PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 6 October 2010

(Extract from book 14)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Industry and Trade	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Energy and Resources, and Minister for the Arts	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Community Development	The Hon. L. D'Ambrosio, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Planning and Minister for the Respect Agenda	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Public Transport and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education and Minister for Skills and Workforce Participation	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Asher, Ms Louise	Brighton	LP	Lobato, Ms Tamara Louise	Gembrook	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	McIntosh, Mr Andrew John	Kew	LP
Batchelor, Mr Peter John	Thomastown	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Brooks, Mr Colin William	Bundoora	ALP	Morris, Mr David Charles	Mornington	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Burgess, Mr Neale Ronald	Hastings	LP	Munt, Ms Janice Ruth	Mordialloc	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew [8]	Williamstown	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Northe, Mr Russell John	Morwell	Nats
Crutchfield, Mr Michael Paul	South Barwon	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pandazopoulos, Mr John	Dandenong	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Perera, Mr Jude	Cranbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Eren, Mr John Hamdi	Lara	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Foley, Martin Peter [2]	Albert Park	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Graley, Ms Judith Ann	Narre Warren South	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Scott, Mr Robin David	Preston	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Seitz, Mr George	Keilor	ALP
Hardman, Mr Benedict Paul	Seymour	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Helper, Mr Jochen	Ripon	ALP	Smith, Mr Ryan	Warrandyte	LP
Hennessy, Ms Jill [4]	Altona	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [9]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [5]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice [6]	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe [7]	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 13 February 2010
[5] Elected 28 June 2008
[6] Resigned 18 January 2010
[7] Resigned 25 August 2010
[8] Elected 15 September 2007
[9] Resigned 6 August 2007

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WEDNESDAY, 6 OCTOBER 2010

CONTENTS

Wednesday, 6 October 2010

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 92 to 96, 128, 169 and 226 to 230 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Dr SYKES having given notice of motion:

The SPEAKER — Order! It will come as no surprise to the member for Benalla that that notice of motion will be edited.

Further notice of motion given.

Dr SYKES giving notice of motion:

The SPEAKER — Order! I advise the member for Benalla that that notice of motion has not been given to the clerks.

Further notice of motion given.

PETITIONS

Following petitions presented to house:

Alpine Health: Bright campus

To the Legislative Assembly of Victoria:

The petition of Bright and district residents draws to the attention of the house that we have been waiting since 1998 for the government to redevelop the Bright campus of Alpine Health, a multipurpose service, into an integrated health-care facility, including the provision of much-needed high-level residential aged care. Currently many aged residents are forced to leave their community and family and friends to get high-level care. Alpine shire has a population of 12 899 and covers 11 postcodes. Bright and district has a population of 4236, with 205 aged 80 and over, and 824 persons of 65 years and over. Our need is urgent and will become more so with each year as the current population ages and Bright continues to be a retirement destination. In addition, some of the 500 000 tourists who visit the shire annually need to access health services, increasing our need for an integrated health facility.

The petitioners therefore request that the Legislative Assembly of Victoria require the Brumby government to take immediate action to work with Bright and district residents to redevelop the Bright campus of Alpine Health into an integrated health-care facility with flexible residential aged care to meet the current and future needs of the community.

By Dr SYKES (Benalla) (11 signatures).

Lentil As Anything: tenancy

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 cessation of Lentil As Anything's tenure at the Abbotsford Convent. Upon signing this petition, I am showing my support and vote of confidence for Lentil As Anything and overturn any decision by the Abbotsford Convent office that will negatively impact on Lentil's tenure.

By Dr SYKES (Benalla) (16 signatures).

Myrrhee: mobile phone tower

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to erect a mobile phone tower in Myrrhee in north-east Victoria. The petitioners register their concern that in the locality of Myrrhee and its surrounds there is a communication black spot — that is, no mobile phone reception at all.

This has proven to be a serious problem for the residents during fire seasons, as there is no communication in or out of the district once landlines are down. Residents are also disadvantaged in business and personally by not receiving a basic service which is available to other Victorians.

The petitioners therefore request that the Legislative Assembly of Victoria draws to the attention of John Lenders, the Minister for Information and Communication Technology, that this situation be rectified by the erection of a mobile reception tower in Myrrhee.

By Dr SYKES (Benalla) (28 signatures).

East Gippsland: Tinamba multipurpose facility

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland East draws to the attention of the house the urgent need for the Tinamba community to have a multipurpose facility to enable a diverse range of people and groups to meet and interact for formal and social activities. The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to fund a new multipurpose community facility for the Tinamba district.

By Mr INGRAM (Gippsland East) (508 signatures).

Marine parks: extension

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house a proposal by the Victorian National Parks Association to lock up a further 20 per cent of Victorian waters to marine parks, stopping all recreational and commercial fishing in these areas. The petitioners therefore call on the Legislative Assembly of Victoria to reject the proposal.

By Mr INGRAM (Gippsland East) (2861 signatures).

Buses: Kilsyth

To the Legislative Assembly of Victoria:

The petition of the residents of Kilsyth and surrounds draws to the attention of the house the urgent need for a bus service along Colchester Road, Kilsyth. It requests the house calls upon the government to address this issue immediately by funding the implementation of new route AF, as per the recommendations report for the metropolitan bus service reviews — Knox/Maroondah/Yarra Ranges.

By Mr HODGETT (Kilsyth) (36 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

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

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

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

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

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

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

By Mr O'BRIEN (Malvern) (262 signatures).

Rail: Mildura line

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

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

The petitioners register their request for the passenger train to Mildura to be reinstated. People living in smaller towns need connectivity to larger towns for work, health, education, shopping and social activities.

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) (113 signatures).

Mildura: proposed casino

To the Legislative Assembly of Victoria:

The petition of residents of the Mildura Rural City Council draws to the attention of the house the proposed establishment of a casino in Mildura.

The petitioners therefore request that the Legislative Assembly of Victoria not make a decision regarding a casino licence for Mildura until a comprehensive socioeconomic study into the proposal has been completed, followed by a plebiscite of the community to determine if a casino licence should be granted to the applicants of the Mildura casino proposal.

By Mr CRISP (Mildura) (100 signatures).

Nepean Highway–Warrigal Road, Mentone: pedestrian safety

To the Legislative Assembly of Victoria:

The petition of the residents and families of Mentone draws to the attention of the house the dangerous intersection of Nepean Highway and Warrigal Road, Mentone.

The petition therefore requests that the Legislative Assembly of Victoria canvass for a traffic supervisor or supervisors at the abovementioned intersection.

By Ms MUNT (Mordialloc) (57 signatures).

Corruption royal commission: establishment

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

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

1. effective measures to combat corruption in this state;

2. links between corrupt corporate and business interests, the legal system, financial institutions such as banks,

insurance companies, superannuation et cetera, corrupt politicians, corrupt public servants, bureaucrats, corrupt policing and the criminal underworld;

3. links between fraud and money laundering of illegally acquired money into property and legitimate business;

4. effective measures to combat white-collar crimes and institutional corruption;

5. links between private-public partnerships, political or vested interests in Parliament and their impact on essential public services and infrastructure, community benefits and the public interest;

6. conflict between public projects, commercial confidentiality, accountability, public tendering, contractual bribery, community and public interest;

7. links between injustice, misconduct, exorbitant legal costs, judicial and lawyer self-interest, public office corruption, jurisdiction, nepotism, cronyism, collusion, conflict of interest, discrimination, human rights abuse and corporate tax evasion;

8. links between legislation and ever-diminishing citizens rights in Victoria, such as freedom of speech et cetera;

9. links between loss of privacy, freedom of choice, thuggery and private security agencies;

10. indictments, charges and all other relevant issues, considerations and remedies.

Your petitioners therefore as in duty bound will ever pray.

By Mr THOMPSON (Sandringham) (3516 signatures).

Tabled.

Ordered that petitions presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

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

Ordered that petition presented by honourable member for Malvern be considered next day on motion of Mr O'BRIEN (Malvern).

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

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

Ordered that petition presented by honourable member for Mordialloc be considered next day on motion of Ms MUNT (Mordialloc).

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

LAW REFORM COMMITTEE

Arrangements for security and security information gathering for state government construction projects

Mr CLARK (Box Hill) presented report, together with extracts from proceedings and a minority report.

Tabled.

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Adequacy and future directions of public housing in Victoria

Mr PERERA (Cranbourne) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DRUGS AND CRIME PREVENTION COMMITTEE

Impact of drug-related offending on female prisoner numbers

Mrs MADDIGAN (Essendon) presented final report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Farmers markets

Mr SEITZ (Keilor) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

MAGISTRATES COURT OF VICTORIA

Report 2009–10

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

SUPREME COURT OF VICTORIA

Report 2009–10

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Albury Wodonga Health — Report 2009–10

Ambulance Victoria — Report 2009–10

Auditor-General:

Access to Ambulance Services — Ordered to be printed

Management of the Freight Network — Ordered to be printed

Security of Infrastructure Control Systems for Water and Transport — Ordered to be printed

Crimes (Controlled Operations) Act 2004 — Report of the Special Investigations Monitor under s 39

Fisheries Act 1995 — Report of the Special Investigations Monitor under s 131T

Melbourne Recital Centre — Report 2009–10 [two documents]

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into conditions at the Melbourne Youth Justice Precinct — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer-Suburban Melbourne

Government response to the Public Accounts and Estimates Committee's Report on the 2008–09 Financial and Performance Outcomes

Government response to the Public Accounts and Estimates Committee's Report on the Findings and Recommendations of the Auditor-General's Reports tabled March 2008–August 2008

Statutory Rules under the following Acts:

Children's Services Act 1996 — SR 96

Environment Protection Act 1970 — SR 98

Local Government Act 1989 — SR 99

Prostitution Control Act 1994 — SR 97

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 96, 97, 99

Victims of Crime Assistance Tribunal — Report 2009–10

Wildlife Act 1975 — Report of the Special Investigations Monitor under s 74P.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Waverley Arts Society: 40th anniversary

Ms MORAND (Minister for Children and Early Childhood Development) — I had great pleasure in attending the Waverley Arts Society 40th anniversary celebrations and art show held at Glen Waverley Secondary College's Treseder Hall on the weekend. It was a wonderful exhibition that we are used to seeing from this great organisation. John Dwyer, a leading international art expert, judged the show and had the hard task of choosing the winning entries.

The society began 40 years ago in the scout hall in Valley Reserve, Mount Waverley. How beautiful that must have been then, and it is still a beautiful place. The society has a community of over 200 active members who meet on a regular basis and enjoy their shared passion. They run children's classes, drawing classes, an open studio, outdoor workshops, life drawing, portrait and watercolour classes, and poetry and craft classes, just to name a few of the activities. I congratulate the current committee, including president Gail Shawyer, vice-president Beverley Shinkfield, and Marion Rice, Sarah Campbell, Mary Murphy, Agata Lelek, Paul Makinson, Paul Brooker and Heather King.

Mount Waverley electorate: electorate officers

Ms MORAND — I also take this opportunity to acknowledge some very hardworking and dedicated people in my electorate — my electorate officers. These people work very hard to ensure that the individual needs of constituents are effectively, efficiently and sympathetically responded to. My electorate officers, Andrew Kaighin, Hayley Clark and Alan Qu, are very dedicated and very committed to their role. The work of an electorate officer is diverse and at times challenging, but always interesting and very rewarding. I know that they believe, as I do, that it is a privilege to have the opportunity to serve the Victorian public and specifically Mount Waverley residents through the office of a member of Parliament.

Buses: Doncaster

Ms WOOLDRIDGE (Doncaster) — Bus service changes in Doncaster are causing major headaches for passengers, with residents describing the situation as a fiasco. I welcome any move which improves Doncaster's limited bus services; however, I have already been contacted by a number of residents who are frustrated and disappointed that the changes have disadvantaged them.

There is the cancellation of the route 316 bus service between Deep Creek and the city, which has been incorporated into the new SmartBus service 906, but they cover largely different routes. As a result commuters have to walk further or catch additional forms of transport, such as trams in the city, to get to and from work. This adds to travel times and has thrown regular after-work commitments into disarray. It is so frustrating that a resident has told me she is considering giving up her city job because of our public transport issues. She said: 'It is ridiculous that after all the reviews and "consultation" with regular travellers, services are being cut back'.

Regular passengers on the 306 bus service from Tunstall Square in East Doncaster are very upset that this option has been taken away. One Donvale resident told me, 'I feel the further one travels, the worse deal we are getting'. And then there is the new 901 service travelling to Melbourne Airport. Not only does it take a full 2 hours to get to Tullamarine from East Doncaster but there also seems to be some confusion among drivers and passengers as to whether the bus will accept luggage and if so, what size. Luggage racks for a bus that services the airport would seem to be an integral requirement.

Even with something so important to this community the government has failed to consult about which services are being withdrawn and to communicate about the rollout of the new services. Yet again, Doncaster residents have been treated with contempt.

Craigieburn: community projects

Ms D'AMBROSIO (Minister for Community Development) — I rise to congratulate the Craigieburn Community Renewal Steering Committee and the Craigieburn community more broadly for their fantastic work in securing funds for three terrific projects I announced in Craigieburn a few weeks ago.

Two of the three projects were identified as priorities through the community renewal initiative. These were the rejuvenation of the gateway into Craigieburn from Sydney Road and the Craigieburn community transport service. The Brumby Labor government provided a total of $204 000 for these two projects. The community transport service in particular shows just how effective partnerships can be in delivering positive outcomes. The Brotherhood of St Laurence and Ford Motor Company kindly donated two 12-seater buses, including a wheelchair-accessible bus, that the volunteers will use to drive people to medical appointments and social engagements and to do their shopping — all for just a gold coin donation.

While in Craigieburn I was also able to announce a $35 000 grant to Hume City Council to provide internet training for people with a disability. With this funding, council will be able to purchase a range of computer equipment along with broadband access, and it will be able to train more than 30 volunteers who can then train people with learning or intellectual disabilities or vision impairment to confidently use the internet.

Each of these projects has been identified by local people as being important to enhancing the livability of Craigieburn. Each has required strong community vision and strong community partnerships in order to

get off the ground, and the Craigieburn community has demonstrated these qualities in abundance. I acknowledge the work of the member for Yuroke in this community renewal project and congratulate all concerned.

Morwell electorate: cost of living

Mr NORTHE (Morwell) — Rising costs are placing enormous pressures on families in the Morwell electorate. Over the last few months my office has been inundated with people expressing extreme concern over rising utility prices, ever-increasing water and council rates and the cost of stamp duty, which is deterring many young people in my community from purchasing a home. This impacts heavily on local businesses, as people simply do not have excess money to purchase goods and services.

In terms of water rates the Brumby government has tried to sell the fact that water rates will increase by 71 per cent over five years, but it has failed to advise the Gippsland community that these increases are incremental. The fact is the real increase is much greater than 71 per cent. For example, if one's average water bill was $1000 per annum in 2008, it would increase to approximately $1900 per annum at the conclusion of the five-year plan — an increase of 90 per cent not 71 per cent, as purported by the Brumby government.

The rise in council rates has also irked some local residents, and in that context I wish to raise the issue of the valuation criteria that apply to persons residing in retirement villages. The current application of the criteria needs reviewing, and on behalf of local residents I have written to the Minister for Local Government about this point. In summary, and in conclusion, the ever-escalating costs of living are a massive concern for my community, and I call on the Brumby government to recognise and address these concerns on behalf of the Morwell electorate.

Pedal 4 Prostate charity event

Mr HERBERT (Eltham) — I rise to acknowledge the commitment and dedication of Victorian firefighters who will be taking part in the Metropolitan Fire Brigade cycling club's Pedal 4 Prostate charity ride. On 31 October the MFB cycling club will set out from the Victorian Governor's residence on an arduous journey to raise awareness and funds in the fight against prostate cancer. A team of 12 riders and their dedicated support team will relay ride 24 hours a day around Australia in 25 days.

Many of the individuals who donate their time and effort to this wonderful event are residents of the Eltham electorate. These terrific men and women will sacrifice more than three weeks of their lives to undertake an incredible journey in support of a great cause. The electorate of Eltham has a strong history of fighting for greater awareness of prostate cancer and trying to do something to get men more active in being tested regularly for early detection of this disease.

Prostate cancer is a serious medical condition, with close to 3300 Australian men falling victim to the disease every year; yet awareness remains far too low — disproportionately low — given the extent of this cancer. Funds raised during this cycling event will go to the E. J. Whitten Foundation to assist with increased awareness of the threat of prostate cancer. I am sure everyone in this house and in the community will get behind these terrific athletes in their quest to raise funds for a great cause.

Government: performance

Mrs VICTORIA (Bayswater) — The performance of Labor governments over the last 11 years can only be described as disgraceful. We have seen successive egotistical governments waste taxpayers money on badly planned initiatives which have led to even more money being wasted on spin doctors to help cover up the incompetence. Since November 2006 this Labor government has stolen policies from other parties, proposed a fake consultation process for a hotel development, wasted hundreds of millions of dollars on a transport ticketing system that still does not work properly and performed more backflips than a Commonwealth Games gymnast. Along the way we have seen prominent members of this Labor government jump ship: a Premier, a Deputy Premier, a transport minister, an arts minister, a disgruntled whip and members of the other place who all decided that representing the people of Victoria was just too hard.

For the last four years we have been stuck with the leftovers: a third-rate Labor government that has had to duck, weave and spin more than ever to avoid being held accountable for a colossal waste of taxpayers funds. We have seen its members create policy on the run because they do not have the foresight to plan or consult. In the arts, thanks to the indifference of several Labor arts ministers, one of Australia's best arts training facilities came dangerously close to extinction. There is no doubt Labor takes the arts industry vote for granted. To take a quote from the sensational new must-see musical *Hairspray*, if the public thinks this government will ever stop its pattern of waste and mismanagement, 'you … better brace yourselves for a

whole lotta ugly comin' at you from a never-ending parade of stupid'.

Big Fi$h! competition

Mr HARDMAN (Seymour) — I rise to congratulate the many people who brought together a major event occurring in the Murrindindi and Mitchell shires which was kicked off on Saturday 2 October. Since the bushfires of 7 February 2009 a number of dedicated local businesses and community members have worked tirelessly to bring people back to our beautiful area. An example of this is the Murrindindi/Mitchell Bushfire Tourism Recovery Group, which has designed a fantastic program of events and marketing strategies to support and create tourism and encourage visits to the area.

On Saturday the Minister for Tourism and Major Events and the Minister for Agriculture joined me in Alexandra to launch the Big Fi$h! competition and the Alexandra market day. The idea was to help promote the fact that four tagged fish — with a $50 000 prize tag on them — have been released into the Goulburn River between Eildon and Seymour. We encourage people from across the state and indeed interstate to come and catch these fish and help support the local community. I can also tell members that the Department of Primary Industries has been fantastic. Fisheries staff have been releasing thousands of fish into the area, so if anyone comes along and goes fishing in the area they are sure to have a good chance of catching something.

We encourage people to come and enjoy that, and I have no doubt people will be astounded by the beauty of the river and the surrounding countryside. A visit is worthwhile. Thanks go to the Victorian and federal governments for supporting our communities with funds and to Tourism Victoria and Department of Primary Industries fisheries staff who have helped bring this about. It is great to see so many people enjoying this event.

Crime: assaults

Mr MORRIS (Mornington) — On 2 September a report from the Drugs and Crime Prevention Committee on violent crime in Victoria was tabled in this house. The report was initiated by a debate in the Legislative Council that was prompted by the concern of the opposition parties about the rising tide of violence across the state. The all-party committee confirmed that in the last decade total assaults have risen from 21 447 in the final year of the Kennett government to 33 668 in 2008–09, which is a rise of 57 per cent. Most disturbingly, and despite government and police command claims to the contrary, total assaults increased by 8 per cent in the 12 months to June 2009. Nor can the rise of assaults be easily blamed on alcohol-fuelled violence. The report confirms on page 19 that of all the assaults in public places in region 1, only 26 per cent were flagged by police as having involved alcohol.

The report confirms that we have in this state a real epidemic of violence, an epidemic that cannot be simply dismissed as an epidemic of drunkenness. It confirms the hypocrisy of the government's claim that crime in Victoria is declining. Violent crime is totally out of control in this state.

Drugs and Crime Prevention Committee: *Herald Sun* report

Mr MORRIS — On a related matter, the *Herald Sun* yesterday commented on the report and a particular recommendation to limit to parents or guardians the provision of alcohol for minors. The editorial suggests that the recommendation was included following pressure from that publication. Let me say, as deputy chair of the committee, that assertion is completely wrong. The committee recommendation was made following many hours of hearings and discussions with professionals, expert witnesses and members of the community.

Frankston electorate: government initiatives

Dr HARKNESS (Frankston) — Having represented Frankston in this place for eight years, I have never been more proud of the city that I have lived in all my life nor more excited about its future. Frankston is flourishing. I have lost count of the number of times that visitors to the area have commented to me on our beautiful coastline, our cafes and our vibrant culture. But more than anything else, Frankston is benefiting from remarkable improvements in local services. Although this might not get much media attention, it is certainly what matters to locals. Frankston parents know that their kids are in smaller classes and have better facilities. Frankston residents know that our hospital has many more beds and that patients are attended by many more nurses, and the community knows that local police are hitting our streets in greater numbers than ever before.

