box Hill.

Mr HULLS — We also want to have holistic policy development in the area of ensuring that civil disputes are resolved as quickly and cheaply as possible. This means a more accessible justice system for all Victorians. As I have said previously in this place, we will also be looking at a mechanism to address minor complaints about the conduct of individual judges. We do not shy away from being tough on crime and also being tough on the causes of crime. We think that is appropriate.

We do not shy away from doing the hard work in the justice area. We do not, like some, wait for Jeeves the butler to come along and deliver us policies on a silver platter. We believe the hard work has to be done, and we will continue to take positive action right across the justice system. We will not, like some have done, embark upon court closures and on the sacking of judges in this state.

Speaker, as you would know, the justice system is very complex. If the hard work is not done, mistakes will be made. Rushed, undeveloped policies are not what Victorian families want, particularly not policies that have not been worked through — for instance, policies that would unintentionally lock up average mums and dads; policies like those announced over the last couple of weeks by those opposite.

The government's goal is to make Victoria the best place to live, to work and to raise a family. We know that Victoria is the safest state in Australia, because we continue to do the hard work — the hard policy development work — to build the best justice system anywhere in Australia.

Community services: parenting support

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer the minister to her 'super nannies' announcement about providing intensive, one-on-one parenting support to families in crisis. I further refer the minister to the Families First initiative established 15 years ago, which continues to this day and which provides intensive, one-on-one parenting support to families in crisis. I ask: is it not a fact that the minister's announcement has already been in operation for 15 years and the only thing that was new was the minister's cynical publicity stunt in copying the title of a TV show?

Ms NEVILLE (Minister for Community Services) — I can say what we did not do 15 years ago — that is, cut funding to children, youth and families by 10 per cent across the board.

This government is proud of its record investment in the out-of-home care system last year — \$135 million was invested to improve the care and support and the opportunities available for children who can no longer live at home. In addition that package also invested in new measures that are about trying to keep infants, in particular, at home by supporting families early. This proposal will provide intensive, in-home, long-term support for vulnerable families in order to create the best opportunity to keep very young children at home with their families. We are proud of that investment.

Our priority is improving the care and support available for children in care.

Regional and rural Victoria: jobs

Mr TREZISE (Geelong) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government's commitment to make Victoria the best place to live, work, invest and raise a family, and I ask: can the minister update the house on plans to support jobs and investment in regional Victoria?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Geelong for his question. As the Premier informed the house earlier this afternoon, we are seeing fantastic jobs growth here in the state of Victoria. This is particularly evident in regional Victoria, where in 2009 employment rose by over 24 000 people. That is a fantastic achievement in a difficult time.

Obviously in order to create jobs and this sort of environment you have to have a policy, you have to do the hard work and you have to have a vision for regional and rural Victoria, and that is exactly what the Brumby Labor government has done, particularly with its \$611 million Regional Infrastructure Development Fund (RIDF) — a fund that was, as we all well know, opposed by those opposite, but fortunately they were not successful in blocking it. The recent announcement of two major projects in regional Victoria demonstrates the huge benefit that this fund now brings to our regions.

The first project was announced a couple of weeks ago when I was in Warrnambool and gave a commitment to \$4.8 million of RIDF funding for a planned \$8.8 million redevelopment of the Warrnambool Entertainment Centre. This is a fantastic entertainment centre; it is a great project. Importantly it will create jobs through the construction and expanded operations there, but it is also an investment in lasting infrastructure for the local community. The redeveloped centre will be the jewel in the cultural crown of the greater south-west region and will serve the community well for many more decades.

Further to that, I joined the Premier in Echuca a couple of weeks ago to announce \$4.9 million in infrastructure funding going towards a major revamp of the port of Echuca. All members know what a fantastic tourism icon the port of Echuca is for our state. This redevelopment will not only create 60 jobs but importantly bring an extra 22 000 visitors to the port of Echuca. That is great for Echuca, and it is also great for regional Victoria more generally. I will quote the mayor

of the Shire of Campaspe, Peter Williams, who said, 'This is a national icon' and 'the partnership with the state government has allowed the shared vision to come one step closer'.

The Brumby Labor government certainly has this shared vision and, importantly, a plan for regional Victoria. In 2010 we will be taking this plan further; we will be taking this partnership with our regions further and launching a blueprint for regional Victoria. What we have been doing over the past 12 months is working hard with regional communities on this vision for the future. We invited all regional Victorians to have their say, particularly last year through the release of a discussion paper. I can tell the house that we got a great response to that discussion paper, except from those opposite, who were either too lazy or had no ideas to contribute to a submission.

However, we are getting on with the job, and over the next year we will be focused on jobs, investment and supporting regional families, unlike a member of the house who when pressed earlier on radio this morning could not name a single new policy idea for regional Victoria. The Leader of the Opposition could not articulate one single new policy idea for regional Victoria.

Honourable members interjecting.

The SPEAKER — Order! The minister will not use question time as an opportunity to attack the opposition.

Ms ALLAN — As I said, it takes hard work and effort to support regional jobs and regional communities.

I might leave the last word on this subject to another regional Victorian, Doug Davies of St James, near Benalla, and I should declare Doug's interests: he is a Nationals voter. Recently in the *Sunday Age* he described The Nationals as being stuck with a dead horse. As everyone in regional Victoria knows, you are not going to create jobs and you are not going to support regional families by flogging a dead horse.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to regulate petroleum exploration and recovery activities and petroleum facilities and the geological storage of carbon dioxide in the Victorian offshore area and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation as to the content of the bill.

Mr BATCHELOR (Minister for Energy and Resources) — This is a brief explanation of the content of a very large bill. This bill seeks to achieve two objectives: firstly, to replace the Petroleum (Submerged Lands) Act 1982. The features and requirements of the act that is being replaced will be incorporated into the new legislation. The bill also seeks to introduce a process whereby the Parliament will regulate petroleum activities and in particular geological storage of carbon dioxide in Victoria's offshore waters.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 83, 193, 250 and 251 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

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) (242 signatures).

Liquor licensing: fees

To the Legislative Assembly of Victoria:

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

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

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

By Dr SYKES (Benalla) (125 signatures).

Patient transport assistance scheme: rural access

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 level of reimbursement under the Victorian Patient Transport Assistance Scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

- a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;
- b. increase the current 17 cent-per-kilometre reimbursement rate and accommodation reimbursement rate of \$35 plus GST to levels that are more reflective of the current travel and accommodation costs;
- c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route not just the shortest distance alternative.

By Dr SYKES (Benalla) (24 signatures).

Bushfires: public land management

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of the Upper Yarra Valley, residing from Reefton through East Warburton, Millgrove, Wesburn and beyond, draws the attention of the house to the need to further support responses and needs of the community of this area, and comes in the context of Black Saturday and previous events, i.e. Ash Wednesday.

We understand that the population statistics and ease of implementation governed the choice of the 52 townships. However, seeing that we are in a very similar situation of vulnerability to the Dandenong Ranges, if not more so, and due to the topography and dangerous and difficult exit road, we feel like sitting ducks in danger of being trapped.

We urge the government to start implementing these points immediately, to prevent a possible tragedy similar to the one on Black Saturday ever happening again.

The petitioners therefore request the Legislative Assembly of Victoria to:

1. add the Upper Yarra Valley to the list of 52 townships nominated as high-risk fire areas in Victoria. In view of the amended policy of 'relocate' to review and implement an easier exit strategy and traffic flow between Scotchmans Creek Road and Millgrove during emergencies by:
 - (a) widening the Warburton Highway along the north-facing verge, where nature strips permit, to facilitate overtaking in case of unforeseen circumstances;
 - (b) widening the Warburton walking track to the width of one car as an alternative exit route in case of emergency;
 - (c) easing the traffic load on Warburton Highway by building a bridge from the end of Dammans Road to Millgrove to bypass possible bottlenecks;
2. provide safe and suitable refuges in Warburton and East Warburton;
3. implement a township warning system and protection plan;
4. provide appropriate permanent radio reception of ABC 774 to Warburton and East Warburton, which are in a blind spot and leave residents without adequate information and communications systems;
5. fuel reduction to be implemented immediately by increasing the area of annual fuel reduction burning by at least three times as recommended by the Environment and Natural Resources Committee (ENRC) during the short window of opportunity still available, to reduce the danger of fire storms in this heavily forested area.

By Mrs FYFFE (Evelyn) (17 signatures).

Leongatha hospital: funding

To the Legislative Assembly of Victoria:

The petition of the citizens of Leongatha and South Gippsland generally draws to the attention of the house the serious state of disrepair of the Leongatha hospital and the consequent threat to the provision of health services in the region.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the Brumby Labor government to fund the development of a new hospital at Leongatha and to do so as a matter of urgency.

By Mr RYAN (Gippsland South) (223 signatures).

Planning: shire of South Gippsland

To the Legislative Assembly of Victoria:

The petition of the C48 planning amendment. We the residents and property owners of the shire of South Gippsland draw to the attention of the house that we support the removal of the C48 planning amendment initiated by the Minister for Planning, Justin Madden, MP. In acknowledging this amendment we recognise the unfair, unjust and undemocratic decisions and practices of our parliamentary members and strongly request them to reconsider the imposed restrictions of this planning amendment on all property owners in South Gippsland with land allotments ranging in the size of 40 hectares and below in the farming zone. It is the right of all property owners to build on their own properties without hindrance or interference from our state politicians and shire councillors. We the undersigned residents and property owners support the contents and the actions arising from this petition.

The petitioners therefore request that the Legislative Assembly of Victoria remove the C48 planning amendment on its property owners affected by the amendment in the South Gippsland shire.

By Mr RYAN (Gippsland South) (2676 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (42 signatures).

Rail: Traralgon line

To the Legislative Assembly of Victoria:

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

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

By Mr NORTHE (Morwell) (25 signatures).

Youth: Berwick housing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the ongoing concern of residents surrounding a residential proposal for 50–52 Bellevue Drive, Berwick which will provide WAYSS Ltd with a shared housing accommodation property for 10 people from the ages of 15 to 17.

Concerns from the local community include the non-supervised nights (from 9.00 p.m. to 8.00 a.m.) and weekends (from 9.00 p.m. Friday to 8.00 a.m. Monday) in a quiet Berwick street.

Residents also note that similar sites in neighbouring suburbs have resulted in an increased local crime rate, antisocial behaviour, hoon driving and drug abuse which have been to the detriment of those local communities.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Minister for Community Services, Lisa Neville, and Minister for Housing, Richard Wynne, to reverse the decision of providing an unsupervised shared housing accommodation property for 10 people between the ages of 15 and 17 and to respect the wishes of the Berwick and Casey community in rejecting this site and its purpose under the current conditions associated with it.

By Ms GRALEY (Narre Warren South) (414 signatures).

Housing: Ringwood development

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

The petition of the community of the city of Maroondah draws the attention of the house to the lack of consultation undertaken by the Victorian government in relation to the public and social housing development proposed for Larissa Avenue, Ringwood.

The petitioners therefore request that the government postpone the commencement of the development pending a thorough consultation period with the community, with the continuation of the development to be dependent on the wishes of that community.

By Mr R. SMITH (Warrandyte) (12 signatures).

Tabled.

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 Evelyn be considered next day on motion of Mrs FYFFE (Evelyn).

Ordered that petition presented by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr CARLI (Brunswick) presented *Alert Digest No. 1 of 2010* on:

**Accident Compensation Amendment Bill
Constitution (Appointments) Bill
Crimes Legislation Amendment Bill
Education and Training Reform Amendment Bill
Legislation Reform (Repeals No. 6) Bill
Livestock Management Bill
Magistrates' Court Amendment (Mental Health List) Bill
Public Finance and Accountability Bill
Serious Sex Offenders (Detention and Supervision) Bill
Severe Substance Dependence Treatment Bill
Summary Offences and Control of Weapons Acts Amendment Bill
Transport Integration Bill**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Border Groundwaters Agreement Review Committee — Report 2008–09

Family and Community Development Committee — Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness, together with an appendix, a minority report, an extract from the proceedings and transcripts of evidence — Report, appendix, minority report and extract from the proceedings — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Skills and Workforce Participation that she had received the Report 2008–09 of the TAFE Development Centre

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 150 (*Gazette G50*, 10 December 2009), 151 (*Gazette G52*, 24 December 2009), 164 (*Gazette G51*, 17 December 2009), 175/2009 (*Gazette G2*, 14 January 2010)

Medical Practitioners Board of Victoria — Report year ended 30 September 2009

Murray-Darling Basin Authority — Report 2008–09

Parliamentary Committees Act 2003:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Government response to the Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data

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

Ballarat — C95

Bass Coast — C61

Baw Baw — C61, C66

Boroondara — C92, C94, C110

Campaspe — 70, C72, C75

Cardinia — C91, C135

Casey — C128

Central Goldfields — C21

Corangamite — C19

East Gippsland — C61, C79

Frankston — C54

Glenelg — C16

Greater Bendigo — C108

Greater Dandenong — C81, C108, C120

Greater Geelong — C117, C129 Part 1, C152, C179, C210

Greater Shepparton — C130, C132

Hobsons Bay — C29 Part 2

Hume — C115

Indigo — C51

Kingston — C100

Knox — C85	<i>Crown Proceedings Act 1958</i> — SR 171/2009
Latrobe — C17, C62, C64	<i>Electricity Safety Act 1998</i> — SRs 164, 165, 175/2009
Mansfield — C16	<i>Evidence Act 2008</i> — SRs 162, 172/2009
Maroondah — C60, C70	<i>Forests Act 1958</i> — SR 166/2009
Melton — C94	<i>Gambling Regulation Act 2003</i> — SR 167/2009
Moira — C42	<i>Health Services Act 1988</i> — SR 176/2009
Monash — C94	<i>Infringements Act 2006</i> — SR 168/2009
Moonee Valley — C95	<i>Magistrates' Court Act 1989</i> — SRs 153, 157, 170, 181/2009
Moorabool — C45, C52	<i>Major Crime (Investigative Powers) Act 2004</i> — SR 156/2009
Moreland — C115, C125	<i>Marine Act 1988</i> — SR 180/2009
Mornington Peninsula — C94, C131, C136, C138	<i>Metropolitan Fire Brigades Act 1958</i> — SR 179/2009
Murrindindi — C25	<i>Public Health and Wellbeing Act 2008</i> — SR 178/2009
Queenscliffe — C20, C21	<i>Sentencing Act 1991</i> — SR 160/2009
Southern Grampians — C10	<i>Serious Sex Offenders (Detention and Supervision) Act 2009</i> — SR 187/2009
Stonnington — C107, C111	<i>Supreme Court Act 1986</i> — SR 163/2009
Surf Coast — C38	<i>Victorian Civil and Administrative Tribunal Act 1998</i> — SR 154/2009
Victoria Planning Provisions — VC64, VC65	<i>Subordinate Legislation Act 1994:</i>
Wellington — C54	Ministers' exception certificates in relation to Statutory Rules 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 169, 170, 171, 172, 173, 179, 181, 182, 183, 184, 185, 186, 189/2009
Whitehorse — C103, C124	Ministers' exemption certificates in relation to Statutory Rules 141, 150, 163, 167, 168, 175, 176, 188/2009
Whittlesea — C129	Ministers' infringements offence consultation certificates in relation to Statutory Rules 164, 180/2009
Wyndham — C124, C126	<i>Water Act 1989</i> — Declaration of the Abolition of the Mid Loddon Water Supply Protection Area Order 2010.
Yarra Ranges — C62, C88, C93, C94, C100	
<i>Project Development and Construction Management Act 1994</i> — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)	
Statutory Rules under the following acts:	
<i>Assisted Reproductive Treatment Act 2008</i> — SR 177/2009	
<i>Associations Incorporation Act 1981</i> — SR 1	
<i>Bail Act 1977</i> — SR 155/2009	
<i>Charter of Human Rights and Responsibilities Act 2006</i> — SR 174/2009	
<i>Children, Youth and Families Act 2005</i> — SRs 159, 183, 186, 189/2009	
<i>Control of Weapons Act 1990</i> — SR 188/2009	
<i>County Court Act 1958</i> — SRs 182, 183, 184, 185/2009	
<i>Crimes Act 1958</i> — SRs 158, 161, 173/2009	
<i>Criminal Procedure Act 2009</i> — SRs 169, 181, 183, 189/2009	
	The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:
	<i>Cemeteries and Crematoria Amendment Act 2009</i> — Whole Act (except ss 6, 7, 24 and 25) — 1 January 2010 (<i>Gazette G51, 17 December 2009</i>); s 7 and s 25 — 1 February 2010 (<i>Gazette G4, 28 January 2010</i>)
	<i>Criminal Procedure Act 2009</i> — Remaining provisions (except s 437) — 1 January 2010 (<i>Gazette G50, 10 December 2009</i>)
	<i>Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009</i> — Remaining provisions — 1 January 2010 (<i>Gazette G50, 10 December 2009</i>)

Electricity Safety Amendment Act 2007 — Part 2 — 13 December 2009 (*Gazette G50*, 10 December 2009)

Energy and Resources Legislation Amendment Act 2009 — Parts 1 to 6 (except ss 6, 7, 8 and 12) — 13 December 2009; ss 28, 30 and 31 and Part 9 — 1 January 2010 (*Gazette G50*, 10 December 2009); ss 23, 24 and 32 — 27 January 2010 (*Gazette S33*, 27 January 2010)

Fair Work (Commonwealth Powers) Amendment Act 2009 — Whole Act except Part 2 — 1 January 2010 (*Gazette G50*, 10 December 2009); Part 2 — 1 January 2010 (*Gazette G51*, 17 December 2009)

Justice Legislation Miscellaneous Amendments Act 2009 — Part 6, except ss 41 and 42 — 17 December 2009 (*Gazette G51*, 17 December 2009)

Land (Revocation of Reservations and Other Matters) Act 2009 — Part 1 and Part 3 and Schedule 1 — 17 December 2009 (*Gazette G51*, 17 December 2009)

Local Government Amendment (Offences and Other Matters) Act 2009 — Whole Act, except Part 2 — 8 December 2009; Part 2 — 1 February 2010 (*Gazette S455*, 8 December 2009)

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Part 1, ss 3, 4, 13, 14, 15, 16, 25, 34 and 35, and Parts 5, 6, 7, 8 and 10 — 1 January 2010 (*Gazette G51*, 17 December 2009)

Serious Sex Offenders (Detention and Supervision) Act 2009 — Whole Act — 1 January 2010 (*Gazette G52*, 24 December 2009)

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 6, 7, 8, 9(2), 19, 20(1), 20(2), 20(3), 20(4), 21, 22(1), 22(2), 22(3), 23(1), Parts 6, 7, 8, Division 1 of Part 9, s 40, and Parts 10, 11 and 12 — 17 December 2009; s 23(2) — 1 January 2010 (*Gazette G51*, 17 December 2009)

Victorian Renewable Energy Amendment Act 2009 — Whole Act — 10 December 2009 (*Gazette G50*, 10 December 2009).

ROYAL ASSENT

Message read advising royal assent on 15 December 2009 to:

Casino Legislation Amendment Bill
Education and Training Reform Amendment (Overseas Students) Bill
Fire Services Funding (Feasibility Study) Bill
Justice Legislation Miscellaneous Amendments Bill
Liquor Control Reform Amendment (Party Buses) Bill
Melbourne Cricket Ground and Yarra Park Amendment Bill

Parks and Crown Land Legislation Amendment (East Gippsland) Bill
Serious Sex Offenders (Detention and Supervision) Bill
Summary Offences and Control of Weapons Acts Amendment Bill
Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill
Valuation of Land Amendment Bill.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Accident Compensation Amendment Bill
Education and Training Reform Amendment Bill
Livestock Management Bill
Magistrates' Court Amendment (Mental Health List) Bill
Public Finance and Accountability Bill
Severe Substance Dependence Treatment Bill
Transport Integration Bill.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Membership

The SPEAKER — Order! I have received the resignation of Ms Wooldridge from the Family and Community Development Committee effective 1 February 2010.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Membership

The SPEAKER — Order! I have received the resignation of Ms Green from the Outer Suburban/Interface Services and Development Committee effective 1 February 2010.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Membership

The SPEAKER — Order! I have received the resignation of Ms Munt from the Public Accounts and Estimates Committee effective today.

PARLIAMENTARY COMMITTEES

Membership

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

That Mrs Shardey be appointed a member of the Family and Community Development Committee, that Mr Langdon be appointed a member of the Outer Suburban/Interface Services and Development Committee, and that Ms Graley be appointed a member of the Public Accounts and Estimates Committee.

Motion agreed to.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Reporting date

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

That the resolution of the house of 31 March 2009 providing that the Outer Suburban/Interface Services and Development Committee be required to present its report on the inquiry into the sustainable development of agribusiness in outer suburban Melbourne to the Parliament no later than 31 March 2010 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2010.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 4 February 2010:

- Accident Compensation Amendment Bill
- Magistrates' Court Amendment (Mental Health List) Bill
- Public Finance and Accountability Bill
- Transport Integration Bill.

In moving the government business program motion for this parliamentary week it is important to state the obvious: this is the first week of the new calendar year. We have just had the statement of government intentions delivered by the Premier, and we expect that the response will come from the Leader of the

Opposition on Thursday. Following that there would be the opportunity, subject to sufficient time having been spent on these four bills, for members to make contributions on the statement of government intentions.

In that context we are providing only four pieces of legislation for the government business program this week in order to achieve a balance between progressing legislation and providing time for debate on the statement of government intentions. In that context I recommend this government business program to the house.

Mr McINTOSH (Kew) — The opposition does not oppose the government business program. There seems to be a great deal of interest in all four bills. After discussions with the Leader of the House it appears that in the next two days there will be a significant amount of time made available. I am not quite confident that we will get through all the relevant speakers. Only time will tell.

The basis on which only four bills will come before the Parliament this week is the statement of government intentions made by the Premier earlier today. As the Leader of the House has indicated, by agreement with the opposition, the opposition leader will deliver his response, followed by the Leader of The Nationals. On my calculation something in the order of 14 to 16 speakers will be able to make their contributions on the statement of government intentions on Thursday.

The opposition is happy to discuss this privately, but after the discussion we had at question time it would appear that the appropriate course of action is for the statement of government intentions to be treated for all intents and purposes like the budget. We invite the Speaker to make that ruling at some appropriate time, but I am happy to take those conversations outside the chamber to facilitate that ruling by the Speaker. With those short remarks the opposition, as I said, does not oppose the government business program.

Ms MUNT (Mordialloc) — I am very pleased to rise today in support of the government business program, and it is also pleasing to hear that the opposition will be supporting the program. As a former member of PAEC (Public Accounts and Estimates Committee) I particularly want to speak on the Public Finance and Accountability Bill 2009. It is timely that this bill is to be brought in in the first sitting week of 2010. The bill comes about as a result of extensive consultation and a lot of hard work by the members of the Public Accounts and Estimates Committee who put together a report on this bill. There are two other

members of the Public Accounts and Estimates Committee in the chamber with us today: the member for Scoresby, who is the committee's deputy chair, and the member for Williamstown, who is another very hardworking member of the committee.

This piece of legislation is groundbreaking. It has elements that are firsts in the world. The finance and accountability bill basically underpins the whole of the financial accountability of the state. It deals with the budget, how it is reported, the information in it and the idea — —

Mr McIntosh — On a point of order, Speaker, with some degree of regret, this short debate is about the government business program; it is not to canvass the merits or otherwise of a bill that will be debated properly at a later stage during the course of this week.

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

Ms MUNT — Speaker, I acknowledge your guidance in this direction. In conclusion I would like to say this is important legislation and this is a very good government business program. It provides enough time for debate to be completed on these bills, particularly the Public Finance and Accountability Bill 2009, and I will be very interested to listen to that debate. I wish all the bills a speedy process in the chamber this week.

Mr DELAHUNTY (Lowan) — I also rise to say we are not opposed to the government business program. It is a very sensible program with four bills. As we know the statement of government intentions has been delivered by the Premier. It covers 10 years of inaction, and he is going to try to make up for that in the government's last year. We understand the Leader of the Opposition will get about 40 to 45 minutes to speak — the same time as the Premier — the Leader of The Nationals will be given 20 minutes to respond to the statement of government intentions and other members will get 10 minutes.

The four bills include the Accident Compensation Amendment Bill and the Transport Integration Bill, which many members on this side of the house want to speak on, and we will probably need an extension of time. There is controversy around the Magistrates' Court Amendment (Mental Health List) Bill, which should produce some good debate, and I hope many members take part in that debate. There is also the Public Finance and Accountability Bill, and I will be interested to hear the response of the member for Scoresby to the accolade given him by the member for Mordialloc.

This is the start of a new year, and item 11 on page 2 of the notice paper is consideration of the Legislative Council's amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. This is still sitting on the government business program. We will have more bills to cover in the next couple of weeks, and it will be interesting to see if the water amendment bill will finally get a guernsey and be debated in this house. We are all in agreement with the comments made by the member for Kew and other members that this is a sensible government business program that should allow appropriate time to cater for members who want to contribute to debate on these important bills on behalf of their electorates. With those few words, I again say we are not opposed to the government business program.

Mr CRISP (Mildura) — I would like to support the comments of the member for Lowan, particularly in respect of country members. Although we are not opposing it, the Transport Integration Bill is one of considerable interest. Transport goes beyond the end of the tram tracks and into country Victoria, and there are quite a number of issues outstanding in country Victoria.

Similarly I am sure that the Magistrates' Court Amendment (Mental Health List) Bill is of great concern to everybody in this Parliament. Mental health services in the country and how we manage them are of considerable concern. This amendment bill is very narrow in its application, and there are issues in mental health that country members seek to raise. Accident compensation is always a difficult issue. People who are injured need to be cared for, and that needs to be paid for. Those sorts of issues are also relevant in the country. The Nationals are not opposing the business program, but there are some issues that will see many of our members speak.

Motion agreed to.

MEMBERS STATEMENTS

Public transport: myki ticketing system

Mr MULDER (Polwarth) — On 9 December 2009 the Premier said in this house that the investment that has been made in myki is consistent with the investment that we are making in the public transport system. The Premier must have been referring to his new ghost train minus passengers that appeared around Christmas time for a stunt run and was then immediately ushered back to the workshops.

The Premier signed the cheque for myki as Treasurer, then pumped another \$350 million into myki as Premier. Those would have been two of the darkest days in his political career. What an absolute disaster! A few days ago myki customers had money disappearing out of their accounts — lost without a trace. Today we find out that some lucky customer had \$167 000 credited to their account — a new twist to myki money. That customer joined other lucky customers who also had their accounts mysteriously topped up. The Premier's myki smartcard is starting to look like a lucky scratchie.

It has been a rough week for the Premier's myki. It has cost \$392 000 to change the words 'Scan on' and 'Scan off' to 'Touch on' and 'Touch off'. Some would suggest it should be 'Scam on' and 'Scam off'. To change validators from black and white to colour — a snub to the Premier's footy team, Collingwood — cost \$1.2 million, and it cost \$287 000 to alter the height of the validators on the Bumblebee trams that most likely will be back in France before they carry a myki passenger. It cost \$80 000 to change the wording on myki card vending machines from 'Out of service' to 'Getting ready for myki'. Why? Because it sounds better for the Premier of Victoria.

Ron Mueck: art exhibition

Mr BATCHELOR (Minister for the Arts) — Ron Mueck is a talented Victorian artist, and I was pleased recently to attend the opening of the Ron Mueck exhibition at the National Gallery of Victoria. Melbourne-born and London-based, Ron Mueck creates striking sculptures that are widely acclaimed. He is considered increasingly important in the international contemporary art world.

After working for 20 years as a model maker for children's television and films, Ron was discovered almost by accident by major international art collector Charles Saatchi. Ron made his debut as an artist in Saatchi's controversial *Sensation* exhibition which was seen in London, Berlin and New York. The rest, as they say, is history.

Mueck plays with scale: his sculptures are always larger or smaller than life but never life size. They truly replicate the micro-detail of a human body — the skin pores, blemishes and wrinkles. They are really quite astonishing.

The National Gallery of Victoria is proud to be hosting the largest exhibition of Ron Mueck's works ever to be held in the Southern Hemisphere. Since it opened just under two weeks ago, over 14 500 people have visited

the exhibition, well over double the NGV expectations. It is particularly pleasing to see that the exhibition is being enjoyed by people of all ages. I strongly encourage all locals and visitors to the state of Victoria to take time to visit the Ron Mueck exhibition at the National Gallery of Victoria. It is a real treat.

Bushfires: recovery

Mr DELAHUNTY (Lowan) — Black Saturday, 7 February 2009, has a special significance to people across Victoria. Unfortunately over the last 10 years western Victoria has had many bushfires, with the loss of private and public properties and precious possessions. Thankfully last year, on Black Saturday, no lives were lost in western Victoria. One man, John Smeets, was badly burnt, but with the support of his wife, the Coleraine community and the health system he is recovering well.

This weekend both Coleraine and Haven, south of Horsham, are holding special events to acknowledge Black Saturday and to thank our special volunteers, firefighters, welfare groups and supporting agencies. Both communities are slowly rebuilding, not only houses but also their spirits.

Today the Premier said that under the state-commonwealth bushfire reconstruction and recovery plan the government would deliver projects including community hubs. The Horsham Golf Club, which was a community facility destroyed on Black Saturday, is still waiting for the government's support.

Haven is having a big weekend, including the celebration of its centenary. There will be three days of special events involving a concert; a market; tours, including of the new primary school; a walk, ride and fun run; and the sealing of a time capsule. To those people who have suffered through the bushfires across the state, but especially in western Victoria, I say: you are not forgotten. I congratulate both communities on their efforts and wish them well for this weekend. I encourage as many people as possible to attend both Coleraine and Haven, but particularly Haven to celebrate its centenary. It will be a special weekend.

Linda Beilharz

Ms ALLAN (Minister for Regional and Rural Development) — I would like to wish Bendigo woman Linda Beilharz all the best as she heads off to trek to the North Pole. This will be a mammoth adventure. Linda and her team are aiming to cover 870 kilometres in 60 days. During this time the temperature as she travels across the remote ice landscape will be a frosty minus

50 degrees, the early days of the walk will only hold 30 minutes of daylight and Linda will celebrate her 50th birthday on 15 April.

Significantly, when Linda reaches the North Pole she will be the first Australian woman to make it to the North Pole and will also be the first Australian woman to trek to both the South Pole and the North Pole. Linda is a tremendous role model for all of us, with an enormous strength of character, being a strong environmentalist and a passionate advocate for women.

I was very fortunate to spend some time late last year with Linda talking to a group of young girls at Eaglehawk Secondary College about leadership, Linda's trip and having a commitment to your community. I have also had the opportunity to work with Linda in her role as executive officer of Women's Health Loddon Mallee, a role she fulfils very well. Linda was also recognised on Australia Day by the Rotary Club of Bendigo Sandhurst as its ambassador for 2010. I am sure all members of the house join me in wishing Linda and her team a very safe and rewarding expedition. Good luck, Linda. Our thoughts will be with you.

Economy: performance

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government for failing the Victorian economy. The release early last month of CommSec's analysis of the economies of all states and territories revealed that Victoria is competing hard for last place, despite a relative improvement in the national economy in recent months. CommSec put the Victorian economy in sixth place among the eight state and territory economies. This demonstrates that the Victorian economy is not the economic powerhouse that it is being painted as by the Premier and Treasurer. The Australian Capital Territory, Western Australia, Tasmania, South Australia and Queensland are all performing better than is Victoria.

On the basis of CommSec's analysis, the Premier and Treasurer should be more cautious in their comments about the strength of the Victorian economy, as there is much to be cautious about. The analysis also shows the Victorian economy, more than for any other state, is greatly dependent on the performance of the housing market and construction, making our economy more vulnerable to what historically can be a very volatile sector.

There is a growing imbalance in the Victorian economy that is of great concern, but the Premier and Treasurer seem to be ignoring it at their peril. It is also evident

that the weak recovery in manufacturing has stalled and may now have gone into reverse; our key education sector may be about to undergo a substantial contraction as overseas student enrolments appear to be suffering a huge fall this year. These are vital areas and play key roles in a balanced economy and a balanced recovery.

Dr Hugh Millar

Mr HELPER (Minister for Agriculture) — I congratulate Dr Hugh Millar, Victoria's chief veterinary officer, on being awarded the Public Service Medal in this year's Australia Day honours list. His award recognises the leading role he played in the national response to the equine influenza (EI) emergency between August 2007 and March 2008. In managing to keep Victoria free from equine influenza, Dr Millar effectively protected the 2007 Victorian Spring Racing Carnival and contributed greatly to preventing EI from becoming an endemic disease in Australia.

His experience contributed significantly to Australia regaining its EI-free status by the end of 2008. Whilst his Public Service Medal recognises this work in particular, I should say that Hugh's experience and leadership qualities have been acquired over a long career in public service. Graduating with honours from the University of Melbourne in 1976, he has over 30 years experience in veterinary practice and managing animal health and quarantine programs.

He is a valued member of many national committees tasked with animal health and emergency disease responses. He was recently appointed as executive director of Biosecurity Victoria in the Department of Primary Industries — an important role and testament to his capabilities. I know that I, many members of this house and my predecessors as Minister for Agriculture have valued having Hugh to lead the response to animal disease detections and biosecurity incidents.

Sturt Highway: passing lanes

Mr CRISP (Mildura) — The Sturt Highway west of Mildura is part of both the interstate road freight network and the interstate tourist route for both buses and caravans. As the amount of freight increases and, I hope, domestic tourism grows, there is a need for passing lanes on the Sturt Highway. The Mallee country is undulating, not flat, and safe passing of traffic can be difficult. Therefore I urge the Minister for Roads and Ports to fund the construction of passing lanes on this busy highway.

Planning: rural city of Mildura

Mr CRISP — The Minister for Planning imposed C58 on Mildura in the middle of last year, causing considerable hardship to many home builders. The Mildura Rural City Council responded to C58 with a planning proposal that has been referred to a ministerial task force. It is my understanding that the task force was to complete its work by Christmas. It is now February, but there has been no word on its progress. This whole affair has drained confidence from people in Mildura. The minister needs to conclude this sorry saga as soon as possible and let those whose lives have been shattered by C58 put their futures back together again.

Fruit fly: control

Mr CRISP — While the Minister for Agriculture is in the house I mention that a fruit fly outbreak has occurred in Mildura and that the cost of that outbreak has been very high for growers and the state. I urge the minister to look at how it happened and what can be done going forward to protect our growers and the state from the high expenses involved in cleaning up a very difficult fruit fly outbreak. I also urge the minister to try and trace the cause of the outbreak so that a solution that will avoid that problem in the future can be implemented.

Cricket: women's Twenty20 title

Mrs MADDIGAN (Essendon) — I would like to congratulate the Victorian women's cricket team on winning the Australian Twenty20 championship a couple of weeks ago — a great effort — and also being runners up in the one-day competition last Saturday. It was robbed by New South Wales, but Victoria will fix that up next year. The Victorian Women's Cricket Association is very strong, and we can expect great things from it in the future.

Betty Wilson

Mrs MADDIGAN — Still on the subject of women's cricket, I would like to pay tribute to a very famous female cricketer — sometimes referred to as a female Don Bradman — who died on 22 January, aged 88. Elizabeth Rebecca Wilson, better known as Betty Wilson, was an extremely famous female cricketer and achieved great things in her early years. She was in fact the first test player, male or female, to score a century and take 10 wickets, which included a hat trick, in the one match — not a bad effort for anyone!

In 1985 she was the first woman to be inducted into the Sport Australia Hall of Fame and in the same year the women's under-21 cricket championship was named the Betty Wilson Shield.

I met Betty at a number of women's cricket functions; she was a real character. Right up until just before Christmas she was very strong. She knew she was dying and had to go into hospital, but insisted on staying out of hospital for the Boxing Day test. She managed to see that, went into hospital the next day and died some days later.

Box Hill Hospital: funding

Ms WOOLDRIDGE (Doncaster) — I rise to condemn the Brumby government for breaking the hearts of the people of the eastern suburbs who need and want Box Hill Hospital to be fully redeveloped.

The government's long-awaited announcement of a redevelopment was made just before Christmas, but it turned out to be Scrooge in the guise of Santa. Four long years ago, before the last election, Labor promised eastern suburbs residents a new Box Hill Hospital; estimates of the full redevelopment totalled between \$850 million and \$1 billion.

Robert Chong, the former mayor of Whitehorse and twice ALP candidate for Box Hill, is quoted as saying in 2008:

Box Hill is a rabbit warren ... It doesn't matter how you try to organise it, as it stands it just can't cope.

This mean government announced \$407 million in funding, which will result in half a hospital being rebuilt and the rest getting a coat of paint. The rabbit warren will remain. The Brumby government has ignored the pleas of a thousand residents who petitioned Parliament seeking a full upgrade.

We have all watched as waiting times in the emergency department and on elective surgery lists at Box Hill Hospital have worsened, with the ageing facility failing to meet seven of the government's own benchmarks.

Eastern suburbs residents can rightly feel they have been short-changed over their health facilities. The government must do better in its delivery of health care for the people of Doncaster, Manningham and the eastern suburbs as a whole.

Professor Patrick McGorry

Ms WOOLDRIDGE — I wish to congratulate Professor Patrick McGorry for being recognised as Australian of the Year. It is a well-deserved award and

one which I hope will encourage the state government to focus on young people and their mental health.

Australia Day: Yuroke electorate

Ms BEATTIE (Yuroke) — I rise today to speak about Hume council's Australia Day awards which took place in my electorate on Australia Day. As members will be aware, I am always delighted to report on the achievements of Victorians in Yuroke and was very pleased to learn of their achievements during the past year.

Hume's Citizen of the Year was Gwen Wilson, who has lived in Yuroke for 50 years. Gwen was recognised for her charitable and community endeavours including the establishment of the first kindergarten in the Westmeadows neighbourhood. She was the first Westmeadows District Commissioner for the Girl Guides and has also been a member of the Terminate Tulla Toxic Dump Action Group. As members would know, we have closed that dump. Gwen also headed the Mayoress Charity Committee. She has demonstrated a long-term commitment to community participation and is a fine example for all residents of Victoria.

Hume's Community Event of the Year Award went to Refugee Week, which over the years has grown into a very popular event that promotes unity, understanding and acceptance of cultural diversity. Yuroke is a shining example of Victoria's world-famous multiculturalism, and the efforts of community members to promote and foster harmony and understanding are to be recognised and commended. There is no better way to celebrate Australia Day than by recognising these community members.

Racing: jumps events

Dr NAPHTHINE (South-West Coast) — Congratulations to Racing Victoria for providing a common-sense and positive way forward for jumps racing in Victoria. Many thanks to Mike Symons, Rodney Rae, Marg Lucas and many other jumps stakeholders for their efforts in producing a viable blueprint for the future of Victorian jumps racing. I am sure the industry will respond positively to the challenges of the very demanding key performance indicators. This decision will save hundreds of jobs and provide new opportunities for many horses.

I now call on Racing Victoria and the Minister for Racing to lift the crippling requirements imposed on many smaller community-based picnic racing clubs. Racing Victoria has demanded that these very small country clubs have \$20 000 in the bank and generate

over \$10 000 in race day admission fees. These requirements are harsh, unfair and unnecessary and will only serve to put these historic community-based rural racing clubs and their once-a-year race days at risk.

Russell Adams from the Tambo Valley Racing Club has emailed:

... the Tambo Valley Racing Club, the Omeo and District Racing Club and the Canni Creek Racing Club (Buchan) will almost certainly cease to exist after three years —

under these harsh conditions.

These clubs argue that their funds are better spent in the local community and not held in a bank account to satisfy the requirements of Racing Victoria and the Brumby Labor government. It is also very difficult for these towns of only a few hundred people to get over 1000 people to the racetrack to generate a \$10 000 gate. These community picnic clubs deserve a fair go from Racing Victoria and the Minister for Racing.

Barry Henwood

Ms MARSHALL (Forest Hill) — I am proud to bring to the attention of the house news of an accolade bestowed upon local Forest Hill businessman Barry Henwood, who was named Nillumbik Shire Council's Citizen of the Year for 2010.

Barry and his wife, Janice, have owned and operated the Blackburn South newsagency for the last six years. I have had the absolute pleasure of knowing Barry during this time and believe him to be most deserving of this award.

Barry is a pillar of both the Forest Hill electorate and the Nillumbik community, having been an integral part of the steering committee to form the Hurstbridge and District Community Branch of the Bendigo Bank, which has been operating since 2002. Since then several other branches have opened in Diamond Creek and Kinglake, and more will open shortly in Eltham and Doreen.

For the past two years Barry has committed himself to the volunteer role of chair on the board of the Hurstbridge branch of the Bendigo Bank. This branch has been responsible for allocating approximately \$600 000 to local community groups, sporting clubs and various other projects during this time. Barry is also currently chairing the committee formed to assist in the development and building of the Diamond Creek community sporting stadium.

One year after the tragic Black Saturday bushfires it is important that the tireless efforts of those reshaping our bushfire-affected communities are recognised.

Congratulations, Barry, on a well-deserved award. We are all very proud of and grateful for your efforts.

Clare Gorton

Ms MARSHALL — I congratulate this year's City of Whitehorse Young Citizen of the Year, Clare Gorton. A student at Vermont Secondary College, Clare volunteers with three charities, founded a World Vision chapter at her school and has produced a film tackling teenage depression. To raise awareness of Africa's child soldiers, Clare organised a day of silence at her school, in which over 200 students took part. On behalf of the Forest Hill community I would like to thank Clare for her service to the local community and her efforts to improve the lives of the most vulnerable.

Country Fire Authority: Glenvale School fundraising

Mrs FYFFE (Evelyn) — This Thursday cheques to the value of \$70 000 will be given to local Country Fire Authority brigades in the Yarra Valley. This money is part of \$200 000 raised by the Glenvale School community through the book *Firestorm*. I congratulate everyone involved in raising the funds and thank them for this extraordinary effort.

Bushfires: recovery

Mrs FYFFE — A year after Black Saturday it is not that easy for survivors. The rest of the world may have moved on, and some survivors are looking ahead, but the reality is that many just cannot. Our help and support is needed just as much today as it was a year ago, but not with the donation of goods, as the warehouses are still overflowing, and not with the donation of funds, as there is still unallocated money in the Victorian Bushfire Relief Fund. Our help and support is needed in just being there, in listening and listening again, in a hug and a smile, and in offering practical help to rebuild fences or to plant a garden.

In our roles as politicians we can help by supporting teachers such as those at the Yarra Glen Primary School, which has 17 students who lost their homes and which also lost a staff member. I commend principal Joe Pacquola for the way he managed the school during the crisis and for how hard he worked to keep a sense of normality for the children, as well as for the excellent leadership he has shown to the wider community. He is a man of great strength and a man of great

understanding, and he has certainly helped not only the young students but their parents and his staff to cope with this period.

Australia Day: Williamstown electorate

Mr NOONAN (Williamstown) — I rise to congratulate three outstanding individuals who were recognised for their service to our local community as part of the recent Australia Day celebrations. The late George James Jamieson, formerly of Newport, was recognised for his 25 years of service to ballroom dancing and to the community. Mr Jamieson was a caring and sharing person, who freely devoted his Sunday nights to teaching others how to dance. His list of achievements and involvements also extended beyond his love of ballroom dancing and into areas such as badminton, the West Newport Uniting Church, the Seaholme Probus Club and the Williamstown Historical Society. I extend to Mr Jamieson's family, including his wife, Betty, my warmest congratulations.

Hobsons Bay Young Citizen of the Year Rick Kiembe Mwamba and Citizen of the Year Jovan Krlevski are also worthy award recipients. Having arrived as a refugee from the Democratic Republic of Congo in 2007, Rick has participated in numerous community initiatives such as the young western leaders summit and the council's emerging communities youth leadership program. Rick is recognised for the resilience, determination and strong leadership qualities which he brings to his school and community life.

Also born overseas was Citizen of the Year Jovan Krlevski, who has been an inspiration to members of the local Macedonian community since he arrived in Australia in 1965. A master fundraiser, Mr Krlevski has organised countless events to help local Macedonian people integrate and familiarise themselves with their community, and he has offered translation services and assisted visiting Macedonian dignitaries during their time in Victoria.

Home insulation: federal program

Mrs VICTORIA (Bayswater) — When the Rudd Government announced it was going to help average Aussies reduce their energy usage and increase the comfort in their homes by providing a rebate on insulation it was hoped that those most in need would be able to access the funding. Instead, several Office of Housing tenants in Bayswater have been left wanting. It seems they are not eligible. Some of them have medical conditions that are adversely affected by extreme heat. I was told that one poor chap even ended up in hospital after the temperature in his unit apparently reached

49 degrees in early January. It seems Labor is the same at the state and federal levels — all it cares about is spin instead of substance.

Arts: government performance

Mrs VICTORIA — The Brumby government has decided to continue down the path of complete disdain for the arts in Victoria by appointing a Minister for the Arts who is rumoured to be retiring at the election in November. If these rumours are in fact true and the ALP thinks it is going to win in November, we will have suffered three uncommitted arts ministers in 12 months. This is a shameful indictment of the Brumby government's long-term strategy for protecting Victoria's title as the arts capital of Australia. The arts are a major contributor to the Victorian economy — an issue which the coalition takes very seriously. Unlike the Brumby government, we value the arts and intend to ensure that Victoria remains the country's creative capital.

Ringwood Community Garden: 30th anniversary

Mrs VICTORIA — Congratulations to Ralph, Helen and all at the Ringwood Community Garden, which just celebrated its 30th anniversary. It is a fantastic place for adults and kids to get back to nature, grow their own delicious vegies and learn more about the environment. Cucumbers never tasted so good!

Country Fire Authority: Warburton station

Ms LOBATO (Gembrook) — I was horrified to learn that last week the opposition had sunk to new depths by striking fear into my Warburton community by politicising the township's vulnerability to fire and fearmongering about Warburton's new fire station. After having lobbied for a new fire station for Warburton I was delighted that in 2006 this government committed \$1.6 million for the construction of a new facility. This money was provided to the Country Fire Authority, and for the last couple of years the CFA, the local community, the Warburton fire brigade and I have been searching for available land on which to build. The current building housing the Warburton fire brigade has for many years served the brigade well and in fact still does. It does, however, have several limitations, and one of those is its physical location in a very busy shopping and tourist precinct, which affects the ability for trucks to exit the station quickly and safely.

Many members of the brigade have worked actively together with me and Lex de Man, general manager of

the CFA's region 13, in identifying several land purchase possibilities. All have proven unsuitable due to the difficult topography, among other limitations. Lex and I were contacted a couple of weeks ago with a suggestion for another potential site, which is currently being investigated.

Sadly, the opposition has sadly chosen to politicise these difficulties by falsely claiming inaction and instilling fear in a community that needs its representatives to work with it instead of using it for political opportunism. The opposition has been informed by the brigade that funds have been allocated, that everything that can be done is being done and that the brigade is totally supported by the CFA, the government and me, yet it chooses to continue to exploit the Warburton community.

Water: government performance

Mr WELLER (Rodney) — The recently released Northern Region Sustainable Water Strategy report admits that the Northern Victoria Irrigation Renewal Project cannot find all of its projected savings. Essentially the report confirms that the Brumby government cannot save 425 billion litres of water through the food bowl modernisation, as it has repeatedly promised to do. On page 117 of the report step 4 allows for a 'greater range of options in rationalisation'. It states:

Where channels are identified for closure and entitlement holders no longer wish to irrigate, they can choose to sell their water shares or, alternatively, can enter a commercial agreement to surrender their water shares, which will be counted towards NVIRP's water savings.

This statement quite clearly shows that John Brumby intends to buy water from northern Victoria to take to Melbourne, despite his repeated promises that Melbourne will not be permitted into the Goulburn-Murray Water irrigation district to buy water. The Brumby government intends to split savings from stage 1 of the food bowl modernisation in one-third equal shares between Melbourne, the environment and the irrigators. Therefore one-third of the water purchased via the means outlined in step 4 on page 117 will be taken to Melbourne.

John Brumby has lied on three counts: prior to 2006 he said there would be no water taken to Melbourne from north of the Great Dividing Range; then he said that 425 billion litres of water would be saved through food bowl modernisation — which it cannot be; and finally, he said that Melbourne would not be allowed to buy water from northern Victoria. Victorians cannot trust John Brumby.

Rail: Westall station

Mr LIM (Clayton) — I rise to congratulate the government and the new Minister for Public Transport, Martin Pakula, on the recent commencement of the upgrade and redevelopment of the Westall railway station in my electorate of Clayton.

On 27 January I joined the new minister in turning the first sod of the project, which includes a major upgrade of Westall station and extra tracks to pave the way for more peak hour services. This project, costing \$153 million, includes improvements to passenger amenities, an additional 83 car parking spaces and the replacement of the pedestrian level crossing with a pedestrian overpass, with lifts and disability compliance access. It will be of great assistance to local residents.

The Dandenong line corridor carries more than 50 000 commuters every weekday. This project will cater for that with the construction of five new stabling yards which will be able to accommodate up to 38 new trains when completed. A third platform will be constructed to improve passenger facilities, safety and accessibility.

One of the major benefits of this project is that passengers who travel from outer suburban stations on the Dandenong line will now be able to take advantage of a less crowded environment, and stations on the line will benefit from the increased frequency and improved reliability of services. Commuters are jubilant because they will now be able to use the Westall line, also Clayton and Huntingdale stations — —

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

Crime: sex offenders

Mr K. SMITH (Bass) — I must say I am appalled at recent events which have seen sex offenders, child rapists and paedophiles roaming the streets of Victoria when they should be behind bars or properly supervised by the authorities. I have also been appalled to see the Department of Justice supporting the suppression orders to keep the public in the dark that were put in place at the whim of these offenders' lawyers, who do not seem to understand that the public does not want these scum of society roaming free.

It seems ludicrous that these offenders wear bracelets, which can be removed, but no tracking devices so that understaffed police can catch them quickly. The Attorney-General has to accept the fact that the director of public prosecutions did not object to the suppression orders. The public and I would like to know where he

stands on this issue and what action he has taken to overcome these problems.

Does the Attorney-General support the scum or does he support the victims of these heinous crimes? The socialist Attorney-General must accept that he has changed the laws to allow this to happen and he has chosen his loony left-wing lawyer mates to sit on every level of the judiciary in this state, which has brought about a lowering of the standards of our legal system, which allows these criminals to roam free against the will of the community.

Australia Day: City of Banyule

Mr LANGDON (Ivanhoe) — On Australia Day I, along with my parliamentary colleagues in the other place Matthew Guy and Nazih Elasmir and councillors Wayne Phillips, Jenny Mulholland, Tom Melican and Steve Briffa, had the honour and privilege of attending the Banyule City Council citizenship ceremony.

As long as I can recall the citizenship ceremonies have never been political, nor has any member or councillor used them to push their own political agendas or policies. They are, and should ever be, above politics. Unfortunately this tradition was shattered on Australia Day when Cr Mulholland decided by herself to push her own political agenda. Cr Mulholland is well known for such stunts, but to do such a thing during an Australia Day citizenship ceremony is beyond the pale.

Cr Mulholland should have more respect for our country and those attending the ceremony than to use such an event to push her political barrow. I believe that in handing out her personal business card and a council badge to every new citizen she was acting against the spirit of the occasion.

I can advise the house that I have written to both the federal immigration minister and the state local government minister to determine whether any codes of conduct were breached.

Midsumma Festival

Mr FOLEY (Albert Park) — I rise to acknowledge the success of this year's Midsumma Festival, which celebrates gay, lesbian, bisexual, transgender and intersex diversity in this state. I particularly look forward to the successful conclusion of the Pride march.

The ACTING SPEAKER (Ms Munt) — Order! The time for members statements has expired.

ACCIDENT COMPENSATION AMENDMENT BILL

Second reading

Debate resumed from 10 December 2009; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to lead the debate for the coalition on the Accident Compensation Amendment Bill 2009. I state from the outset that we will not be opposing this bill for the following reasons.

The government requested Peter Hanks, QC, to conduct a review of the Accident Compensation Act. He produced a report in August 2008. The very first recommendation that he made is contained in *Accident Compensation Act Review — a Guide* under the heading ‘Improving understanding and clarity of the legislation’.

At 1.1 of the guide he stated:

One of the key frustrations with the current workers’ compensation system is the overly complex legislation that sets out the rules that govern the scheme. Two significant features of the legislation make it particularly difficult to understand and use: the many amendments to the legislation and the absence of a hierarchy of scheme legislation.

The key recommendation he made, which the government organised for him to submit, is at 1.2 of this document:

The AC act has been amended on 80 occasions and now prescribes a series of separate accident compensation schemes for different periods since 1985, which operate from a variety of dates. This makes the AC act quite difficult to navigate, particularly for those who are unfamiliar with the history of the legislation.

At 1.3 Peter Hanks went on to say:

There is an overwhelming case for rewriting the AC act and the ACWI act, with the objective of developing legislation that is arranged in a logical, intelligible and functional structure and that eliminates obsolete or contradictory provisions.

This is a clear message from the man the government charged with reviewing the Accident Compensation Act. His first and most important recommendation was to rewrite the act.

What has the government done? It has completely ignored the very first and most important recommendation and instead has put to the house 350 pages of amendments to be added to a principal act of 677 pages. Something is very wrong with what the

government set out to do and what the end result was. It is not very good at delivering outcomes.