One of the most exciting recent developments is the construction of Peninsula Link. After careful planning this $759 million project is under way. This will massively reduce traffic time along the peninsula. Much has been made of the economic benefits this will bring. It is undeniable that Peninsula Link will create

jobs and boost tourism. But what is much more important to many people in Frankston is far simpler: less time in traffic means more time at home spent with family and friends. Peninsula Link is, above all else, a project to improve the quality of life of people living on the peninsula.

Add to this new bus and train services and the approval of the new $31 million aquatic centre, and it is easy to see why so many people are saying there has never been a better time to live in Frankston.

Frankston City Band

Dr HARKNESS — I would also like to take this opportunity to congratulate the fabulous and fantastic Frankston City Band, in its 60th year, on its ongoing commitment to our city and to providing entertainment and enjoyment to so many people.

Sandringham electorate: constituent achievements

Mr THOMPSON (Sandringham) — I am continually encouraged by constituents, the change makers, who, outraged at inequity in a situation, refuse to accept injustice or a bureaucratic brick wall and as a result of not surrendering bring about changes which greatly benefit the wider community. I share two recent examples.

Len Scopel had been dropping off his family at Sandringham station over many years. Earlier this year after completing his 30-second stop he received an infringement notice with no warning that this practice was being targeted. He was outraged. His representations and those made through our office contributed to the provision of a designated drop-off zone, and when the signage was not clear changes were made to it which will assist thousands of other Bayside motorists into the future.

Then there is Nancy Richards, who suddenly experienced interference on her AM radio signal which she related to persistent blackouts in the area. She was frustrated in trying to locate the right authority to complain to. Through determined persistence she arranged for a power company to check the area. Still unable to get a clear signal she visited my office and the matter was pursued through the energy ombudsman. The result is a new substation for Sandringham and the identification of the radio interference — a win for the suburb over possums, political spin and bureaucratic buck-passing.

Ken Lyons

Ms MARSHALL (Forest Hill) — I am very proud to bring to the attention of the house an honour recently bestowed upon a very deserving Burwood East resident, my dear friend Ken Lyons. Mr Lyons received a senior achiever award from the Council on the Ageing Victoria president, Janet Wood, last Friday at an official Government House ceremony for the Victorian Senior of the Year Awards.

At 85 years of age Ken is a retired pharmacist and Royal Australian Air Force veteran who has devoted much of his life to charity, volunteer and community work through his involvement with various organisations including Rotary, the State Emergency Service, the Australian Red Cross and the Royal Children's Hospital. On his regular community radio segment, which I have appeared on a couple of times, Ken has shown great interest in the health of young people, in particular in the prevention of youth suicide. Ken has spent his life in the pursuit of helping others by putting up his hand and making things happen. He has continued to give to the community selflessly and there is a list of associations and roles in community organisations and charities far too numerous to mention.

Every single person who has been nominated for an award has made a positive impact on their community, and it was very fitting that Ken was formally recognised for his extraordinary services to the electorate of Forest Hill. Ken connects our community in so many different ways, and his sense of humour is much admired. Recently I was at an aged forum where Ken spoke, and it was wonderful to see the positive effect his words had on the elderly residents. I consider Ken to be a good friend of mine. I am very proud of the times when we have had lovely conversations, and I congratulate him on his award.

City of Casey: councillor conduct

Mrs POWELL (Shepparton) — Today I received a copy of a letter that was sent to the Minister for Local Government from the deputy mayor of the City of Casey, Cr Shar Balmes, in relation to a local government inspectorate investigation of Cr Kevin Bradford. The letter states:

> I refer to the letter dated 19 April 2010 from the chief municipal inspector, David Wolf, advising that council's request to you to take the strongest possible action had been referred to the local government inspectorate for investigation.

Their concern is that it is now six months since that advice, and they are extremely concerned about the length of time it is taking for the local government inspectorate to investigate the breach. The Ombudsman originally investigated this issue and concluded:

> On the basis of the documentary evidence available to me, including the email and Cr Bradford's telephone records, I am of the opinion that Cr Bradford improperly disclosed sensitive council information to Mr Strachan on 10 August 2009. This appears to have been done for the purpose of benefiting either Mr Strachan or his employer.
>
> In my view, this conduct appears inconsistent with section 76D(1)(a) of the Local Government Act as well as clause 6(2)(a) of the council's code. I do not consider that providing information to Mr Strachan, in the manner which I consider he has done, is … consistent with his role as a councillor.

He further recommended that the minister deal with this report and determine what action should be taken.

It is now seven months since the Ombudsman's report was presented to Parliament, and I know that the council and the community are very angry and frustrated at the length of time this investigation is taking. They want to know when it will be finalised and what action will be taken against Cr Bradford.

Vietnam veterans: memorial service

Ms CAMPBELL (Pascoe Vale) — I will share with the house the story about the barrier minefield that was told by Retired Major Noel Cooper at the commemorative service held by the Vietnam Veterans Association of Australia north-west sub-branch. The barrier minefield was arguably one of the greatest controversies involving Australians in the Vietnam conflict. It was intended to be a barrier to separate the Vietcong and the North Vietnamese forces from the people of Phuoc Tuy Province and the resources on which they depended. As it turned out, it was a sad and lethal folly, based on the Morice Line minefield used by the colonial French in Algeria in desert terrain, which was vastly different to that in Vietnam.

Between March and May 1967 in Operation Leeton Australian troops laid the minefield, which was an extremely dangerous and difficult task, given the conditions. It should be noted that the killing range of these 'jumping jack' mines was 25 metres, and not surprisingly many soldiers were injured or killed in the process of laying them. When under fire from the enemy the natural reaction of a soldier is to hit the deck and roll away, which is the last thing you should do in a minefield, given it could set off more mines.

The next year the folly of this decision was noted, and it was decided to remove the minefield after a series of incidents, although it took until May 1970 to do so. It is therefore worth noting the dangers our Vietnam veterans endured all those years ago.

Ambulance services: Mooroolbark

Mr HODGETT (Kilsyth) — I was delighted recently to announce the approval of the development plan, stage 1, for 1–5 Central Avenue, Mooroolbark, that will facilitate development of an ambulance facility. For those who are familiar with this area, this is the site of the former Mooroolbark Primary School — a school that closed in 2003 and has been left vacant and neglected by the Brumby government since the closure. This site is still owned by the Department of Education and Early Childhood Development, and at the moment I am having an ongoing battle to get the department to slash the grass on this overgrown and unkempt site. Perhaps the minister can get out from behind her desk and intervene to get something done about the state of this overrun and untidy eyesore at Five Ways, Mooroolbark. We are sick and tired of the Brumby Labor government continuing to neglect basic requests for simple maintenance and upkeep of this government-owned and managed site.

Ambulance Victoria has identified this site for an ambulance facility, which is much needed in the local area and is required to improve the overall service in the local area. The key features include a 1500 square metre site with a three-bay vehicle garage, a building with provision for administration, rest, meals, training, storage and amenities, and it will be a 24-hour operation. It is about time we got our new ambulance station, and it will be fantastic for the local community to enjoy the benefits of this brand-new, modern ambulance station.

Once again, I am pleased to have worked hard to deliver this 24-hour ambulance facility, and I will continue to work hard on local issues to deliver good outcomes and good results for our local community.

Schools: Maroondah regeneration project

Mr HODGETT — On another matter, I call on the Brumby government to fund the Maroondah schools regeneration project. These local schools are still waiting for the multimillion-dollar funding boost to see this project commence, but sadly the Brumby government has failed to fund this state-of-the-art education facility.

Peninsula Health: clinical school

Mr PERERA (Cranbourne) — It was with great pleasure that I joined my colleagues the member for Frankston and the Minister for Health for the recent official opening of the $1.95 million state-of-the-art expansion of the Peninsula clinical school in Frankston. This facility will boost access to world-class training facilities for medical students. The clinical school will play an integral part in the delivery of clinical training for Monash University health students and other medical students at the Monash University campus.

I commend the work of Peninsula Health and Monash University in training new doctors and helping to increase the number of doctors in regions such as Gippsland. This new school comes on top of the Brumby Labor government's $48 million expansion of Frankston Hospital, which will provide for two new operating theatres and a new intensive care unit, and the Brumby Labor government's $8 million to expand Frankston Hospital's maternity services.

Sport: participants and volunteers

Mr PERERA — I wish to also take this opportunity to congratulate all who have participated in some form of sport throughout the year. Not only does it take a strong commitment and determination to play a desired sport week in and week out, but many heroes of sport unfortunately get overlooked. They do not receive medallions or best and fairest awards.

I take my hat off to the mums and dads and the volunteers who also commit their time and energy week in, week out, making this state a much healthier place to live and raise kids. Were it not for those volunteers and the local cricket, footy, rugby, netball, soccer and many other grassroots-level local clubs — —

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

Country Fire Authority: Rowville station

Mr WAKELING (Ferntree Gully) — I am delighted to be able to inform the house that the Liberal and Nationals coalition has committed to working with Country Fire Authority management and CFA volunteers in Rowville to secure a new location for the Rowville CFA.

This government has missed many opportunities to relocate the Rowville fire station, which has been located at its current premises on Taylors Lane since 1994. Rowville as a suburb is growing rapidly, and this population growth must be met with appropriate investment in infrastructure and emergency services. This government's abject failure to think forward and invest in these areas is a matter that is on the public record. I raised this issue in this house with the Minister for Police and Emergency Services in June 2009. This is another example of how the Brumby Labor government has ignored the needs of Rowville residents. As with law and order and public transport, this is another example of how the government has treated my community and that of the member for Scoresby with contempt.

Knox: law and order survey

Mr WAKELING — Over the last year I have conducted a survey of residents in my electorate, seeking feedback on a range of law and order and sentencing issues. With nearly 900 responses, the results of this survey show that residents feel let down by this government. Of the residents surveyed, 95.8 per cent of respondents said they feel less safe in Knox than they did 10 years ago, 94.2 per cent said they do not believe that police numbers are meeting residents' needs and 85.6 per cent said they do not feel that police are able to respond quickly when they make a telephone call.

Boronia Bowls Club

Mr WAKELING — Finally, I congratulate the Boronia Bowls Club on recently winning the Sir George Knox Bowls Tournament at Parliament House. It is the third year in a row that the club has won this award.

Lydia Lassila: Olympic gold medal

Mr LANGUILLER (Derrimut) — I place on record that I had the privilege of joining members of the Cyprus National Olympic Committee, Mr Stelios Angelodemou, Angela Pippos and many other distinguished guests at the Cyprus community centre in Brunswick to honour the Olympic gold medal won by Lydia Lassila. As Kirstie Marshall, the member for Forest Hill, has said, champions are defined not by their wins and gold medals but by the difficulties and obstacles they overcome. Lydia Lassila is just such a champion.

Lydia, who is of Greek-Cypriot and Italian descent, completed her primary schooling at Our Lady of the Immaculate Conception primary school in Sunshine and completed her secondary education at Methodist Ladies College and Westbourne Grammar School. She completed a bachelor's degree in applied science at

RMIT. In June 2005 she suffered a ruptured anterior cruciate ligament (ACL) and underwent a radical knee reconstruction. During the second qualifying round of the Torino aerials competition her knee collapsed on impact after she attempted a difficult jump, rerupturing her ACL and forcing her to withdraw. Lydia made her comeback to world cup competition 16 months later in China in December 2007, collecting a silver medal in her first event. At the 2010 Winter Olympics in Vancouver Lydia won gold in the aerial competition, Australia's second gold medal for the games.

On behalf of the electorate I represent and the western suburbs of Melbourne, I commend Lydia Lassila.

Frankston-Flinders Road, Balnarring: pedestrian crossing

Mr BURGESS (Hastings) — The Balnarring Primary School community is extremely concerned about the safety of pedestrians accessing the school grounds. I have been presented with a petition containing more than 250 signatures from residents calling for the installation of flashing pedestrian warning lights at the school. Cars often speed through the area, so it is particularly important that drivers are made aware that it is a school zone. Residents feel that the static 40-kilometre-per-hour signs currently located at the Frankston-Flinders Road crossing are not visible enough, and that this endangers the lives of students crossing the road. I call on the government to take urgent action to remedy this dangerous situation.

Electricity: smart meters

Mr BURGESS — Residents of the Hastings electorate remain concerned about the increased cost of electricity as a result of the Brumby government's bungled introduction of its smart meters program. I continue to receive petitions and complaints from locals who are rightly concerned about waste and mismanagement by this state government. Many who have approached me are senior citizens concerned about the impact that these increases will have on their cost-of-living expenses.

I call on the state government to immediately abandon its failed smart meter program and instead concentrate on minimising energy costs for Victorians.

Rail: Stony Point line

Mr BURGESS — Commuters on the Stony Point rail line were further inconvenienced this week as buses again replaced several of the scheduled train services. I am informed that a faulty V/Line Sprinter railcar supplied to Metro Trains Melbourne to operate on the Stony Point line service was the source of the delay, and the train had to be sent back empty to Southern Cross station for a changeover. When buses replace trains, it can result in travellers missing connections at Frankston station, causing massive delays for commuters. This is just another example of the state government's failures in public transport.

Police: Langwarrin

Mr BURGESS — The state government must deliver improved police resources to the Langwarrin community. Prior to the last election, the government promised the community that it would provide Langwarrin with its own police station. It has reneged on this promise. Worse than that, it never intended to deliver the police station at all.

Fountain Gate Secondary College: Parliament visit

Ms GRALEY (Narre Warren South) — Luke Cutajar, a student at Fountain Gate Secondary College, wrote the following members statement for me when he recently did work experience in my office:

Earlier this year the school captains, Senate leaders and two teachers from Fountain Gate Secondary College went on a tour of Parliament House followed by supper in Strangers Corridor. The leadership team consists of: Paolo Ungab, Emma Jaeschke, Craig Reid, Emma Berry, Brodie Ryan, Jamie McAlister, Tabita Iurescu, Emma Vincent, Ben Hill, Eufemia Vong, Luke Cutajar and Mehdi Jaghuri. They are great young people in this group; they are positive about their future and want to make a difference. They really appreciated the opportunity to see the building and meet their local MPs.

Also this year Fountain Gate Secondary College hosted exchange students from Malaysia, accompanied by three of their teachers from the USJ 4 National Secondary School. Nine students and three teachers from Fountain Gate Secondary College kindly gave up their time to take the students in and show them a wonderful experience that they will cherish for ever. They also visited the Parliament of Victoria. The hosts to the students were Ben Hill, Josh Hill, Jake Piddington, Luke Cutajar, Jake Amos, Monique Navarra, Tahlia Hastings, Megan Berry and Lisa Stokoe.

It is wonderful to see that the students still keep in contact with each other, and some of the Fountain Gate students will even visit Malaysia. This is a terrific

initiative by Fountain Gate Secondary College, bridging cultural gaps and making new friendships. The Fountain Gate secondary students and the overseas students were rightly impressed by our parliamentary democracy in our prosperous and welcoming Victoria. Maybe one of those Fountain Gate or Malaysian students will be an MP one day.

Buses: Lancefield

Ms DUNCAN (Macedon) — Last Friday, 1 October, I was pleased to join the Minister for Public Transport from another place, Mr Pakula, in Lancefield to announce a huge increase in bus services in and around Lancefield. This increase will mean services will almost double, from 55 to 102, which is a huge increase and very welcome. It follows community consultation to determine what services will best meet the needs of the community and how services can be structured to improve their overall performance. For the first time we will see an east–west link connecting Lancefield to Kyneton. We also announced a better coach connection to trains in Sunbury, which now will connect all peak bus services to trains at Sunbury or at Clarkefield. There will also be a six-day-a-week morning service connecting Lancefield to Sunbury. All of these announcements are part of the $631 million Ready for Tomorrow initiative, which is a blueprint for rural and regional Victoria.

This local announcement and the broader regional blueprint generally demonstrate this government's commitment to regional Victoria. I congratulate the minister and acknowledge the work of the Macedon Ranges Shire Council in ensuring that these services best meet the needs of our growing communities and assist in our efforts to encourage more use of our public transport network.

MATTER OF PUBLIC IMPORTANCE

Major projects: government performance

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Gippsland South, the Leader of The Nationals, proposing the following matter of public importance for discussion:

> That this house condemns the Brumby Labor government for its irresponsible financial management of Victorian major projects thereby resulting in extraordinary cost-of-living increases for Victorian families.

Mr RYAN (Leader of The Nationals) — Labor cannot manage money; it is its Achilles heel. It is hopeless at managing money. It is appalling in relation to financial management issues. Of course it shows up no better than in its management, or I should say mismanagement, of major projects. It has a disgraceful record in regard to the management of major projects. The tragedy is that this of course flows down to the families around Victoria that ultimately have to pay for the way this government continues to bungle major projects. That in turn flows into cost-of-living increases, and thus the reason for the motion that I have moved and which is before the house today.

I want to talk about this concept, particularly in the context of the water issues and the various projects that this government has attempted to introduce in the course of its time in office. I want to highlight two basic aspects of the Labor Party's policy going into the 2006 state election, because people should have regard to the promises that were made by the Labor government then and compare them with the sorts of things it did subsequently, let alone what it is promising this time around.

Two outstanding promises were made by the Labor Party going into the 2006 election. The first was that it said, 'We will never pipe water from northern Victoria across the Great Dividing Range into Melbourne'. By his silence the member for Melton agrees that that was the policy. The government promised faithfully that it would never pipe water from north of the Divide. The second promise was that it said anything to do with desalination or its proposed development was a hoax; that was the comment made by government members. By implication, apart from anything else, they made it very clear they would not be involved in desalination. They were two very basic, and dare I say, core promises from the then Labor government.

What happened then? The government panicked. In the middle of 2007 it made announcements which were, no. 1, that it was going to pipe water from northern Victoria into Melbourne, and no. 2, that it was going to build a desalination plant, and one three times as big as the one it swore it would never build. That was the size of it, let alone the staggering amount of the cost associated with it. These were the 2007 case-by-case basis announcements the government made.

There are of course many commentaries around these projects and we regularly hear the government espousing the virtues of the way in which it has tackled them. The authoritative document I refer members to in relation to the issues to do with particularly the piping of the water and the matters around it is the Auditor-General's report of June 2010 entitled *Irrigation Efficiency Programs*. It is mandatory reading for those people who have an interest in public policy and who also want to see transparently the situation as conveyed by the words of a report prepared by the much respected Auditor-General. It

enables people to see with precision how this government absolutely bungled this project in particular and other projects associated with water, particularly those to do with irrigation.

Let me put this up there so that we can get rid of this issue first. We have always supported the modernisation of the channel system in northern Victoria. We understand that the ratepayers of Goulburn-Murray Water — and there are about 14 000 of them — produce about $9 billion worth of product, at a minimum, most of which is exported. They do a magnificent job. Today I have sitting beside me the member for Shepparton. Speaking of people who do a magnificent job, you could look at no better example than the way in which the member for Shepparton represents her electorate. It must be said that we support the initiatives to do with the modernisation of the irrigation system in northern Victoria; let us just park that and take it as a given. But people need to have a look at the Auditor-General's report.

Of course we understand that if you are going to do major projects, you have to have a plan for them. You have to plan for the right reasons, not the wrong reasons. You have to have a feasibility study and a business case, and on the back of that you then allocate the funding and then you go about developing the project; that is how business operates. There is nothing new about that; that is just an accepted way in which you go about these sorts of projects.

That said, let us have a look at what this government did with regard to the food bowl modernisation project and the Sugarloaf pipeline, accepting as we do that the modernisation and upgrade of those areas of the channels in northern Victoria is something we very strongly support, but you need to do it properly. Let us see what this government did.

I refer to page 11 of the Auditor-General's report of June 2010 entitled *Irrigation Efficiency Programs*, and I emphasise again that it is a mandatory read. Under the heading 'Food bowl modernisation project and Sugarloaf pipeline' it refers to the Department of Sustainability and Environment and Goulburn-Murray Water and states:

> DSE, GMW and other government agencies did not identify the investment need for the food bowl modernisation project (FMP).

The first thing is that this government had no clue about this. It had no intention of undertaking it. The next thing is that the report says:

> A group of irrigators from northern Victoria developed the project proposal and submitted it to the government for consideration around February 2007.

As the Auditor-General says, a team of people turned up from northern Victoria and suggested to the government that it might engage in this modernisation project. The report then goes on to say:

> The government had not identified the FMP as a way to secure water for Victoria until then.

It was not until these people walked in the door and said, 'What about it?', that it suddenly sprang into the mind of the government that this could be a way of getting water into Melbourne. The Auditor-General says the government had not even thought of it. The additional background is that for all the years Labor had been in government since 1999 it had done nothing to augment Melbourne's supply. The government had let go all sorts of contemporary opportunities to add to Melbourne's water supply. Whether it is capture and recycle, doing something constructive with water run-off, wastewater and all those attendant matters, Labor has let all those opportunities go, and it has pursued a policy of pray for rain.

Regarding what happened then, the Auditor-General's report says:

> The absence of adequate supporting documentation means the decision making for this project cannot be evaluated. DSE could not assure that there was a demonstrated need to invest in this asset solution to secure water supplies.

He is speaking of water supplies for Melbourne.

> This was contrary to the February 2007 advice to cabinet, which acknowledged that the Victorian water plan would have to be robust so the government did not commit to projects that were not the best solution.

The report goes on, and this is also very interesting in context, to say:

> Evidence that the then DSE secretary gave under oath in July 2009 indicates that the need for the FMP and the Sugarloaf pipeline was influenced by the desire to invest in water infrastructure.

What the Attorney-General is saying is that because the government had done nothing and left Melbourne dangerously exposed to the practical problem of not having water supplies the government was looking to throw money at solutions. The Auditor-General goes on to report some other comments the secretary made about this:

> He said that to meet this need to invest in large-scale augmentation, DSE 'created' a set of water inflow forecasts in 2007 using the years 2004–06, rather than the last 10 years as had been used in the 2006 central region sustainable water strategy.

That strategy was this government's own strategy. In developing that strategy it used 10-year water inflows as a foundation, but when it came to these projects it did not use the same basis. It used the two years from 2004–06 as the foundation of what it developed.

The Auditor-General uses the word 'created'. I wanted to be very careful about this, so I had the dictionary tell me what the word 'created' means. The definition for 'create' in the *Concise Oxford Dictionary*, new edition, says:

> Bring into existence, give rise to; originate …

The definition for 'creative' says:

> Creating; able to create; inventive, imaginative; showing imagination as well as routine skill …

It is all here to be seen — that the government made it up. As the Auditor-General says, the government created this set of figures to get itself into a position where it reckoned it could justify this. The Auditor-General goes on to say that the secretary:

> … also said that had DSE used the 10-year forecasts, the need to invest in these large projects would not have been established.

In other words, we could have done all the work for the renewal of the channel system in the north on its merits and for the right reasons: to ensure that we further enhanced our productive capacity in northern Victoria. We need never and should never have built this pipeline; that is what the Auditor-General is telling us. In his report he goes on, and this is all on one page, to say:

> Examples of poor practices in the development of the case to proceed with the FMP include —

and here the Auditor-General lists some of them —

> The proposal, submitted by irrigators, was not given to DSE, including its Office of Water, to review and assess, despite this agency having both the expertise and responsibility for irrigation projects.

These fools, these people who masquerade as the government of Victoria, did not even give this to their own specialists within DSE before they committed to it. What sort of a stupid, negligent act was that? The Auditor-General goes on to say:

> Repeated advice from Treasury officers between March 2007 and May 2007 to conduct a comprehensive feasibility study into the proposal — because preliminary advice provided to the government during that time was based on 'limited and unverified information from the media' — was not followed.

You have the Treasury of the state of Victoria pleading with these idiots to actually do the work to justify the financing of this project and they would not do it. The next dot point is:

> A feasibility study was not undertaken before the proposal was submitted to cabinet and before cabinet committed, in early and late June 2007, to the FMP.

None of this work was done before these people panicked and went to cabinet and made a decision to commit vast amounts of money, particularly to the pipeline, without any financial analysis and in circumstances where in developing their own sustainable water strategy in 2006 they had used a completely different foundation with regard to potential water inflows. This is Labor at work. The Auditor-General goes on to say:

> A commitment to cabinet in late June 2007 to immediately undertake a feasibility study into the FMP, which was not met.

The government gave the undertaking and did not even meet it. The Auditor-General then said:

> In addition, an assessment of the investment need for the Sugarloaf pipeline did not occur and the project proceeded straight to a business case.

If this were not so serious, it would be funny. This is like something out of a John Cleese movie. It is unbelievable. This government committed vast amounts of money to these projects without any of the fundamental foundations which underpin decisions by a responsible government that has any semblance of an idea of how to manage money. The government has got no idea. It is appalling when it comes to managing money generally and no more so than what we see it doing with major projects.

If I had the time — and I do not — I would go on and talk about the desalination plant. We now know the government has left Victorians with a bill of $570 million a year for 28 years, no matter whether or not we take water from this great white elephant down the coast. These fools have committed us to this staggering debt, which totals almost $15.8 billion, and they did not have a proper financial basis for doing so.

As I say, if it were not so serious, it would just be hysterically funny, but the basic take-out line is this: ultimately it is Victorians and Victorian families who are left having to cop the cost of all this. Eventually it is our people who have to pay. I feel so sorry for them that such is the case. They should have regard to this when they look at who they are going to vote for at the next election.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to speak on the matter of public importance (MPI) in this last parliamentary sitting week before Victoria decides the future direction of our state.

Given that this is one of the last opportunities for members opposite to do so, I would have thought this was the ideal platform for them to come in here and outline to Victorians what they stand for and what they believe in. This is an opportunity for those opposite to stand up and submit themselves and their policies to the scrutiny of the Victorian Parliament, but instead we just get a litany of mistruths, shallow grandstanding, complete hypocrisy and an utter lack of understanding of the importance of major projects to our state.

This comes as no surprise. Members of the opposition spent all day yesterday bleating in the media about the prospect of being scrutinised. Why would they submit themselves to the scrutiny of this chamber and the scrutiny of the public record? No-one on the opposite side has the heart to stand up and debate their policies — certainly not the member for Scoresby, who runs away from every opportunity to debate the Treasurer. Last month there were invitations from both *Stateline* and VECCI (Victorian Employers Chamber of Commerce and Industry) for the Treasurer and the shadow Treasurer to debate economic policies in the lead-up to the next election. The shadow Treasurer was nowhere to be seen. What utter political cowardice. How many days are there until the election? I think it is 52 days. I think the member for Scoresby is hoping he can hide under a rock. There are only 52 more days, and if he can do that, at the end of that someone will put him out of his misery and take away this horrible responsibility that has been bestowed upon him.

But the challenge is there for the member for Scoresby. The Treasurer of this state, John Lenders, stands ready, willing and able to debate the shadow Treasurer at any opportunity and at any time.

Mr Wells interjected.

Mr MERLINO — The coward is in the chamber!

The DEPUTY SPEAKER — Order! I ask the minister not to go down that track. The member for Scoresby will get his chance.

Mr MERLINO — I hope the member for Scoresby does get his chance, because I would be interested to know why the shadow Treasurer refused to debate the Treasurer on *Stateline* and why he refused to debate the Treasurer at an event organised by VECCI. This is political cowardice.

This MPI is a sham. One thing is for certain: the Victorian public — —

Mr Wells interjected.

The DEPUTY SPEAKER — Order! I have told the member for Scoresby that he will have his opportunity.

Mr MERLINO — One thing is for certain: the Victorian public will see through any party that thinks it can just roll up to an election with a last-minute policy cut-and-paste job designed to avoid any examination at all. This MPI is a sham because if there is one thing that sets Victoria apart it is our delivery of world-leading major projects, all of them vital to the economic and social health of our state, and many of them also true icons of our state. It is also a sham because the Brumby government's record of relieving cost-of-living pressures on Victorian families is clear. Over the past five years Melbourne has had the lowest increase in the cost of living of all Australian capital cities.

This is what those opposite do: they have no plan themselves and no policies to spruik, so all they ever find themselves doing is running around claiming the sky is going to fall in on every project of significance to our state — but it never, ever does.

I will speak for just a few minutes on some projects within my own portfolio of sport. AAMI Park is the newest jewel in Melbourne's sporting crown. This $267 million multi-award-winning rectangular stadium was completed in May this year and has already been elevated to the company of the best stadiums of its kind in the world. Some 1200 jobs were created in the construction of AAMI Park, generating $775 million in economic benefit to our state. It has been a revelation for fans of soccer, Rugby League and Rugby Union. This Friday night over 30 000 spectators will pack the stadium for the first local A-league derby between the Melbourne Heart and Melbourne Victory; it will be a sporting atmosphere Victorians have never before experienced, and it took the Brumby government to deliver it. I have seen many of the members opposite at the stadium, and I have not heard any of them complaining about that magnificent colosseum.

Across the roadwork is under way on the $363 million stage 1 redevelopment of Melbourne Park, securing the Australian Open in Melbourne until at least 2036. The Australian Open is our state's most important international event. It is the world's biggest sporting event for the month of January, generating 1000 full-time jobs. It injects $164 million into our economy annually. This project is continuing on time and on budget.

The Brumby government's water plan has been one of this government's most important achievements; time and again, though, it has been met with hypocritical

hyperbole from those opposite. Following a couple of months of good rain many people in this chamber have forgotten the situation Victoria faced four years ago and will no doubt face again in the future. In 2006 rainfall fell to just 163 billion litres, compared to the average of 387 billion litres in the previous 10 years. Consumption was 430 billion litres per year.

Clearly those opposite, with their pray-for-rain policy, cannot do simple maths. Victoria was in a water crisis. The government responded with the most comprehensive water plan ever seen: desalination, irrigation modernisation, expanding the water grid, increased water recycling and increased water conservation. The Wimmera–Mallee pipeline was completed earlier this year, six years ahead of schedule. Some 300 regional jobs were created during construction, and 80 billion litres in water savings for the environment means rivers can flow naturally for the first time in decades. There have been 20 billion litres in water savings for regional growth.

Those opposite criticised the cost of this project, when the fact is this government invested further funds into the pipeline in October 2007 to fast-track the project during Victoria's worst-ever drought. Not a single one of The Nationals MPs who joined the government at the pipeline's opening had a word of complaint about those extra funds on that day.

The Sugarloaf pipeline was completed ahead of schedule and under budget. It can transfer 75 gigalitres a year from Melbourne's share of irrigation savings, but those opposite say it will never be needed, because under their pray-for-rain policy they believe we will never again experience drought. What a ridiculous proposition! The Hamilton–Grampians project was completed ahead of schedule and under budget. The Tarrago Reservoir was connected in 2009, completed ahead of schedule and under budget. Every single sport across the state was saved during the drought thanks to many of these projects and the millions of dollars in Brumby government drought-proofing programs. At every step of the way opposition members claimed sport would soon wilt and seasons would soon stop. They have been waiting three years for their prophecies to come true, and they will be waiting many more years to come.

Perhaps the biggest demonstration of the shameless hypocrisy of those opposite is their stance on the construction of the 150 billion-litre desalination plant. In 2006 those opposite went to the election promising a desalination plant. In 2007 they considered the government's project so urgent that they criticised us for not acting sooner. What a difference a month or two of rain makes to their tune! Now desalination is apparently never needed. Now desalination is a waste of money. Now desalination can be replaced by the pray-for-rain policy of those opposite. What an absurd position!

Chopping and changing your water policy based on David Brown's seven-day weather forecast is no way to run a state. It shows a complete lack of understanding of the depth of the water crisis and shows how grossly incompetent the opposition frontbench truly is. There can be no more important major project for many Victorians than the Brumby government's record investment in health.

The new Royal Women's Hospital is on time and on budget. This $250 million hospital welcomes more than 5000 babies into the world each year and cares for more than 2000 premature and ill babies. The $1 billion Royal Children's Hospital is on time and on budget. It will provide 50 extra beds and treat 35 000 extra patients every year. The capacity of the emergency department will be increased by approximately 30 per cent, and there will be a co-located GP clinic. Those opposite talk about investment in major projects. The Royal Children's Hospital project alone is more than the entire amount of investment in health capital works made by those opposite when last in government. Our investment in one hospital was greater than the amount they spent in seven years across the whole health system. What an absolute disgrace!

Mr Wells interjected.

Mr MERLINO — The member for Scoresby has his voice now. It is a shame he did not have a voice to debate the Treasurer.

The second part of the matter of public importance addresses cost-of-living pressures. Right across the board the Brumby government is taking action to keep the cost of living down for all Victorians. Victoria has the most generous first home buyer bonuses in Australia, worth up to $20 000 for newly constructed homes in Melbourne, and up to $26 500 for those in regional Victoria. Victoria was the first state to abolish stamp duty on mortgages. Melbourne has the lowest established median house prices of any capital city on the eastern seaboard. In terms of rental affordability Victoria was the most affordable state on the eastern seaboard in the June quarter. Labor is investing record levels into concession, including housing, utilities, transport, education and health.

In 2009–10 expenditure on concessions totalled more than $1 billion. Almost 1.3 million means-tested

concession cards are issued in Victoria to 37 per cent of households or 31 per cent of adults. We have made changes to key concessions and hardship programs to assist the most vulnerable members of our community to afford water, energy and other essential services. The changes include making water and sewerage charges more affordable, making electricity bills more affordable in all the warmer months for sufferers of multiple sclerosis and other medical conditions, more funding for grants to improve energy and water efficiency, funding for the replacement of household appliances with energy-efficient alternatives, providing increased assistance to households in drought-affected areas and constraining proposed price increases by water retailers through legislation and ongoing regulation of water prices through the Essential Services Commission.

Whether it be through our investment in major projects that address the serious issues facing this state or whether it be bushfires, drought or water, we are investing in the major projects that will make a difference for Victorians in the decades to come. We hear nothing from the opposition in terms of its policies and its vision for the future. We are 52 days away from the people of Victoria making a determination on where they want their state to head, and up to this time we have not had a coordinated set of policies or a vision from those opposite. We have a shadow Treasurer who refuses to debate the Treasurer on the economic future of this state.

In conclusion, this MPI is a complete and utter sham designed to hide the fact that the opposition is again running away from scrutiny, from any debate on its policies and from presenting to the people of Victoria any semblance of a vision for the future of our state. Only the Brumby government can be trusted to tackle the serious issues facing our state. You cannot trust an opposition whose members have said for the last three or four years, 'We have got to deliver — we must deliver — a desalination plant for this state', and then as soon as we get a couple of months of rain they say, 'It was never, ever needed'. They cannot be trusted. They are an absolute rabble. Only the Brumby government has a vision for this state that will deliver major projects on time and on budget and will ensure that the cost of living is reduced as much as possible.

Ms ASHER (Brighton) — I am delighted to participate in the debate on this matter of public importance:

> That this house condemns the Brumby Labor government for its irresponsible financial management of Victorian major projects thereby resulting in extraordinary cost-of-living increases for Victorian families.

I wish to embark on a calm and rational presentation of the issue, rather than the hysterical analysis of the other side of politics. In relation to water, given my shadow portfolio, we are going to see that as a result of my presentation that financial and other mismanagement has ended up with a direct cost to consumers, which they should not have had to bear. On 26 June 2009 the Essential Services Commission issued its final determination that the price of water for Melbourne households over the next four years would be increased by between 51 and 64 per cent. The ESC went on to say:

> The price increases approved by the commission will fund more than $4.1 billion —

that was the price then —

> in capital projects undertaken by Melbourne Water and the three metropolitan water retailers …

An increase of between 51 and 64 per cent is a hefty price increase, which many consumers will find difficult to bear.

The background to the whole water debate is as follows. In 2002 Premier Steve Bracks said that water was the no. 1 issue in Victoria and that he would appoint a dedicated water minister, John Thwaites. The idea was that Labor would do something about water in 2002. The problem, from our perspective, is that Labor did nothing about water and water supply until it announced a plan in 2007. It is our contention that in terms of water management they were five lost years.

The first component of what the government announced in 2007 was the north–south pipeline, in relation to which the government broke a commitment that it would not take water from north of the Great Dividing Range to Melbourne. These issues have been well covered by my colleague the Leader of The Nationals, and I will not go over them. In terms of the irrigation upgrade, suffice it to say that we on this side of the house believe that the country can have an irrigation upgrade and that country people can have capital works without necessarily having to make some trade-off for Melbourne. Unfortunately the Treasurer has made it clear that if the country is to have capital works, there has to be some benefit to Melbourne as well. We do not believe that to be the case.

Secondly, the government announced that it would build a desalination plant. I want to make a couple of comments on this and to explain to the minister, who has now left the chamber, the difference between our proposed desal plant, announced in 2006, and what the government is building. When we announced that we

would build a small desalination plant, we were looking at a capacity of something like 50 gigalitres. We made comparisons in our policy with the Perth plant, which was a $400 million project and was completed in 2006. We had in mind a small plant that would contribute last-resort water. That is what we put forward in 2006. At that stage Labor called the desalination plant a hoax; that is well documented.

Along we go, and it was not until 2007 that the government suddenly announced it would build a desalination plant. It has now chosen to build a 150-gigalitre desal plant for first call water. On top of that, taxpayers will now be paying $570 million per annum for the plant. Our points of distinction are not about desal, as I have heard ministers rabbit on about in question time, they are about the size of the plant and whether it is for first call or last resort water.

In relation to recycling, the government also announced that the upgrade of the eastern treatment plant was not to be finished until 2012. We think that is a project that should have been dealt with earlier.

The price of water which customers now face is going to pay for the government's water projects. I refer to the Environment and Natural Resources Committee's inquiry into Melbourne's future water supply. On page 43 of the June 2009 report, the all-party committee makes the following point:

> Additionally, customer charges are the primary source of funding water infrastructure investment. For example, nearly 90 per cent of the $4.9 billion cost of the Victorian water plan will be funded through customer charges.

The government has made a deliberate policy decision to build the north–south pipeline, which we oppose, and to build a very large desal plant. We have had a debate around the edges of that. Of course 90 per cent of that cost is going to flow through to customers. On top of this, as members of Parliament would be aware, the water authorities collect dividends, an environment levy and tax-equivalent payments. Well over $3 billion has been collected on that front. Some of that money could have been used for water projects earlier.

As a consequence of these price increases we are now seeing the energy and water ombudsman receive record numbers of complaints about water pricing, even though the ombudsman has no capacity to solve those complaints because prices are set by the government and the ESC (Essential Services Commission). In July to December 2009 there was a 43 per cent increase in the number of cases going to the energy and water ombudsman, and 52 per cent of those complaints related to billing.

I want to turn to the performance of the Minister for Water and his lack of understanding of the hardship that these increased customer charges will have on consumers. As I have said in this chamber before, the minister does not know the price of water. I do not expect the minister to know the price of water from all three retailers at all three price tiers off by heart; I do not expect that for a minute. However, when the minister is asked a question on notice with 30 days to respond I do expect him, under those circumstances, to know the price of water. I asked the minister what the price of water would be from 1 July 2010, 2011, 2012 and 2013. The minister came back with the wrong figures — in relation to 2010 anyway. For example, in the case of South East Water the minister said block 1 would be $1.44 per kilolitre, block 2 $1.74 and block 3 $2.84, but in fact the actual price of water from South East Water will be: block 1, $1.51 per kilolitre; block 2, $1.83 per kilolitre; and block 3, $2.97 per kilolitre.

Obviously I could go through the prices from City West Water and Yarra Valley Water, but I think my point is very clear to people in the chamber — that is, when the minister was asked what these price increases for water for Melbourne consumers would be, he did not know. The minister provided in writing figures that were wrong. I then asked the minister why these figures were wrong, because I was actually interested to hear that. The minister said in his response to me that, first of all, pricing figures provided by South East Water are not his fault. He provided the figures to me in the Parliament. He is not even taking responsibility for giving wrong information about water pricing to the Parliament.

Then the minister went on with this absurd proposition that the figures provided were in 2008–09 dollars. The only problem with that is that I asked the question in June 2010 and the minister provided the answer in July 2010. So we have here a circumstance where the Minister for Water does not know the price of water. The Minister for Water has no idea of the impact of water prices on household budgets, and for that the Minister for Water should be ashamed.

Mr NARDELLA (Melton) — We have before us today a spurious motion that absolutely disregards the facts before the people of Victoria, a motion that is a fabrication, like most things the Liberal Party and The Nationals make up in this chamber and then try to spin in the community. The worst member in this respect is the Leader of The Nationals, who has put this motion up for debate. It is really interesting that in all the debates on matters of public importance and all the grievance and other debates we have had over the last

four years not once has the Leader of the Opposition stood up in this place and put his policy position to this Parliament.

The Nationals are the party of climate change deniers, they are the party of drought deniers and they have no policy to put to this house with respect to either of those issues. This was made abundantly clear in the contribution by the Leader of The Nationals. He said The Nationals had always supported the upgrading of irrigation. He might have said that, and he might think that is their position, but have The Nationals actually done anything to support this position, whether in relation to the Wimmera–Mallee pipeline, the food bowl irrigation upgrade, desalination or the other irrigation upgrades occurring throughout this state? The answer is plainly and clearly no.

Every time this government puts up a proposal, every time it puts its money on the table, the first thing The Nationals do is go out there and criticise it. They go out there and criticise the irrigators. They go out there and criticise the water authorities. They go out there and criticise everybody, because The Nationals have no policy and no understanding of the things we have had to put in place and the changed circumstances we have faced over the time of our government.

For The Nationals history stays static. Things do not change for them. The members of The Nationals think they can just slide into government. Let us have a look at the investment we have put into the food bowl — $1 billion, matched by another $1 billion from the federal government. That is creating hundreds of jobs, and if you have a look at both the food bowl and the Wimmera–Mallee pipeline, you see that during their lives those projects have created hundreds of jobs — I think around 1100 or 1200 jobs. These projects have meant — and the Rural and Regional Committee went up to the Wimmera — we have not had to depopulate full towns. They actually have water.

There has been a drought. I inform honourable members on the other side of the house: there has been a drought. We have put the investment in five years early — not only on time but before time and on budget — yet opposition members are bleating, carping and criticising, saying we are not doing enough. 'Aren't we great?', say honourable opposition members, though they have no policy and no idea of how to deal with the matters facing our community. They deny the drought, they deny climate change and they deny the effects of these things.

Let us have a look at the water projects. The Leader of The Nationals said we made the figures up. Let us have a look at the figures. There was a change in 2006. There was a new low in Melbourne Water's inflows. For the previous 10 years of drought the inflows were on average 387 billion litres. The Leader of The Nationals talked about the report; yes, the report is right, and he can actually read, which is a change for The Nationals. However, of course, we had to change this policy. Why? Because in 2006 the inflows fell to 163 billion litres. They went from an average of 387 billion litres over 10 years to 163 billion litres. The consumption has remained at 430 billion litres — so you have that as a constant — and the inflows have gone down to 163 billion litres. Let me do the maths for honourable members on the other side because they are not very good at mathematics: that is a shortfall of 267 billion litres of water.