The coalition makes this very clear commitment today: if we win office in November 2010, this year, we will set out to rewrite the Accident Compensation Act. We will rewrite that legislation. Is it not disappointing that the government could not even accept its own review’s recommendation no. 1? I need to reread that recommendation:

1.3 There is an overwhelming case for rewriting —

This is not our recommendation, it is Peter Hanks’s. He says:

There is an overwhelming case for rewriting the AC act and the ACWI act, with the objective of developing legislation that is arranged in a logical, intelligible and functional structure and that eliminates obsolete or contradictory provisions.

And the coalition agrees. We will rewrite that act because we agree with Peter Hanks: there are contradictions, parts that are obsolete and many parts that are confusing. Let us go to the main provisions of the bill.

One, the bill doubles the period for which a worker or deceased worker’s dependants may receive weekly payments of compensation that take account of pre-injury overtime and shift allowances from 26 weeks to 52 weeks. Two, it extends the WorkCover scheme to cover councillors at local government by deeming them to be employees of their council for the purpose of the act, and that comes into line with the provisions for members of Parliament, who are also covered by the Accident Compensation Amendment Bill. Three, it clarifies stress exclusion provisions by expanding and defining the types of management actions that may activate the exclusion. Four, it reduces compensation payments where the injury was caused by the worker driving in the workplace while intoxicated by alcohol or other drugs. Five, it allows claims for compensation in the form of weekly benefits to be made prior to the obtaining of a medical certificate and provides for a claim to remain valid despite material defects, omissions or irregularities relating to the information with the knowledge of the employer or the VWA (Victorian WorkCover Authority).

Six, the bill introduces antidiscrimination provisions mirroring those recently introduced into the Occupational Health and Safety Act 2004 to create the offence of engaging in discrimination for a prohibited reason against an employee who has lodged a claim. This provision allows for the imposition of both criminal and/or civil penalties. Unlike the Occupational

Health and Safety Act, this provision contains a cap on damages similar to the one the coalition sought to have inserted in the Occupational Health and Safety Act. Seven, it increases the proportion of pre-injury earnings that workers may receive in compensation from 75 per cent of PIAWE (pre-injury average weekly earnings) to 80 per cent, and increases the cap on weekly compensation payments between \$903 and \$1130 per week to twice the state average weekly earnings of \$1740.

Eight, the bill provides for workers who have received 52 weeks of compensation payments to also receive compensation in the form of superannuation contributions pursuant to the commonwealth Superannuation Guarantee (Administration) Act 1992, calculated as a percentage of their weekly compensation payments for as long as they continue to receive weekly payments. Nine, it introduces an entitlement of up to 13 weeks of weekly payments for injured workers who have returned to work and ceased receiving compensation but who require time off for subsequent surgery arising from their injury. Ten, it removes the obligation on workers who are entitled to ongoing compensation beyond the second entitlement period to make reasonable effort to return to work. Eleven, it increases the maximum compensation for non-economic loss from \$355 650 to \$503 000 and applies annual CPI (consumer price index) adjustments.

I would like now to move to the issues that we have with this bill so we can address them. As I mentioned at the outset, the bill is the government's legislative response to the review of the Accident Compensation Act by Peter Hanks. However, as I said, it ignores the first recommendation of a rewrite of the act in a logical and simplified format. Instead, it introduces 350 pages of amendments to 677 pages of the principal act. It hardly sets the bar high when it comes to simplifying and making the bill logical when you add another 350 pages of amendments. That just does not make any sense. But perhaps when the minister wraps up the debate on the bill he could make some comment on that.

The next issue we have is that under clause 40 the bill excludes annual leave and redundancy/severance payments from the calculation of current weekly earnings. This will allow claimants to receive WorkCover benefits while also receiving annual leave or redundancy/severance payments, and in the case where a worker has returned to work and then takes annual leave it can result in an increased premium for the employer. We are particularly keen to make sure that the minister can clarify that point, because to an outsider it does not look quite right that under clause 40

the claimant is able to receive WorkCover benefits whilst receiving annual leave at the same time. If there is further work to be done on that particular clause, we would appreciate clarification on that point.

While the government claims that the cost of the increased benefits can be delivered within the current break-up or break-even premium, there is considerable doubt — especially in the industry — whether this will be the case beyond 2010. There is a suggestion of upward pressure on premiums to maintain the viability of the scheme. If the government is saying the premiums will be around about what they are now in the foreseeable future, we accept that, but if there are going to be increases, I think the industry needs to be aware of that.

Deeming councillors to be employees of their councils creates uncertainty and conflict. That is according to some of the feedback the coalition is receiving. Firstly, with respect to defining the scope of coverage — injury arising in the course of employment — and secondly with respect to the councillors' obligation to provide a return-to-work opportunity, the latter is fundamentally at odds with the prohibition on councillors being employed by the councils to which they are elected.

The next issue we have is that there are massive increases in penalties, by a factor of between 5 and 12 times, including for minor paperwork breaches such as failing to lodge forms on time. This will create differential penalties for natural persons and bodies corporate. This would undermine the concept of employees and employers both having responsibility under the WorkCover system. For example, for an offence such as failing to notify WorkCover of a return to work an employer can be fined \$28 000, while a worker can only be fined \$4600, so some penalties for employee offences are reduced or eliminated.

The VWA has long been hostile to employees who are self-insurers or who seek to exit self-insurance or obtain insurance under the Comcare scheme. We had legislation through last year which made a number of changes to the Victorian business and its relationship with the Comcare scheme.

The new fees of up to \$47 570 will impose a substantial disincentive for employers seeking to become or remain self-insurers. There are currently 37 self-insurers in Victoria, including Melbourne Water and the University of Melbourne. It will be interesting to see how those two organisations deal with this legislation.

The suggestion has been made to the coalition that the increase in weekly compensation payments to 80 per cent of PIAWE (pre-injury average weekly earnings) acts as a disincentive to return to work. Previous increases have resulted in a slight decline in return-to-work rates, and Victoria is below the national average. We note that, according to the government, there has been wide consultation, but that is not the view of the industry.

I refer back to the Hanks report. I have mentioned recommendation 1. The other recommendation we noted concerns employer premiums. The key recommendation put forward by Peter Hanks was recommendation 11.3, 'Premium — voluntary higher excess'. The key recommendation states:

The current standard excess for workplace injury insurance is payment of the first 10 days of weekly benefits and the first \$564 of reasonable medical expenses. The excess provides limited incentives for return to work.

Recommendation 11.4 states:

In order to provide employers with a stronger financial incentive to return injured workers to work, a voluntary higher excess is proposed. For example, employers could elect to pay 16 weeks compensation and \$1000 in medical expenses. The higher excess would encourage employers to focus closely on the return to work outcomes of their injured workers while reducing their up-front premium.

But it is disappointing to note that when it comes to the government recommendations, that particular recommendation was not accepted by the government. Perhaps when the minister is concluding the debate we could have an explanation of why that important point, especially with the focus of getting injured workers back to work, was ignored.

When the government released the Hanks report I noticed in its spin, which it is very good at, a press release entitled 'Release of the Accident Compensation Act review report', which explains what Mr Hanks did. It says the review provided recommendations in relation to:

... reducing the regulatory and administrative burden on employers, including through improved alignment with other jurisdictions; and improving the usability of the legislation through the removal of inoperative, irrelevant or superfluous provisions.

We fail to understand how it is that the report has said one thing and the spin and the rhetoric from the government are clearly saying another. The government, instead of rewriting the act, is adding 350 pages of amendments.

On 17 June the Premier put out a press release highlighting the same point. Headed '\$90 million package for injured Victorian workers', the press release spells out the key elements included in the reform package, but then it goes on to say that the package includes:

... less red tape for employers and more support and advice on the calculation of premiums.

Based on what?

The press release continues:

Premier John Brumby said the reforms balance the needs of injured workers while ensuring Victoria's scheme remained the national benchmark when it came to business competitiveness.

'The improvements we are making to Victoria's WorkCover scheme will ensure it remains the best in Australia, offering generous benefits for injured workers without resulting in higher premiums for employers', Mr Brumby said.

As I mentioned earlier, we are very keen for the minister concluding the debate to justify those points, and we will listen with great interest.

The point I am making is that the government cannot employ a person to make recommendations to simplify the act and then ignore that completely and add more red tape and more regulation to the business community. Had the government acted on the first recommendation from Peter Hanks — that is, to rewrite the act to simplify it — then we probably would have been in a position to support this legislation. But the way the government has acted is in high contradiction.

Let us go to the government's response to the Hanks report. The government claims, no. 1, that it supports it. That is utter and total rubbish. As I said, with regard to recommendation 11, employer premiums and the issue of the voluntary higher excess, we do not understand why the government has not picked that up at all.

I was interested to receive an email from the CPSU (Community and Public Sector Union). State secretary Karen Batt put out a press release today saying that the bill was going to be debated today. The press release states:

The Victorian Labor government has introduced regressive legislation in the Parliament making it harder for workers suffering from psychological injuries caused by their employment to be successful with a WorkCover claim, CPSU's state secretary Karen Batt said today.

The legislation due to be debated this week will amend the Accident Compensation Act 1985.

Ms Batt goes on to say:

... in effect, Labor intends to legislate away the right of a worker to claim psychological injury caused by the worker's employment.

The government is attempting to convince the Parliament that the legislation expands benefits to injured workers but overlooks the narrowing of eligibility to claim ... \$90 million increase in benefits — \$130 million cut by narrowing eligibility ... government has played divide and conquer ... It's a frightening fraud.

Karen Batt is claiming that what the government is doing is a frightening fraud. Ms Batt also went on to say:

Labor intends to therefore extend the fault system that was introduced by the Kennett government in 1992.

The recast legislative provision would provide exclusion for the employee from WorkCover benefits if due to: transfer, demotion, discipline, redeployment, retrenchment, dismissal, appraisal, counselling, suspension or standing down, training, investigation, not to award promotion, leave of absence or any benefit in connection with employment to the worker.

Ignoring the psychological welfare of your workforce will not see these issues disappear.

The suggestion by one of Labor's own is that:

The legislation should be redrawn and recast or amended to ensure all injured workers have equal access to improved benefits and are dealt with fairly.

They are interesting comments by one of the unions that is supportive of the Labor government.

In conclusion I make the following points: the government has ignored the Hanks review's first recommendation that it rewrite the act in a logical and simplified format. It has increased the weekly payments from 75 per cent to 80 per cent, and industry has argued that there is some disincentive for people to return to work. There is a concern — and I ask the minister to clarify this point — that the changes will allow for double-dipping by excluding annual leave, redundancy and severance payments from the calculation of current weekly earnings. We believe that will place pressure on premiums.

There is a massive increase in penalties, including for minor non-compliance matters such as failure to lodge forms on time; there is the new up-front fee of \$47 570 to act as a disincentive for employers to become self-insured or as an incentive to stop self-insurance and to instead go to Comcare; and it creates a right of entry to an employer's premises by return-to-work inspectors, who can impose penalties for non-compliance, similar to the rights of the occupational health and safety inspectors.

In conclusion, as I said, we seek the minister's clarification on a number of those points. We do not oppose the bill.

Ms RICHARDSON (Northcote) — I am proud to speak in favour of Labor's latest endeavour to improve the workers compensation scheme in this state. The Accident Compensation Amendment Bill builds on Labor's proud record of ensuring that injured workers are treated fairly under a scheme that is affordable and the envy of other state jurisdictions around Australia.

What we saw from the Liberal opposition today, instead of it embracing these reforms holistically, was a declaration of war on injured workers by announcing under the guise of a rewrite that it will revisit the act and do all it can to bring back into this state the draconian reforms it put in place when it was last in government.

If you are an injured worker or a family member of an injured worker, this bill is precisely the kind of bill you would want to see passed by this Parliament; you would definitely not want to see a return to the kind of scheme injured workers saw prior to 1999 when the former Liberal-Nationals coalition government ripped the guts out of workers compensation in this state. Employers are also loath to entertain such a return to those dark days, because not only were benefits to injured workers slashed and their basic rights abrogated but premiums marched ever upwards while nothing was seriously done to reduce the number of claims made.

For us on this side of the house every claim tells a story — often a sad story about a working family. That is why our focus has always been on reducing the number of injuries in the first instance. There is no doubt that this will have flow-on benefits for the scheme, but for us the overwhelming benefit is to Victorian workers who have always been at the forefront of Labor's efforts in this important area.

Labor's focus has had other important flow-on benefits. In government Labor has delivered \$2.5 billion worth of savings in premiums over the past five years alone. Our state has the second-lowest premium rate while it offers benefits to injured workers in excess of all other states. Let us contrast this with the policy of the former Liberal-Nationals coalition government, which saw premiums and injuries rise, and benefits and basic rights slashed. The changes to the access to common law will always be remembered as symbolic of a dark period in Victoria's history.

Looking at the past performances of the various managers of these schemes is important in this debate, and clearly Labor's past performance has brought important changes before the house. Unlike its opponents, Labor has a commitment to every working family in this state, and its careful and prudent management of this scheme and focus on workplace safety has enabled it to introduce further benefits to injured workers today.

The changes that will be implemented under the bill will deliver over \$90 million of increased benefits to injured workers and their families. I am particularly pleased to note that as an Australian first we will now pay superannuation contributions for every eligible injured worker. This has been done in recognition of the fact that superannuation is a key part of a person's remuneration. For families of deceased workers the lump sum benefit almost doubles to \$484 830, and access to pensions for deceased dependants is also improved.

This bill will provide significant improvements for workers with permanent impairments. Workers who suffer spinal impairments will receive a 10 per cent increase in their no-fault lump sum benefit. Profoundly injured workers will receive a 25 per cent increase in their no-fault lump sum benefit. And workers who suffer a serious psychiatric impairment will be entitled to benefits five times greater than under the current scheme.

Other benefits to injured workers include an increase in the rate of compensation from 75 per cent to 80 per cent of income after they have received 30 weeks compensation and an extension of an injured worker's overtime and shift allowances when calculating the weekly benefit from 26 weeks to 52 weeks. For those injured workers who require surgery post their return to work, further weekly benefits will be paid to assist their recovery. The bill also cuts red tape and simplifies the legislation to improve its usability.

These, among others, are significant improvements that will make a real difference for injured workers in this state. They would not be possible without the prudent management of the scheme under Labor and without Labor's ongoing commitment to every working family in this state. Importantly, too, these changes come without any increase to premiums, because the current premium collection rate is slightly higher than the figure for claims made. This buffer will therefore provide the state with an opportunity to deliver increased benefits to injured workers while continuing to keep premiums at a record low.

These changes follow an extensive consultation process on the work undertaken by Peter Hanks, QC. The Hanks review received over 100 submissions and held over 100 hours of face-to-face meetings with stakeholders. Mr Peter Rose was engaged by the minister to report on the stakeholder meetings, and the stakeholder reference group still provides advice on the return-to-work framework. By any measure this has been a comprehensive and inclusive review of accident compensation.

Mr Peter Hanks, Mr Peter Rose, the minister and all stakeholders are to be congratulated on their commitment to this process and for the excellent outcomes for injured workers. Victoria has the safest workplaces in Australia. However, for the 30 000 workers who are injured every year, these reforms are welcome indeed. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Accident Compensation Amendment Bill 2009. The bill makes a number of changes to WorkCover provisions, entitlements and compensation payments. I am not going to outline all of them because they were outlined in the member for Scoresby's excellent presentation. I would also like to congratulate the shadow minister responsible for WorkCover, Gordon Rich-Phillips, who is in the other place, on the extensive work he did and the consultation that he embarked upon in coming to the coalition's decision on this legislation.

As a former employer, I understand the importance of having a safe workplace for the workers you employ and, just as importantly, for the customers who come into your workplace.

My family had an auto electrical business and a lot of people came in and out of our premises. We had to make sure that we adhered to all the WorkCover guidelines so that our workers, our customers and their families were all protected.

But as shadow Minister for Local Government I would like to concentrate on the impact this legislation will have on councillors. This bill extends the WorkCover scheme to municipal councillors. There are 79 councils in Victoria with about 650 councillors. Currently those councillors are excluded from the WorkCover scheme because they are not employees of their councils. Section 29D of the Local Government Act disqualifies a person from being a councillor if he or she is a member of the council staff of the council for which he or she intends to become a candidate for election. The government will need to look at that section of the act

to make sure that issue is dealt with. The bill deems councillors to be employees of their council only for the purposes of this act, and we are being told that this is the only act that will treat councillors as workers.

The coalition is not opposing this legislation. Councillors have been concerned for a number of years about not being protected under any accident compensation scheme, and as a former councillor I understand the need to make sure that councillors as they go about their business are protected and have some access to accident compensation.

I wrote to the 79 councils in Victoria and local government peak bodies, the MAV (Municipal Association of Victoria) and the VLGA (Victorian Local Governance Association), asking them how this legislation affected councils. I asked them whether they would expect the opposition to support it or whether there were some areas in which the legislation could be improved. I had a number of responses from individual councils and councillors as well as the VLGA. I met with the new chief executive officer of the VLGA, Cr Maree McPherson, and its president, Cr Rose Iser, and they support the Accident Compensation Bill. They told me they had written to all of their councils seeking feedback. In the last few days I also received a letter from them naming 28 councils that support the legislation as well as three councils that had some reservations about the practical implementation of this bill. The MAV advised me that it was supportive, but it also had a number of concerns about the practical implementation of the bill.

VECCI (Victorian Employers Chamber of Commerce and Industry) also wrote to me via email and provided an extract from a letter sent to the Minister for Finance, WorkCover and the Transport Accident Commission, Tim Holding, reflecting VECCI's position. In its letter VECCI states that it accepts the desire of the government to provide protection for elected councillors. It goes on to say:

However, there are significant issues that would arise for the council should they be ... deemed the employer.

VECCI points out that section 29 of the Local Government Act would require the disqualification of a councillor should they accept suitable employment from council. In its letter VECCI goes on to ask the minister to consider the following options which it believes will allay the concerns of all parties. The first option is:

Amend the bill to deem councillors to be workers of the Department of Planning and Community Development —

rather than the council.

The second option is:

In the 2010–11 premiums order exclude the cost of councillor claims from inclusion in the council's premium calculations. Such claims are anticipated to be rare and low in total cost and of insignificant impact on the financial stability of the scheme by an exclusion.

VECCI goes on to say that the Hanks report estimated an annual cost of \$600 000 to \$800 000 per annum.

As I said, councillors having access to accident compensation has been an issue for many years. Some other issues include establishing what are councillor duties. I believe there is going to be some consultation with the government, with the MAV, with the VLGA and, I hope, with all councils and stakeholders in order to come to some agreement and prepare some guidelines and regulations about what council duties are. Having been a councillor myself — and many councillors say they work up to 30 hours a week — I know that many of them have other jobs. They either work for somebody else or they are self-employed. So there is an issue about what a councillor's duty is and what councillor times of employment are.

The other really vexed issue is: what is a councillor's workplace? We need to understand that for councillors the whole municipality, if not Melbourne, if they go to meetings in Melbourne or visit other places in the metropolitan area, is their workplace. If a councillor is working as a councillor, all of those areas become the councillor's workplace. That is why it has taken so many years to find some way of including councillors in a compensation scheme. There are issues around what their time lines are, what their duties are, what hours they work.

Even if a councillor is shopping — and this happens to many of us — someone may come up to them and start talking about council business. Do you then become a councillor because you are responding as a councillor whilst you are utilising social time and shopping for your family? Those issues will have to be looked at and very strong guidelines will be needed so that councillors know when they are protected and when they are not. The issue of what councillor duties are has to be put into legislation.

I hope the government really listens to councillors, because we do not want to see a repeat of what happened with the local government pecuniary interests and conflict of interest provisions where the government enacted legislation but had to come back a couple of times to change it because it did not consult with local government or with the peak bodies. I hope

the government talks to councils and works through the issue of where a councillor's workplace is and the times during which a councillor can expect to be protected.

Another issue that needs to be considered is when a councillor has another employer or is self-employed. We need to look at the ramifications if a councillor is employed in the workplace but is also working on council business. An example is when my husband and I had an auto electrical business while I was shire president. This would also apply if a person was just a councillor. People would come to our business to have their car repaired and would then come into my office and start talking to me about council business. They came in because they knew I was working there at that time. Which hat am I wearing? If something happens to me in the course of my business, am I working for the council? If I fall over and break my leg and need medical treatment, should I claim that expense from my business under WorkCover or am I considered to be a councillor because I might be on council duties?

Another example might be when you are examining a site, perhaps sand hills or a garbage dump, as part of your councillor duties but are actually on work duty somewhere else. In such a case, are you protected? There are some really vexed issues to be addressed.

Another issue is that of a councillor being seen as an employee of the council. This is not normally the case. A councillor is not an employee of the council. This brings up all sorts of challenges, with the chief executive officer being the boss. That has to be worked through as well.

These are not insurmountable challenges, but they really do have to be worked through. I hope the government responds and listens to local government, and makes sure that the regulations and guidelines it brings forward reflect that. The bill will come into effect in July when the guidelines and regulations are to be ready, so that then councillors will be protected under WorkCover.

I urge the government not to see this as an easy fix. In the second-reading speech the government did not even mention that councils are included in WorkCover. It talked about all the other issues about WorkCover — the penalties, the increases and all those other issues — but there was not one mention of local government, including whether local government councillors are deemed to be employees. I think it was just too hard to put into place, and the government did not want too much on the record about what it was putting in the guidelines.

I urge the government to listen to councils, because it is about time councillors had access to an accident compensation scheme. I hope the government listens to local government and provides a proper and appropriate WorkCover scheme for local councillors.

Mr STENSHOLT (Burwood) — I am delighted to rise to support the Accident Compensation Amendment Bill, because this is typical Labor legislation — only a Labor government could deliver such comprehensive legislation as this. I note that the member for Shepparton, as a member of what I call the Liberal coalition, is supporting this bill. As she noted, it is about time that councillors were actually covered by an accident compensation scheme. Yes, it is about time — and Labor is delivering it. It is not a vague promise as would be made by the Liberal coalition, but is something that is actually being delivered.

I support the bill. I have done a lot of work on complementary occupational health and safety legislation, the other side of WorkCover, and the reforms which were introduced in the Parliament earlier, so I have some appreciation of the issues involved here.

Let me say again that this is a Labor bill, one which Labor delivers with an even-handed approach after consulting all players. I am delighted that the member for Scoresby, who spoke on the bill and said he was supporting it, is in the chamber. He was representing Mr Rich-Phillips in the upper house, who is the opposition spokesperson on the Transport Accident Commission and WorkCover. He also said he supports the bill.

I note that in June last year the *Australian Financial Review* reported that:

Premier John Brumby said the reforms struck the right balance between the needs of injured workers and business competitiveness.

That is very much the case. This is a balanced approach — and Labor delivers a balanced approach. We know what the record of the Liberals is in this sort of area. They do not deliver a balanced approach when it comes to workers compensation and occupational health and safety. This is a reform package which supports injured workers in the context of the best WorkCover scheme in Australia. In many ways, it is one of the best in the world.

Again, the *Australian Financial Review*, referring to the Premier, reported:

He believed there would be very few schemes in the world, at a time of pressure on managed schemes and asset values, that would be able to afford to provide these improvements.

Which is what this bill is providing in the response to the Hanks review. The article quotes the Premier:

We have been able to do it because of the prudent way in which [the scheme] has been run ...

That is true. This WorkCover scheme has been run very well by the Victorian government.

Mr Delahunty — Who turned it around?

Mr STENSHOLT — Let me tell you what has happened there.

Mr Delahunty — Who turned it around?

Mr STENSHOLT — It has been turned around by the Victorian government, let me tell the member. We cut it five times: it was cut by 10 per cent, then the next year it was cut by 10 per cent, then the following year by a further 10 per cent, the next year by another 10 per cent and then followed by a further 5 per cent. From memory, I think it is down to 1.37 per cent — but I do not wish to be quoted on that — and it used to be close to 2 per cent, about 1.9 per cent.

The government has been able to do this because of the ongoing very good management of the WorkCover scheme. Indeed, it is the Labor government that has done that. In fact, the Labor government is very good — the way the WorkCover scheme has been run is a hallmark of the Labor government in terms of economic and fiscal management. It is part of providing business with incentives in Victoria. We have done it again, again, again, again and again — that is five times, by the way — in terms of the cuts.

We all remember what members of the Liberal coalition did — they were in coalition then too — when they believed the country was the toenails of Victoria. Toenail Ted seems to think it again.

What did they do? They put up taxes and they cut out one business tax worth \$1 million. We have cut business taxes worth nearly \$5 billion — not \$5 million but \$5 billion, or 5000 times what those opposite did through tax cuts.

We have transformed WorkCover, compared to the Liberals. Members of the Liberal-Nationals coalition — and there are at least three members of that coalition in the house — cannot be trusted to look after jobs for

families. The Liberals cannot be trusted when it comes to ensuring in the best possible ways that workers will come home to their families at night. The coalition cannot be trusted to provide good occupational health and safety for working families. This is part of what this bill does.

If there is a problem, Labor says, 'We will help out'. We are helping out to the tune of \$85 million a year. Who is paying the extra? I know there were a few crocodile tears from opposition members during months of last year, when they said, 'It is going to cost a fortune and employers are going to pay'. The scheme is so well managed these days that it is not going to cost employers any extra. In fact, as I said, the Labor government has cut it five times.

The Liberals cannot be trusted to ensure that we have the best possible accident compensation scheme. We all know what happened in the 1990s. We know about the marathon debates that occurred during the 1990s, when they were out there, decimating the scheme and cutting compensation to workers — cutting them off at the pass in terms of being able to approach the courts. We all know what happened then.

Now they are saying, 'We would do a much better job'. We know what the record is of members of the Liberal Party and the coalition. We know that they cannot deliver this in an even-handed and balanced way. It is only Labor Party members who can deliver on these things in a balanced and fair way, as is evident in this bill.

This is a bill that working Victorians would not expect from Liberal Party members. They would not expect them to deliver as Labor Party members are delivering. The people of Victoria know that the Liberals cannot be trusted to stand up for working families. They have no credibility when it comes to this particular area of accident compensation and indeed the wider aspects of WorkCover in terms of occupational health and safety.

Labor delivers balanced and sound economic and fiscal arrangements while ensuring that working families have confidence in their occupational health and safety system and that they will be looked after in terms of accident compensation, as this bill will do. As has been mentioned already by other speakers, this bill is delivering a reform package. It provides \$85 million worth of increased benefits to injured workers and their families. For example, they will get super payouts.

I note that back in June of last year the *Age* reported:

The opposition said the changes would significantly increase costs, which will be borne by employers.