What do you do, then, as a government? You can do one of two things. One is that you can deal with the changed circumstances, you can investigate and make policy decisions and then you can implement them. The opposition's policy is, 'No, we are dumbos. We will put our heads in the sand. We will not do the things required to make sure that the people of Victoria have water running through their taps'. Opposition members were prepared to oppose the super-pipe for Ballarat and Bendigo. That was their policy — to make sure the water ran dry in Ballarat and Bendigo — and they come in here and criticise us for putting in place changes that we had to put in place because the shortfall had gone to 267 billion litres.

Let us have a look at that. We had to change the policy. Of course we had to change the policy or Melbourne would have run out of water. That is what the Leader of the Opposition said: if we did not act immediately, Melbourne would have run out of water. We knew that. We had worked through the figures, so of course we had to change the policy.

What then did we put in place? We put in 75 gigalitres from the north–south pipeline.

Dr Sykes — You lie!

Mr NARDELLA — Here is the honourable member for Benalla, who could not save Lake Mokoan and who is a hopeless member. Yet we are putting 75 gigalitres down the pipeline. There is the 15 gigalitres of water from reconnecting to the Tarago Reservoir that has lain there because the water was not suitable for drinking. Now we are building the desalination plant, which will provide 150 gigalitres. The shortfall was 276 billion litres. Those upgrades provide 75, 15, 150 gigalitres — and I will do the figures for opposition members because they are not

very good with figures. They will not debate the Treasurer because they are not even prepared to put their costings to Treasury. They are following the federal Leader of the Opposition, Tony Abbott, and the federal shadow Treasurer, Joe Hockey, down the path of not putting their figures to Treasury because they cannot be trusted. The opposition cannot be trusted.

Let us go through the numbers. We have put together a package. Our policy is to put together 240 gigalitres of water from the Tarago Reservoir, the north–south pipeline and the desalination plant to make sure we have water for people in Melbourne and to make sure that when people in Melbourne turn on a tap — like people in Ballarat, Horsham and Bendigo — they get water flowing through it. We will not rely on rainfall for 150 gigalitres of water.

The Leader of the Opposition prays for rain. When it rained the other day I saw him on the telly: his eyes were looking upward, and he pointed up to the sky and said, 'It is raining'. How brilliant is the Leader of the Opposition, who, on the day it was raining, said, 'It is raining and therefore we do not need a desal plant, we do not need the north–south pipeline, we do not need to reconnect the Tarago Reservoir and we do not need the water grid here in Victoria'?

These people are policy deficient. They are policy deniers in relation to climate change, and they have no idea how to put together figures for this house or policies for the people of Victoria. These people do not understand what policy is. They have had a lot of years to develop policies, and they cannot come up with a scrap of policy. They say, 'We put together 50 gigalitres. Our desal plant would only have been 50 gigalitres'. That would not last Melbourne consumers 50 days. We use around 1 gigalitre per day because of climate change and the drought.

Opposition members have no idea how to manage things. They come into this house, bereft of policy, bereft of ideas and not prepared to put their costings to the Treasury, and yet we have this motion before the house. That is just an abomination, and it is not going to get the opposition into office. We are having a false debate today, because these climate change deniers — —

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

Mr WELLS (Scoresby) — I rise to support the motion moved by the Leader of The Nationals:

> That this house condemns the Brumby Labor government for its irresponsible financial management of Victorian major projects thereby resulting in extraordinary cost-of-living increases for Victorian families.

This is going to an important issue in the run-up to the 27 November election. Victorian families are bleeding and the Brumby government has stopped listening; there is no question about that.

I will give the Brumby government one point for where it is investing heavily, and that is in the dirt unit. The government is pulling out every stop — every spare dollar it can possibly find — to stick into the dirt unit. The government is not going to debate policies, logic or financial management in the lead-up to the election; it is going to say whatever it takes. The Minister for Sport, Recreation and Youth Affairs made it clear that the Labor Party will lie and cheat and say whatever it takes to hold on to government. They are desperate men making desperate statements.

The member for Melton said we need to do more work on policies. We have released more than 100 policies, which are on the Liberal Party website for people to look at. I know the dirt unit will be going through that website daily. Of the 100 policies, about 70 have been copied by the Brumby government, because it has run out of ideas. There is a vacuum when it comes to policies, and the government continually has to adopt our policies. Is it not ironic that there has been so much talk about the desal plant? When the Leader of the Liberal Party raised the issue of a desal plant before the 2006 election, the members opposite said it was a hoax. They said that the idea of a desalination plant in this state was a hoax.

Another point I would like to make before I get onto my contribution is that the Minister for Sport, Recreation and Youth Affairs, who obviously got his line from the dirt unit, talked about my not attending a debate with the Treasurer — and I am very hopeful that one will take place. But on the day that *Stateline* rang me — and I enjoy going on *Stateline* — I was committed to attending the debutante ball at Rowville Secondary College, which it had booked me for six months ago. Did *Stateline* expect me to say no to the kids at Rowville Secondary College and attend the meeting? I do not think so, and I do not think there would be one person on the government benches who would not have done the same thing. They would not shaft the kids at the secondary college who had put a lot of time and effort into their debutante ball.

The Victorian Employers Chamber of Commerce and Industry rang me and said, 'Will you debate the Treasurer?'. I said, 'Yes, of course'. VECCI came back to me with a date, but I had already committed to a

meeting. I said, 'Can you please change the date, and I will be there'. VECCI came back to me — —

Mr Nardella — What was the meeting? What was so important?

Mr WELLS — It was a very important meeting, and details of it will be coming. Do you accept the issue about the Rowville debutante ball?

Mr Nardella — This is your contribution.

Mr WELLS — Let me get this right. Those opposite would shaft the kids at their local secondary college; that is what they are saying. They would say no to the kids at a secondary college that had booked them six months in advance. What a disgraceful bunch. That is what Labor members would do. They would shaft the kids at their local secondary college. What an absolute disgrace that they would shaft them.

Mr Nardella — What was the other meeting?

Mr WELLS — The other one was a very important accounting meeting, and the results of it will be known during the election campaign. I said to VECCI, 'Please change the date so this can go ahead'. The organisation rang back and said, 'No, we can't. The Treasurer can't change the date'. I said to VECCI, 'Can you please get the date changed', but it said, 'No, we can't change the date'. That is absolutely dreadful.

Labor cannot be trusted to manage money. It has never been able to manage money, and it will never be able to. Wrong decisions and wasteful financial mismanagement have resulted in billions of dollars of valuable taxpayer funds being wasted on major projects. The basics have been lost. The Treasurer has not been in effective control of the financial management of the major projects in this state. This is the same man who did not know the difference between state final demand and state economic growth. That is embarrassing. Terry McCrann of the *Herald Sun* had to point out that the Treasurer had it wrong and that he did not know the difference between the two. That is embarrassing for a treasurer.

I understand why we have the massive cost blow-outs of nearly $11 billion when it comes to major projects. Can members believe it? There have been $11 billion of cost blow-outs and cost overruns, and the government does not care. Do members know why the government does not care? It is because it keeps adding it to the credit card. That is what it does. We understand why there has been a massive cost blow-out in major projects, but those on this side of politics can never accept it.

Let us look at some of the projects that this government is proud of. Do members remember what the government promised in relation to the EastLink tollway? It promised that the Scoresby freeway would be toll free, but it went a step further. It said it was fully costed and fully budgeted for. In other words, it had taken it up in the budget over the forward estimates and over the out years. That is what it promised. It was another Labor Party lie.

Then we get to the desalination plant. The government told us it was going to be about $3.1 billion. Already, just at present net value, it is up to $4.8 billion, but it is a matter of who cares according to the Labor Party. The consumer will pay for this, and the Brumby government does not care because it has stopped listening.

The government told us in the Public Accounts and Estimates Committee that the smart meters were originally $800 million and now it is up to $2.250 billion. Who pays for it? It is the consumer. Does Labor care at any point? It does not, it does not get it, and it is a direct link between these cost blow-outs and the cost to the consumer.

Next we get to myki, and I am sure the shadow Minister for Public Transport will talk about the myki smartcard. What an example myki is of not being able to manage a major project. It started off at $494 million; it is now up to $1.416 billion. How much private money was going to be involved in regional fast rail? The government told us it would be $80 million, and now I think it is finishing up at about $919 million. Then yesterday we heard the Minister for Roads and Ports telling us what a great job it had done on the M1. The cost started off at $1 billion and went up to $1.39 billion — and it is a shambles for those people coming off the Bolte Bridge and getting onto the stretch of road going into the tunnel. The government has paid $1.39 billion but has not got it right.

The government talks about a cost-benefit analysis; we are talking about an inflated figure. One of the things the government did not factor in when the road was being built was the fact that there might need to be work done at night. Members would have thought that had the business case and the feasibility study been done correctly in the first place, that would not have happened.

Why have we had these massive cost blow-outs? Treasury commissioned a study that showed that government infrastructure projects had blown out by 45 to 55 per cent — and that was what John Brumby had overseen. The reason for the blow-outs was that the

government favoured alliance contracting as a funding model, and yet when it looked at the traditional public-private partnership model, it found that the cost overrun was only between 5 and 10 per cent. Had the government stuck to the traditional public-private partnership model with cost overruns of around 5 or 10 per cent rather than relying on alliance contracting, it would have been far more efficient. That is the first point.

In how many cases in relation to major projects have we found that the business case management and the analysis around them have not been done properly? There has been a massive rush to get something done, the government has done it and it has cost the Victorian taxpayers over and over again, and that is what they will remember when they come to vote in November.

Ms RICHARDSON (Northcote) — It gives me great pleasure to speak in the debate today. What an extraordinary matter of public importance (MPI) before the house from the opposition. Before I get to that I would like to make mention of the extraordinary performance we have just heard from the member for Scoresby about his very full diary, which is so full that he is unable to debate the Treasurer. That is the member's excuse, his rationale, for not having an opportunity to debate the Treasurer. What would you do in the ordinary course of events if you did not have an opportunity to debate the Treasurer? You would come up with an alternative date. You would say, ' I have an alternative date. This is the date. Come along and meet with me on this date, and I will debate you'. But that is not what he did — —

Mr Wells interjected.

Ms RICHARDSON — No, that is not what he did. Today he said that his diary is so incredibly full that he cannot possibly meet with the Treasurer. I imagine what is happening here is that members in the business community and the Liberal Party are filling up his diary so that he cannot debate the Treasurer. That is what he said today; it was quite extraordinary.

As I said, to bring before the house this MPI, above all the myriad issues you could bring, is just beyond belief. It is a proposition that has little, if any, foundation in fact. There is so little foundation in fact that it actually invites scrutiny of the opposition itself. In the clear light of day what we find, as a consequence of what has been brought before the house, is a lazy, incompetent, loose-with-the-truth opposition. It brings to mind the old adage 'Never let the truth get in the way of a good story'. What incredible stories we have heard today from members opposite. They were very tall stories. They were so tall that there is a whiff to them, or rather a bit of a stench to them — a stench of the dab hand of the member for Scoresby.

Picture this: we are in the opposition rooms and we have the Leader of The Nationals and the Leader of the Opposition talking about their born-to-rule plan for the people of Victoria, what they are going to do at election time, their happy banter devoid in its entirety of any policy detail. Then there is a knock at the door and there is the member for Scoresby. He says, 'Guys, I have got a fantastic idea for the MPI next week' — and here it is before the house. So while he is busy hiding from the Treasurer, he comes up with this terrific MPI and puts it before the two leaders of the opposition parties. He says. 'It is a brilliant idea, it is for Parliament next week, and here it is'. The Leader of The Nationals is a clever guy, and he says to the member for Scoresby, 'You know, it looks clever on paper, sure, but it lacks any foundation in truth; there is nothing to this'. 'Never mind', says the member for Scoresby, 'Being loose with the truth is my speciality. Hell, I can even get things completely and utterly wrong, and I am still holding down my job. It is easily done'. So they come together and decide to go with this MPI before the house — and what a sad state of affairs it is for the opposition to come up with this one.

So let us unpack the proposition that is being put before the house today. Let us talk about Labor's management of Victoria's major projects in this state. I am very proud and pleased to be a Labor member and to report, as so many other Labor members have reported to this house, about the much-needed infrastructure, the hospital upgrades, the modernisation of hundreds of our schools, the reopening of rail lines and the delivery of the channel deepening program — the hundreds and hundreds of projects that have been delivered.

The overwhelming majority of these projects have been delivered on time or prior to time, and all have been delivered under budget. Most importantly, these projects have created thousands of jobs for Victorians. Our focus on major projects has helped Victoria chart a course through the global financial crisis — a crisis that members opposite sort of pretend just did not happen. It happened to the rest of the world, apparently; it happened to all other jurisdictions in Australia but just did not happen here in Victoria. That is their claim.

Let us have a look at some of these major projects so derided by members opposite. Let us look at EastLink. The Leader of the Opposition has criticised this project. He throws inflated numbers out there, all in a bid to distort the truth, but the fact is that this project was delivered ahead of time and on budget, with

construction costs of $2.5 billion. The Hallam bypass, similarly, was completed in 2003, 17 months ahead of time and $10 million under budget. Other major projects include the synchrotron, the County Court, the Melbourne Recital Centre, the Melbourne Convention Centre, the Deer Park bypass — on and on the list goes. We also have the extremely popular red and green SmartBus services, the Springvale Road rail separation and the new Nunawading station just near where my mum lives; she loves it. There is Cranbourne station. On and on it goes. There is the Mildura rail freight upgrade. All of these big major infrastructure projects have been delivered on time and on budget.

I want to focus a little on our channel deepening project, because the business community was gobsmacked and taken aback when the Leader of the Opposition took the view that we should not proceed with the channel deepening project. He did not want to back this significant project which was in the interests of Victorian business and Victorians as a whole. This project was completed at least $200 million under budget and ahead of time. It created 2300 jobs just during the construction period, and port activities support a further 14 000 jobs. This was clearly a jobs-building infrastructure project but one opposed by the Leader of the Opposition.

Other members spoke earlier about our water initiatives and the major water projects we have delivered, so I will not go through those, but I want to look at some very important hospital upgrades. There is what we have done with the new Royal Women's Hospital. That is going according to plan. Similarly there is the new $1 billion Royal Children's Hospital, which is progressing on time and on budget. There is Casey Hospital, the first completely new hospital built in Victoria for more than 20 years, which was opened in 2006. There is the $56.3 million upgrade of the emergency department at the Royal Melbourne Hospital, which was completed in September 2009. These are significant and much-needed upgrades to our health system which have all been delivered by Labor for the benefit of the people of Victoria.

I could go on, but I want to touch on another matter, and that is the second proposition that was put as part of this MPI today. It is this notion around the cost of living pressures on families. As I said earlier, the opposition never lets the truth get in the way of a good story. The truth is that according to consumer price index data produced by the Australian Bureau of Statistics, over the past five years Melbourne has had the lowest increase in the cost of living of all Australian capital cities. When you look at household expenditure across all Australian jurisdictions that is what you find, but why would you want to spotlight that particular truth if you are a member of the opposition?

The opposition's analysis also completely overlooks the significant increase in total expenditure that we have applied to concessions to help those in need. Why would members of the opposition think about concessions? The last thing members of the Liberal Party in particular do is think about those in need. The total expenditure on concessions has been significant: more than $1 billion in 2009–10. We have improved water and sewerage charges and made electricity bills more affordable for those who are struggling, and we have funded the replacement of household appliances with energy-efficient alternatives. All these measures and more have been totally overlooked by those opposite in their MPI today.

As I said earlier, when members of the opposition come to this place with a flimsy proposition with little if any foundation in truth, the spotlight turns on them. They have made $3.3 billion worth of promises to date, and of course none of them will be delivered.

Mr DIXON (Nepean) — It is good to see the member for Northcote not having a go at the Greens today. There must be a rapprochement there. Before I commence my contribution to the debate on the matter of public importance (MPI), there are a couple of issues the Minister for Sport, Recreation and Youth Affairs raised in relation to the MPI that I would like to talk about. Some other members of the government have also put forward the point that we should have used this MPI as an opportunity to elicit and announce our policies because they have demanded that we do it today. That would have been ruled out of order because, as those members should know, debate on an MPI is not an occasion for doing that. This shows a total misunderstanding of what a matter of public importance is all about.

It was also interesting to note that the minister for sport was so intent on his script that he brought a new word into the English language — 'hyperbowl'. I thought that because he is minister for sport he was talking about a new stadium. 'Hyperbowl' sounds like some sort of ball game or a new stadium. I think the word he meant was actually 'hyperbole'. The schoolteacher in me just had to correct that. It just shows that members of this government have to stick to their script. Nothing comes from the heart. They do not understand it. They are given a script, and they go out there and read it. That is what they do. We hear it so often. There is nothing from the heart in this place from this government; it is all from the script that has been handed down from the dirt unit or from one of the

many media advisers who say, 'Here. Go in there and read this. It doesn't matter if you don't understand it'. Even a minister of the Crown is doing that.

The aspects I want to talk about on this matter of public importance with respect to the waste of massive amounts of money under education are the ultranet and BER (Building the Education Revolution) projects. Briefly, the ultranet was a $60 million project. The ultranet was incredibly scaled down when it was put out to industry. The government had a good grand plan, but when it went out to industry it was just totally the wrong project and it could not be delivered for $60 million, so the whole thing was tossed out. The whole project was de-emphasised, scaled down and put out to tender once again.

The cost of $60 million for the project has already blown out to $78 million, and it does not work. What that means is that parents and school communities will have their hands in their pockets to fundraise for computers that will actually be able to run the ultranet in schools. Parents who cannot afford a computer at home or to be connected to the internet will not be able to be part of the ultranet. That is another pressure put on Victorian families and on those who can least afford it. This digital divide is well and truly alive, and this government has not thought through the effect on many of the families in our schools.

With respect to the BER program, $2.5 billion has been spent and mismanaged by this government. It is just incredible. Because of this mismanagement — and the money could have been far better spent by local school communities on school building projects — school communities once again will have their hands in their pockets, trying to fix up the mistakes, which I will point out in my contribution.

While talking about the cost of living, I point out that I represent the electorate that has the oldest age profile in this state. It is incredible how many pensioners are coming to me and talking to me about their utility bills. They are saying, 'I have cut back my electricity usage, I have cut back my gas usage and I have cut back my water usage; why are my bills going through the roof?'. It is incredible. They are absolutely struggling. The vast majority of my constituents are on fixed incomes and they are absolutely struggling; they are in dire poverty. I have never, ever seen anything like it. This discussion of a matter of public importance is not an opportunity to announce policy. This is a matter of public importance, and it affects my community incredibly.

To return to the BER, the Education and Training Committee conducted a hearing — the only one we were able to have — on the BER on Monday afternoon. What we found out was that in Victoria the BER money started flowing through and projects started in February last year. What percentage of projects have actually been finished in this state? Eighteen per cent! Only 18 per cent of government school BER projects have actually been completed 20 months later. That shows incredible mismanagement.

Not only has there been mismanagement, but a principal who has been brave enough to come out and say what he believes to be the truth has been threatened and intimidated. This principal stood up and said, 'I do not want the design you're giving me. I want something that fits my school. I want something that will be useful to my school. I don't want your Soviet-era hall put on my playground. I want something that my school community needs'. He has now been threatened and intimidated to keep quiet and do what he is told from above. That is incredible in this day and age. It just shows the arrogance of this government that it thinks it can get away with doing that, and that is happening right through the public service.

The committee received 26 written submissions from government schools with their complaints about how the BER program was actually being operated and managed in Victoria. I have a list of 80 schools whose representatives have been brave enough to speak up through either the Senate committee, our committee, the Brad Orgill investigation, the local papers or other media. I have a list of 80 government schools that have all had major issues with the way this government has mismanaged the BER.

The sorts of issues the schools have raised include the scaling down of projects. Country communities expecting the first permanent school they have ever had have all ended up with portable classrooms. Another issue is poor communication. No-one knows what is going on and no-one tells anybody anything. There is no information. Schools try to find out. They get nothing. They get no answers because nobody knows. Poor value for money is another issue. It is incredible. What schools are getting for the sort of money that is being paid is just totally unrealistic and out of touch with real building costs. Another issue is the moving of goalposts. Every week there are changes. When they talk to someone else they find out they have to do something different. The goalposts have been moving for 18 months.

Some schools have been able to negotiate some sort of flexibility. Others that have tried to do that have been threatened by the education department and told to keep quiet. Schools have been given projects that they did

not want. When we talked to principals and asked, 'If you were just given the $3 million, would you have built what the BER has delivered?', their reply was, 'Oh, no, we wanted X, Y and Z'. Schools are always thankful for money. They are not going to knock back a hall. Even if they do not want one, they will get a brand-new hall. They will not knock back a library, even though they might have one. But they are not getting what they really want.

Another issue the schools have raised are the massive delays. We have even seen thousands of dollars being spent on portable classroom design! They just come off an assembly line, but we are paying for portable classroom design. All principals are saying they want what the non-government schools have: control over the project that they want and need, using their local tradesmen who know them. Another issue is the incredible disruption to children's learning. There have been examples of schools that have been building sites for 18 months and projects have only just started.

In the case of the Sorrento Primary School in my electorate, the Catholic school project over the road started later but is finished and open and kids are in it, yet after 18 months all the kids at the Sorrento Primary School are still sitting in portable classrooms on the school oval. There are some incredible examples from schools that have written to us. I need to put just some of these on record.

The Chiltern Primary School, which received funding in round 1, said:

> We have had a 'fenced-off' building site, lost the use of a classroom and had limited access to the staff entry for almost 12 months. During this 12-month period there was basically no progress made on the project.
>
> …
>
> The local Catholic primary school received a round 2 grant and has constructed a new facility and renovated an existing building and its facilities. It is very frustrating for us that this was started and finished during our 12 months of inactivity. We believe the current system for government schools is totally inequitable and does not deliver the same value for money.

Hepburn Primary School said:

> Hepburn Primary School has yet to commence their BER program and after 18 months of little or no action …
>
> …
>
> We have had two project managers and three different architects so far … We are unable to find out how much of our $850 000 has been spent on these administrative changes … We have never been consulted on any of these changes and we have had no say in the process.

It continued:

> Original plans showed a solidly constructed permanent building. This has now been downscaled to a demountable modular construction.

Bannockburn Primary School said:

> It is the opinion of our council —

that is, the school council —

> that the construction costs for our project are excessive for the work to be undertaken … Our building is not to be the same size as a school portable yet is costed … three times this amount.
>
> …
>
> The school council (and principal) have limited or no involvement or control over the BER …

Craigieburn South Primary School said:

> … it was disappointing that the projects were all 'template designs' and did not meet our specific needs nor was there a great deal of room for flexibility …

Gladesville Primary School said:

> … we do not have a building at this stage. We do not even have a commencement date …
>
> …
>
> The plans we received had no proper measurements, no scale and very few details.

Lake Charm Primary School said:

> We are highlighting the lack of information and communication surrounding the project, the poor planning, administering and application of the building projects. … the daily disruption — —

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

Mr BROOKS (Bundoora) — It is a pleasure to speak on the matter of public importance that has been submitted by the member for Gippsland South, the Leader of The Nationals. I have to say at the outset that this is a very poor debate. Despite the fact that we are only 52 days away from a state election and polling day, not only are we seeing very few policies being released by those opposite but also the sorts of issues they put up for debate in this house, in this last opportunity to debate a matter of public importance, just demonstrate their laziness and lack of intent to address the serious issues facing Victoria.

On the issue of cost-of-living pressures on Victorian families, it is important to remember that one of the most important things for Victorian families is a secure

job. The Liberal-Nationals parties skirt around this issue, but employment and job growth are so important for Victorian families. Those families understand it is the Brumby Labor government that will continue to drive job growth and job security in Victoria.

The way to secure jobs and keep that pressure down on the cost of living is through strong financial management and maintaining Victoria's AAA credit rating and our budget surplus so that we are able to continue the reputation that Victoria has as a powerhouse amongst the Australian states. Every respected economic commentator places Victoria's economic performance at the top of the states, up with the two resource-rich states of Queensland and Western Australia.

As I said, we need to remember that in terms of cost-of-living pressures, one of the most important factors is people having secure employment. Nothing is going to kill jobs faster than a Ted Baillieu-led government, particularly noting that the opposition's budget costings that were released yesterday by Treasurer John Lenders revealed $3.3 billion of unfunded costings. That would blow confidence out of the Victorian economy. It is interesting that the shadow Treasurer participated in this debate before but still refuses to submit the opposition's policies to Treasury for costings, which I think people ought to wake up to. People saw what happened with Tony Abbott in the recent federal election where he refused to submit his costings to Treasury: when forced to do so by the Independents after the election, he was caught out being short and misleading the Australian people, as we suspected.

On that very point, in today's press — I think it was the *Australian Financial Review* — the shadow Attorney-General is quoted talking about his concerns about submitting his policies to the Department of Treasury and Finance for costings, but in those comments he does not dispute the fact that the $3.3 billion costing is accurate. We hear around the traps that there is concern within the Liberal ranks about the shadow Treasurer's performance, and I think that is going to become even more accentuated as we get closer to the state election.

Again, Victorians understand that cost-of-living pressures are kept down by having a good job. Economic performance in Victoria is very strong. Employment increased by over 117 000 jobs in the year to August 2010, and 60 per cent of all the jobs created in Australia in 2009 were in Victoria. We had the highest level of building approvals of any state in the 12 months to August 2010, at $23.4 billion, and Victoria also recorded the highest number of dwellings approved. We have a very strong economy in Victoria that is driven by the strong financial management of the Brumby government. The big threat to that is a Baillieu-Wells team that would blow away confidence in the Victorian economy.

As an example of the weakness of the Leader of the Opposition on major projects, we only have to think back to the channel deepening project. What a fiasco. This matter of public importance was brought into the house today by the member for Gippsland South, the Leader of The Nationals, the party that is supposed to represent the interests of those in the agricultural sector. The channel deepening project was one of the most important projects for those in that sector, but the Liberals and The Nationals failed to stand up and strongly support it in the face of opposition. It was the Brumby Labor government that stood up and made sure the project was delivered — on time and on budget.

Other major projects that this government has delivered for the long-term interests of Victorians are the Australian Synchrotron, the County Court, the Melbourne Recital Centre, the Deer Park bypass and the Melbourne Convention and Exhibition Centre. The convention centre is a great major project that attracts economic activity to Victoria, creates jobs, keeps people in jobs and helps Victorian families with their daily living expenses.

Another major project is the desalination plant. When we were in severe drought the Leader of The Nationals said, 'The government is not doing enough'. Now that we have these major projects in place, he says, 'The government has done too much'. The opposition's water policy seems to depend on the weekly weather forecast. If it is going to rain, the opposition says we have done too much, and if it is dry, we have not done enough.

Another great project in relation to water is the Wimmera–Mallee pipeline project, which was completed early this year — six years ahead of schedule — with 300-odd jobs created in that region during construction. The goldfields super-pipe is another great project that created 194 jobs during construction.

Mr Mulder interjected.

Mr BROOKS — It is interesting that the member opposite is interjecting. The opposition said this project was never needed, but this government pushed on and delivered it.

There is the Sugarloaf pipeline, which we heard the member for Gippsland South talking about before. I think Victorians understand and support the principle that water and the costs of providing that resource are to be shared. If you accept that principle, why would you not support the piping of water around the state to where it is most needed? It is interesting that among those opposite, The Nationals tend to want to play to one audience and leave the Liberals to play to another, which is represented by the fact that they have split the water portfolio.

Then there is the weak performance of the Leader of the Opposition in relation to the car industry. The car industry affects the northern suburbs of Melbourne, where I live, because so many people there are employed directly in that industry or indirectly in components factories. The Leader of the Opposition is failing to stand up for people who work in those industries against people like Joe Hockey, who has said he is going to look at removing financial support. Again, we see the Leader of the Opposition failing to stand up to his federal counterparts for Victoria's interests.

There are a couple of great projects in my local area, and again we have not heard the opposition comment on them. There is the Biosciences Research Centre at La Trobe University's Bundoora campus, where $180 million from the state government has been invested in a fantastic science facility that will attract around 400 scientists to the one place. In this matter of public importance raised by the member for Gippsland South there is no mention of anything for this project, which is a great and important project not just for La Trobe University and the local area but also for the agricultural sector in terms of driving scientific research into possible disease threats, improving the performance and efficiency of primary producers and helping them to adapt to the challenges of things like climate change, drought, pests and diseases. There is no mention of that from the member for Gippsland South.

There is another really important project for Melbourne's north: the relocation of the wholesale fruit and vegetable market to Epping. It is a great project for Victoria's farmers, because it makes access to that market so much easier and more efficient. Yet there is no leadership from the member for Gippsland South or the Leader of the Opposition, which again demonstrates the weak and lazy approach to policy formulation by those opposite.

The project I want to conclude on is the Austin Hospital in Heidelberg. In terms of major projects, this is the one that is nearest to my heart. I drove past it again this morning, and I was very proud to do so because I remember that I was on the local council in that area when the Kennett Liberal government — Ted Baillieu was the president of the Liberal Party then — had the bulldozers at the gates of that hospital, wanting to tear it down. It was a disgrace. The hospital was being run into the ground financially to prepare it for being flogged off. I remember that the management of the hospital wanted to flog off a car park across the road to prop up operating costs. We on this side of the house know what the Liberal Party will do in government.

It is so good to see that hospital now, after it was rebuilt by the Bracks and Brumby Labor governments as a fantastic public hospital with the Mercy Hospital for Women and a mental health facility as part of it. It stands at the top of Heidelberg hill as a bit of a monument to this government and a reminder to people in that area of north-eastern Melbourne of what Liberal governments do, particularly if they have budget pressures because they have overpromised by $3.3 billion.

We on this side of the house understand families and the pressures they face. We will continue to invest in the infrastructure that Victorian families require, including hospitals, schools and transport facilities, and we will continue to support jobs growth.

Mr MULDER (Polwarth) — I rise to join the debate on this very important matter of public importance on the manner in which the Labor government in Victoria has handled major projects, particularly in relation to cost blow-outs. It is very interesting that the Victorian Treasurer is now saying to the opposition, 'We want you to hand over to us all your policies so that we can check the costings of them'. I note that the Minister for Roads and Ports is at the table. No doubt at some stage the Minister for Public Transport will speak on these issues in the Legislative Council.

How would the opposition go, handing over to the minister at the table a road project for him to cost, when he has actually been in charge of the M1 project that blew out by around $360 million? The government is saying to us, 'Hand over all your projects so that we can run our costing template across the top of them and see whether you as an opposition have your costings right'. This is the government that originally costed the myki ticketing system at about $300 million for Victorian taxpayers. This is the government that costed the fast train project at about $80 million. We know that blew out to about $1 billion.

The government is saying, 'Give us all your policies. Let us sit down and we'll get the myki calculator out and run it across the top of those policies and just see whether you've got your costings right. We'll also do a backup check on that. We'll get out the smart meter calculator and run it over the top of that, just to see whether it is working. We'll run the M1 calculator, the myki calculator and the smart meter calculator across your transport projects and we'll see whether you can add up'. The Treasurer has to be joking. That is an absolute insult, and the Treasurer and the government know it. The government has never been able to get projects delivered on budget. I can recall Neil Mitchell's interview with the Minister for Roads and Ports when the minister made the great announcement, saying, 'We're spending an additional $360 million on the M1'. I think the question was, 'What do you mean an additional? What are we getting? Is it a cost blow-out?'. The answer is that of course it is a cost blow-out — a massive cost blow-out.

Looking at that particular project, the M1, all members of the Victorian community, including motorists and the RACV, have been talking about has been another crossing. What we actually have is a retrofit, an ad hoc road project and a patch up. Its cost is about $1.36 billion of Victorian taxpayers money. What did we get for that money? We have the Warrigal Road debacle which is a death trap, as described by the RACV. We also have the Bolte Bridge off-ramp.

Mr Pallas interjected.

Mr MULDER — Of course the traffic might be flowing a little bit quicker at that point on the M1 because the traffic cannot get onto it. The minister should go and have a look at all the traffic backed up on the Bolte Bridge, because the design of that road at that point is absolutely atrocious.

Then you have the people who do happen to get on at that point and come across the West Gate Bridge trying to find Montague Street. I invite members to try to find Montague Street. It is like threading a needle. An enormous number of people have contacted me and said, 'I try, I concentrate, I look, and every time I end up on Kings Way or I'm out going to the tunnels'. It is an absolutely atrocious piece of road design. It is a retrofit that simply has not worked. Adding to that, the emergency stopping lanes have been removed from the West Gate Bridge. That is what is we got for that particular project.

Who analysed that in the very early stages? What did the financial reporters have to say about that? The *Herald Sun* business columnist, Terry McCrann, said that Labor's deal with Transurban for the M1 upgrade was 'worse … than any of the Guilty Party stuff-ups'. In mentioning the Guilty Party he was referring to the Cain and Kirner Labor governments from 1982 to 1992. He pointed out that taxpayers were contributing 82 per cent and Transurban 18 per cent of the cost of these works. He said 'Our Treasurer John Brumby makes a wood duck look like Peter Garrett'. That is what was said about that M1 project.

I refer again to the government wanting to help the opposition with its costings. I will comment briefly on myki, the government's ticketing system, which is more than five years late. It has taken five years to get the myki ticketing system to this particular point. We were told it would cost $300 million by the people who want to help the opposition with our costings. Now the cost is $1.4 billion and rising, and it is still an incomplete project riddled with faults and problems. People out there who have a myki card wave it at the authorised officers and say, 'Look at what I've got: a ticket to travel for free on the public transport network' because infringement notices still cannot be issued from the back of the devices carried by authorised officers. People out there are travelling free on the public transport network five years after the contracts were signed. The government has had five years to try to deliver a ticketing system and this government wants the opposition to hand over its policies for costing and analysis. The government has to be joking.

Government members should have a good hard think about who was behind that project. It went to the expenditure review committee when the now Premier was the Treasurer. This particular project has the Premier's fingerprints all over it because it was the Premier who decided to throw an additional $350 million-plus at the project and blow that budget right out of the water. This particular project is an utter disgrace. The government cannot control costings, cannot benchmark projects and cannot deliver on time. It is an absolute and utter disgrace.

A little project that has got under the radar a bit is the government's role in the upgrade of the Albury-Wodonga rail line to Melbourne. For almost two years now the people who live in the Albury-Wodonga area have been without V/Line services. The government's rail regulator and the Minister for Public Transport have overseen that project amounting to $171 million of Victorian taxpayers money. Members opposite should go up there and look at a rail project that is sinking in the mud. The discussion around that project indicates that the people in that part of Victoria will possibly have no V/Line

train services until March or April of next year, if indeed the problems with that particular project can be rectified. The XPT Sydney to Melbourne train service is disrupted and freight trains are decoupling on the line. It is a bodgie, cheap and nasty job. It has cost $171 million of Victorian taxpayers money and what do we get for it? We have a dodgy project yet again.

It is just like the fast train project, just like myki, just like the M1 upgrade. It is another dirty, dodgy job delivered by a Labor government in Victoria whose members are saying to the opposition, 'Let's have a look at your costings. Let's have a look at your projects so that we can run an eye across them and see whether you can work out whether we are getting value for money and whether these projects stack up'.

We know very well that the government does not have the capability to do it. The reason is that there is not enough commercial expertise among the members sitting on the benches on that side of the Parliament. There are not enough people there who have actually sat down, written out a cheque and put their own head on the chopping block. There are people on that side of Parliament who do not understand commercial negotiation. All they ever think about is getting hold of taxpayers money and using it for the best opportunity that they can for themselves, their party and their mates. That is all that members of this government are about: they are dirty and grubby and digging behind the scenes. They are not putting the time into what they should be doing: costing and delivering projects. It is all about looking through keyholes, listening at doors and poking their noses into emails. They are doing all the dirty little grubby stuff underneath the counter.

Members on this side know how those opposite operate, and the community knows how they operate. We know what they are about as a party, and it is not what is in the best interests of the Victorian community. The major projects that the government has tried to deliver have not stacked up. They have not delivered the benefits to the community given the amount of money that has been put forward. The community has every right to question very strongly the performance of this government and that of successive ministers in my shadow portfolio areas of public transport and roads because they simply have not performed to provide the benefits that the Victorian public expect, given the amount of money that has gone into these major projects.

Mr PALLAS (Minister for Major Projects) — I want to acknowledge that the member for Polwarth has attempted to do what few others have done in this place: to defend the indefensible. What we have seen today is a visionless and vacuous attempt by the opposition to try to clothe itself in some shred of respectability in circumstances where it still has no policies and no vision 52 days out from an election. We have seen nothing but an ad hominem attack upon the sterling efforts of this government to ensure that Victorians have a premium transport system and have projects delivered in a manner which is above and beyond anything that those opposite could even hope to muster. There was one revelation in this debate today: we found out that one of the reasons the member for Scoresby could not debate the Treasurer was that he had a meeting with accountants. It must have been one of those meetings that he could not possibly have changed in any way. Presumably he was being taken through accountancy for dummies.

It is obvious that with $3.3 billion worth of unfunded commitments already having been made one has to wonder how those opposite could even dare to suggest that they have a capacity to deliver projects in a way that vaguely approaches the competence of this government. Our history of delivering major projects both on time and on budget is clear. While some of those opposite are bandying about fictional figures, we are getting on with the job of delivering some of the biggest infrastructure projects in this nation.

I have been Minister for Major Projects for 646 days, and I have waited 646 days for those opposite to muster the courage to ask me a question about major projects. It has not happened. Why? Because they are visionless, and they have an agenda to knock and bring down the sterling efforts of this government. We are getting on with the job of building quality infrastructure for the future. We are providing jobs for working families. If those opposite had any concern for working families, they would not have opposed and sought to impede many of those important job-creating projects.

One that comes immediately to mind, the one that would be the most embarrassing to those opposite, is the channel deepening project, which came in $248 million under budget. You could not come across a better managed project. Indeed, the Auditor-General in his review of that project said it was managed so well it should constitute a template by which all other projects are managed at a statewide level.

The other thing that should be noted is that whilst those opposite would on occasion tell us that they supported channel deepening, we would also hear interesting ideas about how projects should be delivered, such as those that came from the Leader of the Opposition, who believed that we should deepen the channel but stop at the mouth of the Yarra. What a brilliant idea! We

should land lock the container ports but deepen the channel — for what purpose we do not know. Talk about depth-constrained thinking, depth-constrained ideas and visionless ideas. We heard from the member for South-West Coast that he supported us taking all of the contaminated material from the Yarra River and placing it on dry land, adding massively to the cost and increasing the environmental risk of that project beyond belief.

It was essentially a process of dog whistling against the project without even having the intestinal fortitude to get up and speak against it. Opposition members did not even have the courage of their convictions; they were just hoping that somewhere along the line they could find somebody who would think they would oppose the project, without for one minute letting the business community think the opposition was undermining the financial integrity of this state by doing so. Let us not forget that about 60 per cent of all vessels coming into the port of Melbourne today are using the opportunity to harness the greater depth that channel deepening has delivered.

One of the things we need to recognise is the enormous amount of investment that this state is making when it comes to major projects. In the 2010–11 budget alone we have invested $9.5 billion to deliver capital projects right across Victoria. This will secure around 30 000 jobs. We are spending something like 3.5 times per annum — that is, each year, every year — more than the former Kennett government did when it was in office.

Our major project record is pretty clear. We have created jobs, such as the 320 construction jobs that will be created on the new AgriBio centre. We have boosted the Victorian economy, as we have done with the Melbourne Convention Centre, which is boosting our economy by around $200 million each year and will do so for 25 years. We have enhanced Victoria's world class sporting precincts and our cultural precincts with, for example, AAMI Park, the rectangular stadium and the Melbourne Theatre Company theatre. We stimulated new investment and led the research and science sector through the Australian Synchrotron. We have generated opportunities for local business as we did with, for example, the turf system at AAMI Park which supplied world-leading technology to the operation of that pitch.

As is stated in the 2010–11 budget papers, Major Projects Victoria's performance has again achieved 100 per cent compliance with its key performance indicators in terms of the delivery of projects on time and on budget. Projects with a value of over $100 million make up about 85 per cent of the total value of projects that are being delivered by Major Projects Victoria. If we look at these projects, of which there are six, that were initiated after 2000 and completed by the end of 2009, we find that all of these larger projects were delivered on or under the project budget set at contract signing and that all of these larger projects were delivered on or ahead of the announced dates set at contract signing.

If you want to talk about a major project record, let us have that debate. We did not see much of it. It drifted off into a variety of ad hominem attacks. Essentially what we are able to say is that when it comes to major projects, we deliver them on time and on budget. The Austin Health redevelopment and the relocation of the Mercy Hospital for Women were delivered on budget and on time. The Australian Synchrotron was delivered on budget and on time. The Melbourne Showgrounds redevelopment was delivered on budget and on time. The Commonwealth Games athletes village was delivered under budget and on time. The Melbourne Recital Centre and the Melbourne Theatre Company's new building were delivered on budget and on time. The Melbourne Convention Centre development was delivered on budget and on time.

As the Minister for Roads and Ports I take great satisfaction in the commitment that VicRoads and the Linking Melbourne Authority make towards delivering quality infrastructure. Sixty-three per cent of suburban road projects were delivered below budget and 84 per cent were delivered on or below budget. The Brumby government is making an unprecedented investment in Victoria's transport network with the $38 billion Victorian transport plan. Eighteen months into that plan we have committed $10.3 billion — that is real money brought to book now. Let us not forget that the Victorian transport plan in net present-value terms is at least six times the investment of the Snowy Mountains hydro-electric scheme, and it is being delivered in half the time — not from 1949 to 1974, but over 12 years. That is $10.3 billion brought to book. These projects are happening now. The Brumby government is substantively improving the material wellbeing of this community, unlike those opposite who have nothing substantive or valuable to contribute. Since it came to office, the Brumby government has quadrupled funding for improving and upgrading our arterial road networks. In 2009–10 there were 16 infrastructure projects delivered, worth more than $1.4 billion; they were all completed in that year. All 16 projects were completed on budget, and the vast majority were completed on or ahead of schedule.

Only one side of politics has a plan to build the best transport network for Victoria, and that is the Brumby Labor government. We are 847 days from the opposition's promised transport plan. The opposition is still thinking about it, and we are still getting on with the $140 million delivery of the Springvale Road grade separation. The $7.4 million Narre Warren-Cranbourne Road project was completed one month early and on budget. The $15 million Colac-Lavers Hill Road project was completed on time and on budget. The $25 million Vineyard Road duplication in Sunbury was completed on budget. Once again this is a government that has an outstanding record in project delivery. It is sterling, and the M1 project is another great demonstration of that.