The employers pay the premiums, but, as has already been mentioned, the premiums are not going up. What is the alternative? Do the Liberals expect workers to pay the premiums for this? I think that that is probably what they have expected sometimes in the past — that they would just take away the benefits that the workers have and expect the workers to pay.

Only Labor can deliver balanced and sound programs like this one. Working families have confidence in Labor to deliver on these sorts of aspects — not in the Liberals, who tend to govern for the big end of town. Working families have confidence in Labor to protect working rights, family time and workplace safety when it comes to what are the best arrangements for workers.

This is a program which delivers for injured workers who suffer permanent impairment. The package provides increases in terms of no-fault lump sum benefits, a 25 per cent increase in the maximum impairment benefit and a fivefold increase in benefits awarded to workers who suffer a serious psychiatric impairment. For those who receive weekly payments, the package makes a change in the rate of compensation from 75 per cent to 80 per cent and there is a superannuation payment, which I have already mentioned. This was actually mentioned in the *Age*.

I refer to what Mr Hanks said, as reported by Thomson Reuters in the *Workers Compensation Report*:

The \$90 million the government had committed to the changes could be seen as a 'dividend for workers' after employers had five years of successive premium reductions. He was particularly pleased the government had increased weekly benefits and included super in weekly compensation. He said the changes were a 'courageous' move for the government in trying times.

This government has vision; it looks after the workers. Under WorkCover, Labor delivers balanced arrangements for accident compensation and occupational health and safety. It paid attention — as was evident in the consultation process — by talking to a whole lot of people, making sure that the concerns of business and workers were listened to, and by coming up with a fair and balanced scheme in this bill. This is great Labor legislation. It delivers for Victoria. It delivers for working families, and I am proud to stand here and support it.

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

Mr Wells — On a point of order, Acting Speaker, the briefing on this bill was yesterday morning. When

was the opposition going to receive notification of and a briefing on the amendments?

The ACTING SPEAKER (Mr Ingram) — Order! That is not a point of order; it is a point of discussion.

Mrs VICTORIA (Bayswater) — Amendments have just been circulated in the house, which I cannot speak to because I am on my feet and do not have time to read them; I have no idea what they say. This is just another example of the sloppy and tardy actions of this government. It had plenty of opportunity at the briefing yesterday to produce amendments, but now it has thrust them mid-debate into the hands of the opposition. As I said, that is indicative of the way it does business.

The Accident Compensation Amendment Bill 2009 has many provisions. I will go through some of them and then talk more about what is happening in my electorate and why I think some of the provisions in this proposed legislation need to be looked at. Perhaps my concerns are addressed in the circulated amendments, but who would know?

The bill doubles from 26 to 52 weeks the period for which a worker or a deceased worker's dependents may receive weekly payments of compensation that take account of pre-injury overtime and allowances for shift work. It allows local government councillors to be deemed as employees of their council for the purpose of giving them access to WorkCover. This provision creates some very muddy waters, but I will come back to that in a moment. It defines more clearly the stress exclusion provisions. It reduces compensation payments where the injury was caused by the worker driving to the workplace while intoxicated by drugs or alcohol.

The bill introduces antidiscrimination provisions to create an offence of engaging in discriminatory behaviour against an employee who has lodged a claim. This particular provision allows for the imposition of both criminal and/or civil penalties. I am not quite sure why the government saw fit to include a cap on damages — though it is a welcome inclusion — because it dismissed our advice to do exactly the same thing when we debated passage of the Occupational Health and Safety Act.

The legislation increases the cap on weekly compensation payments from between \$903 and \$1130 per week to the weekly earning average for the state of \$1740. It allows a common-law serious injury claim to continue, notwithstanding the death of the injured worker, provided a dependent remains. It creates an explicit right for an employer to sue a premium adviser

where through the negligence of that adviser — and I know that a lot of people pay a lot of money for those advisers and put their faith in them — the employer has had to pay a default penalty or late payment penalty as the result of somebody else's actions.

The bill increases a large range of financial penalties and introduces custodial penalties for offences under the act. It also introduces a distinction between natural persons and bodies corporate, which is quite logical. It introduces adverse publicity orders as well.

One of the provisions I particularly want to talk about is the reduction in penalties for workers failing to meet their return-to-work obligations. Cessation of weekly compensation payments will be replaced with warning notices as the first stage. I want to tell the house about a medium-sized company in my electorate which has well over 100 workers but is certainly not large. The owners have built the company up from scratch, but it has been hit pretty hard by compensation claims. I was speaking to the employer recently, and he said, 'I have no problems in paying out on legitimate claims. Workers are entitled to a safety net there, but there is a big difference between legitimate and sham claims'.

This point is particularly pertinent to the section of the bill I was talking about. That employer's concern involves an overweight employee with back problems who was forced to stop working because of those problems. The injuries were not obtained on the job, yet the employee was fine to sit in front of poker machines and all that sort of thing. As part of the return-to-work obligations, the employee was retrained four or five times but continually said — and the wording is important here — 'No, I do not want to do that', not 'I cannot do that'.

That employer is having problems because the company has to continue to pay compensation but the worker's decision is to not want to work. The provision in this bill to reduce the penalties for workers who fail to meet their return-to-work obligations has some serious implications for that local company. I note that in his contribution to this debate the member for Burwood quoted from an edition of the *Australian Financial Review* of last year in which it was said this bill strikes the right balance. For this particular employer it certainly does not strike the right balance.

The bill is in response to what is known as the Hanks review, which is a review of the Accident Compensation Act by Peter Hanks, QC. His very first recommendation is that there be a full rewrite of the act, but for whatever reason the government decided that was just not on. Instead of rewriting the act and making

things more open, more transparent and easier for employers, the government has brought in 350 pages of amendments to a 677-page act. It is absolutely ridiculous. The act is not well worded, it is antiquated and it should have been rewritten. A coalition government will rewrite the act and make it much easier for everybody, whether employers or employees, to understand.

I want to go back to one of the points I spoke about earlier — that is, allowing councillors to be deemed employees for the sake of claiming WorkCover compensation — which I said muddies the waters. I have a couple of real problems with this. As my colleague the shadow minister in this area said, if councillors are now deemed to be employees of a council, what are the council's obligations to provide return-to-work opportunities? Either they are councillors and can perform their duties or they are not. The council cannot exactly give a councillor a desk job, because that is contrary to what is allowed in local government. Can councillors be employed by the municipality to which they are elected? If they cannot be employed by that municipality and yet that municipality is expected to give them a return-to-work opportunity not as a councillor, does that not just confuse the whole issue? I am hoping that the amendments that were thrust at us in the last 10 minutes address and clarify that issue.

There is no doubt that the bill makes the existing act more complex. It imposes additional costs and is not what the Hanks review suggests. As I said, the suggestion was for a total rewrite. A coalition government will do a full rewrite of the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act and put them into plain language. We will make them easy to understand, and that will reduce administrative costs without changing benefits.

I assume all MPs received an email from the CPSU (Community and Public Sector Union) this morning. I am not used to quoting unions, but if the CPSU state secretary, Karen Batt, says this is regressive legislation, I am happy to listen. Some of it is good, but some of it needs tweaking, and I hope those tweaks are contained in the amendments we were given. I will not be opposing this piece of legislation, but as I said, there has been sloppy rewriting or it has not been rewritten, as the case may be, and to have amendments given to us at effectively 5 minutes to midnight is ridiculous. The government needs to get its house in order when it comes to proposing legislation in this house and give us a fair chance to consider whatever it wants to introduce as legislation. It is very difficult to stand up here and

debate if you do not know what you are debating. I have no idea what is in the amendments, but I hope they clarify some of the points I have brought up.

Mr NOONAN (Williamstown) — I rise to speak in support of the Accident Compensation Amendment Bill 2009. I have listened with interest to a number of the coalition speakers who have committed to rewriting the act. I suppose the questions then become what will remain of the act once it is rewritten and what will happen to the entitlements of injured workers through that rewriting process? Those questions will remain in the air until the coalition puts some meat on the bones with its commitment.

The most fundamental expectation of any worker in the state of Victoria is to work in a safe and risk-free environment. In the 2008–09 period 27 workers tragically lost their lives on the job, and a further 72 sustained life-threatening injuries. We all know these losses are devastating for the victims' families, work colleagues, friends and employers. Sadly, many workers who sustain life-threatening or serious injuries never return to work and never enjoy the quality of life they once had. We understand that this is also crushing for them and affects their self-esteem, self-worth and self-confidence.

The upside is that WorkSafe's 2009 annual report indicates that the incidence of injury and disease in Victorian workplaces is once again the lowest on record. The report backs that up by saying that claims per 1000 workers reduced from 11.8 to 10.8. Sadly, though, as I mentioned, the number of deaths in Victorian workplaces rose to 27 compared with the historic low of 16 set in 2007–08. This is a clear reminder to us all that maintaining and improving workplace safety standards needs to be a priority in every workplace environment across the state.

Victoria proudly remains the safest state in Australia. WorkSafe, together with workers, employers, trade unions and their members, and the community must take the credit for the changing attitudes and behaviours in most Victorian workplaces. The use of social marketing campaigns such as the homecomings advertisements on television are now making people think twice about safety at work. This awareness has been supported by grassroots activity, including significantly increased compliance and enforcement work, industry engagement, production of educational materials, development of codes of practice across various industries and the general improvement of occupational health and safety practices in the workplace, often supported by the health and safety representatives and the committees they sit on. As a

measure of how far we have advanced in the area of health and safety, workers are now able to obtain a free and confidential health check in their workplaces under a Brumby Labor government initiative. I have seen firsthand that this program works wonderfully well, and I believe it is the first of its kind anywhere in the world.

For all of this, the number of injury and illness claims in Victoria over the last financial year topped 28 000. Unfortunately, as we have come to realise, people will get hurt at work, and it is vital that injured workers continue to have access to the most comprehensive support in Victoria. In December 2007 the WorkCover minister announced that there would be an independent review of the Accident Compensation Act with the aim of ensuring that an appropriate level of support for injured workers in this state continues. The balancing act in this review was always going to be between finding ways to improve benefits and establishing better return-to-work arrangements whilst maintaining low premiums for employers. On that point the Brumby government can be very proud, having over the last five consecutive years delivered successive cuts to employer premiums with cumulative savings of over \$2 billion, an inconvenient fact that was left out of the member for Scoresby's contribution.

Peter Hanks, QC, conducted the review in 2008. He consulted very widely with interested stakeholders. As I understand it there were over 100 submissions to that review and 100 hours of face-to-face consultation with stakeholders. He also had at his side a stakeholder reference group consisting of representatives from trade unions, employer and industry groups, insurers, the legal profession and the chief medical association. At the conclusion of that review there was a final report containing 151 recommendations. The government's response, as has been noted by other speakers, came in June 2009 with the announcement of a \$90 million reform package, the most significant set of statutory benefit enhancements to be delivered to Victorian workers since Labor was elected in 1999.

The package is tailored particularly to give the greatest support to the most vulnerable in the community: the long-term injured, the most severely injured and the dependants of deceased workers. The package also has a strong focus on getting injured workers back to work by providing appropriate levels of support. Importantly the package is designed to offer generous benefits to injured workers without resulting in higher premiums for their employers. Key elements of the package include a \$20 million per year contribution to fund the introduction of a superannuation component to weekly compensation payments for long-term injured workers

who lodge claims in the future. As the minister proudly stated in the second-reading speech of this bill:

... Victoria will be the first jurisdiction in Australia to provide compensation in the form of superannuation for long-term injured workers.

What a wonderful advancement that is for injured workers and their families and what a wonderful recognition of the value of superannuation.

I suspect very strongly that Victoria will lead the way in this important benefit, with other accident compensation schemes in other states following suit. The superannuation payments in Victoria will be received by eligible workers who continue to receive payments after 52 weeks and will be set at the commonwealth Superannuation Act level of 9 per cent of gross earnings.

The package also sees a massive jump in the lump sum death benefits. In fact the payment will almost double from its current level, making it the highest lump sum benefit payment of any Australian jurisdiction for the dependants of deceased workers. The dollar value of the benefit will increase from \$265 000 to \$484 000. The package also contains \$20 million in increased weekly benefits for injured workers, and that substantial contribution will be delivered by increasing weekly benefits from 75 to 80 per cent of pre-injury earnings for all workers, including those already in the system, with a weekly payment entitlement after 13 weeks.

Importantly, the reform package doubles the length of time that overtime and shift allowances may be included in the calculation of pre-injury earnings from 26 to 52 weeks. This is a significant improvement for those workers who derive a great slice of their income through shift allowances or overtime.

Other benefits to be delivered as part of the package include an increase to the maximum weekly payment that is available to injured workers, which will double to Victorian average weekly earnings, an increase of nearly 45 per cent; the highest maximum impairment benefit of any Australian jurisdiction, going from \$396 000 to \$484 000; improved impairment benefits for the most serious psychiatric-based injuries, up from \$13 230 to \$66 120; an increase of 10 per cent to impairment benefits for workers with spinal injuries; and a capacity for injured workers to retain any redundancy and severance payments without affecting their weekly compensation payments.

As important as these benefits are, the accident compensation scheme has also been shifting the focus more and more towards getting injured workers back

on the job. For what it is worth, I think this is very much the right focus. I can speak with a degree of confidence and experience in this matter as I have worked in a professional environment with workers who have experienced accidents on the job. The physical injury and recovery is just one component. The negative impact on the individual's confidence and self-esteem is always the unexpected component of that injury. Much of that relates to the fact that for the vast majority, work provides a strong sense of self-worth, and helps people form friendships and experience positive relationships. When that is gone or taken away unexpectedly, it becomes a double blow for an injured worker.

This bill has a focus on getting injured workers rehabilitated and back on the job. That focus is more about results and less about process. The bill will build on the approach that has been adopted by WorkSafe Victoria over recent years.

The bill has a number of components which are designed to assist workers get back on the job, and it provides greater powers to the return-to-work inspectors. One of these powers is the provision of improvement notices, which would not be unfamiliar to health and safety reps who have used the provision of improvement notices in the past. This will be a very positive enhancement.

In conclusion, I congratulate those who were involved in reviewing the existing scheme. I am sure it was not an easy task, and I appreciate that you cannot deliver to everyone in this process. I congratulate the Minister for Finance, WorkCover and the Transport Accident Commission for introducing this bill into the house and continuing to provide the most comprehensive support to injured workers in Australia.

Mr WELLER (Rodney) — I rise tonight to speak on the Accident Compensation Amendment Bill. I am very disappointed that the government has not shown the opposition the respect of getting the amendments to us in a timely manner. There was a briefing yesterday where these amendments were not presented. Tonight we were some 50 minutes into the debate when the amendments were first given to the opposition. I think that shows that the government has no respect for the parliamentary process. It should not happen again. The government has got tired and sloppy. It is an absolute disgrace that the opposition was not given these amendments until 50 minutes into the debate.

When it comes to the Accident Compensation Amendment Bill and to safety in the workplace, everyone agrees that safety in the workplace is

paramount. I agree with the member for Williamstown that prevention is far better than cure. For members on the government side to be getting into the opposition, saying that we do not understand, shows the lack of knowledge that they have. The member for Burwood made that comment.

What must be remembered is that I actually am an employer. In previous endeavours I have been the leader of the Victorian Farmers Federation, and there is what we call Farmsafe, which is a partnership between the Victorian Farmers Federation and WorkCover Victoria. Our aim was to reduce the number of accidents and workplace incidents on farms. It is very simple: the better protection you have on a farm and the safer it is, the more productive your workers will be.

No employer wants to have down time where people are off work injured and put through all those things. We have to remember that on the farm the farmer — the owner — is often in the workplace and so is his family. It is paramount that we have safety there. To suggest that people on this side of the Parliament do not understand and do not think that safety in the workplace is important is quite unfair of the member for Burwood. The member for Williamstown is here, and I have worked with his father on safety on roads of milk tankers at the Murray Goulburn factory at Rochester.

The bill is a very wide-ranging bill. There are a lot of issues in it. As has been stated, the original act is some 677 pages, and there are 353 pages of amendments in this bill. The bill ignores the process of Peter Hanks, QC, who went through a process with a committee and quite rightly had a proper review. The member for Northcote quoted the Hanks review report. She said what a great thing it was and spoke about it in glowing terms. The problem we have is that the government has ignored the first point that the Hanks review made, which was that there should be a total rewrite of the Accident Compensation Act and that it should be rewritten in a logical and simplified format so that everyone can understand it.

The act has had some 80 amendments made to it, so it is now very confusing. There are different formats in the act, which makes it hard for people to follow it. The government should have followed Peter Hanks's first recommendation. The coalition when in government will undertake a full rewrite and consolidation of the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 in logical, plain language to reduce complexity and administrative cost while maintaining benefits at their current levels. That is out there as a commitment from the coalition.

Mr Noonan — Everything?

Mr WELLER — At current levels.

What we must also remember is that this bill talks about local government. The member for Shepparton made the quite valid point that if you want to be a councillor, you cannot be an employee of that council. This bill states that councillors will be treated as employees. Again this bill conflicts with other bills, and that needs to be clarified. We cannot have councillors being employees of the council, because we would have a conflict, but this bill says that they will be.

If members read the clause referring to this, it says it would be a very difficult area to manage because councillors have a very varied and wide-ranging role. Defining whether or not they are on council duty will be an interesting process to go through when we have some claims. That will be a challenge which hopefully does not but could well end up in the courts.

Other provisions in the bill double the period for which a worker or a deceased worker's dependents may receive weekly payments of compensation from 26 to 52 weeks, extend the WorkCover scheme to councillors, clarify the stress exclusion provision by expanding and defining the types of management accidents that may activate exclusion, and reduce compensation payments where injury was caused by a worker driving in the workplace while intoxicated by alcohol or other drugs.

I am pleased that in a lot of workplaces drivers are alcohol tested — I know in the trucking industry they are tested before they get in their trucks — and this is a far better thing than giving them compensation because there has been a very unfortunate incident. For an employer, prevention is far better than cure; so we should be focusing on prevention. For people to say that employers are not interested is not quite right.

The bill also enshrines in legislation application for renewal of 0.033 per cent of payroll up to \$47 500 for employers seeking to become self-insurers and provides for this to be CPI-indexed. I think that is a positive thing. If people are self-insurers, this encourages them to be better performers; this is a practical way forward. The bill prohibits partnerships from being self-insurers, and I must ask why. They are quite often present in the farming industry; why would they not have that as an option?

The bill also creates a right of entry for return-to-work inspectors. It allows inspectors to issue return-to-work improvement notices to employers similar to those issued by occupational health and safety inspectors. It

also allows them to impose penalties for failure to comply. An appeal to the Victorian Civil and Administrative Tribunal against notices will be possible.

The issue I have here is that we have to be careful of inspectors going into workplaces. Quite often a workplace could be a farm or, in the case of a small business, an office in someone's house. We do not want people marching through there unnecessarily. We have to have restrictions about where those inspectors can go in the workplace.

While Karen Batt of the Community and Public Sector Union says this is a regressive piece of legislation, we will not be opposing it. The commitment is there, though, that when we are in government we will rewrite and simplify this legislation into something that is user friendly.

Mr LIM (Clayton) — I welcome the opportunity to speak in support of the Accident Compensation Amendment Bill 2009. It is very pleasing to hear that the opposition does not oppose the bill.

This bill implements the Victorian ALP's 2006 election commitment; we promised to do this. I am very proud to quote from our 2006 election platform. At page 13 of the policy document entitled *Protecting work rights, family time and workplace safety*, it states:

13. Labor will update accident compensation legislation.

A stable and competitive WorkCover scheme is one that recognises and delivers positive outcomes for both employees and employers.

Labor is committed to improved workers compensation arrangements for Victorians.

Labor will review accident compensation legislation to ensure workers receive the assistance, support and benefits they deserve.

As I said a couple of months ago in the debate on the Fair Work (Commonwealth Powers) Bill, members on this side of the house believe in fairness and decency. That should be the basis of any approach concerning industrial relations and support for working families in this state, and it is critical when it comes to accident compensation. Consigning injured workers to the scrap heap and leaving their families destitute is Dickensian and unacceptable.

Industrial relations need not be confrontational as promoted during the Kennett, Gude, Howard and Reith era. There do not have to be winners and losers. It is possible to have a fair and balanced outcome which benefits both employers and employees and therefore

the overall economic and social interests of the state and the nation. That is what this bill is all about.

The first priority in considering workplace injuries must be prevention through proper health and safety regimes. Secondly, there must be an emphasis on returning injured workers to a meaningful employment environment. Where this is not possible, decent compensation should be provided so that injured workers are not consigned to social security for the rest of their lives.

The provision for superannuation contributions to be provided for long-term injured workers is particularly welcome. In those cases where tragically the worker dies as a result of a workplace injury or illness, their family must not be left destitute. It is an understatement for me, as a member who represents the most multicultural electorate in this state, to say I have too often seen the consequences of uncompromising employers bullying workers, especially those from migrant backgrounds who may not have the ability or skills to negotiate the system and are at the mercy of exploitative employers.

This bill provides a balanced approach. It also provides substantially increased benefits, which is a reflection of the Bracks and Brumby governments' financial management of the accident compensation system.

In particular this bill provides for: a 10 per cent increase in no-fault lump sum benefits for workers with spinal impairments; a 25 per cent increase in the maximum impairment benefit, increasing no-fault lump sum benefits for the most profoundly injured workers; a fivefold increase in benefits awarded to workers who suffer a serious psychiatric impairment; an increase in the rate of compensation from 75 per cent to 80 per cent of income after workers have received compensation for 13 weeks; a superannuation contribution for long-term injured workers; the extension, from 26 weeks to 52 weeks, of the period during which pre-injury overtime and shift allowances are included in the calculation of a worker's weekly benefits; an increase in the statutory maximum for weekly benefits to twice average weekly earnings; and payment of limited further weekly benefits for workers who have returned to work but who require surgery for their work-related injury. At the same time the bill provides for stronger rehabilitation and return-to-work outcomes and less red tape for employers.

When it comes to accident compensation we on this side of the house support Victorian working families. That support started early in the life of this Labor government, with the restoration of common-law

damages. This bill continues our work. It is a great bill, and I support it enthusiastically and take the opportunity to congratulate the minister for introducing it.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak to the Accident Compensation Amendment Bill 2009. This bill seeks to make a number of amendments to the Accident Compensation Act, as mentioned by members speaking before me. Principally it seeks to double the period for which a worker or deceased worker's dependents may receive weekly payments of compensation that take account of pre-injury overtime and shift allowances. This will increase that period from 26 weeks to 52 weeks. The bill also extends the WorkCover scheme to cover municipal councillors by deeming them to be employees of their council for the purposes of the act. As the member for Shepparton has pointed out, there are certainly a range of issues with that. As a former councillor I am clearly aware that I was not an employee of that council organisation. Now councillors are going to be deemed to be council employees.

There is one area of the legislation that I would like to specifically address — that is, the provisions that relate to recoveries under section 138 of the act, which are covered by part 11, or section 121, of the bill. This principally relates to recovery arrangements that are afforded to businesses in this state where injuries have been sustained at their workplace by employees of a labour hire company or a on-hired employee service provider. Under the current accident compensation scheme if a labour hire employee is injured, the labour hire provider is the requisite employer; however, in the event that it is deemed that the host employer — the client — has contributed to the person's injury, the client can in fact have moneys levied against them by the authority, and these payments are known as '138 recoveries'.

It has been common practice by some employers who utilise labour hire to require the labour provider as part of their commercial arrangement to undertake a hold harmless insurance policy, which in effect means that should a host employer be required to provide payment to the authority by way of a 138 recovery, the labour provider will in effect be required to pay the cost for that host employer. As an example, if a labour hire employee dies on a host employer's premises and a recovery of, say, \$1 million is required from the host employer because they contributed towards the death of that person, under the contractual arrangements that host employer can require the labour hire provider to provide a payment of \$1 million back to that host employer to recover their costs.

This issue was raised back in 2005 with the Economic Development Committee of the previous Parliament when it inquired into the labour hire industry. A report was handed down in June of 2005. The committee was chaired by the member for Mitcham. I presented twice to that inquiry, both in my capacity as a representative with the industry association for the recruitment industry, the Recruitment and Consulting Services Association, and also in my capacity as an employee of the Adecco group. Evidence was taken in regard to the impact of hold harmless provisions.

The committee when analysing the recruitment industry identified that, as at 2000, 27 per cent of Victorian workplaces utilised labour hire. It found that labour hire had grown significantly and that by 2002 labour hire industries accounted for an annual turnover of \$8.667 billion throughout Australia. As of 2004 the Victorian WorkCover Authority had identified over 1200 labour hire agencies that were operating within the state of Victoria, and agencies engaged anywhere between 270 000 and 290 000 Australians, which accounted for 3 per cent of all persons employed in Australia. As you can see, Acting Speaker, it is a significant workforce.

The committee reported that during its deliberations on hold harmless provisions it identified that during 2003–04 over \$7 million had been collected by the authority from host employers as a result of section 138 recoveries. That \$7 million is a significant sum if some of those companies are, in effect, commercially requiring labour hire providers to recompense them for that loss.

The committee drew the conclusion that hold harmless clauses represent a contractual agreement between the agency and the host employer that the agency will assume financial responsibility for the costs of any occupational health and safety breaches by the host employer with respect to the agency's workers. This allows the employer to shift the occupational health and safety costs and risks associated with the labour hire arrangements to the agency.

It was identified that significant risks were associated with that, and as a consequence of that one of the recommendations the committee handed down in 2005, recommendation 4.5, is:

... to the extent that the committee understands their operation in the labour hire industry, hold harmless clauses are a direct contradiction of the objectives of the occupational health and safety and workers compensation regulatory framework, and recommends that these clauses should be prohibited by legislation.

That provision was largely supported not only by employers but also by some within the union movement, because in effect it means that all parties — be they unions, labour hire employers or host employers — have an equal responsibility to ensure that issues relating to occupational health and safety are dealt with.

I mentioned the word ‘equal’, but the report also goes into issues of control. Whilst the issue of control is not covered by this piece of legislation, I know industry would like to see the government take further action on this issue.

Some labour providers will be pleased to see that the legislation is being amended. However, one would have to be a little concerned about the fact that the report was handed down in 2005 and it has taken four years for the government to pick up on this point and for hold harmless provisions to be dealt with under this bill. Nevertheless it is pleasing to see that those issues will be dealt with.

I am also mindful that the bill proposes to increase the proportion of pre-injury earnings that a worker may receive in compensation from 75 per cent of PIAWE (pre-injury average weekly earnings) to 80 per cent and will increase the cap on weekly compensation payments from \$903 to \$1130. While we are not opposing this provision, I am aware this will have some impact in terms of its application at workplaces, particularly in terms of the operation not only of federal awards but more importantly of individual enterprise agreements.