Mrs POWELL (Shepparton) — I am pleased to speak in favour of the matter of public importance that was submitted by the member for Gippsland South. The matter deals with the Brumby Labor government's irresponsible financial management of Victoria's major projects that has resulted in extraordinary cost-of-living increases for Victorian families. The Brumby government's mismanagement is a major issue that affects Victorian families across the state.

There are about 40 major projects where costs have blown out over the term of this government. I am going to itemise only about five of them. I will talk about the desalination plant, which other speakers have addressed. It has blown out by $2.6 billion. The EastLink tollway has blown out by $2.1 billion. The smart meter project, which a number of my colleagues have spoken about, was estimated at $800 million when it started; it blew out to $2.25 billion. The myki ticketing system blew out by $922 million. The fast train, which is an absolute farce and which in some cases only resulted in a 7-minute increase in train travel times, blew out by about $1 billion.

When these projects are put under scrutiny — and they have been put under scrutiny — the massive failures of this government are shown up. The Auditor-General in his report on this matter has said that smart meters will benefit the electricity industry at the expense of consumers. He was very critical of the costings done by the department and also of the process that was undertaken by the department in relation to the establishment of smart meters. A moratorium has been called on the smart meters; the project has been an absolute embarrassment to this government because it has failed the Victorian people. All it has done is increase electricity costs.

I continually get people coming into my office with their electricity bills, showing me how much they have increased. Those people who stay at home do not have the option of turning off their heaters during peak times, turning off their cooling services or doing the sorts of things that people might be able to do if they were not at home during those times when they need to have those heaters, coolers and other things on. The people who are hurting most are the pensioners, the young families, the people with disabilities and those who are unemployed — those people who need to stay home or who must stay home. It is much easier for people who are employed; they are able to use the smart meters to their advantage by passing those costs on if they use the services of businesses. It is not easy for people who stay at home or for those vulnerable people who have no alternative.

After 11 years in power this government has had about $350 billion in revenue, and it still cannot manage its money or its major projects. On the issue of the north–south pipeline, which is an issue close to my heart and also important for the member for Benalla, who is in the chamber, the government said it would not take water from the north of the Great Dividing Range. It said it would not do that. It went to the election and said it would not do that. It then broke its promise to the Victorian people. It said it would only take savings across the Great Dividing Range and put them into urban use for Melbourne people. Again, the government broke that promise: no savings have gone through that pipeline. Again the government has broken its promise, so why should the Victorian people trust this government?

There is now less water for irrigators. The government talks about putting in a pipe grid to take water to where it is most needed. Where water is most needed is in the food bowl of Australia, which is in the Goulburn Valley and the surrounds of that area to allow irrigators — farmers who rely on that water — to have access to that water when they need it and at an affordable cost. This is not happening under this government while it is bringing water to Melbourne. We all want Melbourne to have water and not to run out of water, but there are other opportunities to recapture water and recycle it.

Some irrigators have told me that they are losing their water by stealth. NVIRP (Northern Victorian Irrigation Renewal Project) has told them that they may lose half of their water. There was no consultation with these people; there was no discussion about how much money they will get or whether it would be done with their approval. That is what NVIRP has done. A number of letters have been given to me by irrigators who say that they had a 7-megalitre water right and that they have been told that it will be reduced to 2 megalitres and they will get a small pipe. Those

people have already built their farm, their irrigation infrastructure and their business around a 7-megalitre water right. They are now being told it will be reduced to 2 megalitres.

Is this where the government is going to get those savings to send the water down to Melbourne? It is taking water from irrigators without any consultation. It is being done by stealth, and the government is saying, 'You have got 7 megalitres' — or 100 megalitres — 'and we are going to reduce that by half'. There has been no consultation and no discussion about compensation or whether those farmers agree to it. About 60 per cent of farmers have left the irrigation system because of the cost and because it is getting too hard for them.

On the issue of the Brumby government starving councils of money, my area of interest is local government. I have been a councillor and a commissioner, and I am also the shadow Minister for Local Government. I hear constantly as I travel around the state that this government is continually shifting costs and responsibilities onto local government. In 2003 the Municipal Association of Victoria advised the government that about $40 million a year was being cost shifted onto local councils. That was in 2003, so imagine the costs now, with all the other responsibilities that the councils have had to endure because this state government has shifted the costs onto them. I refer to the cost of establishing neighbourhood safer places, the landfill levies, weed control and road management and libraries. There are about 100 services that local government provides, the majority on behalf of the state government. They are being asked to deliver those services, but they are not being given the right amount of money to deliver them.

It is not just the coalition that is saying that. I will read from a Municipal Association of Victoria media release. The MAV is a peak body for all councils in Victoria. The press release states:

> The Municipal Association of Victoria's annual analysis of local government budgets shows that council rates will increase an average $79 or 6.1 per cent per assessment in the coming year.
>
> Cr Bill McArthur, MAV president, said it was a struggle every year to balance affordability for ratepayers with the need to prop up iconic services that are chronically underfunded by Victorian and commonwealth governments, plus increase spending on community infrastructure.

He goes on to say:

> However, unwitting ratepayers are often required to make up the growing shortfall in government funding for iconic council-delivered services such as home and community care, public libraries and kindergartens.
>
> The state and commonwealth index funding to CPI or less, leaving short-changed and frustrated councils to face community backlash when more rate revenue is needed to keep programs running.

This is what is happening in councils. They are having to increase their rates substantially — some of them have doubled their rates over the last 10 years — or they are having to cut services or let infrastructure deteriorate. The Strathbogie council had to close the heritage-listed Kirwans Bridge, which has caused a huge outcry in that community. It was closed because the council cannot afford to maintain that bridge.

The Whelan report, which was released in May, shows that 18 rural councils will not be sustainable into the future. In fact the report says that 18 councils will no longer have the capacity to adequately service their communities, and the combined annual underlying operating loss by the 18 councils in 2006–07 totalled $34 million.

As I said, we have a huge issue with neighbourhood safer places. The MAV has said the councils need $12 million over two years, but the government has given them $500 000 one year and then a second $500 000, with which councils are having to maintain and establish those neighbourhood safer places.

I turn to the recent flooding in northern Victoria. Councils are still waiting to find out how much money they are going to get from this government in compensation and when they are going to get it. Many councils have already started repairing their infrastructure because they have had to; it is a matter of community safety. They are waiting to see how much money they will get from this state government to compensate them. When will they get that money?

The state government is starving local communities and pushing the costs onto ratepayers, and the Victorian people are not getting value for their money. The government is squandering its millions of dollars of revenue on self-promotion. We know that the government cannot manage money and cannot manage major projects. We urge the state government to make sure that it has a look at what the costs are and that the community is getting value for money. More particularly I ask the government to ensure that local councils receive the funding they need to be able to service their communities, to repair infrastructure and to build new infrastructure to be able to encourage new people into those communities.

STATEMENTS ON REPORTS

Drugs and Crime Prevention Committee: impact of drug-related offending on female prisoner numbers

Mrs MADDIGAN (Essendon) — I am pleased to speak on behalf of the Drugs and Crime Prevention Committee (DCPC). Today we tabled our interim report on our inquiry into the impact of drug-related offending on female prisoner numbers. Before I talk about the report I take this opportunity to thank the members of my committee during this inquiry, and also the staff who have worked for us. I thank my fellow committee members, Jenny Mikakos, Andrea Coote and Shaun Leane in the Council, and from this house the member for Mornington, who is the deputy chair, the member for Yuroke and the member for Lowan. I also thank the staff: Sandy Cook, the committee's executive officer; Pete Johnston, our main research officer; and more recently Stephanie Amir.

I thank the members of this committee because I think they have worked in the way that committees are supposed to work — that is, to seriously investigate a topic and come to sincere and sensible recommendations, most of which I am glad to say have been accepted by the government. Committee work is valuable for members. It gives them the opportunity to spend time on investigating issues of importance to the community and to make recommendations that will result in a better life for people in the community who are more troubled and more vulnerable. I thank my fellow members of the committee for all their help over the last four years. We have worked our committee staff extremely hard. We have produced four reports during this term of Parliament, and I thank the staff very much for their dedicated service.

Today I tabled the DCPC's interim report. It is a sad situation that in Australia there are more prisoners in prison completing their second or later terms than there are first-term prisoners. That shows quite clearly that, even with the best intentions of governments around Australia, not only in Victoria, to reintegrate people into the community, we have not been all that successful if we still have such a high level of recidivism, not only for women but across a broader range.

We have been looking at the issue of women in prisons particularly because of the increase in the numbers of women prisoners in the last couple of years. As I said, we did not have time to complete our inquiry, but we thought a couple of things were quite significant and we have put them up as recommendations for the government to consider. I do hope in the next Parliament we are able to continue with our inquiry.

The prison system for women was based on the prison system for men, because there have never been as many women in prisons as there have been men. It has been assumed — and this is not particularly about our government; it is all governments in the state of Victoria over the history of penal institutions — that prisons for men and women need to be exactly the same. Having worked on a juvenile crime reference earlier in this term of Parliament, it is obvious to me that women's needs are quite different and the way to reintegrate them into society is quite different as well.

Some of the issues that were raised with us as concerns by women are quite different to those raised with us when looking at the juvenile crime area, where we are mainly dealing with young male offenders. It is always a very difficult situation for the community. We are dealing with people who have been in prison, so they have already broken the law. However, if we look at the cost of recidivism and the cost of keeping people in prison, we can quite rightly say it is economically beneficial for the state to look at programs that will work with those people to help overcome their problems and to ensure that they can become useful and fulfilled members of the community.

The main problem for women that was raised with us was housing — housing for them for more than a three or four-week term when they are released from prison. Oddly enough, when men are released from prison they tend to be able to have their parents look after them. For some reason that does not seem to happen as much with women. Certainly when they are released from prison many have lost custody of their children. Unless they have secure housing they cannot get their children back. Obviously for them that is a really serious issue. And of course it makes it much harder to get a job if you do not have an address. I think there are some really basic needs associated with housing. I think housing was identified by everybody we spoke to — people in government, people in non-government organisations who work in the area of women prisoners and also prisoners themselves. We have to seriously look at how we can assist women in this situation. Housing is the first need. Women might have a lot of other needs as well, but housing really is a basic requirement that they can build on to reintegrate into the community. That will ensure that we do not see these women back in the prison system again.

I once again thank all the members of the committee for their contributions to the report. I look forward to the government considering these recommendations,

although of course it will not be until the next Parliament. Hopefully they will be considered then, and I wish the committee all the best in the future.

Outer Suburban/Interface Services and Development Committee: farmers markets

Mr HODGETT (Kilsyth) — It is my great pleasure to rise to speak on the Outer Suburban Interface Services and Development Committee report on the inquiry into farmers markets, which was tabled this morning. I will make a few comments on the report, the committee's findings and, finally, the committee's recommendations to the Victorian government.

This inquiry builds on the committee's previous inquiry into agribusiness, the report of which was tabled in May 2010, which called on the Victorian government to develop strategies and policies to support agriculture on the city's fringe. The new farmers markets inquiry report has revealed that Victoria's booming farmers market industry generates around $227 million per year for the state economy. The committee believes that governments, both state and local, should continue to support this popular form of fresh food retailing. There are approximately 150 farmers markets in Australia, of which 90 operate regularly throughout Victoria and approximately 20 are in the peri-urban or interface areas of Melbourne.

The committee held a dynamic public forum in July and visited markets in Victoria, and some members also travelled to South Australia in August to visit markets in Willunga and Victor Harbor and at the Adelaide showgrounds. One visit included a case study on the Lilydale farmers market, with committee members — the member for Keilor, who is the chair, the member for Melton and me — and committee staff visiting the Lilydale farmers market on 4 July 2010 to observe it in operation and meet with market managers, stallholders and customers.

The Lilydale farmers market is located in the shire of Yarra Ranges. It has been running since February 2009 and is held on the first Sunday of every month in Bellbird Park, Lilydale. There are 30 to 50 stallholders, many of whom also attend other markets. The market is operated and managed as a combined project with three rotary clubs. The rotary clubs do a magnificent job in our local community.

The committee's findings included the following: market operators should continue to work towards establishing weekly rather than monthly markets wherever possible; the industry supports a range of different market ownership and operating arrangements, but the employment of paid market managers is an important factor in their success; start-up grants and other forms of assistance to farmers markets are valuable and help to ensure their longer term sustainability; farmers markets have significant beneficial impacts on nearby local retailers and can make an important contribution to local economies; Victorian market operators should consider adopting the membership model used by South Australian farmers markets; and the industry should monitor whether the price of goods presents a barrier for people on low incomes and, if so, investigate solutions to overcome this.

I will outline some of the other findings of the committee. Farmers markets are proving to be effective business incubators for food producers while also promoting changes in farming practices. Greater flexibility should be introduced into the Victorian Farmers Markets Association's accreditation criteria to allow more producer vendors to sell at the markets. There appears to be a shortage of stallholders at some of Victoria's farmers markets, particularly those located outside the inner city; this is likely to limit the growth of the industry in the future. Local government can take a more active role in supporting farmers markets. Equally, the Victorian government can encourage local governments in this role by ensuring that food access is included within the state planning policy framework. Ideally, farmers markets should be located close to retail precincts, transport hubs or central locations, which would allow other retailers to benefit from the increased foot traffic. Finally, recent changes to the food permit registration system will, once implemented, reduce costs for farmers market vendors.

The committee made 12 recommendations to the Victorian government, which included: the continuation of a government funding program beyond 2011; reducing red tape and making it easier for market organisers to gain planning approvals; ensuring that wherever possible markets are located in areas where the increased foot traffic they generate is able to benefit nearby retailers; taking steps to ensure that farmers markets are accessible to people on lower incomes; embedding the principle of access to food into the state planning framework; and making land available to prospective farmers who are seeking to get involved in farmers markets.

Finally, I would like to express my thanks to my parliamentary colleagues on the committee: the chair, the member for Keilor; the deputy chair, the hardworking member for Bass, who made a terrific contribution to this inquiry and in particular stimulated discussion and debate as the committee developed its

recommendations; the member for Melton; and upper house members Colleen Hartland, a member for Western Metropolitan Region, and Matthew Guy, a member for Northern Metropolitan Region. I would also like to thank the committee staff: Sean Coley, Keir Delaney and Natalie-Mai Holmes. They are fantastic, hardworking committee staff who have been a pleasure to work with, not only on this inquiry but over the term of the 56th Parliament. I commend the inquiry into farmers markets. I commend this report to the Parliament.

Family and Community Development Committee: adequacy and future directions of public housing in Victoria

Mr NOONAN (Williamstown) — I am very pleased as a member of the Family and Community Development Committee to make a number of comments regarding the inquiry into the adequacy and future directions of public housing in Victoria, which was tabled earlier today.

From the outset I want to acknowledge my fellow committee members in this chamber and the other place for the professional way in which this inquiry was conducted. In particular I acknowledge the chair, the member for Cranbourne, who is in the chamber today. I also want to thank and acknowledge the executive team led by Dr Janine Bush and assisted by researcher Tony Phillips and administration officer David Critchley. They have again helped to produce a report of great substance and quality.

The terms of reference for this inquiry focused on public housing waiting lists, including the impacts on individuals and families through the segmented waiting list. The terms of reference also required the committee to consider the adequacy, quality and standards of public housing in Victoria, as well as safety and the impacts on specific groups such as women, seniors, the homeless, indigenous Victorians, refugees, people with a mental illness or disability and people with substance abuse problems.

The inquiry commenced in November of last year and was conducted over 10 months. In all 109 submissions were received and 43 hearings were held across Melbourne and Victoria. The committee gathered evidence from many housing and welfare organisations, academics, local government representatives and many people living in public and social housing. We are particularly grateful to those people who opened their doors to allow our committee to inspect the quality of their housing and to all those who took the time to contribute to our inquiry.

The committee did its utmost to incorporate the diverse range of perspectives regarding public and social housing into the report. The committee acknowledged the unprecedented levels of investment at both the state and national levels in public and social housing. The investments referred to in the report include a $500 million investment over four years from the 2007–08 state budget, of which $200 million was reserved for new public housing, with the remaining $300 million committed to the housing associations to grow their stock, and a further $1.26 billion over three years as part of the federal government's Nation Building economic stimulus funding. Of this, $1.16 billion is being used to build 4500 new dwellings, with the remainder of the funding allocated to extend the life of an existing 5600 public and social housing units.

I think on this last point it is worth noting that the Minister for Housing put out a press release on 19 August 2010 stating:

> Over 9100 Victorian public housing properties have been upgraded under the $99.2 million Nation Building repairs and maintenance program — almost double the original target.

In the same media release the minister also noted that the government was on target to deliver the 4500 new homes by 2012. These are outstanding investments by the Labor-led state and commonwealth governments in projects that are being delivered on time and on budget.

However, as with all things more can be done. The committee has identified a range of areas that require attention by government, including housing allocations policy, rental collection, sustaining tenancies, the public housing workforce, systems of complaints and appeals and maintaining public housing stock. The committee has also recommended further investigation into alternative models for funding public and social housing and promoting non-government investment in this area. Importantly the committee recommended the Victorian government increase the supply and distribution of new affordable housing by amending the planning provisions for the use of inclusionary zoning. In all, the committee has made a total of 82 carefully considered recommendations for the government's consideration.

One of the recommendations in the report related to the release of the A Better Place — Victorian Homelessness 2020 strategy. The state government released this strategy on 23 September and as part of that announcement committed $42 million to tackle homelessness. As stated in the Premier's media release on the day of that announcement:

> The $42 million A Better Place strategy yet again sets Victoria apart from other states and places a greater focus on

prevention and early intervention to help address the causes of homelessness.

I want to place on the record my congratulations to the Premier and the Minister for Housing for their commitment to tackling homelessness and investing in social housing. It is these types of commitments which ensure a fairer Victoria. I commend the report of the Family and Community Development Committee to all members of this place, and I very much look forward to the future government's response on each and every one of the recommendations.

Public Accounts and Estimates Committee: budget estimates 2010–11 (part 3)

Dr SYKES (Benalla) — I rise to contribute to the commentary on the Public Accounts and Estimates Committee report entitled *Report on the 2010–11 Budget Estimates — Part Three*. I should commend the staff and researchers of that committee for a fantastic job, not only on this report but on the many reports they have generated throughout the year. This report is pleasing, because it contains significant reference to rural and regional Victoria. That is important because there is a widening social disadvantage gap between the people in country Victoria I represent, along with my Nationals and Liberal colleagues, and their city counterparts. This is in part due to natural disasters and natural events, but a lot of it is due to the city-centric policies of the Brumby government, whose actions and inaction have directly discriminated against the people of country Victoria, affecting their social wellbeing.

I will touch on some of the specific issues raised in this report. If you look at chapter 6, which is in relation to revenue, you see a section on liquor licence fees. There was a massive hike in liquor licence fees earlier this year, and this has had a very significant impact on country life. It is a so called risk-based fee increase, but when you have community clubs that sell a maximum of, say, $120 worth of alcohol a year, and their liquor licence fee goes up from $97 to nearly $400, you wonder about the logic of the so-called risk-based fees. The same applies to small country community hotels and small country package liquor outlets.

We also have the issue of the fire services levy, which this government has continued to support in the face of ongoing claims that it should be replaced with a more equitable system. That this should be done has now been finally accepted by the Brumby government, and we look forward to policies which have been pushed by the Liberal-National coalition for a long time being implemented in the future.

In appendix 4 on page 352 there is reference to the upgrading of Country Fire Authority radios, but this rollout is painfully slow. There are still significant black spots and communication failures in relation to CFA radios, as was highlighted recently by the residents of Kancoona, who are taking their concerns to the streets. They have had a gutful of being left in the dark in a communications black hole despite this government saying it would address these issues after the 2009 bushfires. The Kancoona residents have poor CFA coverage, almost non-existent mobile phone coverage, poor radio coverage and poor TV coverage. That is just not adequate for these residents to feel safe in the event of bushfires or other emergencies or for their basic social interactions. Similar situations are faced by the communities of Myrrhee, Tolmie and Tatong, all of whom have very poor mobile telephone coverage.

In relation to country infrastructure we have the ongoing issue of the deteriorating condition of country roads and the widening gaps between the rate income of country municipalities and the need for maintenance of country roads. As The Nationals have been saying for a long time, if you fix country roads, you will save country lives. But this government has failed to do that; we have had nothing more than a procession of handballs of responsibility.

This has been particularly evident with the Kirwans Bridge saga. The people of Kirwans Bridge no longer have a bridge connecting them to nearby Nagambie — rather, they have to travel on an unsafe road to get to where they want to go. Yet when this issue was raised with the federal government it said, 'It is not our problem; it is a state government problem'. When it is raised with the state government, it says, 'It is not our problem; it is someone else's problem. It is for local government'. When you talk to individual ministers it is handballed between the Minister for Planning and the Minister for Roads and Ports. It is an absolute disgrace in terms of country people being treated with contempt.

We also have the issue of the taking of water from northern Victoria to southern Victoria via the north–south pipeline. If that is not the most absolutely disgraceful effort on the part of this government in this four-year term, then I seek another example. For the government to be so arrogant as to refer to the people who have protested against this action as 'quasi-terrorists', 'ugly, ugly people' and 'liars' is outrageous.