I remember my previous dealings with the metal trades industry, where there were provisions in enterprise agreements that were not consistent with such provisions in the act. This caused a degree of concern, which often led to disputation and had to be resolved through conciliation in the commission. I trust that those issues will be worked through. I understand that this matter has been reviewed and that this bill is the consequence of that review; however, as has been pointed out by my colleagues, there is a need for a rewrite of the act. It is quite a cumbersome piece of legislation, and there are areas within it that need to be streamlined and reviewed.

Mr SEITZ (Keilor) — I stand to support the Accident Compensation Amendment Bill and also to commend the unions from the Victorian Trades Hall on their lobbying and in particular their participation in the Hanks report and its presentation for government scrutiny. That is one of the reasons we have reasonable

amendments in the legislation before us that improve benefits to workers.

I will address a couple of issues, as I am conscious of the short period of time available for other members to speak before dinner. One issue is that in the event of a worker’s death family members will get a benefit. It is not always clear what happens to family members, particularly with the new visa system and with guest workers who send money to assist their families overseas. Under this bill if such a guest worker dies here and their family overseas is made aware of that, they will be able to access some of that money. This will help them in their immediate struggles, because a lot of them depend on money from their relatives. We do not talk about how a large number of people work here to support their wives and children overseas, but it is a very important issue.

I was just discussing this issue with fruit pickers. They get work visas for the season and are brought here by labour hire companies. Should something drastic happen to them, at least under this legislation their families back home whom they were supporting will be able to claim some benefits. We were talking about bringing islanders here to help us. It will be important that we get word out about this.

The bill also increases by 10 per cent lump sum payments to workers with spinal injuries, which is another important issue.

I was a member of Parliament during the big lobbying effort we made in the 1980s to introduce a workers compensation bill. It was fantastic to see the introduction of the legislation under which we now operate. I well remember Jeff Kennett’s interview with, I think, Neil Mitchell. It saddened me to hear him say, ‘Why should a woman get money to buy a red coat because her husband was injured?’. That was a nonsensical argument for taking away the ability to make common-law claims for injuries and for pain and suffering in particular.

The legislation was changed again by the incoming Bracks government. Some unions were not happy with that change because it was not retrospective, but it was still a step forward, and this amending legislation takes another step forward.

As our lives change, the issues in the working industry and environment change and legislation has to be reviewed and changed to meet today’s standards and the expectations of the community. This is important.

The government is also extending the time that the maximum payment of \$1753 can be made from

26 weeks to 52 weeks. Again this is an advantage, because it is in those first 12 months that an injured person really becomes able to cope psychologically with their injury, the pain and associated issues. It is a matter of not having to worry about how their family will survive. It is important that we have that extension in the legislation.

I will finish by saying that injured workers will also have the capacity to pay money into their superannuation fund; they can continue to have an income so that life does not stop for them and they do not finish up on the scrap heap and on the poor list. They will be able to nominate and pay part of their salary into a superannuation fund, as provided for under commonwealth regulation. Again, that will make them feel worthwhile and part of our society.

Having worked in industry, I have witnessed people suffering some drastic injuries. At one factory where I was working a guy fell through the roof and died after he hit his head on the concrete. In those days we did not have the sort of cover available now; such incidents were shocking and tragic for the families. We, particularly the union guys, used to go around and collect money to try to help that family.

Whatever process we have now, again I say the unions did a good job and the minister has done a good job, as have his advisers, in coming up with these amendments. I am sure there will be some hiccups with some of the new amendments, but I have no doubt the legal fraternity will have some test cases and any grey areas where the provisions are not quite clear will be sorted out. I wish the bill a speedy passage through the house.

Mr CRISP (Mildura) — I rise to speak on the Accident Compensation Amendment Bill 2009. The Nationals in coalition are not opposing the bill. Its purposes are to amend the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 following the review of those acts to improve accessibility to benefits and to ensure better rehabilitation and return-to-work outcomes, greater transparency and accountability, and improved operation of the legislation.

I am also concerned that the proposed amendments arrived and were circulated midway through this debate. That will perhaps limit some of our responses because we have not been able to check those amendments against the bill. That is a concern. It would have been far better governance if the amendments had been provided prior to the commencement of the debate.

We need to say up front that we on this side of the house are no different to members on the other side of the house: safety in the workplace is vital, and prevention is far better than cure. In country Victoria the best worker you can get is the one you have probably already got. It is important to maintain that workforce, and from time to time we in country Victoria do have difficulties getting the skilled workers that we need. So the worker you have is worth keeping. I reject any assertions from members on the other side of the house that the coalition in any way is against the protection of workers.

What I am concerned about is that we have an extra 350 pages of legislation. Peter Hanks, QC, recommended a new and simplified act, but what we got was 350 pages more. We will now have a piece of legislation that will go to over 1000 pages. This is not making life easier for employers to manage. The less simplified an act is, or the bigger it is, the harder it is. Victorian business deserves better than an act that has grown when the recommendation was that it should be simpler.

There are a large number of provisions in this bill, and I will concentrate most of my remaining contribution on the local government provisions. These are in part 2, clause 10 of the bill, which proposes new section 14AA. Proposed section 14AA(1) states:

For the purposes of this Act, a Councillor, while carrying out duties as a Councillor, is deemed to be a worker.

I have been a local government councillor, and I find it very difficult to work with this act because 'while carrying out duties' also then requires a definition of where the workplace is. When you are a councillor, you are always working. You never go anywhere without a pen or paper. I know from my experience that if you go to the football, someone will want something from you while you are there. Does the football venue become a workplace?

Another area of difficulty will be where councillors who own businesses have ratepayers visit them at their workplace. If there is an injury in that workplace, is it the responsibility of the workplace, which is your business, or is it the responsibility of the council's insurer? This is going to be a complex issue, because our councillors all have other jobs and many have businesses; they are all occupied. We will have to work out how this will operate. It means going beyond defining a workplace.

Also, people knock on your door at home; does that become a workplace? People call you on the phone at home. Does that make it a workplace? As members of

Parliament know, even when you are dining out people take the opportunity to talk to you. When you are picking up your children from school there is always someone who wants to talk to you about something or has an issue they want to raise.

The guidelines will have to take this into account. As everyone knows, if you are going to keep a diary, that diary can lay out your day, but we also know days never go according to plan: the best laid plans of mice and men always go astray. Councillors are no different from anyone else: you may plan your day, you may have a diary, but things happen. Of course if someone wants to talk to you, you cannot say, 'Hang on a moment, I have to write down where I am, what time it is and who you are'. They want to get on with talking about their issue and get going with their lives.

The guidelines will be difficult to deal with. They will have to be a lot better than the last local government offering — that is, the conflict of interest guidelines which represent 79 pages of continuing confusion for local government councillors out there. Councillors need to know when they are protected. Nowhere in the second-reading speech were councillors mentioned, so I think the government already knows this is difficult. Councillors are already struggling with the 79-page set of guidelines which is causing a great deal of confusion out there. It is already affecting councillors in doing their jobs.

I might even add humorously that those existing 79 pages of guidelines may well in fact trigger a workplace-related stress claim amongst some of those councillors. Perhaps it is just as well we have this legislation! However, if we then produce another 79 pages of guidelines, I can guarantee some of them will go on stress leave as they try to work their way through it.

In summing up the debate on this bill the minister should give us some indication of how he is going to resolve this difficulty, which will not go away. Councillors cannot be left to resolve it themselves. They will need very clear guidelines to be introduced quickly, and they will need to understand them. They have to know how to manage their lives. As I have said already, they are in chaos and confusion over the current guidelines. I suggest the government should not use whoever drafted the last lot but find someone new for the next lot, because the last ones are not going down too well out there.

The Nationals do not oppose this legislation. It contains a huge number of provisions, and I again reiterate that Peter Hanks was wise when he said this needed to be a

simpler bill. I am also taking on board what the rest of the coalition is saying: this act needs to be made simpler; if we get into power, we will make it simpler, because Victorian businesses and workers deserve better than more than 1000 pages of legislation by which to try to run their lives.

Sitting suspended 6.28 p.m. until 8.01 p.m.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support this excellent Accident Compensation Amendment Bill 2009, which makes amendments to accident compensation in Victoria and is in response to the report by Peter Hanks, QC. I would like firstly to state that I am pleased members of the opposition are not opposing this bill. For some of our more libertarian friends I would say that they are staying true to at least some of their intellectual predecessors, because even the most right wing of philosophers, Friedrich von Hayek, supported social insurance as a concept, stating in the *Readers Digest* — of all anti-socialist publications — a version of *The Road to Freedom*:

Nor is there any reason why the state should not help organise a comprehensive system of social insurance in providing for those common hazards of life against which few can make adequate provision.

I think that is a reasonable summary. I do not agree with many things that Friedrich von Hayek said, but that is what accident compensation is about: providing a system of social insurance for events that are outside the control of the individual and are unlikely to be easily provided for.

I think it is a reflection on our society that we have accident compensation insurance and, further, that we are constantly improving it. I think this bill adds to the tradition that we have of improving on accident compensation legislation.

I have been lucky enough to travel the world, and I was recently in the People's Republic of China. Sadly I would say the workers in that jurisdiction do not have access to the sorts of protections that we have and, if injured at work, do not have the social supports that we have.

I think this is an excellent piece of legislation. The particular interest I have in it is the provision which provides for the payment of superannuation contributions for workers who have been injured over a long period of time. As stated in the second-reading speech:

Eligible workers who continue to receive weekly payments after 52 weeks will be able to nominate a complying

superannuation fund into which WorkSafe or a self-insurer will pay a superannuation contribution ...

This is a very significant change and one that I am very pleased to see in this bill, because superannuation is one of the great reforms for working people in Australian society, whereby people who have been working all their lives, who are of modest means, are able to save a nest egg to assist them in retirement. Injury or serious accident that prevents people from working over a long period of time should not prevent the accumulation of savings in this way.

I think this is an excellent reform that builds on the great tradition the Labor Party has of working to build superannuation for retirement in our society. There is a lot of comment at the moment about an ageing population and the imposts that will have on our community, but Australia, comparatively, is reasonably well placed in retirement income. Superannuation plays an important role in that provision.

This bill's extension of superannuation payments to the injured is an excellent reform which builds on the great traditions that we have developed here. We should really take pride in the fact that Parliament is passing this piece of legislation with that provision, which will help many people build that superannuation nest egg.

Interruptions in payments of superannuation over a working lifetime can have a significant impact on the level of adequacy of a person's retirement savings. This is often illustrated by the difference in the savings of women and men. Injured workers, I believe, should not be denied superannuation payments unreasonably. This bill remedies what has been an oversight.

Further, I wish to highlight the 10 per cent increase in no-fault lump sum benefits for workers with spinal impairments; a 25 per cent increase in maximum impairment benefits; the increase in no-fault lump sum benefits for the most profoundly injured workers and a fivefold increase in benefits awarded to workers who suffer serious psychiatric impairment.

My predecessor as the member for Preston was very dedicated to looking after the interests of those who are mentally ill, as he came from that working background. We too often forget them. 'Out of mind, out of sight' is a phrase often used for those who are psychiatrically injured or ill. This bill remedies that traditional overlooking of those who have a psychiatric impairment.

I think this is an excellent bill which will serve the community of Victoria well, which builds on the tradition we have in our society of providing social

insurance for injured workers. I commend the bill to the house.

Mr JASPER (Murray Valley) — Workers compensation has been a big issue for the parliaments in Australia and Victoria over many years. I recall, going back to the 1980s, attending a conference in Canberra where the issue of workers compensation was being debated. Senator Barney Cooney, a Labor senator from Victoria, attended that conference. I have to say that he was very balanced in the views that he put to it: on the one hand getting a balance between providing benefits to employees while on the other hand protecting employers.

What we had in Victoria going back into the 1980s was a system under huge stress. There were huge losses of money on claims that were being paid; there was huge abuse of the system. People would say that perhaps there was abuse on both sides — that is, by employees and employers. That was an issue that had to be addressed.

I listened with a great deal of interest to the contributions made by Senator Cooney. As I understand it, he chaired a committee which looked into changes that could be implemented to the compensation system to provide a balance between employers' concerns and appropriate protection for employees. I recall that on many occasions throughout that period of time I received representations from employers within my electorate of Murray Valley bringing to my attention their great concerns about the abuse of the system that was taking place and the collusion between doctors, employees and solicitors for people to utilise the workers compensation system to the detriment not only of other workers but also of employers because of the huge payments being made. I was one who strongly supported changes to the system to make it more efficient so it could continue with the money being provided by the employers while also providing appropriate compensation.

Through the 1990s we saw changes to the system being implemented. The then coalition government in Victoria worked hard in conjunction with the other states and the commonwealth to bring about a better workers compensation system. I noted that in the second-reading speech the government takes great pride in talking about what it has done over the past 10 years but it does not make any mention of the work that was done during the 1980s and particularly through the 1990s to introduce a better system that would be adequate and provide appropriate protection — to make sure it was efficient and competitive and would reduce the charges to the employers. That goes right across the

economy, because if employers have to make huge payments for worker compensation, it obviously goes through the system and there are increasing charges for the services and whatever else is provided by the employer, which is a cost for the whole community.

I noted on the presentation of the bill to the Parliament that the statement of compatibility with the Charter of Human Rights and Responsibilities Act comprises 14 pages. As a member of the Scrutiny of Acts and Regulations Committee I am well aware of the extensive work the committee undertakes in looking at the second-reading speeches and bills that come to the house to ensure they meet the criteria set out in those provisions. We analyse all the bills that come before the Parliament, but we are finding a huge amount of work is being undertaken in looking at compliance with the statement of compatibility with the Charter of Human Rights and Responsibilities Act. Indeed often we find that the second-reading speech is far shorter than the statement of compatibility. It is worthwhile putting the comments I made earlier on record.

I looked at the bill that has come before the house and thought about what a massive piece of legislation it is. It makes it extremely hard for members of Parliament to assess the legislation, get appropriate responses and put them to the Parliament. I noted the comments that were made by the lead speaker for the coalition opposition and thought it was an excellent overview of the legislation in the context of the amount of time the bill was made available; it was a comprehensive coverage.

The government referred in the second-reading speech to the Hanks report and indicated clearly that it has implemented a lot of the recommendations in the report. However, we have before the Parliament this huge bill of approximately 350 pages, and additional amendments have been brought before the Parliament which we have not been able to assess. The principal legislation is 677 pages, so we have an amending bill before the Parliament which is nearly half the size of the original legislation. Hanks recommended in his report that there should be a complete rewrite of the act in a logical and simplified format.

It is interesting to look at some of the concerns with the legislation that we have on this side of the house. The bill excludes annual leave, redundancy and severance payments from the calculation of current weekly earnings. There is a concern that this will allow a person coming back into the workforce to be able to claim annual leave and other benefits such as superannuation, which could mean increased premiums for employers. The issue is about getting balance. I

have gone through the legislation and had a look at the range of changes implemented to provide additional protections for workers to make sure they get appropriate compensation and recognition of a particular problem such as an illness or an accident in the workplace. Certainly that needs to be covered.

We on this side of the house acknowledge that, but the key is — and I have mentioned this earlier in my contribution — to get a balance between protecting employees and protecting employers. What we see with this legislation is a situation where a great range of increased benefits are being provided for employees but huge increases in the penalties are being imposed on employers who have done the wrong thing. It will take away the balance. What we have to achieve is a balance between what is being provided for employees and the cost on employers. We have a situation where all the amendments are being placed before the house to try to get appropriate legislation, but it is disappointing that the government has not done a complete rewrite of the legislation as recommended by the Hanks review.

As a member of the Scrutiny of Acts and Regulations Committee I also want to mention that the committee has reviewed the bill and made some extensive comments on it. I hope the Minister for Roads and Ports and the Minister for Finance, WorkCover and the Transport Accident Commission take note of the report provided by the Scrutiny of Acts and Regulations Committee, particularly the criticism of the different commencement dates in the bill. Some of the clauses will become active on royal assent, but there are seven different dates for various other clauses. There is also a provision that will act retrospectively to December 2003. It is certainly of concern that there are retrospective provisions in the legislation, and it is important to consider the full effect of that.

We also noted that there is a reverse onus on the employer to provide evidence as to why a claim should not be made against the employer rather than an onus being placed on the employee to provide evidence as to why a claim should be made. These are important issues. The Scrutiny of Acts and Regulations Committee expressed a number of areas of concern relating to the legislation in its report. We agreed at a meeting last Monday that we would write to the minister to express concern about the inadequacy of the explanatory memorandum in relation to penalty increases. This is an area the minister should be made aware of. The committee will be writing to the minister seeking more information on the increases to the penalties that will be imposed on employers.

It is interesting that section 85 of the constitution is mentioned in part of the report we provided. The committee will be writing to the minister in relation to the adequacy and quality of the information provided. In our view it does not go far enough and, given the extensive provisions in the legislation, we require a full explanation to enable appropriate responses to be made to those people looking at this legislation.

I indicate again that what we need to be able to provide is a balance between the protection for employees and the protection for employers.

Debate adjourned on motion of Mr PALLAS (Minister for Roads and Ports).

Debate adjourned until later this day.

MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL

Second reading

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

Mr CLARK (Box Hill) — The Magistrates' Court Amendment (Mental Health List) Bill will establish on a pilot basis a separate list within the Magistrates Court for certain accused persons who have a cognitive impairment. The formal mechanics of the bill are quite sparse: the bill establishes a mental health list in the Magistrates Court for accused persons with mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or a neurological impairment including dementia which causes substantially reduced capacity in self-care, self-management, social interaction or communication and who would derive benefit from coordinated services under an individual support plan.

The bill provides for referrals to the list by the court with the consent of the accused, with the intention that referrals could be initiated by magistrates, police prosecutors, defence lawyers, court-based services, defendants and other people, as the government puts it, involved in the lives of the accused persons.

The bill provides that a proceeding must be removed from the list if the accused pleads not guilty or indicates an intention to plead not guilty. The bill excludes referrals of cases that involve serious violence or serious sexual offences. It provides that the mental health list will only sit at a court venue specified by the Chief Magistrate, with the government's intention

being that the list will only operate at the Melbourne Magistrates Court.

The bill provides that if an accused person completes an individual support plan, the court may discharge the accused without a finding of guilt; if the accused is found guilty, the court must take into account in sentencing the extent to which the accused participated in the individual support plan. The court has at its disposal any sentence available under the Sentencing Act 1991. The bill also provides for the provisions in the legislation to sunset on a date to be proclaimed but no later than 1 August 2013.

The government has said it intends that the list will provide a court-based clinical assessment function and a case management and liaison function, including preparation of individual support plans and what the government describes as 'time-limited psychological interventions'. The government says it plans to provide case managers to support accused persons, including the purchasing of 'certain additional services' to address the accused person's needs relating to mental illness, cognitive impairment, homelessness and drug and alcohol abuse and the coordination of health and welfare services.

The government says it intends to make a program available for an accused person for up to 12 months, with the aim of stabilising the accused and providing the court with an indication of the accused's progress for the purposes of sentencing. The government also says it is intended that the magistrate will be involved in the monitoring and supervising of the accused's individual support plan, with power to adjourn the matter and conduct periodic status hearings.

This is a bill that has worthy objectives but which also raises many concerns. It is yet another short-term pilot program being introduced by the government to operate at just one court venue. There are a range of pilot programs in various courts around the state. Indeed, there is a table set out at page 32 of justice statement 2 which lists the court integrated services program (CISP) at the Melbourne, Sunshine and Morwell courts, the CREDIT/Bail Support program at nine different courts, the criminal justice diversion program at 13 headquarters courts, the Drug Court at Dandenong, the Koori Court at seven jurisdictions, the enforcement review program at Melbourne and Collingwood, the mental health court liaison service at metropolitan Magistrates Courts with part-time services at some country courts and the Neighbourhood Justice Centre in Collingwood.

The take-out from all of these programs is that they are available in some locations but not in others, and most are pilot programs which are being rolled over periodically by the government, as we have experienced with previous bills. The best that can be said about them is that they provide patchwork justice to Victorians. If an accused person allegedly commits an offence in one place, they can be placed in one of these programs. If they commit that offence at a place in Victoria where the program is not available, then they do not have the benefit of that program.

This system of patchwork justice is being introduced by the Attorney-General at a time when the court system generally in Victoria under the current Labor government is experiencing the worst delays in Australia. Victoria now has Australia's longest criminal case waiting lists in every court in the state — the Supreme, County, Magistrates and Children's courts. Overall there are more than 42 500 criminal cases awaiting trial in Victoria's courts compared with just 26 085 cases in New South Wales, which has a larger population.

Since 2003 the backlogs in Victoria's courts have leapt, increasing by more than 36 per cent, compared with a 13 per cent reduction in waiting lists in New South Wales. To take the County Court as just one example, as at June last year 684 non-appeal trials have been waiting to be heard for more than a year after the time they have been lodged with the court, and that is on top of that time already taken for investigating, charging and committing. Needless to say, these years of delay are creating trauma and distress for victims, their families and witnesses.

Thousands of people who are likely to be found guilty of crimes, including serious violent crimes, are walking free and unpunished. These delays are undermining respect for the law and affecting public confidence in the justice system. The community is not being protected from violent offenders. Sentences applied long after the crime was committed are having little deterrent effect, and any rehabilitation measures are years too late. The general picture is of a court system that is unable to cope. It has been neglected by the Attorney-General, who is focused on these programs at the expense of providing justice to all Victorians.

As I said at the outset, the bill now before the house has a number of worthy objectives. People with mental impairment issues, which are often linked to alcohol or drugs, are a large proportion of those coming before the courts. According to justice statement 2, 28 per cent of those who initially come before the courts can have mental health issues.

If you can help people whose offending may have been driven or influenced by these other issues in their lives to sort out and stabilise their situation and to find a way forward, then you can reduce the risk of their reoffending and avoid ineffectual and/or costly punishments. The caveat is that, while there are many who fall into this category and who genuinely need the sort of help that these intervention programs can, hopefully, provide, it will also be important to make sure that a specialist list such as is proposed by this bill does not become, to adopt the words of the Attorney-General, a get-out-of-jail-free card for those who are less deserving of and do not qualify for assistance but whose counsel may advise them that if they can convince someone in the court system that they have a mental illness or other cognitive impairment they will be able to escape the normal sanctions that would follow from their crime.

That precaution is important, but if programs of this sort are directed at people in genuine need and are structured in an effective way, they have the potential to reduce recidivism and help people get their lives in order.

However, the principle is one thing; the detail of the legislation is another, and that requires careful consideration by this Parliament. The opposition has benefited from a range of submissions and feedback that it has received, including from National Disability Services and the Uniting Church in Australia, as well as a very detailed and helpful submission from Ms Margaret Ryan, a person who is well known to many in this place for her tireless work on behalf of people with intellectual disabilities. We have also received a number of forceful and often very moving submissions from individuals who have been involved with various forms of cognitive difficulties or conditions.

It is worth making the point that while the government is portraying this legislation as a pace-setting measure, in fact in many respects Victoria is lagging behind other jurisdictions with what it is doing to help people with mental health and cognitive impairment issues. Programs have been established in jurisdictions such as Western Australia, Tasmania and South Australia for some time, and there are also other, although perhaps less satisfactory, arrangements in New South Wales.

The concern also needs to be expressed that this could be seen as an ambulance-at-the-bottom-of-the-cliff approach to problems faced by people in Victoria with mental illness and other cognitive impairments in that people are missing out on these services when they really need them. For a number of them, missing out on

these services means their ending up being involved with crime, and it is only after they have become involved with crime and caught up in the criminal justice system that the sorts of services they need are at last made available to them. It would be a tragedy if people felt they had to go and smash a shop window or commit some other crime in the Melbourne central business district to get access to an individual support program and other services they needed to receive much earlier.

We also need some explanation from the government about what this list will mean in practice, in terms of what will change from the range of services that are already being provided in the court system. The CISP has been running since 2005, and that built on the court intervention program. When one looks at the description of the services provided by the court integrated services program one sees that in many respects it already offers a range of services and supports to defendants, including defendants who would be covered by this new program.

What is the new list going to do beyond CISP? Does it simply mean there will be a dedicated magistrate or magistrates familiar with accused persons in the categories covered by the bill? We understand there will be additional staffing resources involved. Does it mean there will be a longer term program provided to individual accused persons than is provided under CISP? Conversely, what work by CISP will be affected by the introduction of this new list?

An enforcement review program will also have an overlap with people who will be eligible for the mental health list. Also, what is described as a 'special list' is operating in Shepparton. It is described in some detail on page 78 of the latest annual report of the Magistrates Court. Again, that list appears to deal with the same mix of clients as is proposed to be covered under the list established by this bill. Is there a difference between the special list operating presently in Shepparton and what is proposed by the bill? Why is the list proposed by the bill described as a 'mental health list' as distinct from a 'special list', as the seemingly similar service in Shepparton is already called?

In relation to overlap and integration with existing programs, the mental health court liaison service is a service directed more toward assessment and advising the court on the mental health situation of accused persons, but it also has a role in arranging support for accused persons considered to have a mental illness. How will that service interface with the list established by this bill? What effect will the bill have on the

services provided by the mental health court liaison service?

Another aspect of the bill that deserves consideration is that the mental health list established by the bill excludes those accused persons who plead or indicate an intention to plead not guilty. According to the published material that does not happen under the court integrated services program. We understand there is a view that those who plead not guilty are going to take up more resources in a trial and that at least in the pilot stages it is not feasible or desirable to make the mental health list services available to those people. But the question has to be asked: will this operate in a way that will give an unfair inducement to people to plead guilty? Will the message be given to them that if they plead guilty, they could be helped, but if they plead not guilty, they are going to miss out on help? It would be a very unfortunate skewing of the justice system if it were to operate in that way.

I turn finally to what is probably the single greatest concern that we on this side of the house have about the list and how it is proposed to operate — that is, the fact that it is proposed to include a wide range of impairments, including intellectual disability and acquired brain injury under the title 'mental health'. Ms Ryan, in the very helpful submission she provided, pointed out that four of the five eligibility diagnostic criteria in the bill are related to disability rather than to mental health. The bill is in contrast to what was sought through the many years of effort by those involved with intellectual disability services, which was to have the situation of those with intellectual disabilities recognised and provided for in a way separate and distinct from the situation of those suffering from mental illness.

However, it goes beyond the name 'mental health' that is ascribed to the list. It carries through to a concern — and I think a very legitimate concern — that the primary focusing of this list on mental health may well mean in practice that the support services provided as part of the list will be primarily geared to those accused persons with mental health problems and will not adequately recognise or provide for persons with intellectual disabilities or other forms of cognitive impairment. This concern is highlighted by the way in which these proposals are discussed in justice statement 2 on pages 34 to 35. Almost the entirety of that discussion is focused on mental health matters, but there is a single paragraph that addresses other situations, which states:

Nature of condition — most 'mental health courts' (or lists) also address the needs of defendants with an intellectual

disability, acquired brain injury or personality disorder.
Different treatments are required for different conditions.