Family and Community Development Committee: adequacy and future directions of public housing in Victoria

Mr PERERA (Cranbourne) — Earlier today I was pleased to present to the house a report from the Family and Community Development Committee on its inquiry into the adequacy and future directions of public housing in Victoria. This inquiry started in

November 2009 and took place over 10 months. During this time the committee gathered evidence from people living in public housing, community service organisations, academics, housing association providers and representatives from relevant government departments. The inquiry received 109 submissions and held 43 public hearings. The final report makes 81 recommendations relating to the current and future provision of public housing in Victoria.

I would like to thank participants in the inquiry for their contributions, which assisted the committee in its considerations and the preparation of this report. The committee had the opportunity to visit public housing properties and new housing association developments at 18 sites across Melbourne and regional Victoria. I thank those individuals and families who opened their homes to the committee. I especially thank the deputy chair and member for Shepparton and the member for Williamstown, who acted as the chair of the subcommittee, for their contributions, consideration and cooperation. I also thank the former and current members of the committee, the members for Caulfield, Kororoit and Doncaster and from the other place a member for Eastern Victoria Region, Johan Scheffer, and a member for Western Metropolitan Region, Bernie Finn, for their contributions and considerations.

My appreciation is also extended to the members of the committee secretariat for their hard work and determination to complete the report during this term of government, including the executive officer, Dr Janine Bush; research officer Mr Tony Phillips; and the administrative officer, Mr David Critchley. Former research officers Dr Tanya Caulfield and Ms Tanaya Roy also provided assistance in the early stages of the inquiry.

In evidence received during the course of the inquiry, the Family and Community Development Committee heard of the importance of a diversity of housing options for people in need of housing. In a context in which affordable housing is increasingly difficult to access, many Victorians on low incomes have turned to public housing as an option to meet their housing needs. Public housing is one of a range of social housing options that also include community housing and housing associations. Public housing provides the majority of long-term, affordable and secure social housing in Victoria. Individuals and families who live in public housing report that there are many benefits to securing long-term, affordable housing. It provides stability for people who have experienced housing need to participate in the community.

To assist in increasing the supply of public housing to meet demand, the committee has recommended that the long-term financial viability of public housing needs to be improved. Recent funding initiatives at the state and federal levels have been welcome first steps in growing the supply of social housing and improving public housing. Public housing upgrades have been undertaken, and neighbourhood renewal has been introduced to further improve public housing estates. The evidence received by the committee revealed the importance of a long-term funding strategy to address the shortage of social housing.

The committee recommended that the Victorian government negotiate with the commonwealth government to fund the difference between market rent and concessional rebated rents on the basis that it is a community service obligation in the same way that concessions are given for essential utilities such as water and electricity. It also recommended further investigation into alternative models for funding public housing and promoting non-government investment into social housing.

The importance of a diversity of financial models for growing supply was highlighted. While there is merit in increasing social housing through housing associations, the committee learned that there is strong support for a continuing role for public housing. The committee found that the challenges for individuals and families in accessing public housing have been met by a number of policies.

Law Reform Committee: arrangements for security and security information gathering for state government construction projects

Mrs VICTORIA (Bayswater) — I want to talk about the inquiry into arrangements for security information as reviewed by the Law Reform Committee. Under the Brumby Labor government Victoria has become a state of secrecy. When elected as a minority government in 1999, Labor promised to deliver honest and transparent government. In the years since, we have seen this so-called transparent regime degenerate into one that is desperate, corrupt and power hungry.

This has been evidenced in recent times by the proceedings of the Law Reform Committee. While the conduct of government members was initially efficient and in good faith, their recent shutting down of this inquiry on 16 September can only lead us to suspect that they have something to hide. The date is significant because the minority members of the Law Reform Committee were told that hearings and evidence

gathering could not go ahead until the CLEDS (commissioner for law enforcement data security) report was handed down. In fact it was handed to the minister on 24 August, some three weeks earlier; ironically it was made public on 23 September, with the AFL Grand Final as a distraction.

While spin doctors have worked hard over the years to clean up the countless messes made by Labor members of Parliament, it is Victorian voters who have suffered the most by not having a government of integrity. Attempts to conceal from the public the issue of potential misuse of security information leads us to one conclusion: that the Brumby Labor government cannot be trusted. In a speech to Parliament on 2 September the Attorney-General claimed the government was showing 'leadership in regulatory scrutiny' and was continuing its 'commitment to transparency and accountability'. Making such claims while other members of the government attempt to hide the issues covered in the CLEDS report can mean one of only two things: either the left hand of government does not know what the far left hand is doing or the Attorney-General by act or omission has seen the truth as a malleable object which can be moulded to his liking.

Claims of enduring government transparency and the sneaky manner in which information on desalination plant protesters has been gathered are totally contradictory. It could even be argued that the government is going against its own charter of human rights by allowing sensitive personal information about civilians to be passed on to and used by a non-government third party for the purposes outlined in a memorandum of understanding. In some circumstances it is appropriate for information to be collected by and for Victoria Police in order to reduce the risk of criminal activity. However, if the information is to be passed on to third parties, Victorians must be able to feel confident that the third party will act within the regulatory parameters of the Information Privacy Act.

For 11 years this Labor government has told us that the right to protest is at the very core of our democratic society. Now it seems this right comes only on the condition that Victorians do not demonstrate their anger towards controversial government projects. Let the message ring loud and clear throughout this nanny state: if you disagree with the Premier, John Brumby, the Attorney-General, Rob Hulls, the Minister for Water, Tim Holding, or anyone else in this power-hungry government, you will incur the wrath of Labor, and it all starts with the covert investigation of your movements. Notwithstanding the impact this sort of activity has on the citizens under investigation, the wider community also suffers. While police are spending time monitoring calls to radio stations and journalists and conducting surveillance of protesters' homes and businesses, front-line operational duties are falling by the wayside.

All three police stations servicing my electorate are struggling to find enough officers to meet minimum rostering requirements. Violent crime in this state is sky high. Often Victorians no longer feel safe on our streets. This is symptomatic of a government with twisted priorities — a corrupt government more interested in controlling the media than controlling crime in Victoria. Government members are more worried about the safety of their own seats than the safety of their constituents.

Naturally we can expect government members to spout their usual rhetoric about how it was in the 1990s when they were in opposition. What those members will not mention though is that they have had 11 long, dark years to fix the problems for which they were so eager to blame the previous government. All the government has done in these 11 years is attempt to feather its own nest while voters are left to worry about whether they will be the next one to be stabbed, robbed or spied on. Hypocrisy never looks good for a government; arrogance looks even worse; and secrecy and cover-ups are reminiscent of Cold War Russia.

The police have the right and responsibility to compile information if there are threats to public safety or criminal activity is occurring, but they should never be compelled on behalf of an insecure government to spy on those who are being lawful in their protests. The Law Reform Committee was obligated to conduct this inquiry. It had written submissions to work with, hearings were scheduled and the fact that the Labor majority stood in the way of this inquiry and gagged the committee by suppressing all evidence sent to it in good faith is nothing short of a disgrace.

ROAD SAFETY AMENDMENT (HOON DRIVING) BILL

Council's amendment

Message from Council relating to following amendment considered:

Clause 4, line 5, omit "7" and insert "30".

Mr PALLAS (Minister for Roads and Ports) — I move:

That the amendment be agreed to with the following amendment:

Omit "30" and insert "14",

and that a further amendment be made in the Bill:

Clause 16, line 28, omit "28" and insert "45".

I am pleased to indicate that the government is prepared to support the amendments that I have circulated today. It is clear, from the government's perspective, that the amendment passed by the Council would result in an inappropriate graduation of penalties for the hoon scheme. In essence the opposition amendment would increase the initial impoundment or immobilisation period upon detection of the first relevant offence to 30 days from the initial proposal in the bill of 7 days. Given that the minimum threshold period proposed upon a finding of guilt for a second relevant offence is 28 days, the intended graduation of the penalties under the scheme would become unbalanced, in our opinion, and therefore — and I am pleased to foreshadow that this is a negotiated outcome — it is my proposal that the government deals with the Legislative Council amendment by proposing further consequential amendments which would have the effect of imposing a 14-day impoundment period upon detection for a first relevant offence, and imposing a threshold 45-day impoundment period upon conviction for a second relevant offence.

In that context, I indicate that the government has received advice from police command that the issues incorporated within the original amendment, as opposed to the amendment I moved today, would have created a resourcing issue essentially around the problems of warehousing of additional vehicles received as a consequence of these arrangements. I make a second point that from the government's perspective we would be prepared, 12 months from the effective operation of these provisions, to review the effectiveness of the hoon driving arrangements incorporated within the legislation to ensure that they do achieve the intended objective.

Might I say that as the government has introduced and developed legislation around hoon driving, it remains committed to continue to take appropriately measured and effective action in respect of addressing hoon behaviour. It is a scourge upon our community and a measured but effective response is critically important. I believe the amendment strikes the right balance and I indicate my appreciation to the opposition for its willingness to reach a balanced approach.

Mr MULDER (Polwarth) — As the minister has indicated, we have had discussion with the government in relation to this matter. Our original amendment moved from a 48-hour impoundment period to a 30-day impoundment for a first offence. That has been a policy position of the opposition. We want to send a very clear and strong message to hoon drivers. The minister has indicated that in discussion with police command it was indicated to him that this could create a problem in relation to the warehousing of vehicles that have been impounded.

As much as I accept and understand that aspect, the real intent of our original amendment was that anybody contemplating hoon driving may well and truly be discouraged from going down that path when they realise that they will lose their car, not for 7 days, but for 30 days. I would hope that would have had some impact on the warehousing provisions in that we would not have as many cars to warehouse because drivers would get a very clear message about the costs of hoon driving.

In order to get the bill passed, because there are some very important provisions in the bill, in particular those that relate to the new steering wheel interlock devices, and with a busy Christmas period coming up, we want to make sure that this legislation is in place to prevent the sort of activity we have seen in the past and the carnage that results from hoon driving. We support the amendments brought before the house by the government and also look forward, in government, to reviewing them in about 12 months time.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

COMMUNITY SERVICES LONG SERVICE LEAVE BILL

Statement of compatibility

Ms NEVILLE (Minister for Community Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Community Services Long Service Leave Bill 2010 (the bill).

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

Overview of bill

The Premier of Victoria announced the implementation of a community services sector portable long service leave scheme (the scheme) in April 2008 and listed the scheme in the Victorian government annual statement of government intentions for 2009. At the time, portable long service leave had been on the community services sector agenda for over a decade, and the government's commitment to introduce the scheme was welcomed by the sector as an initiative that would help improve the sector's workforce recruitment and retention issues.

The Victorian community services sector currently faces multiple pressures. These pressures include low wages, reduced volunteer levels, a shortage of job applicants, high staff turnover rates and increasing demands for formal qualification as the service environment becomes more complex. There is a high level of mobility within the community services sector. The sector is characterised by a large part-time and casual workforce and is substantially reliant on government funding sources. These factors combined mean that Victorian community services sector workers are currently less able to access long service leave entitlements, as they have difficulties in accruing enough service with one employer to be eligible.

This bill delivers on that commitment and will provide additional entitlements to an estimated 40 000 Victorian workers.

The scheme is intended to allow employees in that sector to retain their long service leave entitlements when they change employers but remain within the sector. The scheme will apply to non-government, non-profit employers that provide certain specified and defined community services activities. In order to finance the scheme, employers will be required to pay a levy set as a percentage of an employee's pay into a central fund. The fund will be managed by the governing board of a statutory authority to be established by the legislation.

It is anticipated that improved worker entitlements will enhance the attractiveness of the community services sector and lead to:

a. Reduced recruitment costs for the sector overall as workers are more inclined to enter and remain in the sector.

b. Reduced training costs as skills and experience are retained in the sector and the average experience of employees in the sector increases.

c. An increasingly capable, skilled workforce would provide a high quality, effective service and impact positively on service users and the wider community.

d. Enhanced protection of employee entitlements. In the event of employer insolvency, LSL benefits would remain available from the fund.

Human rights issues

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

s.13 Right to privacy

A number of clauses in this bill engage the right to privacy. Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

An interference with privacy will not limit the right if the interference is neither arbitrary nor unlawful. The interference will not be arbitrary if the restriction on privacy accords with the objectives of the charter and is reasonable in the circumstances. The interference will not be unlawful if the law authorising it is circumscribed, precise and determined on a case-by-case basis.

The right to privacy is engaged in a number of different contexts.

Provision of information to the Victorian Community Services Sector Long Service Leave Authority (Authority)

The following clauses require information to be provided to the authority in certain circumstances:

Clause 24 — Registration of employers

Clause 25 — Registration of employees

Clause 29 — Change of information in register

Clause 32 — Returns

The purpose of these provisions is to ensure that the authority has the necessary information to make decisions about the registration of employers and employees to be covered by the scheme and to administer portable long service leave entitlements, including determining when an employee or an out-of-scope worker accrues an entitlement to long service leave and the amount payable to the employee or out-of-scope worker in respect of that entitlement. The clauses specify the circumstances in which the information is to be provided and it is clear from the provisions that the information is for a specific and circumscribed purpose.

Requiring the information is therefore not a limitation on the right to privacy as it is lawful and not arbitrary.

Part 4 — Registration:

The following clauses relate to the register that must be kept by the authority to administer the scheme:

Clause 26 — Authority must keep a register

Clause 27 — Information to be kept in register about employer

Clause 28 — Information to be kept in register about employees and out-of-scope workers

Clause 30 — Inspection of register

The purpose of these provisions is to require the authority to establish and maintain a register of information about employers, employees and out-of-scope workers. The bill requires the authority to include information about employers, employees and out-of-scope workers on the register, including the names and addresses of those persons and other

relevant information required to administer the scheme or manage above base, pre-scheme and out-of-scope entitlements.

The purpose of the register is to allow employers, employees and out-of-scope workers to determine the accuracy of the information held by the authority and to determine their entitlements, or the entitlements of their employees or out-of-scope workers, to long service leave. Access to the register will be restricted so that employees and out-of-scope workers may only view their personal information and employers may only view the information relating to their organisation and their employees and out-of-scope workers.

The information in the register is collected according to law and not made available to the public at large. It is neither arbitrary nor unlawful. As such, the clauses do not limit the right to privacy.

Part 11 — Monitoring and enforcement

Clauses 66 and 67 require inspectors to have and produce cards which contain their photograph and name. These clauses engage the right to privacy of the inspectors. The purpose of these provisions is to ensure that employers can verify that those persons conducting inspections are in fact inspectors. They are necessary for the effective performance of the inspector's duties. The provisions are required under law and are for a clear and circumscribed purpose. As such, they do not limit the right to privacy.

The following clauses engage the right to privacy because they allow the authority and inspectors to require employers to provide information and documents or allow inspectors to enter and search the premises of employers for the purpose of enforcing the employers' legislative obligations.

Clause 62 — Authority may require information or documents

Clause 63 — Enforcement of request

Clause 68 — Inspector may require information or documents

Clause 69 — Powers on production of document to inspector

Clause 70 — Entry or search with consent

Clauses 62 and 68 give the authority and inspectors, respectively, the power to direct employers or persons whom the authority or inspectors reasonably believe to be an employer to provide information and documents to the authority or inspector. Clauses 63 and 69 ensure that those powers are able to be used effectively. Clause 70 allows an inspector to enter and search the premises of a person the inspector reasonably believes has contravened the bill.

The powers are necessary to ensure the effective monitoring of compliance with the scheme and to ensure employees receive their long service leave entitlements. The powers are clearly defined and the powers to enter and search premises are limited to circumstances where the occupier of the premises has consented to the entry and search, the premises is a business premises and the entry and search is during business hours.

The requirements are set out in law and are for a particular and defined purpose and therefore not arbitrary. Accordingly, these provisions do not limit the right to privacy.

Part 5 — Requirement to keep records

Clause 33 requires employers to keep records in relation to their employees. The purpose of this provision is to ensure that employers keep appropriate records in relation to their employees to allow the authority to determine the long service leave entitlements of those employees. The provision is for a clear and circumscribed purpose and is therefore neither unlawful nor arbitrary. The clause does not limit the right to privacy.

Part 14 — Reciprocal agreements

Clause 96 allows the authority to exchange information about the long service leave entitlements of employees covered by the scheme with reciprocal authorities in other Australian jurisdictions. The exchange of information is limited to circumstances where the minister has entered into an agreement with the relevant minister of that jurisdiction to provide employees with portability in respect of long service leave entitlements across the jurisdictions. The purpose of these provisions is to allow greater benefits to be provided to employees in the community services sector. The provision is for a clear and circumscribed purpose and is therefore neither unlawful nor arbitrary. The clause does not limit the right to privacy.

The right to a fair hearing and to a decision by a competent, independent and impartial court or tribunal (s24(1)), in combination with the right not to be compelled to confess guilt or to incriminate oneself (s25(2)(k)).

In order to regulate the scheme effectively, the bill requires employers to keep a range of information and records and gives inspectors powers to inspect premises and documents and direct a person to answer questions, as discussed above. Some of this information may reveal evidence that an employer has breached the provisions of the act. As such these provisions of the bill engage sections 24(1) and 25(2)(k) of the charter. Section 25(2)(k) of the charter protects the right of persons charged with a criminal offence not to be compelled to testify against themselves or to confess guilt. This also includes the right not to be compelled to incriminate oneself.

Clause 79(1) of the bill protects the rights by providing that persons may refuse or fail to give information or do any other thing that they are required to do under the bill or regulations if giving the information would tend to incriminate them. However, clause 79(2) constrains the privilege to a limited extent by providing that this protection does not apply to the production of a document that the person is required by the bill or the regulations to produce.

The lack of explicit protection in relation to the use of documents obtained under the bill may mean that in some circumstances the right against self-incrimination is limited. However, that limitation is reasonable and demonstrably justifiable in accordance with section 7(2) of the charter.

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

(a) the nature of the right being limited

The right in section 25(2)(k) of the charter is a right 'not to be compelled to testify against oneself'. The privilege against self-incrimination may be less far reaching in relation to documentary material than for things that a person says, such as admissions. Compelling the production of already existing

documents is also much less likely to raise concerns relating to self-incrimination than documents that were compelled to be produced in direct response to a request for information.

(b) the importance and purpose of the limitation

The purpose of the limitation is to enable the authority and inspectors to inspect relevant documents in order to ensure compliance with the scheme to guarantee the effective operation of the scheme, including ensuring that employees receive their long service leave entitlements. If no power to inspect documents were afforded to the authority (or its employees — inspectors) it would be powerless to enforce the scheme, undermining the essential compulsory nature of the scheme.

(c) the nature and extent of the limitation

The limitation is confined to documentation that is already in existence.

(d) the relationship between the limitation and its purpose

There is a clear and rational relationship between ensuring the workability of the scheme, guaranteeing employee entitlements, and requiring employers to keep and provide the authority and inspectors with access to particular documents.

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

There are no less restrictive means reasonably available that would achieve the purpose.

In conclusion, to the extent that clause 79 of the bill limits sections 24(1) and 25(2)(k) of the charter, the limit is compatible with the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights because to the extent that some provisions may limit rights, those limitations are reasonably and demonstrably justified in a free and democratic society.

Hon. Lisa Neville, MP
Minister for Community Services

Second reading

Ms NEVILLE (Minister for Community Services) — I move:

That this bill be now read a second time.

Background

The state Labor government provides funding for 1024 community sector organisations to deliver services in disability, housing assistance, alcohol and drugs, family support, palliative care and more.

And we also fund the Community Sector Investment Fund (CSIF) to support efficiency and sustainability in our community service organisations.

The price index agreement, that this government negotiates every three years with the sector, has been supplemented by additional investments including a top up to the commonwealth indexation payments for the minimum wage increase, and an exceptional events clause to assist with wage-related changes above the price index.

In addition, the state Labor government has made a clear statement of commitment to advancing pay equity, and we are strong supporters of Fair Work Australia's capacity to make an order based on the principle of equal pay for equal work.

The hearings for the Fair Work Australia application are expected to take place in September and October this year, and we will factor any wage increases into our service agreements to ensure that those increases are passed on to workers.

The Victorian community services sector currently faces multiple pressures including low wages, reduced volunteer levels, a shortage of job applicants, high staff turnover rates, and increasing demands for formal qualification as the service environment becomes more complex.

There is also a high level of mobility within the community services sector with a large part-time and casual workforce.

These factors combined mean that Victorian community services sector workers are currently less able to access long service leave entitlements, as they have difficulties in accruing enough service with one employer to be eligible.

In April 2008, the Premier announced the Victorian government's commitment to introduce a portable long service leave scheme for the community services sector as part of the government's stronger community organisations program action plan.

At the time, sector representatives overwhelmingly endorsed the scheme as an initiative that would help improve the sector's workforce recruitment and retention issues.

Portable long service leave has been on the community services sector agenda for over a decade, and the government has responded to this call, by committing to the development of a scheme.

This bill delivers on that commitment and will provide additional benefits to an estimated 40 000 Victorian workers.

Key changes as a result of this bill

In introducing this principal piece of legislation, the government is responding directly to sector needs.

The bill will deliver multiple benefits, including improved attractiveness of community services roles, high retention rates across the sector and improved employment benefits to a low-paid, predominately female workforce.

The portable long service leave scheme will enable community workers to retain their long service leave entitlements when they change employers but remain working within the community sector.

This scheme will be prospective, compulsory and provide benefits commensurate with the entitlements described in the Long Service Leave Act 1992.

The fund shall be managed by the governing board of a statutory authority to be established by the legislation.

Employers will be required to pay a levy set as a percentage of an employee's pay, and this will be estimated to cover their entitlements including a small administrative fee.

It is important to note that many of the organisations receiving state government funding already have a calculation for long service leave payments in their service agreements.