There are three points to take from this paragraph. Firstly, it shows all the signs of being an afterthought about persons who may have cognitive impairments other than mental illness. Secondly, it is wrong in its assertion that most mental health courts or lists also address the needs of defendants with an intellectual disability, for reasons that I will demonstrate in relation to other jurisdictions shortly. Thirdly, even this single paragraph reference to the position of defendants with intellectual disabilities, acquired brain injuries or what it refers to as personality disorders requires different treatments to those with mental health problems. The question arises whether the single integrated list proposed by this bill is going to be able to adequately provide the different treatments that people in those categories require.

As I said at the outset, I and other members of the coalition parties have received a number of representations from individuals, and I particularly want to quote from an email that was sent to Ms Margaret Ryan. The writer has given his consent for me to quote extracts in Parliament as follows:

... I am a 35-year-old disabled pensioner with Asperger's syndrome ...

...

I may suffer mental illness (anxiety, depression and probable PTSD) but this is not who I am. I am an Aspie, pure and simple!

...

When I was in my late teens I had three run-ins with the law, and I really don't understand what happened to this day. First occasion involved a 'friend' breaking into a car, which I didn't see — we were both highly intoxicated ... and he then ran up to me and gave me something to hold. When the police arrived and said, 'Come here', I did. When they said, 'Empty your pockets', no fuss, I did that too — I had nothing to hide. In one of my pockets was what my friend had given me and in the other was my pocketknife, which my father told me to carry with me. The problem here was not the alcohol consumed, it was my very literal understanding of what people, particularly authority figures in my life, had told me. My father told me to carry the knife in case I was jumped by 'a dozen guys'. I guarantee it would have stayed in my pocket unless I was being attacked by '12 people.' If there were 5 or 50 it would've stayed in situ!

In the police interview room things went from bad to worse. The police told me to tell the truth, which I did: 'Exactly!' They didn't believe me and threats followed. They asked if I wanted a lawyer, I said 'Yes' because that's what was done on TV. Before very long, and sans lawyer, they brought my friend in to me and he said for me to admit to what they said. He was my friend, and therefore wouldn't do things against my best interest (I thought), so I did. In court, with my lousy

legal aid lawyer agreeing to every lie the prosecutor told (none of which were supported by what I said on my interview tape ... I received a good behaviour bond solely because I thought my father and my only friend in the world had my best interests at heart. In my third case — the second time we were falsely accused but the case proceeded to court based on my literal answers while being interviewed — the magistrate even called me 'devious' because of my Asperger inability to maintain eye contact. The only devious thing I did, if you can call it that, was to swear on the bible because I didn't know an atheist had the option of making an affirmation.

If you ask those who know me best, they'll tell you I'm one of the most law-abiding people in the country. In fact, the most serious crimes I've committed in my life, with full knowledge and intent, are jaywalking and occasionally consuming alcohol on public transport. Most people hate me being around because I'm so pedantic about rules being followed ...

...

The crux of this is how can my 'crimes' be understood, or even mitigated, by lumping me in with the mentally ill? Unlike, for instance, someone with schizophrenia, I was never 'normal'. I was born this way; my condition did not develop at some later point. Fact is, while rarely as naive or gullible as I was when I was younger, I still get caught out in a big way from time to time. For instance, if I ... was stopped by the police and was asked, 'Have you been in trouble with the police before?', my response would likely be something like, 'I'm not in trouble with the police now!'. While I see this as being honest, they'd probably think I was a smart-a*se. If we progressed on to a criminal check, upon seeing my record they'd likely view my perceived evasiveness as me having something to hide. And so it begins all over again, getting into trouble for telling the truth.

This is a very stark description of the situation that many people with difficulties such as Asperger's syndrome face when they come before the court system, and it is imperative that the court system be able to recognise the situation of these people, recognise their literal approach to what is said to them and make full allowance. People such as this person are fully entitled to express concern that a system that is primarily focused on mental health matters will not be adequately geared to meet their needs.

Another person has provided a copy of an email to the Attorney-General, in which he says:

I would like to remind you of the, not so long ago days, of institutionalisation when not only people with mental illness but also people with other intellectual disabilities were housed. Overall treatment of all these people was appalling and those with non-mental health disorders did not receive any appropriate treatment or interventions at all.

Deinstitutionalisation and separation of these disorders was done for a reason. Firstly so that people with mental illness received treatment in a least restrictive and humane manner and secondly it was recognised that people with non-mental

health diagnosis required different and equally humane interventions.

These firsthand and individual accounts have been supported, as I indicated earlier, by the very comprehensive submission that has been prepared and I believe sent to many members by Ms Margaret Ryan. She points to the fact that Victorian government policy in fact distinguishes various cognitive impairments. She writes:

As is acknowledged on the Victorian government website:

Acquired brain injury is not a mental illness and requires very different specialist skills from those offered by mental health services.

...

Intellectual disability is not a mental illness and requires very different specialist skills from those offered by mental health services.

Later on she says:

In Victoria the distinction between mental illness and intellectual disability has been well accepted in law and in the separation of service systems for over 20 years. The Intellectually Disabled Persons' Services Act 1986 ... which preceded the Disability Act 2006, resulted from a reference made by the Minister for Health in 1983 on the need for an act to replace those sections of the Mental Health Act (1959) which dealt with mentally retarded persons bearing in mind that the new Mental Health Act will deal only with mentally ill persons and will not refer to mentally retarded persons.

Then Ms Ryan refers back even to the Lunacy Act 1928 and says:

Well over 80 years later, in 2010, it could be considered that this mental health list mingling mental illness and intellectual disability in the same structure is an act of lunacy which undermines the achievements and progress made during the last two to three decades. It harks back to the days when intellectually disabled persons — then described as mentally retarded — occupied what were referred to as the 'back wards' of mental hospitals.

There is a range of other pieces of legislation which Ms Ryan refers to which separately recognise the different needs of different categories of persons. Ms Ryan also refers to the situation in other jurisdictions. She says of the Law Reform Commission of Western Australia's considerations regarding mental impairment court intervention programs:

The review of programs and relevant literature outlined in the commission's consultation paper highlighted a significant difference between the management needs of mentally ill offenders and cognitively impaired offenders. ... it became apparent that cognitively impaired offenders require far more intensive hands-on case management and often longer term supervision or support ...

...

... the commission recommends that offenders with a primary diagnosis of intellectual disability or other recognised cognitive dysfunction be dealt with under an expanded version of the existing IDDP and therefore should not be specified in the diagnostic criteria of the proposed mental impairment court intervention program.

In Tasmania the mental health diversion list program was established in May 2007. The eligibility criteria of the Tasmanian program do not support the eligibility diagnostic criteria proposed for Victoria. In particular under the Tasmanian Mental Health Act a diagnosis of mental illness may not be based solely on intellectual disability.

South Australia has had a program since June 1999. It was initially called the Mental Impairment Court but is now known simply as the Magistrates Court Diversion Program. It operates to service people with a range of cognitive impairments but did not operate under the title of mental health.

New South Wales has gone down a less satisfactory route which does not make adequate distinction and has been subject to considerable criticism, yet Victoria seems to be going more down the New South Wales path.

Other sound points have been made to us by the National Disability Services (NDS), which supports the establishment of a list but says:

The name chosen for the list detracts from what the list is trying to achieve. People with disabilities do not want to be classified as having a 'mental illness'. This could result in such individuals withholding consent and not undertaking the program. The needs of people with cognitive disabilities are different from those with a mental illness. One of the principal aims of mental illness is the treatment of the illness, whereas with a disability the focus is on management.

NDS makes a number of other very sound, practical comments about how the list should operate.

The opposition also understands that Victorian Advocacy League for Individuals with Disability has concern about the combined list approach and is seeking to persuade the government to make a change. This is an issue we believe is fundamental to the rights and proper recognition of and support for people with intellectual disabilities and other forms of cognitive impairment. This is a fundamental issue we believe needs to be sorted out during the course of debate on the bill in this Parliament. Many people put strong arguments in favour of there being two separate lists: a mental health list and a list directed to those with other forms of cognitive impairment.

At the very least there needs to be a change of name away from the reference to mental health and there need to be assurances given in cast-iron terms to this house and to the community that the services that will be provided will deal fully and properly with the needs of those with cognitive impairments other than mental health problems. The opposition parties do not oppose the bill, but we view this concern that I have outlined as fundamental and we expect it to be resolved appropriately before this bill is passed by this Parliament.

Ms THOMSON (Footscray) — I rise to support the Magistrates' Court Amendment (Mental Health List) Bill 2009. I do so in a climate where this state government has put a lot of resources into mental health reform and understands that it is a complex issue that does not rely on just one department within a government. Our mental health reform has seen an increase in spending of over \$300 million in the last two budgets. We have spent almost \$1 billion a year caring for people living with mental illness, and 350 additional mental health beds have been put in place, including 100 subacute prevention and recovery beds, which have been leading the nation, and others are now being rolled out nationally as a consequence of their implementation here in Victoria.

There is no doubt that we are seeing a greater prevalence of mental illness in our prison system and justice system. This is an area that the government needs to address and wants to address as part of the overall strategy in relation to mental illness. The bill recognises the continuing overrepresentation of vulnerable people in the justice system. Mental illness is three to five times more prevalent among prisoners than in the general community, and over 25 per cent of newly remanded prisoners have a mental illness. The prevalence of schizophrenia and bipolar disorder is almost 10 times greater among prisoners than in the general population. What was really concerning to me was some information I found about women prisoners: 51 per cent of women surveyed reported having been diagnosed with a mental illness prior to their incarceration — 51 per cent!

This is a pilot, and we acknowledge that it is a pilot. It is an opportunity to have a look at what works and what does not work, and it is about providing a comprehensive service to those with mental illness. It is voluntary, not compulsory. In effect it defers sentencing while the person is undergoing the program. The program and the person's participation in the program will be taken into account at the time of sentencing. It may mean that someone no longer has to fulfil ongoing obligations under sentencing, or it may mean that they

do. The program will run for up to 12 months, although it is anticipated that in most cases it will not need to run as long as that 12-month period. It is important that we are prepared to try innovative and new ways to keep out of prison people who otherwise will reoffend for reasons of either mental illness or intellectual disability.

At this stage I want to make very clear the criteria under which people may use the mental health list. Under proposed section 4T, headed 'Eligibility Criteria', it says:

- (2) The diagnostic criteria are that the accused has one or more of the following —
 - (a) a mental illness;
 - (b) an intellectual disability;
 - (c) an acquired brain injury;
 - (d) autism spectrum disorder;
 - (e) a neurological impairment, including, but not limited to dementia.
- (3) The functional criteria are that the accused has one or more of the diagnostic criteria which causes a substantially reduced capacity in at least one of the following areas —
 - (a) self-care;
 - (b) self-management;
 - (c) social interaction;
 - (d) communication.

This leads me to the next part of proposed section 4T, which is in relation to the provision of services. This goes to the member for Box Hill's question about what is being provided and if it is going to meet the needs of the intellectually disabled as well as those with a mental illness. Paragraphs (a) to (h) of proposed subsection (4) list the services we are talking about:

- (a) psychological assessment;
- (b) welfare services;
- (c) health services;
- (d) mental health services;
- (e) disability services;
- (f) drug treatment services or alcohol treatment services;
- (g) housing and support services;
- (h) other services that aim to reduce the risk of offending or reoffending.

That is what this pilot program is all about — trying to tailor the program to the needs of the individual. It is anticipated that 300 offenders will undergo the program in the pilot period. The program will be allocated to those who can reap the most benefit, where it may lead to their not reoffending. That is important. We are talking about trying to avoid, where we can, reoffending by people who through no fault of their own are in a position where they need support and services.

This is a great initiative. It builds on what we are doing in mental health. It also builds on what we are doing in the court system more broadly. With deference to the member for Box Hill, this government has been very innovative in its attempts to try to deal with issues in this modern society — for example, the establishment of the Koori courts, which I might add started as a pilot in one court system. This pilot is starting in the Melbourne court, which accounts for about 40 per cent of cases, so it is a significant pilot. We will get really good data and information and be able to evaluate how that pilot works. We will then run the program out from a knowledge base, which means we will not make mistakes about resourcing and how it works and operates.

What makes this program different and unique is that the court will take responsibility for monitoring ongoing progress and participation in the program, and that is very important. It is not about just having services there, which at the moment is the situation in most courts: an assessment of what may be needed by an individual is being made and service links are being made, but no single monitoring of the needs of that person is going on. This program will change that, and if it means that we have fewer people entering the prison system, then that has to be a good outcome. If it stops people from reoffending, that has to be a good outcome. The program is being run on the basis of an individual's needs, so the service that will be provided will be unique to that person and will be monitored based on that person's needs as determined by initial assessments and ongoing assessments until the end of the period designated by the magistrate.

When we have a look at what we are doing as a government, bringing together all that we are already doing in mental health, all that we are already doing in the court systems in taking care of dispute resolution mechanisms, looking at various aspects of specific court needs that have to be addressed and streams within the court system, we are breaking down the silos, we are saying it is the individual who matters, and we are saying that these people need to be supported and to be given alternative options. If these people

choose not to take up the option or to drop out during the period of the program, they will go back into the mainstream Magistrates Court system and be dealt with accordingly. I think the pilot program covers a lot of the concerns that the member raised.

He also talked about not wanting the stigma of mental illness for those who might have an intellectual disability or some other disability, and I want to stress that we are about breaking down stigmas for all people. It is not the fault of people with a mental illness that they have an illness. We should be working at breaking down that stigma and we are doing that, just as we have been working very hard at breaking down the stigma of intellectual disability. We need to be doing it on all fronts. Running a pilot that covers all gives us a chance to assess what the real needs are for the intellectually disabled and people with a mental illness and all those criteria specified in the bill.

I support this bill. I think it is an innovative way of dealing with a system that can sometimes be unjust in the many ways which the member for Box Hill indicated with the case studies he brought to the Parliament. This is an opportunity to deal with the individual whom the system might not deal with adequately otherwise. I commend the bill to the house. I think it goes a long way to adding to the reforms of our legal system by this government, reforms that I am very proud to support.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Magistrates' Court Amendment (Mental Health List) Bill 2009. The Nationals in coalition are not opposing this bill. The purpose of the bill is to establish a mental health list in the Magistrates Court of Victoria for a trial period. The intention is very much to establish a framework in the Magistrates Court to meet the particular needs of defendants who experience mental illness and cognitive impairments. The defendant must consent to being referred to the list and they must meet one of the following criteria: having a mental illness, intellectual disability, acquired brain injury, autism spectrum disorder and/or a neurological impairment, including dementia. The list is restricted to cases that do not involve serious violence or sex offences. It is anticipated there will be around 300 referrals a year of people who will have a court-based clinical assessment, case management and liaison services. It is expected that most defendants will be on the list for 3 to 12 months, and the list will have the same sentencing powers as the mainstream Magistrates Court.

There are provisions that go with this and relate to the list and those people who have what we call a reduced

capacity for self-care, self-management, social interaction and communication or would derive benefit from coordinated services under an individual support plan. The bill provides for referrals to the list by the court with the accused's consent with the intention that the referrals could be initiated by magistrates, police prosecutors, defence lawyers, court-based support services, defendants and other people involved in their lives. It provides that a proceeding must be removed from the list if the accused pleads not guilty or indicates an intention to plead not guilty. It excludes referral of cases that involve serious violence or sexual offences, and provides that the mental health list will only be heard at a court venue specified by the Chief Magistrate, with the intention to operate only at the Melbourne Magistrates Court.

The bill provides that if the accused completes an individual support plan, the court may discharge the accused without finding guilt, and if the accused is found guilty, the court must take into account in the sentencing the extent to which the accused participated in the individual support plan and may impose a sentence available under the Sentencing Act 1991. It also provides for provisions to sunset on the date proclaimed or no later than August 2013. The intention of the trial is to provide this court-based clinical assistance and case managers, and make the program available to accused persons for up to 12 months.

Some concerns have been raised, and the member for Box Hill went through those in some detail. We have had some discussions about people with impairments and disabilities versus people with mental health issues being lumped together in this, and people representing these groups are expressing concerns over these categories and also about how the staff, resources and focus of this may be approached. These are often divergent areas. Those who have disabilities and those who suffer from mental illness are really two distinct categories, and there has been some discussion about whether or not they should be separated.

There is also the issue that we are playing catch-up with some of the other states and it is a short-term pilot at only one particular venue. The pilot is being run only in the central business district, and I have some concerns with that. I am also concerned about finding the staff to run the program. There is nothing in this for country Victoria other than to wait until 2013 to deal with this if we are going to deal with it this way. In fact it may even take staff away from country Victoria because this area is having difficulty with staffing; we certainly have difficulty filling all the positions that are available in each of these areas in the country. If staff are attracted — and this is an add-on — then we could

inadvertently make things better in Melbourne and worse in the country.

Those likely to end up in the courts generally have social disadvantage mixed up with their disability or mental illness; they tend to come together. In the country we have found that accommodation is often an issue for these people: without accommodation and support, trouble is not far away. There are a number of programs that could be implemented now in country Victoria which would make a difference to the interaction with the law of people in those four categories, because it is still going to occur. One such program is prevention and recovery care, which is known as PARC. Some people also call these step-up, step-down facilities. That is supported accommodation that works in the mental health section of your public hospital in the disability area and provides the highly intense support that is needed.

I think if we were to solve some of these other issues in our community, not as many of these people would turn up on the court list or even encounter the law. Homelessness tends to bring people to the attention of the law. There is this complicated mixture. We are trying to keep people away from the courts. To personalise this, I have some stark statistics relating to mental illness in my electorate that I need to make people aware of.

The electorate of Mildura services 55 000 people, 5500 of whom have had a mental illness diagnosis and 13 000 of whom will have a mental health problem at least once in their lives. Mildura being a rural community, this statistic has an impact on every one of us. The fact that there are only 12 beds available to help sufferers puts enormous pressure on families, loved ones and those with needs. That Mildura does not have a supported accommodation facility is beyond comprehension. There are proven models of operation throughout Victoria and they could well work in my electorate. The economic burden of hospitalisation and/or encounter with the law far outweighs the cost of running such a facility, which would reduce the burden on the health and legal systems, our employers, carers and general citizens. Our people are emotionally exhausted from working to provide those services in the Mallee.

I would like to pay tribute to one of those services, Murray Valley Community Mental Health. Its manager, Cath Murphy, has provided me with a briefing on this issue. It is something we all find uncomfortable but there is a historic relationship. It appears that our psychiatric hospital admissions in Mildura are 13.2 per 1000 as opposed to 6.4 per 1000 for regional Australia

generally. Clearly there is a need for Mildura to deal with this mental health issue.

We have focused on mental illness, but similarly, we need to consider the broader needs, including accommodation needs, of those who happen to fall into the other category, which is the intellectual disability, acquired brain injury, autism spectrum disorder and neurological impairment category. Certainly those people also have a need for supported accommodation, because their encounters with the law, although not the same as those of people with a mental illness, will arise from the same reasons, particularly from homelessness and lack of support. Those people also need their accommodation sorted out.

I note that the member for Footscray said the government is breaking down the stigma of some of these issues; however, if we have the right services in the community, we might be able to avoid the stigma being there in the first place. We will be dealing with the cause of that stigma before someone gets labelled with it, which is particularly important in terms of them encountering the law. So there is a lot to be done.

While this trial is taking place in the city and will be evaluated from now until 2013, we need services in the country now to deal with these problems. Otherwise by the time we get to 2013 and make a decision on whether to roll out this program, we will have exhausted all those carers out there because they will simply have been overwhelmed by the need. We need to deal with it now and take care of this accommodation requirement.

A PARC (prevention and recovery care) service is desperately required in my electorate and in many other country electorates. This government can go beyond setting up another court in Melbourne and can go to the root of the problem, which in my electorate is the need for supported accommodation. This government should act now to prevent encounters with the law.

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

Mrs MADDIGAN (Essendon) — I am pleased to support the Magistrates' Court Amendment (Mental Health List) Bill 2009. I think this is another significant move forward in the court system in Victoria.

I was a little surprised at the comments made by the member for Box Hill, who started off by saying, in what really sounded like a complaint, that the government was spending too much time on specialist courts, such as the Koori Court and this court, to the detriment of the general court system. But then he went

on immediately to say we were far too slow in introducing this court, that we are well behind South Australia and Tasmania. It is a little hard to balance those two statements to determine what in fact the member for Box Hill would like in relation to the court system. Whilst he said the opposition did not oppose the bill, he certainly spent most of his time complaining about it and the court system in general.

I think it is very clear from this bill that it does meet many of the demands of a wide range of people in the community and should be of significant value to the people who have the right to appear before it. The member for Box Hill did raise some questions about that as well. However, as the member for Footscray made very clear, the people who can appear before it — and, as she said, it is voluntary — are those with a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment, including but not limited to dementia.

The suggestion that the member for Box Hill made — that this might be a soft option — is totally unfounded. I think the people who may appear before the court in the future would be quite deeply offended by that suggestion. It is like any other court in Victoria. The sentencing principles which guide all criminal sentencing in Victoria will not be amended to establish the mental health list.

The Sentencing Act 1991 requires magistrates to decide an appropriate sentence after taking into account factors such as deterrent, punishment, rehabilitation, protection of the community and concerns of the victim. These provisions are exactly the same for the mental health list, so I am not quite sure why he would suggest it is a soft option. For people to come to court at any time is quite traumatic unless people are in the habit of appearing before the court on a regular basis. It is quite an alarming experience for most people.

Having a mental health list may in fact be very beneficial, firstly, in assisting people in their appearance before the court, but secondly, in assisting them to recover afterwards from whatever condition they might have and assisting them in living a better life because of the services provided. There is no suggestion anywhere that the sort of treatment that will be available for people will differ according to whether they have a cognitive impairment or a mental illness. In fact the whole point of this court — —

Ms Wooldridge — That's the problem. It should do that.

Mrs MADDIGAN — No, there is a very significant approach. Each person will be treated separately according to whatever their impairment might be, and they will get the appropriate health support and the appropriate systems for whatever that disability might be. To suggest that everyone is going to be bunged in some area and there will not be any differentiation between the needs and conditions of people is totally wrong.

Ms Wooldridge interjected.

Mrs MADDIGAN — It is totally untrue. As I said, each person will be treated according to their disability and the situation in which they find themselves. I would have thought that that would be something that people would support, because after all we are dealing with individuals here, not some sort of broad area. This is the mental health list, it is not the mental illness list — as the member for Box Hill referred to it on a number of occasions.

I think if you look at this bill, it is only one part of work with mental illness or mental health impairment or another impairment. I think it is really important to understand that just by itself it does not fulfil all the needs of people in the community who come before the courts. It has to go together with the other work that the state government has done in the last few years in assisting people with disabilities. I think even the opposition would have to admit that the funding that this government has put into this area has been substantial since it came to govern, particularly in the last couple of years with the establishment of a Minister for Mental Health.

I think that has been very significant in encouraging the community to understand more about mental health, disability and the services governments can provide.

While I was in opposition — when I was first elected to Parliament — there were constant concerns about the funding that was provided in the mental health and disability areas. Even the work of former Minister for Community Services Christine Campbell in relation to the disability statement was a significant step forward in terms of governments understanding and working with the community. It laid a good foundation for the work that has continued since then.

This is a pilot project, which is quite reasonable. It is not as though this is a new idea that the Victorian government has suddenly thought of, as the member for Box Hill suggested. Mental health courts have existed since the 1990s. They originated in the United States of America, where there are more than 150 mental health

courts, with more being planned. This clearly indicates that as far as the United States is concerned, such courts have offered significant assistance to people with disabilities and kept them out of the prison system. Everyone would agree, as I am sure do members of the opposition, that anything we can do to keep people out of the prison system should be supported, unless they are a danger to themselves or others. This project is another move in the government's agenda to assist these people. The United States has found such courts have significantly reduced the number of people repeating crime and helped to reduce crime.

A very good research brief was prepared by the library and, I think, released yesterday. It goes through some of the issues and gives some of the history of the mental health courts in other jurisdictions — not only in the US but also in South Australia and Tasmania. It presents excellent evidence that having such a pilot project in Victoria is a sound step. This does not mean, as I think the member for Box Hill suggested, that this will be the only court to have a mental health list. Look at initiatives like the Koori Court, which started off as a pilot and has now extended into a number of areas; just last year we passed a bill relating to the Children's Koori Court.

I do not think you can just impose on Victoria a system that might have worked in America or even South Australia and Tasmania without having a good look at it and conducting a pilot program to see if it works, because all jurisdictions are different, as we know, and the legal system in America is quite different from that of Victoria. Conducting a pilot program to provide time to evaluate it and see if it is meeting its goals seems a sensible step to take.

I am pleased to support the bill. Some of the concerns expressed by the member for Box Hill will be shown to be unfounded, as has happened with this government's previous legislation establishing special courts. I see it as another important step, as part of the justice statement. There is no doubt that this initiative, combined with the increased funding for mental health and disabilities and the greater awareness in the community, provides a sound footing to assist people who have an impairment of some kind, whether it is an intellectual or cognitive impairment or a mental illness. Everything we as a community can do to assist those people is worthwhile. I therefore look forward to seeing this court operating, to seeing it evaluated, and if it is evaluated as being a successful part of the justice system, to the introduction of the mental health lists at a number of courts around Victoria.

Ms WOOLDRIDGE (Doncaster) — It gives me pleasure to speak on the Magistrates' Court Amendment (Mental Health List) Bill 2009. The purpose of the bill is to establish a pilot program as a separate list in the Magistrates Court for certain defendants with a mental impairment. The mental health list in the Magistrates Court will be for accused persons with a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment, including dementia, which causes a substantially reduced capacity in self-care, self-management, social interaction or communication, who would derive a benefit from coordinated services under an individual support plan. It allows that if an accused completes an individual support plan, the court may discharge them without finding them guilty and that if an accused is found guilty, their participation in the program may be taken into account in sentencing.

In our briefing we found out that this is really the next step in the court integrated service program (CISP), which the member for Box Hill has talked about, and the expectation of the government is that the majority of the 300 people who are expected to be on this list will be drawn from the CISP list. This initiative is really an extension of that program, joining the two together.

The bill generated a lot of responses. I will be quoting extensively from people we have heard from throughout our consultation process. There is a lot of support for specific therapeutic jurisprudence, and we support that for the mental health list. I will go through why this is needed, firstly for people with a mental illness and then for people with a disability.

As we have heard, people with a mental illness are overrepresented in Victorian prisons, with nearly 50 per cent of all prisoners having experienced mental illness and, I think, 17 per cent currently getting treatment for a mental illness. It is the failure of the government to invest in community-based and acute mental health services and the inability of people to get access to the mental health care that they need that is leading to such people ending up in the justice system.

This is occurring not just in the courts. Last year the Auditor-General found that 900 people who had experienced a mental health crisis were being held in police cells. This is in clear contravention of the Mental Health Act and the Charter of Human Rights and Responsibilities Act. That is because of the failure of crisis assessment and treatment (CAT) services. Police do not have confidence in CAT services, and therefore such people are ending up in police cells instead. The issue of people with a mental illness in the justice system is across the board. It is this failure of early

intervention approaches, community-based care and accessibility of services that is contributing to this situation.

The press release in relation to this bill said the government is:

addressing the underlying factors that contribute to offending by individuals with a mental impairment.

But what we heard very consistently from the sector as we consulted with them is that much more needs to be done earlier. For example, Professor Kulkarni, the director of the Alfred Psychiatry Research Centre, said:

... from a clinician's perspective I think there is an urgent need to manage mental illness much better to prevent the awful social consequences.

She went on to say:

... this court-based 'alternate mental health treatment system' targets a small proportion of people with mental illness, many of whom could be helped better and longer with greater investment in the general mental health systems.

In addition to Professor Kulkarni, we also heard from the Mental Health Legal Centre, which said:

Whilst we are supportive of this purpose, it is also true to state that mental health services within the state are chronically underfunded, and consumers are not always able to access appropriate services within the mental health system. It is important that funding for the creation of a separate list for clients within the criminal justice system is matched by commensurate funding for mental health services within the community. Adequate funding for mental health services in the community would reduce the likelihood of a client's initial contact with the criminal justice system.

These are very strong messages from those right on the front line in relation to the need for the mental health system to be bolstered to avoid people needing something like the mental health court list in the first place.

It is also important for people with a disability to have specific treatment within the judicial system. In particular we know of similar experiences of difficulties accessing the judicial system, particularly by people with intellectual disabilities. Those were outlined by the member for Box Hill, and particularly by the individual who wrote the passionate submission that the member for Box Hill spoke about in great detail.

What we have also found through a review of supported accommodation is that the lack of accommodation in the community can often also lead to people being inappropriately detained within the judicial system. Last year an intellectually disabled man was held in prison for almost 12 months because of a

chronic lack of supported accommodation. This was described by County Court judge Mark Taft as inhumane and intolerable.

But advocates for those with intellectual disabilities and the disability sector as a whole have more fundamental concerns. As was mentioned, four out of the five criteria did not even relate to mental illness, but everyone is put under the mental health label through this bill.

Ms Graley interjected.

Ms WOOLDRIDGE — That is what I said, 'mental health label' under this bill.

I would like firstly to quote the comments of Margaret Ryan, who has been mentioned previously. She said:

Calling this a mental health list is a gross misnomer ... it stands as a slap in the face to and a total disregard of the feelings and sensitivities of those who do not have as their primary condition mental health.

She went on to say:

For decades there has been positive action to separate intellectual disability from mental illness. This separation has been accepted in Victoria for well over 20 years. This ... mingling of mental health and disability is to repeat the mistakes of the past ...

Jean Tops from the Gippsland Carers Association said:

Clearly this is discriminatory and stigmatising of most people with disabilities who may have a dependency requiring a 'support plan' but who have no mental illness.

There is a lot of concern in relation to calling this a 'mental health' list and not having separate treatment.

As the member for Box Hill outlined, this could be dealt with in a number of ways. A separate list is what is largely being advocated, as is the case in Western Australia, where the individual needs are reflected through separate lists and separate treatment of people with an intellectual disability and also people with mental health challenges. The other option is to make adjustments to the name. In the South Australian legislation, on which, as we were told in the briefing, this bill is largely based, it was originally called the mental impairment court. But now the name has been changed to the Magistrates Court diversion program. As the member for Box Hill mentioned, in Shepparton it is called the 'specials list'.

What we need is the Minister for Mental Health, who does not have a good track record for speaking on her own bills, to come into the house and explain to us either why she believes it is acceptable to turn around

decades of work in separating mental health and intellectual disability or what she will do to make sure that things change while the bill is between the chambers and that these changes are reflected in the amendments that we see in the bill in the upper house. It is not acceptable to continue along the lines that we currently have, and we need the Minister for Mental Health to come in this evening, while this bill is being debated, and present either a justification or an explanation about what will change and how she, representing these groups, will make sure that those groups' voices are heard and their needs are reflected in this process.

The statement of government intentions tabled today has the Minister for Mental Health very clearly identified as the responsible minister. We have not heard from her yet. We need to hear from her because people with mental illness, people with disability and people with an acquired brain injury need to hear from their minister about what she is going to do to make sure their voices are heard.

We have received a lot of additional comments through the consultation process — unfortunately I do not have time to outline them, but I would be more than happy to provide them to both the Attorney-General and the Minister for Mental Health and Minister for Community Services should they request them — on concerns about the implementation of this bill from the Mental Health Legal Centre, VCOSS (Victorian Council of Social Service), NDS (National Disability Services) and others.

I am pleased to speak on this bill tonight. There are concerns about it. It is important to have specific treatment in the judicial system of people with a mental illness and people with an intellectual disability, but this bill does not yet reflect the needs of that group, and the minister needs to champion the group that she represents to make sure that their concerns are reflected in what is ultimately passed by this Parliament.

Ms GRALEY (Narre Warren South) — It is a privilege this evening to be able to contribute to the debate on the Magistrates' Court Amendment (Mental Health List) Bill. This is a very important piece of legislation. It is part of the Victorian government's mental health reform strategy.

The bill amends the Magistrates' Court Act 1989 to provide a legislative framework for the trial of a specialist mental health list at Melbourne Magistrates Court. The mental health list will pilot innovative approaches to address mental health related issues

associated with the offending behaviour of defendants appearing before the Magistrates Court of Victoria.

As I have already said, this is a very important piece of legislation. Despite the opinions that I have heard from some of those opposite, it builds on a really good track record that this government has of dealing with the very important issue of trying to improve the quality of the lives of many of those who have a disability or who suffer with a mental illness.

I think it is timely that we consider this bill after the announcement of Professor Patrick McGorry as Australian of the Year. He has been a great advocate for people suffering with mental illness, and it is my personal hope that his elevation to this important and prominent position this year will serve to raise awareness around the issues of mental illness and assist all governments' efforts in this area.

When listening to the member for Doncaster talking just before, I noted her very clinical assessment and critique of what it is like to live with a mental illness or disability. I do not think many people realise how difficult it is for the people themselves and the families and friends of those who suffer with mental illness. So many people in our community still think it is just a case of lifting yourself up, getting over it, or exercising a bit of self-discipline and everything will be all right. I am of the strong belief that until you have to deal with mental illness or you have a child with a disability you do not realise how life-changing and how hard it is to live with this in your life — because often it is a problem that never goes away and one that affects a lot of relationships. In many cases it tears families and relationships apart.

It is also very sad when you see people, especially those with mental illness — often people of great talent, creativity and beauty — finding it very hard to get on with their lives. But we can give them help, and as I have already said, this government has a good track record of investing in mental health services.

Many people with mental health issues and many of those with a disability get on with living a very normal life. They go to work, they look after their families, they travel and they participate in the community. But I would have to say that one of the greatest fears of people who have friends and family with a mental illness or a disability is that they may find them involved in the criminal justice system. It is one of the ongoing nightmares of those family members that they will get a call from police that something has happened. It is that roller-coaster ride that is often associated with persons with a mental illness in particular finding

themselves doing something wrong — not, as the member for Box Hill suggested, going and smashing a window to get some extra service but in fact finding themselves, through their own state of being at a particular time or because of an incident that has happened, dealing with police and the criminal justice system.

I think this is a very good and important piece of legislation. As I said earlier, the bill establishes the mental health list as a new procedural framework within the Magistrates Court to assist defendants who experience mental illness and cognitive impairments. It is hoped that the list will assist in preventing defendants from reoffending and hence reduce the overrepresentation of mentally impaired individuals in the criminal justice system.

As has already been pointed out, this is a voluntary system. Participants may withdraw from the list at any point in time. I know some people who have a mental illness, and I know that having their rights preserved and having their rights respected is a very important thing for them. Making sure that the list is voluntary is a very good aspect of the legislation. Participants can withdraw from the list. Their matter will return to the mainstream Magistrates Court, but withdrawal from the list will not prevent defendants from accessing the court-based support services. I think that is a really good aspect of the bill. It is voluntary, but if participants decide to withdraw, they still get to access those very important services.

As has also been pointed out by the member for Essendon, this is a program that is being tailored for individual needs. It is not about lumping everybody in together, as I think the member for Mildura suggested; it is actually about specific needs, specific illnesses and specific disabilities and about catering to those needs. It is also a pilot program. We are going to have a look at this and see how it runs. I have every confidence that this is a really good step in the right direction and that it will be a successful program. We will learn from it. Maybe we will have to change it a little bit and make sure it fits people from the city, the regions and the outer suburbs, but this is an important step in the right direction.

The intent of the bill is supported by a lot of national and international research as well as similar programs around the world. While views may differ about the level of overrepresentation of people with a mental illness in the criminal justice system, the research shows that there is a link between criminal behaviour and mental illness. The fact is that people with a mental

illness are overrepresented in the criminal justice system, and that is a cause for great concern.

International research shows that prisoners are several times more likely to have major depression and psychosis. Studies have produced similar findings in Australia. I would like to refer to the Victorian Prisoner Health Study, which found that rates of mental illness among prisoners in Victoria were three to five times higher than in the general population. There is a lot of work to be done. In a study in New South Wales 82 per cent of prisoners recruited as part of the research had at least one traumatic brain injury.

This legislation and the mental health list will combine the court approach with support for defendants provided by experienced mental health practitioners and case managers. Before those opposite get all alarmist about some of these issues, I would just like to make the point that a referral to the list will be available to defendants prior to sentencing, and defendants being referred to the list will not be those involved in serious violence or serious sexual offences. The magistrate will have the discretion to admit a defendant to the list in cases involving low-level sexual offences.

I would like to finish up by saying that this government has put enormous effort into dealing with people with mental health problems and people who are experiencing those sorts of problems in their families. I have a number of friends who care full time for their sons and daughters who have mental illnesses, and I can assure you they have been pleased with the way the government has taken this issue very seriously, to the extent that it has not only appointed the Minister for Mental Health — the first in Australia — but also provided an exceptional amount of money. For example, the 2009–10 Victorian state budget allocated \$13.8 million, comprising \$10.9 million of new funding and \$2.9 million of reprioritisation of existing resources over four years for the pilot of the mental health list. The list funding includes provision for a magistrate and associated court staff. The list magistrate will be supported by a list program manager, three clinical advisers and a case coordinator. There are more staff and more resources to support this program. It is a great initiative. It is something that is very much needed, given the research and statistics. I think it really builds on this government's commitment and hard work in assisting people with mental health issues.

Mrs FYFFE (Evelyn) — I am pleased to rise to make a contribution to the Magistrates' Court Amendment (Mental Health List) Bill 2009. The prevalence of mental illness among offenders in the court system is believed to be very high. Factors

contributing to this high incidence include the de-institutionalisation of mentally ill people, an increase in the use of drugs and alcohol by people with a mental illness and the limited capacity of community-based mental health services to address the needs of mentally ill offenders. This legislation, while welcome, is very overdue. Mental health courts already operate in other jurisdictions.

I will relate for a moment what is happening in my electorate with regard to mental health and how I hope this legislation will assist. In comparison with Victoria as a whole the outer east has a higher rate of admissions to hospitals due to alcohol, drug use and alcohol or drug-induced organic mental disorders. The shire of Yarra Ranges continues to have some of the state's highest rates of mental illness, coupled with low socioeconomic status, low employment and limited access to transport.

In addition, the eastern ranges has the poorest GP-to-population ratios in the state, with an average of only 1 GP for every 1750 residents, and in some areas 1 GP for every 3000 residents. This in turn impacts on access to other allied health services and limits support through public mental health services. Local GPs are consistently reporting difficulties managing the large number of low-level mental illnesses due to a lack of access to services such as psychology and psychiatry. And the more complex mentally ill patients who usually present with multiple physical issues as well are difficult to manage, yet many GPs find they have to try and accommodate them in their local practices because of a lack of capacity to deal with them in the public system.

This information comes from the Eastern Ranges GP Association. It also says there is an urgent need in the shire of Yarra Ranges for supported accommodation for people with mental illnesses, to give them support before they commit offences.

The purpose of this bill is to establish a separate list within the Magistrates Court on a pilot basis. The specific powers of the mental health list allow the court at any time to convene a hearing to receive reports on an accused's progress and compliance with his or her individual support plan; to adjust, amend or vary any individual support plan of an accused; to remove a criminal proceeding from the mental health list at any time; and to discharge or indicate an intention to discharge an accused at any time.

One of the principal features of the mental health list is that it will have a dedicated magistrate who will be actively involved in supervising the progress of the

accused's individual support plan. A potential problem that I hope does not eventuate but may materialise is the overburdening of any judge charged with this responsibility. As it is, our mainstream courts are struggling to hear cases in a timely fashion. A dedicated magistrate, unless given the appropriate support, may be likely to encounter the same problems.

In the meantime a mentally ill offender who volunteers to participate in the program and waits to appear before the magistrate may end up falling through the cracks if services are not speedy enough. It sounds good in theory, but I cannot help but feel that the practical constraints of managing such a caseload are likely to interfere with the success of the initiative.

Proposed section 4U to be inserted by clause 5 into the Magistrates Court Act 1989 engages the right in section 13 as involvement in the list requires the accused to reveal personal and medical information to treatment providers and the court. While I understand this is required for successful treatment and inclusion in the program so that health professionals and the court can work unimpeded to assist them, this may potentially impact on the number of people who are willing to submit to the mental health list. I would like to know how the government intends to encourage the participation of those people who may be suspicious of authorities of all kinds.

A previous speaker made the comment that Victoria is the first state to have a designated Minister for Mental Health. I have to ask why the Minister for Mental Health is not making a contribution to debate on this important bill which will implement the trial in the courts for people with a mental illness; because of that, I would have expected her to make a contribution.

The list includes a wide range of impairments. I have a concern about people who have an intellectual disability or acquired brain injury being included in the area of mental health. This is contrary to many years of effort by those involved with intellectual disability to have their situation recognised and provided for separately from mental illness. There are concerns that the support services provided as part of the list will be directed to those with mental health problems and will not adequately recognise or provide for persons with intellectual disabilities.

I also noted that a suitable term of court supervision will be determined based on the accused's specific needs and circumstances. It is anticipated that the majority of accused persons will be discharged from the program within six months. However, the services will

be available for up to 12 months where an accused's circumstances require a longer period of care.

What happens to a mentally ill offender after their additional six months have elapsed? Are the support services going to be withdrawn completely, leaving the individual to fall back into old patterns of behaviour? It feels grossly inadequate and even inhumane to be providing intensive support for a limited period. Are they going to be cut loose when their time expires? What is the pathway for these people? Is there one? I should not have to tell my parliamentary colleagues that mental illness does not simply stop when we run out of resources. Some mental illnesses are acute and may only appear periodically throughout a person's life.

However, serious mental illnesses can be enduring and chronic. They require ongoing intervention to prevent people from hurting themselves or others. It is not their fault that they have these illnesses. We cannot turn our backs on them once they are out of the system. More needs to be done to encourage them to stay in the system, and more services need to be made available to individuals with mental health issues. Funding needs to be reassessed and prioritised for GPs, mental health and disability services, police, justice and correctional agencies, alcohol and drug services, psychologists, psychiatrists and counsellors.

The government is controlling the purse strings at present, so what support will it be willing to give mental health professionals in the 2010 state budget? Or is this something that is going to be talked about, given a trial and then just disappear?

Over the years mental health concerns have gradually become less stigmatised, due largely to the work of charitable organisations and health professionals who have made it their ambition to educate the community about the needs and issues facing individuals who suffer from mental illness. Former Premier Jeff Kennett has done a wonderful job with the beyondblue organisation to raise awareness of the prevalence of support services available to people struggling with depression.

I commend all the individuals of the charitable organisations and the health professionals for their dedication in bringing these issues into the mainstream so we can reduce the feelings of marginalisation and isolation that for far too long have kept mental health in the background. Any of us in this place who have family members or close friends with a mental illness know that at times the episodes are severe and difficult to handle; they would understand the need for special treatments. I am pleased that the trial is happening in

the courts. I sincerely hope full support is given and that this is not something that is being done just to make people feel good for a short time.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Magistrates' Court Amendment (Mental Health List) Bill 2009. As has been touched on by other speakers, the bill will establish the mental health list in the Magistrates Court of Victoria to provide a new procedural framework to meet the particular needs of defendants who have a mental illness or coexisting impairment.

If one looks to the eligibility criteria in the bill, one sees that the diagnostic criteria an accused must meet to be covered are that the accused must have one of the following: a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment, including but not limited to dementia.

It is important in understanding this particular bill to look at when the bill will not apply: it will not apply to procedures which relate wholly or partly to charges for a violent offence as defined under section 6B(1) of the Sentencing Act 1991, a sexual offence as defined under section 6B(1) of that act or a serious violent offence as defined under section 6B(2) of that act. In order to meet the criteria of a mental illness the act refers to the Mental Health Act 1986.

It is useful to discuss what is not considered to be a mental illness; it helps frame this bill. It is not considered to be an illness under the Mental Health Act 1986 for a person to express, refuse or fail to express a particular political opinion or belief; for a person to express, refuse or fail to express a particular religious opinion or belief; for a person to express, refuse or fail to express a particular philosophy; for a person to express, refuse or fail to express a particular sexual preference or sexual orientation; for a person to engage or refuse to engage in a particular political activity; for a person to engage or fail to engage in a particular religious activity and, importantly — I will not go through them all — for a person to have an antisocial personality.

If a person has an antisocial personality, that is not in itself enough to trigger the provisions of this act. It is important to understand that, because there is often not a great understanding of the difference between having a mental illness and a personality disorder. Persons can have a personality disorder but not have a mental illness, as defined. People with antisocial personalities can exhibit selfishness and a lack of empathy for others. In fact, although a person who commits a serious crime

may exhibit a lack of empathy for others and the sorts of attributes that people with an antisocial personality have, and that is something that can be characterised by mental health professionals, it is not a mental illness, and that is an important distinction. Just because someone is selfish, cruel, lacks empathy or care for others does not mean they are entitled to protection or consideration under this act. There are many criminals who undertake actions in part because they have an antisocial personality, but that in itself does not mean they are mentally ill or that they have an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment, including but not limited to dementia. Therefore, just because a person is bad in simple terms does not mean they are necessarily mentally ill and should be covered by this act.

This legislation builds on the good work of this government in providing a greater focus on mental illness and providing more help. The former member for Preston in this house, Michael Leighton, who came from a background of working with the mentally ill before entering Parliament, was very concerned about persons who have a mental illness. Understanding and having empathy for people who have a mental illness is an important consideration for all members of Parliament because people with mental illness are often the most unhappy, the most disturbed, the most troubled persons in our society, who have the greatest difficulty in dealing with day-to-day life. If we all consider those who have to deal with those special problems, better legislation will flow from that.

This is an excellent bill which will help address the problems. As noted by previous speakers, people with mental illness are many times more likely to be imprisoned than are those in the general community who do not have a mental illness. Research has shown that there is a higher prevalence of mental illnesses, for example, schizophrenia, amongst persons who are in prison. This bill will contribute to a more humane and thoughtful approach towards the mentally ill which will, I hope, lead to more appropriate treatment and a better outcome for persons in Victoria who have special needs. It will also reduce the rate of criminal activity and recidivism in our society. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to debate on the Magistrates' Court Amendment (Mental Health List) Bill. This bill seeks to establish on a pilot basis a separate list within the Magistrates Court for certain defendants with a mental impairment. One of the main provisions of the bill is to establish a mental health list

in the Magistrates Court for accused persons with a mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or neurological impairment, including but not limited to dementia, which causes a substantially reduced capacity for self-care, self-management, social interaction or communication and who would derive benefit from coordinated services under an individual support plan.

I commend the members for Box Hill, Mildura, Doncaster and Evelyn for their contributions to the debate. Members on this side of the house have made it clear that whilst the intent of the bill is good, some concerns about anomalies in the legislation have been expressed, particularly by groups representing the disabled across Victoria. It has been said by other members that there is no representation of people with a mental illness in the judicial system, and therefore any support mechanisms we can put in place to ensure we reduce this anomaly in the system are welcome.

Speaking from a Gippsland perspective we have Barrier Breakers, which is a mental health advocacy group operating out of Traralgon and the wider Gippsland area. The group does a marvellous job representing the best interests of persons who might have a mental illness. In my conversations with representatives of this advocacy group over a period of time one of the issues that keeps raising its head is the overrepresentation of people with mental illness in the judicial system and how we can reduce this number. It is not easy; it is a juggling act we have grappled with for a long period of time.

What I really want to speak about is proposed new section 4T, inserted by clause 5 of the bill, which talks about eligibility criteria. This clause specifies that the accused must meet diagnostic, functional and needs criteria in order for the criminal proceeding to be eligible for the mental health list. Paragraph 2 of clause 5 lists a number of criteria. These include mental illness, intellectual disability, acquired brain injury, autism spectrum disorder and neurological impairment, including but not limited to dementia. As I said earlier, significant concerns have been expressed by a number of organisations in the disability sector across Victoria. They believe that the criteria that apply under this legislation are flawed. Whilst some people are saying that we have put all of our eggs in one basket in terms of calling this a mental health list, those in the disability sector firmly believe that there should be some separation of this list but recognise the distinction between mental illness and those other afflictions. They question whether the criteria of intellectual disability and acquired brain injury, autism spectrum disorder and

neurological impairment should be included in the mental health list.

In her contribution to the debate the member for Doncaster referred to literature that most members of Parliament would have received from Margaret Ryan. In my region members of the Gippsland Carers Association have also been long-time advocates for people with a disability.

An honourable member — Jean Tops.

Mr NORTHE — It is Jean Tops, and she does a marvellous job. I will quote briefly from a letter I received from Jean as president of the Gippsland Carers Association. She talks about the letter and discussion paper written by Marg Ryan, who is also well-known for her family advocacy. She and Marg Ryan draw attention to the fact that it is proposed that the mental health list include people with an intellectual disability, acquired brain injury, autism spectrum disorder or neurological impairment unrelated to mental illness.

In her letter Ms Tops quotes Ms Ryan as saying:

We must all be very concerned that this proposed mental health list seeks to suggest that all the above disabilities should be covered by mental health legislation. Clearly this is discriminatory and stigmatising of most people with disabilities who may have a dependency requiring a 'support plan' but have no mental illness. If the Attorney-General's intention is to allow courts to discharge an accused person because they have a 'support plan' then clearly there is a need for a separate disability list.

I think that represents many of the views of disability groups and organisations across Victoria. I believe it is something that the government should consider very closely while the bill is between houses. I can see no reason why the government would not consider introducing something along those particular lines. It is my duty to represent the needs of Gippsland groups, such as the Gippsland Carers Association, and to put them on the record, which I have now done.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak in the debate on the Magistrates' Court Amendment (Mental Health List) Bill 2009. In many ways I see this as very much an economically rational bill. It very much deals with trying to reduce crime and I guess reduce the costs associated with crime, which include incarcerating people at a cost of \$70 000 each a year.

From a government point of view I guess it is to some extent cost related — to reduce the costs on society of incarcerating people with mental illness who have been found guilty of committing a crime but to intervene

earlier and keep them out of jails and keep down the cost for society.

The bill is also very socially progressive. It deals with mental illness in a very dignified and civilised way; it deals with it as an illness and does not condemn the person who is suffering from that illness for having the illness in the first place. I think it is smart and innovative, with the government trying to break the cycle of offending and reoffending. The bill gets to the root causes of crime, dealing with it very early on. The purpose of the exercise of establishing the list is not to transform the Magistrates Court into a mental health treatment provider. Rather its key function is to identify defendants who have significant health and cognitive impairment issues and link them to services that are appropriate to their needs.

As members know, Victoria's mental health services are the best in the country. A recent report from the Productivity Commission highlighted that the government was ranked first in the nation, with 60 per cent of mental health services allocated to the community health sector. This means there is a very much more accessible health service for people, delivered in their community. The success of this funding model is reflected in the data, which highlighted that in Victoria we delivered double the number of services contact per person of any state in Australia. That very much reinforces a Senate report of some years ago which again identified Victoria as the leader in mental health services.

In the last two budgets, as members know, the government has allocated an increase of more than \$300 million to bring the total amount spent on the delivery of quality treatment and care to Victorians living with mental illness to about \$1 billion. At the end of the day, the government is very committed to dealing with these issues with a very dignified and civilised approach. That is very much a sign of a mature society — that we can deal with mental illness, acquired brain injury and the like in a dignified way instead of condemning people and throwing them to the lions, so to speak, as might have happened in the past.

Since coming to government we have committed more than 350 additional health beds, including 100 subacute prevention and recovery care beds. I know that in my area Casey Hospital has had an enormous increase in the number of beds allocated to mental health. I know that at Dandenong Hospital there has also been extra allocations of beds to deal with mental health. That is where our local CAT team is based.

The bill amends the Magistrates' Court Act 1989 and provides a legislative framework for the trial of a specialist mental health list in the Melbourne Magistrates Court. I noted in the press reports that I have seen from various people associated with — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Foxhow Road: upgrade

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Roads and Ports and concerns the substandard and dangerous condition of Foxhow Road in the Corangamite shire. I call on the minister to immediately make available the appropriate level of funding required to upgrade Foxhow Road to a highway standard. This road, north of Camperdown, connects to the Hamilton Highway, which runs into the 15-kilometre bypass at Fyansford. Since the opening of the Geelong Ring Road, Foxhow Road has experienced a significant increase in traffic volumes.

The history of complaints about Foxhow Road goes back many years. In particular, concerns have been raised time and again in relation to B-double trucks and school buses using a road that changes from two lanes to a single lane at various points without any warning. Early in 2004 responsibility for maintaining this road rested with the Shire of Corangamite and, after inspection of the road's condition, I made representations to the then Minister for Transport requesting that funding be increased to the shire in order that it could undertake the significant work required on Foxhow Road. No increased funding eventuated.

In late 2004 responsibility for Foxhow Road shifted to VicRoads. In 2008 there were again calls for funding on the basis of the predicted rise in traffic once the Geelong Ring Road was opened. The Warrnambool *Standard* reported on 29 December 2008 that the then mayor of Corangamite shire, Cr Ruth Gstrein, expressed her surprise that a major accident had not happened. The VicRoads-managed road was in poor condition and in need of repair.

The Corangamite transport management unit officer, Sergeant Shane Howard, was also reported as saying that police would step up patrols on Foxhow Road and that 'certainly it is a concern'. VicRoads indicated at

that time that a proposal to upgrade sections of the road had been submitted for a future funding program.

Those early predictions eventuated, with a further account in the Warrnambool *Standard* of 18 July 2009 stating that VicRoads had confirmed traffic had almost doubled on Foxhow Road since the opening of the Geelong bypass, from 429 vehicles a day to 798, and yet there was still no indication of when funding would be available.

We now come to 18 December 2009. A truck and dog trailer combination travelling south on Foxhow Road was forced to move across to the left to make way for an oncoming B-double. The truck slipped off the road shoulder into built up sand on the side of the road, which had become almost like quicksand. The sand pulled the truck down and it ended up almost on its roof. Fortunately the driver was not badly injured.

What if this had been a school bus? Do we have to wait for a fatal accident to occur on Foxhow Road before something is done? About two or three weeks ago I went along Foxhow Road, inspected the road and took photographs of sections of it. There are sections of the road where the bitumen finishes and drops down to the left about a quarter of a metre, which is a significant drop. If anyone travelling along that road on a motorbike pulled to the left-hand side of the road and went off the bitumen, they would no doubt be tipped off the bike.

It is an extremely dangerous road. I am really concerned about the school buses and the children on board that are using Foxhow Road. I urge the minister to immediately provide funding to bring Foxhow Road up to a highway standard.

Street violence: Forest Hill electorate

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to work with Victoria Police to ensure that alcohol-related violence is not tolerated in Forest Hill. I ask that the minister's department provide further information outlining the Brumby government's tough new laws on antisocial behaviour, particularly the use of banning notices, which are being used within the Forest Hill electorate and more broadly across Victoria.

A number of my constituents have approached me to question what the government is doing to address this issue. Many parents are concerned for their children who go into the city on Friday and Saturday nights. The stories they have read in the newspapers and seen on

TV portraying alcohol-fuelled violence on inner city streets have exacerbated their concerns. The suburbs have also been subject to cases of alcohol-fuelled violence, with local media covering a number of violent incidents which occurred in the vicinity of the Burvale Hotel in the electorate of Forest Hill.

There have been calls for more police and tougher laws to crack down on those people who do not do the right thing when out having a drink. In discussions with my constituents regarding the violence on our streets, many people cite a lack of respect as the primary catalyst for this seeming spate of antisocial behaviour.

Members know that the issue of alcohol-fuelled violence is not new. In fact the Labor government has led the charge to address the issue of antisocial behaviour on our streets. It is this government that in 2007 established the ministerial task force on alcohol and public safety, which has led to the development of a whole-of-government approach to preventing and reducing harm associated with alcohol misuse in Victoria.

The government has announced a \$37 million alcohol action plan that over the next five years will aim to encourage safe and sensible alcohol use by focusing on alcohol-related health issues and alcohol advertising through a community awareness and educational campaign and enhanced law enforcement in and around licensed venues in Victoria.

This government is committed to giving police the resources and legislative backing needed to assist them in protecting the community and to ensuring that people feel safe in their homes and when they walk down the street. There are already numerous pieces of legislation which were passed in late 2007 and 2008 to help address alcohol-related violence in Melbourne's entertainment precincts. One such piece of legislation introduced banning notices, which gave police the ability to ban anyone suspected of committing a designated offence from a specific area for 24 hours. Victoria Police has issued a total of 2492 banning notices as at 24 January 2010. It is clear the legislation is enabling Victoria Police to take a proactive approach to decreasing public violence in Melbourne.

This government is not taking the issue of alcohol-fuelled violence on our streets lightly, and nor should it. The government has evoked a comprehensive range of measures to keep our communities safe, and I ask the minister to explain the effectiveness of these measures.

Community services: supported accommodation

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Community Services. I ask the minister to adopt as a matter of urgency the recommendations in the Family and Community Development Committee's final report on its inquiry into supported accommodation for Victorians with a disability and/or mental illness. The inquiry, which was instigated by the Liberal-Nationals coalition, revealed a supported accommodation system in crisis, with many Gippsland families among those who simply do not know where to turn.

Much evidence was tendered to the inquiry by Gippsland organisations such as Headway Gippsland, Gippsland Carers Association and mental health advocate Barrier Breakers. Submissions provided to the inquiry by these reputable organisations and others portray a system in which the need for supported accommodation is overwhelmed by a lack of beds and excessive waiting lists.

The committee found that Gippsland has fewer supported accommodation beds than any other region in Victoria. As a consequence, 58 people were identified as having an immediate need for disability accommodation, yet these people languish on the Brumby government's waiting list, which numbers some 1300 persons statewide. It is important to remember that those 1300 persons on the disability support register are in need of urgent immediate accommodation; one must question how many await support beyond this list.

Fifty-five per cent of those requiring immediate disability accommodation in Gippsland are aged over 30 and are cared for by elderly parents. With little support in place for many elderly carers, the struggle is immense. We hear many times that ageing carers are afraid to die for fear that their child will not receive appropriate accommodation and care once they are gone. It is an awful scenario to contemplate.

Just as disconcerting is the crisis within the mental health system in Victoria and Gippsland. These concerns have been conveyed extremely well by Barrier Breakers and other Gippslanders who contributed to this inquiry. Barrier Breakers has been advocating for a period of time for appropriate accommodation in Gippsland for those suffering from mental health issues. If you analyse the submission provided by Barrier Breakers to the Family and Community Development Committee, you glean some sense of the crisis that exists. The submission tells a

story of approximately 1434 people in Gippsland suffering from a severe mental illness whilst competing for only 33 acute-care beds.

Is it any wonder that capacity within the Flynn Unit mental health ward at Latrobe Regional Hospital constantly exceeds 100 per cent? Barrier Breakers chairman Dr Gordon Arthur was reported in the *Latrobe Valley Express* of 1 February 2010 as saying that Gippsland was still 'saddled with grossly inadequate facilities for proper mental health care'. Despite the best efforts of Latrobe Regional Hospital staff, it remains a constant challenge to provide appropriate mental health services and accommodation to Gippsland residents.

The final report tabled by the Family and Community Development Committee is damning for the Brumby government and demands urgent action. I therefore call upon the Minister for Community Services to urgently adopt and enact the committee's recommendations from its inquiry into supported accommodation for Victorians with a disability and/or mental illness.

Rail: Berwick car park

Ms GRALEY (Narre Warren South) — The adjournment matter I wish to raise tonight is for the Minister for Public Transport and concerns the new car park at the Berwick railway station. The action I seek is that the minister visit Berwick to officially open the new car park. The ability to park and ride is one of the most important public transport needs for residents of my electorate. Berwick is a very busy railway station because lots of people are moving into Berwick. It is a great place to live and raise a family. The estates in Berwick are very attractive; people have built lovely homes and are going about creating very nice gardens. However, the people of Berwick have told us they really need more parking spaces at the Berwick railway station.

Many residents in my electorate use the train to get to work because many of them have to work outside the Berwick area; many of them are on their way to Dandenong or travelling a little bit closer into the city. The bus network in the area is very good and is improving all the time, which is great news, but the fact is that most people drive to the railway station, and finding a car park is an early learning priority for many residents in my area.

The Brumby Labor government is delivering on the car park; it is part of the \$38 billion Victorian transport plan. The project includes 300 new car parking spaces; additional disabled car parking spaces, which is great

news because when you watch people driving up to the station in the morning and getting out of their cars you see that some are not as fleet footed as others and they need those car parking spaces close by; new lighting; closed-circuit television cameras for commuter safety; and a new good-sized bike cage. I hope it encourages cyclists in my electorate to use the car park and then catch the train.

I know these car-parking spaces will be appreciated by commuters and local residents; they will be safe and convenient, and they will provide accessible parking. For local residents fewer cars will mean less parking in adjoining streets too, and the distance and the time one has to take to walk to one's car will be reduced considerably, and that is good news for people on cold winter nights! I understand the car park is almost ready, and the member for Gembrook and I look forward to its opening. I ask that the minister visit Berwick to officially open the new car park at his earliest convenience.

Victorian Funds Management Corporation: entertainment expenses

Mr WELLS (Scoresby) — I raise a matter of great concern with the Treasurer, through the Minister for Gaming, who is at the table. The action I seek is that the Treasurer as a matter of priority release all details relating to the entertainment expenses of the Victorian Funds Management Corporation for 2007–08, for the calendar year 2008 and for 2008–09. We need to know how much money the VFMC fat cats splashed out on themselves in entertainment expenses.

I asked a question on notice regarding VFMC entertainment expenses, and the response I received from the Treasurer was pathetic. In answer to my question on notice he said the day-to-day operations of the VFMC are handled by its chief executive officer. I took the advice of the Treasurer and wrote to VFMC chairman John Fraser on 1 October 2009 informing him that I had asked a question on notice in Parliament and had been directed by the Treasurer to the VFMC. I expected the figures to be released, but I received the following from the VFMC:

I refer to your letter of 1 October requesting itemised details of VFMC entertainment expenses ...

In your letter you included the response of the Treasurer to your parliamentary questions on this matter. As noted by the Treasurer this expenditure is under the direction of the chief executive of VFMC and is reported in VFMC's annual parliamentary reporting. On the advice of the Department of Treasury and Finance, I am unable to provide greater detail to you than that provided in our annual reporting.

We have a ridiculous situation where the Treasurer directs me to the VFMC and the VFMC says it cannot give me the details on the advice of the Department of Treasury and Finance, so we go around in circles. This gagging of the VFMC is a typical abuse of power by a hypocritical Treasurer who fobbed off legitimate inquiries to the VFMC and then stopped the VFMC from releasing any information. It is hypocrisy of the highest level. The Treasurer and the Brumby government simply cannot be trusted when it comes to the VFMC. The Premier and Treasurer's ongoing incompetence has already cost Victorian taxpayers and public sector employees over \$10 billion in lost investment and superannuation funds.

In order to get to the bottom of the VFMC fiasco nothing less than a full judicial inquiry into the failures and incompetence of the Brumby government in relation to the VFMC will now suffice. I again ask for the answers to be given.

Greyhound racing: Beckley Park, Geelong

Mr EREN (Lara) — I wish to raise a matter for the attention of the Minister for Racing with regard to greyhound racing facilities in Geelong. As members may know, Geelong is home to Victoria's largest population of greyhounds and registered participants in greyhound racing. Accordingly the action I seek is that the minister assist in the funding required to refurbish the facility's grandstand and the racetrack itself at Beckley Park.

I am informed that this fantastic greyhound racing facility is home to a number of Australia's most successful trainers and also hosts one of Australia's richest provincial cup event, the Geelong Australia Gold Cup, which I was fortunate enough to attend in October last year. A beautiful greyhound called Gripen Bale took out the Gold Cup. I must admit I do not go to greyhound racing often, but it was one of the most enjoyable nights I have ever had. Against a number of tips that were given to me I went with my heart, and on a couple of occasions I was successful.

The Beckley Park facility has been the home of Geelong greyhound racing since 1980, with racing being part of Geelong life since 1936. This facility is also used for a well-attended community market every Saturday morning. When the weather is good literally hundreds of people go in and out of that market. The facility is also a major fundraising point for the Royal Children's Hospital Good Friday Appeal.

The grandstand was last updated in 1997, and I am informed that it and the track are in need of a major

upgrade. An upgrade of this facility would not only secure the venue as a showpiece greyhound racing venue, but it could also allow for an improved set-up to cater for business conferences and private functions on non-race days. The Beckley Park upgrade would create local employment opportunities during construction and when finished would allow community use of the facilities. It would provide the people of Geelong and the Lara electorate with the type of great entertainment the whole family can enjoy.

I understand Greyhound Racing Victoria, in conjunction with the Geelong Greyhound Racing Club, will be approaching the Minister for Racing for assistance under the government's Regional Infrastructure Development Fund to help fund these works. I call on the Minister for Racing to allocate the necessary funds to assist Greyhound Racing Victoria to achieve its plans for the upgrade of Beckley Park.

Heany Park Primary School: portable classrooms

Mr WAKELING (Ferntree Gully) — I wish to raise with the Minister for Education a matter of grave importance. The action that I seek is for the minister to replace the portable buildings that were recently destroyed by fire at the Heany Park Primary School. The school, which is located in Rowville, was the subject of an arson attack on the evening of 13 January. As a result of this attack a number of buildings were damaged. In particular two portable classrooms were destroyed. One of these classrooms was to be used as a music education room and the other as a languages other than English classroom.

The Heany Park community was devastated by the fire and was assured of a speedy repair. However, the Minister for Education recently announced that the two destroyed classrooms will not be replaced. The minister has chosen to leave Heany Park Primary School disadvantaged, which is a further blow to the community which has dealt with the devastation of the January fire. This is a clear indication that the Brumby Labor government simply does not care about residents of Rowville.

On 29 January I attended a working bee at the school. It was fantastic to see the huge support from the community in helping to clean up the school. Members of the community were willing to work to ensure that the children of Heany Park Primary School had the best possible start to the new year. I find it extremely disappointing that the Brumby Labor government is not willing to provide the same assistance. The official reason the minister has given is that enrolment numbers

show that the destroyed classrooms are not needed. That is a terrible excuse from an incompetent minister. It seems clear that prior to the January fire the education department had determined that the school's enrolment figures for 2010 warranted the two portables. If the department had drawn the conclusion that it should remove them, it would have advised the school community earlier that these facilities were to be removed from the school. Furthermore, I have been advised anecdotally that the eastern metropolitan region of the education department had agreed that the two portables needed to be replaced. However, it seems that someone higher up in the department overturned this decision.

The simple fact is that if the fire had not occurred in January, Heany Park Primary School would have had access to both of these portables for the 2010 school year. The school certainly formed its planning around the utilisation of the two classrooms throughout the 2010 academic year. The minister's excuse just does not stack up. The Brumby Labor government is forcing the Heany Park Primary School community to suffer as a victim of crime by refusing to replace the destroyed buildings. I have spoken to a number of parents who are extremely upset that the classrooms are not being replaced immediately. It is outrageous that the government can find \$20 million to spend on fairy lights for the West Gate Bridge but cannot find enough money to replace two portables destroyed by fire at one of my local primary schools.

I call on the Minister for Education to take action and immediately reverse her decision to withhold replacement portable classrooms for Heany Park Primary School. The Heany Park community has already suffered from the loss of these portables through arson. It should not have to face a further blow by not having its facilities replaced.

Consumer affairs: email scam

Ms MUNT (Mordialloc) — The matter I wish to raise this evening is for the attention of the Minister for Consumer Affairs. The action I seek is that the minister investigate a new internet email scam that has come to my attention. An email purporting to be from the Australian Taxation Office is headed 'Subject: tax refund'. This email has a very professional, seemingly authentic logo of the Australian Taxation Office with the crest of the Australian federal government in full colour. It purports to provide general information about e-tax, including a demonstration, the benefits of using e-tax, computer and eligibility requirements, and security. It then says, 'Click here and get tax refund'. It thanks you for your time and input and shows a 2010

copyright, Australian tax office. The server is listed as Australian@server13.xenserve.com or taxation@server13.xenserve.com or office@ato.gov.com.au.

I believe tax refunds are now available online; I also believe many of my constituents would have great difficulty in identifying which is the real communication and which is the fake or scam. Following the 'click here' prompt can lead to providing confidential information to scammers. Many of my local residents are elderly, usually occasional rather than highly proficient internet users, and they may be caught by this scam. It has been my practice to highlight to my electorate these different forms of scams as they come to my attention, so my constituents can be forewarned and forearmed with the necessary knowledge to avoid these tricksters and conmen. This is a constant task as ever-more innovative and seemingly authentic scams are constantly appearing, whether via the internet, door-to-door canvassing, over the phone or in the mail.

These scammers make it their life's work to prey like parasites on good honest citizens, steal their money and leave their victims disbelieving, distraught, feeling ashamed and considerably lighter of pocket. I have even seen instances where my constituent's health and wellbeing has been affected. These scammers are shameful, and I will continue to make it my business to try to protect my constituents by exposing their scams — their crimes — wherever I find them. I ask the Minister for Consumer Affairs to take action against this latest scam, as I know that he has in previous instances that I have brought to his attention.

Country Fire Authority: vehicle stamp duty

Mr MORRIS (Mornington) — I raise a matter this evening for the Minister for Police and Emergency Services. The end of this week marks the anniversary of Black Saturday. It is a year since swathes of country Victoria were devastated by fire, a year since so many lives ended in tragedy. In the months since, many plaudits have quite rightly been directed to the Country Fire Authority (CFA) volunteers, those men and women who have given so much and continue to give so much to protect the lives and property of their fellow Victorians. Sadly, as is often the case, the government's words have not been backed up by action.

I am referring to the refusal of VicRoads to register a vehicle for the Mount Martha fire brigade without first receiving payment of \$2560 in stamp duty. The action I seek is that the Minister for Police and Emergency Services arrange to immediately reimburse the \$2560

erroneously charged in stamp duty to the Mount Martha fire brigade.

The vehicle in question is a newly upgraded light and salvage unit purchased from Patterson Cheney in Dandenong. The brigade replaced an existing 12-year-old vehicle and had the equipment box reattached onto a new cab chassis. The unit has been used for many years to provide lighting for incidents, both locally and across the state. It has been used not only for motor vehicle accidents but also during the summer fire season to transport extra crews to staging areas and particularly for staging area management.

The unit has been used at Swifts Creek, Heyfield and Moondarra and was used last year at the Delburn complex fires, Bunyip State Forest and Wesburn for 18 days straight during the Black Saturday fires. During that time 223 days of 12-hour shifts were provided by the brigade. It is an impressive record.

The project has cost the brigade just over \$100 000. It is money that has been raised by the community; it is money that should rightly be used by the community. Should the duty have been charged? The Duties Act is pretty clear: that duty is not chargeable for vehicles used by CFA brigades or for a vehicle that is specifically equipped for combating fires. This vehicle meets those criteria on both counts. It is time for the government to put its money where its mouth is and refund in full the \$2560 wrongly demanded of the Mount Martha brigade and the Mount Martha community.

Electricity: smart meters

Ms KAIROUZ (Kororoit) — I wish to raise a matter for the Minister for Energy and Resources. I call upon the minister to take urgent action to ensure that Victorian families benefit from having a smart meter installed in their home. Over recent weeks I have received many letters and emails from constituents who are concerned that the installation of smart meters will lead to higher electricity prices than if we did not have a smart meter rollout. Some constituents have also advised that even though they have not as yet received a new smart meter, they are already paying for it through their electricity bill.

We as a government need to ensure that we are doing all that we can to support and encourage families to be energy efficient and save money around the home wherever possible. The rollout of smart meters is the biggest investment in energy infrastructure in Victoria since the establishment of the poles-and-wires network almost 100 years ago. This investment will be paid for

by every Victorian household and small business, so it must provide opportunities for families to save money wherever possible. I call upon the minister to take action to ensure that Victorian families benefit from having a smart meter installed in their home.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Kororoit for raising this important matter and for her ongoing support for the rollout of smart meters and support for assistance to vulnerable members of her community. The Brumby government is continuing to stand up for Victorian families. We are doing that by helping them become more energy efficient and helping them to save money on their electricity bills. I know the Liberal Party opposes this, but it is something the Labor government in Victoria wants to do. One of the many ways we are doing this is through the rollout of smart meters.

Mr McIntosh interjected.

The DEPUTY SPEAKER — Order! If the member for Kew wished to raise a matter in the adjournment debate, he should have stood prior to this.

Mr McIntosh — No, we've run out of time.

The DEPUTY SPEAKER — Order! The member for Kew should cease interjecting.

Mr BATCHELOR — This government, a Labor government, is undertaking one of the most significant upgrades to the state's electricity infrastructure, and it is doing that to prepare Victoria for the massive changes to energy that lie ahead. There is a growing need to become more energy efficient as a community, to cut greenhouse gas emissions and generate more energy from renewable sources, which makes this upgrade vital. Smart meters are an essential step in this plan. They will provide Victorian households and small businesses with a powerful tool to monitor and control their energy use.

Victoria's energy distributors — and they include SP AusNet, Jemena, Powercor, CitiPower and United Energy — are rolling out some 2.5 million smart meters over the next four years in Victoria, and homes and small businesses alike will be the beneficiaries. These smart meters do not come without a cost, but study after study has shown that the benefits from having smart meters rolled out greatly outweigh the costs of installing them. This government will make sure that these benefits are passed back to Victorian families.

The meter cost, as with many large infrastructure upgrades, is shared by the entire community and is spread out across many years. This ensures that no-one is going to be unfairly charged with an unexpected lump sum fee for a new part of the electricity network — in this case, a smart meter — and they will get that smart meter with a whole range of benefits and features.

The Australian Energy Regulator, which incidentally is part of the Australian Competition and Consumer Commission, announced the metering costs for 2010 on 30 October 2009. All Victorian households and small businesses were already paying for the current old-fashioned meters and the metering services associated with those through the service-to-property charge listed on their electricity bills. The smart meter charge is not a new charge but is a new piece of technology that will be covered by this existing payment on people's bills.

Certain customers, however, will notice a new item listed on their electricity bills because some electricity retailers, like Origin Energy, for example, are listing the smart meter charge separately to the service-to-property charge. They did not do it with the old meters but have chosen to do that with the new meters. Why are they doing that? Electricity retailers like Origin do not want consumers to have the technology to reduce or control their electricity use, and they certainly do not want individual householders and small businesses to be able to lower their power bills.

This government is committed to the transition to a more sustainable energy future for Victoria. However, this goal cannot be achieved with the old-fashioned metering infrastructure that is currently installed in homes and small businesses across Victoria. Our 100-year-old metering technology will not be able to support the smarter, more efficient energy future Victoria needs to have.

Smart grids, an important new part of the technological evolution of our distribution network for electricity, need smart meters in homes and small businesses. Electric cars, solar-powered neighbourhoods and home appliances controlled via mobile phones could all become a reality, but all of these advances and improvements need smart meters.

This government is not sailing solo with the rollout of smart meters. More than 50 million smart meters are now being installed across the world in countries like the United States of America, which recently announced a \$1 billion extension to its smart meter program. Canada, the United Kingdom, Mexico and

even Slovenia are also adopting this new technology of electricity smart meters. The Brumby government wants Victoria to be at the forefront of these changes in power technologies which are being developed around the world as we speak. The government does not want our energy infrastructure to become out of date and useless.

One issue concerning me about smart meters is where the opposition stands on this issue of new technology that will be to the advantage of electricity consumers. In 2006 the opposition planned to introduce smart meters across Victoria, yet just three years later it has flip-flopped on this policy. That is consistent with its attitude to flip-flopping on policy and taking politically expedient positions that it thinks will not be noticed.

We think Victorians are entitled to ask what the Liberal-Nationals coalition stands for. Is it now opposing technology that will not only help Victorians cut their energy use but will also help them tackle climate change? The rollout of smart meters is undoubtedly the biggest investment in energy infrastructure in Victoria since the establishment of the poles-and-wires network almost 100 years ago.

This month, smart meters will be rolled out across suburbs including Heidelberg, Tullamarine, Doncaster, Templestowe, Elwood, South Carlton, Epping, Lalor, Bundoora, Mernda and Doreen. I have been receiving a large amount of positive feedback about this rollout of smart meters, but I would encourage any consumer, householder or small business that is experiencing problems or has issues with the installation of their new smart meter to contact their distribution company directly to receive assistance and an explanation of the benefits that they, the consumer, will receive.

The Victorian government will continue to stand up for Victorian families. We will continue to help them save money on their electricity bills. I want to thank the member for Kororoit for bringing this important matter to the attention of the house. She knows that this government will stand up for Victorian families.

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the member for Mordialloc raising an important issue for my attention regarding a relatively new internet scam. I want to put on the record that the member for Mordialloc does a magnificent job on behalf of her constituents in respect of consumer affairs issues. She raises more issues with me, both directly and in correspondence, than any other member of this place. It reflects the fact that she stays in touch with her constituents and shares their aspiration that

they be protected from unethical and improper practices when it comes to consumer affairs.

She has raised an issue in respect of a fake email being sent around, purportedly from the Australian Taxation Office. This is a version of a theme that is increasingly common in the internet age. As I have said at forums, including a forum I ran at the invitation of the member for Mordialloc some months ago, the internet is a wonderful invention. It is people's window on the world, but of course it allows the world to have a window back into the home. That is an invitation taken up by scammers right around the world, who are increasingly using sophisticated techniques and who have the ability to replicate government websites at all levels and to generate, usually from overseas destinations that are far less regulated than those in Australia, emails of this nature not just by the hundreds or thousands but by the millions. This is a worrying trend going forward.

I will pass this matter on to Consumer Affairs Victoria for an official investigation and response. We have had some cases of this sort of activity reported in the past and it would appear that it is becoming more frequent. I think Consumer Affairs Victoria will probably be in contact with the Australian Taxation Office. If we know that this is happening, it is imperative that the Australian Taxation Office take steps to positively advertise the fact that this is not the way it does business. The advice I hope the member for Mordialloc will pass back to her constituents is that if people are approached in this way when they do not traditionally do business in this way, they should be highly suspicious. They should never divulge details in relation to their finances or bank accounts. They should never do that for people they do not know.

Unfortunately that is a message that we simply must repeat and repeat because we will see no shortage of effort on the part of people who seek to scam hardworking and decent Victorians. We will see no shortage of that effort from people based overseas who have this criminal intent. I thank the member for Mordialloc for raising this issue and for her continuing interest.

The member for Polwarth raised for the attention of the Minister for Roads and Ports concerns about maintenance funding for Foxhow Road, north of Colac, and I will pass that on.

The member for Forest Hill raised for the attention of the Minister for Police and Emergency Services concerns about taking further action in relation to

alcohol-related violence as it affects people in the Forest Hill electorate, and I will pass that matter on.

The member for Morwell raised for the attention of the Minister for Community Services matters pertaining to parliamentary committee recommendations, and I will pass that matter on.

The member for Narre Warren South raised for the attention of the Minister for Public Transport a request to attend the opening of the new car park at Berwick railway station, and I will pass that request on.

The member for Scoresby raised for the Treasurer the matter of the Victorian Funds Management Corporation operational details between 2007–08 and 2008–09, and I will pass that matter on.

The member for Lara raised for the Minister for Racing a request for refurbishment funding of the outstanding greyhound racing facility in Geelong, and I know he is very passionate about it, so I will pass that on.

The member for Ferntree Gully raised for the Minister for Education concerns about portables at Heany Park Primary School in Rowville which have been destroyed by fire, and I will pass that on.

Finally, the member for Mornington raised for the attention of the Minister for Police and Emergency Services a request for reimbursement of stamp duty from Mount Martha fire brigade, and I will pass that matter on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.42 p.m.