Consultation

The community services sector is a diverse entity that delivers a wide range of services, and broad consultation has been a critical element throughout the development of this scheme.

Extensive stakeholder consultation has occurred, along with a feasibility study (2007), actuarial report (2008), and case study report (2009) all confirming the viability of the CSS PLSL scheme.

Consultation commenced in 2007 and has included over 200 one-on-one consultations, a series of public forums, presentations to industry groups and an opportunity for written submissions.

A reference group comprised of key sector representatives was also established to oversee the scheme development process.

Key stakeholders including government departments, sector peak bodies, unions and employers have been consulted to gain their input and feedback throughout the entire scheme development process.

These consultations, along with other research and analysis undertaken by my department, resulted in amendments to the scheme design and are contained within this bill.

During the final stages of scheme development, PricewaterhouseCoopers was contracted to review the scheme and ensure that sector views were thoroughly considered and tabled.

This final review confirmed the merit of introducing portable long service leave for the sector, and reconfirmed the benefits for sector workers and employers of this important workforce initiative.

Benefits

The overriding objective in the development of this bill has been to ensure that community services sector workers are able to access long service leave benefits.

It has been established that a portable long service leave scheme will, by improving employment entitlements, enhance career options in the sector.

It is anticipated that these improved worker entitlements will increase the benefits of working in the sector and will in the future lead to:

- reduced recruitment costs for the sector, as workers become more inclined to enter and remain in community service roles, and
- reduced training costs as the skills and experience of our community service workers are retained in the sector.

This bill will impact positively on the community broadly, through an increasingly capable, skilled, and stable workforce that will provide a high-quality and effective service.

Key scheme features

This principal piece of legislation sets out the legislative framework for a community services sector portable long service leave scheme.

In summary, the key features of this bill include:

- portability of long service leave entitlements for approximately 40 000 community service employees
- establishment of a scheme authority to administer these entitlements with a governing board comprised of sector representatives

establishment and management of a central fund, into which employers will pay a long service leave levy (set as a percentage of an employee's wages) and

provision of additional employment benefits to our community services sector employees.

I turn now to a description of the bill's key features.

Statutory scheme

The purpose of this bill is to establish a statutory scheme for portability of long service leave for employees carrying out community service activities in Victoria.

This scheme will be prospective, compulsory and supported by state legislation.

The bill has been drafted to ensure that it is compulsory for all non-government, not-for-profit employers that provide the specified community services activities to register their employees with the scheme authority.

The bill contains a provision to ensure that government-owned entities do not fall within the scope of employers bound by this scheme.

Sitting suspended 1.02 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling questions, I acknowledge in the gallery Bill Forwood, a former MLC for Templestowe Province; David Cunningham, a former member for Melton; and Jean McLean, a former MLC for Melbourne West Province.

Dr Napthine — Senior citizens week!

The SPEAKER — Obviously all members are very happy to see our former members here with us today.

PARLIAMENT: IT SERVICES

The SPEAKER — Order! I take this opportunity to respond to some claims that have been made with regard to the IT services unit of the Department of Parliamentary Services. The secretary of the department, Peter Lochert, has acknowledged that he sought from IT the identification of a leak from a confidential meeting involving parliamentary staff to Suzanne Carbone at the *Age*. At the same time as this request was made, the IT unit had approved access to the opposition's email system, as they were working, at the opposition's request, to resolve a problem relating to the opposition's email system. In responding to the secretary's request the IT technician inappropriately disclosed to the secretary that an email to Suzanne Carbone had been sent from an opposition staffer.

It is unfortunate that a system of IT service support has developed that sees the Parliament's IT system providing support to staff members of the Leader of the Opposition. These staff members, unlike electorate officers, are not employees of the Parliament. The IT equipment that is used by these staff members is not funded by the Parliament. I have requested the Department of Parliamentary Services to provide me with options that will change the provision of IT services to opposition staff away from Parliament's system.

The Victorian Parliament is well served by the staff who dedicate their working lives to providing the support services which safeguard the vibrant democracy of this state. All members of this chamber and their electorate officers are provided with confidential, professional and apolitical advice and support, from responses to requests for detailed research from library staff to assistance from the ground staff with booking the bowling green for our local clubs. Our staff members pride themselves on their impartial delivery of services to MPs and our electorate staff. Indeed it is the only protection that they have from accusations of bias or favouritism.

QUESTIONS WITHOUT NOTICE

Ambulance services: staffing

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to a minute from the board of Ambulance Victoria dated 16 November 2009 which states that due to financial constraints the Department of Health advises 'Ambulance Victoria to cut staff numbers rather than recruit', and I ask: why did the government seek to cut ambulance staff in November 2009 while Victorians were dying as a result of the failure of ambulance services in this state?

Honourable members interjecting.

The SPEAKER — Order! I suggest to all members of Parliament that I would like a nice peaceful and calm question time.

Mr BRUMBY (Premier) — Speaker, I would hate to disappoint you. I thank the Leader of the Opposition

for his question. The whole premise of the question, as with a number of questions asked yesterday, is again false.

Honourable members interjecting.

The SPEAKER — Order! I will interrupt the Premier and ask the member for Scoresby and the member for Malvern to show some cooperation.

Mr BRUMBY — The facts of the matter are that in every single year that we have been in government we have seen increased funding flow to our ambulance services. If you just look at the money amounts — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Narre Warren North to cease interjecting in that manner, and I ask for some cooperation from the member for Bass and the member for Warrandyte.

Mr BRUMBY — If you just look at the money amounts, you see that the total budget for ambulance services has more than tripled. Let us look at the number of paramedics who are now employed by Ambulance Victoria. Again, as I said yesterday, including in this place, when we came to government there were around 1250 paramedics; today there are nearly 2600 paramedics, and in four years time there will be nearly 3000 paramedics. Those facts are not in dispute.

As for the claims that are made in relation to Ambulance Victoria's deficit, the claim has been made by the opposition that the deficit is $44 million. Ambulance Victoria has shown for that period a small operating deficit of $2.9 million out of a budget which is in excess of half a billion dollars. The operating deficit as a share of Ambulance Victoria's revenue is 0.5 per cent; it is 1 in 200. Again we are seeing that the claims that are made here by the Leader of the Opposition are simply not true.

Mr Baillieu — On a point of order, Speaker, the Premier is clearly debating the question. He was asked a straightforward question about a minute from the board of Ambulance Victoria which indicates that the government sought to have ambulance paramedic numbers cut, and I asked why the government was seeking to cut numbers. He should answer the question.

The SPEAKER — Order! The Leader of the Opposition knows that to repeat the question under the guise of a point of order is inappropriate.

Mr BRUMBY — If I might continue, the whole premise, again, of the Leader of the Opposition's question is patently false. Every year that we have been in government the resources provided to Ambulance Victoria have been increased.

Mr Baillieu — On a point of order, Speaker, I reiterate my point of order from before. The Premier is debating the question. He suggested that the premise of the question is false. If he is suggesting that the board minutes of Ambulance Victoria are false, he should say so.

The SPEAKER — Order! The Leader of the Opposition knows full well that that is not a point of order.

Mr BRUMBY — As the house is aware, in addition today an Auditor-General's report into the ambulance service has been released. What the Auditor-General said in relation to the performance of Ambulance Victoria is that 'no other jurisdiction reports higher quality care to patients'. That is what the Auditor-General said.

Honourable members interjecting.

The SPEAKER — Order! The Premier, by going to the Auditor-General's report, is debating the question. I ask him to address the question.

Mr BRUMBY — As I have indicated, Ambulance Victoria has been provided with increased funds every year that we have been in government. That level of funding is 200 per cent higher today than it was when we were elected. We had a major job to rebuild after the wreckage and privatisation of the 1990s. We have done that and continue to build resources. The announcements that we have made recently in relation to regional Victoria and earlier this week in relation to metropolitan Melbourne will see nearly $160 million of extra investment in the system and the employment of a further 400 paramedics.

Automotive industry: government support

Mr TREZISE (Geelong) — My question is also to the Premier. 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 Premier update the house on how the government is taking action to create and support jobs in the car industry?

Mr BRUMBY (Premier) — I thank the member for Geelong for his question and for his very strong support for the car industry and particularly for Ford Australia. The honourable member knows that there are thousands

of jobs in regional Victoria that depend directly on our motor vehicle industry. There are hundreds of jobs in our provincial cities and there are thousands of jobs in that Geelong region that depend directly and indirectly on our motor vehicle industry.

Just this morning the Minister for Roads and Ports and I launched a Victorian trial of electric vehicles. In a great partnership 50 companies and some 180 households will take part in a trial of 60 cars, which is not only the most comprehensive trial in Australia but also in many ways the most comprehensive trial occurring across the world. It is a great $5 million project to better explore greener vehicle options and begin to prepare Victoria for a future that is going to include more electric vehicles.

Through the trial we will examine new vehicles, new charging points and the impact of different energy options. This is a trial that is good not just for companies and ordinary Victorians but also for the manufacturers in our state who want to be involved — for example, Blade Electric Vehicles, which is based in Castlemaine. I drove one of the Blade vehicles a couple of years ago, and I was delighted to see today that this Australian company is involved in this trial.

The director, Ross Blade, recently wrote to the Minister for Roads and Ports and said:

> Blade Electric Vehicles is pleased with the cooperation and assistance being provided by the state government to further electric vehicle uptake and development in Victoria.
>
> … as a result of this support, Blade has been encouraged to take on four additional staff at its Castlemaine factory and to double the orders for materials and parts from local suppliers.
>
> … support is creating regional employment today …

That is from Blade Electric Vehicles in Castlemaine at the dawn of what is a new era for electric vehicles in our state.

In answering the question I want to say to the member for Geelong that we are providing considerable support to the traditional and existing vehicle manufacturers in our state. As I have previously informed the house, we have as a government provided support for Toyota's $300 million engine plant upgrade. That is the global engine line project, which secures, by the way, the future of manufacturing at Altona, with 320 jobs at Toyota's engine plant, and more than 3000 Toyota jobs in Victoria. On every occasion when we worked with Toyota to secure this investment those opposite and their federal counterparts bagged the company and bagged this investment. We have also supported the production of Australia's first locally produced hybrid vehicle, the Hybrid Camry. Again, this was the subject of continuing critical comment from those opposite.

As the member for Geelong knows, we have supported Ford to make a $230 million investment in sustainability initiatives for the Falcon and Territory vehicles and a $20 million expansion for its casting plant. We have supported MH Group to purchase CSR Viridian's glass manufacturing business in Geelong and Laverton, securing this facility for Victoria and securing those 60 local manufacturing jobs. More generally, through the $50 million Industry Transition Fund, we have supported 13 automotive companies. That has protected 2353 jobs, created 234 new jobs and supported new capital investment of $55 million, and I thank the Minister for Industry and Trade for her leadership in that area.

If you want to be a state that continues to produce and manufacture things, you need to have a viable motor vehicle industry. We make no apologies on this side of the house for working with the federal government, working with industry and working with the trade unions to secure ongoing investment in our industry. Eighteen months ago at the start of the global financial crisis people predicted that there would be massive closures in the car industry in our state and around the world. I am pleased to say that in the case of our state, with the work, support, investment and encouragement we have made, we have not seen that happen in Victoria. Indeed from each of the three majors and now from the new emerging manufacturers of electric vehicles we are seeing new investment, new jobs and new hope for the future. It would not have happened without the support of our government.

Ambulance services: response times

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the shocking failures in ambulance response times, particularly in code 1 cases in country Victoria, and I ask: can the Premier advise the house how many Victorians have now died because of his government's incompetent management of the ambulance service?

Mr BRUMBY (Premier) — As I indicated in answer to the previous question from the Leader of the Opposition, in every year that we have been in office we have provided increased budget support for our ambulance services. The reason we have done that — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Polwarth and South-West Coast and once again the members for Bass and Warrandyte for some cooperation for the smooth running of question time. I will not ask the members for Bass and Warrandyte again.

Mr BRUMBY — As I have already indicated today, in every year in every budget we have provided an increase in resources and the number of paramedics. We have done that because we want to support our paramedics and Ambulance Victoria in providing the best possible service across the state. The number of paramedics in Victoria has more than doubled, as I have indicated previously, from around 1250 to over 2500, with another 400 over the next four years. In country Victoria we have seen the number of paramedics increase from around 500 to just over 1000, and it will increase to 1300 within the next four years.

With a growing population, with a high birthrate and with an ageing population there is always increasing demand on these services, but what we have done in the period we have been in government is in very stark contrast to the cuts that occurred year after year after year under the Liberal and National parties.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question, and I ask you to have him answer the question that he has been asked.

The SPEAKER — Order! I uphold the point of order and ask the Premier to come back to addressing the question as asked.

Mr BRUMBY — The resources that have been provided, as I have said, have enabled a tripling of the budget and a doubling of the number of paramedics in the system in a period where the population growth of the state has been between 15 and 20 per cent. In relation to the imputation in the question and some of the comments from across the chamber, Ambulance Victoria has an independent board, and the paramedics who work for Ambulance Victoria do their best job. I believe the question of the Leader of The Nationals is a slur on those ambulance officers, who do their best — —

Honourable members interjecting.

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

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. I can assure the Premier that the paramedics out there do not think it is a slur, because they know it is a fact.

The SPEAKER — Order! The member for Hastings is warned. The Leader of The Nationals knows full well that is not an appropriate way to take a point of order.

Mr BRUMBY — As I have said the government has provided significant additional funding across the service. That has enabled more than a doubling of the number of paramedics, but it has also enabled improvements in the conditions under which those paramedics work. We make no apologies for that. As I have said before, paramedics have an extraordinarily difficult job in having to make life-and-death decisions at critical moments, and we stand by them and support them 100 per cent.

Employment: regional and rural Victoria

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby government's approach to bringing investment and jobs to regional Victoria, and are there any alternative approaches?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. I would also like to thank the member for Ballarat East for being part of the Brumby government team, a team that is delivering new jobs for Ballarat in record numbers, like the 600 new jobs that are coming as part of Vertex, which is being established in Ballarat, and the 300 new jobs that can be found at IBM's operation in the city. That is a great result for Ballarat in particular.

On 16 August in this chamber the following prophecy was made:

> Country Victorians will inevitably lose jobs because of the government's action …

How wrong could the Leader of The Nationals be? Since this government has been in office it has created over 140 000 new jobs in regional Victoria. As we know, this is in stark contrast to the previous period when there were cuts and closures that led to double-digit unemployment rates across the state, like the whopping 10.2 per cent unemployment rate in October 1997. What did we also see in that same month of October 1997? Another proclamation was made in this chamber, which was as follows:

> … since the election of the Kennett government … country Victoria … has experienced a renaissance.

The SPEAKER — Order! I ask for some cooperation from the Deputy Premier, the member for Lara, the member for Footscray and the member for Narre Warren North.

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring her back to answering the question with respect to government business.

The SPEAKER — Order! I uphold the point of order. I suggest to the minister that she confine her comments to government business.

Ms ALLAN — It is okay. The member for South-West Coast is certainly no Renaissance man.

This government is absolutely focused on driving jobs and investment into every part of regional and rural Victoria. Of course the major vehicle for doing this is the $871 million Regional Infrastructure Development Fund that has been delivered by Regional Development Victoria.

I would like to share with the house a few recent examples of the work of the Brumby government in some job-creating programs across the state. I had the recent pleasure of visiting Nestle's Tongala plant. We know that people in that part of the world have had a challenging time. The company is now making a massive $17 million investment in expanding the plant, which is going to create 32 new jobs for the area — and of course this is being supported by the Brumby government.

I was also pleased to have been in Morwell recently, where we announced $300 000 in support for local IT company Sage Technology. This support will help the company capture $1 million worth of new export opportunities, but most critically it will help secure 46 highly skilled jobs for Morwell.

Recently I announced our support for Keech Castings, located in Bendigo. Thanks to a $250 000 grant it is going to undertake a multimillion-dollar upgrade of its factory that will create 75 new jobs in the region.

The Brumby government is about investing in jobs, investing in the regions and investing in infrastructure. That is obviously in stark contrast to the cuts and closures of the previous period. It was a period when the Leader of The Nationals lectured us by saying:

> … country Victoria has never had it so good …

Honourable members interjecting.

The SPEAKER — Order! The minister has concluded her answer.

Juvenile justice: government performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Community Services. I refer to the shocking revelations today by the Ombudsman regarding the youth justice system, which found the government responsible for breaching international, federal and state laws and standards placing young offenders in 'disgraceful' and 'unsafe conditions' and allowing government staff to incite violence, tolerate drug use and physically assault young offenders, and I ask: what excuse is the minister going to offer the Parliament this time or is she finally ashamed of her disgraceful record of incompetence and failure?

Ms NEVILLE (Minister for Community Services) — I thank the Leader of the Opposition for his question. The Leader of the Opposition is obviously referring to the Ombudsman's whistleblowers report, which was tabled today and which contains some allegations in relation to the Melbourne Youth Justice Centre, which largely houses male offenders from the age of 15. I have been concerned for some time about security and operational matters at these centres, and that is why I took action to have a new management regime put in place earlier this year. It is why I took action to commission a broad-ranging review of the centre by the former Victorian Chief Commissioner of Police, Neil Comrie. It is why we have accepted every single recommendation made by Mr Comrie and every single recommendation made by the Ombudsman. Implementation of these recommendations has either been completed or is well under way.

As a government we have committed almost $17 million to address the security and safety upgrades which are required and to boost staff training and supervision. We put in a new management regime earlier this year, including a new CEO, and we have also put in a new senior executive within the Department of Human Services leading a task force overseeing our changes at the Melbourne Youth Justice Centre.

Under that new management we have commenced the installation of extra closed-circuit television, upgraded security at the control building, delivered additional supervision overnight, started the overhaul of the Eastern Hill unit and commenced planning for the creation of single entry point and new security arrangements. We have established a task force to roll out the $16 million program to upgrade the centres and

to undertake staff training. The task force is also examining the crucial issues of capacity and building design to ensure that the facilities match the client profile. On top of that we have very strict security and search regimes in place. Each year we conduct over 20 000 searches of offenders for contraband. If you consider that we have less than 200 young people in custody, these are very significant search measures. The most recent search of the facility found no contraband whatsoever.

Of course I should also point out that, aside from some of these substantive issues that the Ombudsman has raised, there are also a number of anonymous allegations. The department has already begun investigating all of those allegations, and some of the allegations are matters that senior management has no evidence of and in fact that the former police commissioner, Neil Comrie, in his review found no evidence of. For example, staff inciting fights is something that neither senior management nor Neil Comrie found any evidence of, and we have asked the Ombudsman to pass on any evidence so that that claim can be tested.

We have an expectation that young offenders will be held accountable for their crimes. Where courts determine that that means a custodial sentence, these facilities do need to be properly run. In order to protect the safety and security of the community they need to focus on the rehabilitation of young offenders so they do not progress to a life of crime. I take my responsibilities seriously, and that is why the government has invested in our youth justice system, which is of course in contrast to the record of those opposite, who slashed jobs and did not upgrade those supportive facilities.

Small business: government initiatives

Mr HARDMAN (Seymour) — My question is to the Minister for Small Business. I refer to the Brumby Labor government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of what action is being taken to ensure that our rural and regional small businesses have the same access to information and services as their metropolitan counterparts?

Mr HELPER (Minister for Small Business) — I thank the member for Seymour for his question. I am sure he will remember the day back in May this year when we launched the small business bus, or mobile business centre, in his electorate. We launched that bus because it provides an opportunity to provide services to small businesses right around regional Victoria. Since that day — it was a terrific day to celebrate this new initiative by the Brumby Labor government — the bus has visited 17 local municipalities to deliver small business services to the small businesses of regional Victoria.

Another highlight I want to draw the attention of the house to is that I have recently received some figures on the Energise Enterprise festival that we conducted during August this year. We had 43 000 Victorian small business people attending some 428 events right across the state, with 30 per cent of those events being held in regional Victoria. The sessions were terrifically well attended and provided some valuable information to the business community of this state — the 480 000 active Victorian small businesses that contribute so much to the Victorian economy.

Before I move on I also want to make the house aware of the announcement I made earlier this week, referring again to the small business bus. The bus will be visiting flood-affected areas in the communities of Bright, Myrtleford, Wangaratta and Benalla this week to assist those small businesses to recover from the impact of the floods on their businesses as quickly and as decisively as possible into the future.

I think it would be without dispute that if the 480 000 active Victorian businesses — the businesspeople who work hard to make their businesses a success, who strive to make their businesses better, who strive to keep being able to employ many thousands of Victorian families, who work hard to make their businesses a success and who strive to employ many thousands of Victorian families — were not entirely aghast at another player in the area of small business sitting on her hands for a total of 1130 days, doing absolutely nothing in the portfolio responsibility that that person has and not asking a single question in this chamber for 1130 days.

Honourable members interjecting.

The SPEAKER — Order! The minister will confine his remarks to government business or he will not be heard.

Mr HELPER — Let me discuss some of the events that the Energise Enterprise program this August brought to many regional Victorians in Victorian communities right around the state — for example, the Fast Times Ahead regional roadshow. I attended a number of those events, and the many hardworking small business people who attended those events made them a success and ensured that we will certainly be delivering that regional roadshow again in the future.

The B31 Ballarat Business Month is a terrific series of events. I attended a number of them that really built on the hard work of the small business community in that part of the state. I do not think there would have been one Ballarat business operator amongst them or indeed any business operator who attended the Fast Times Ahead regional roadshow that would think they could sit on their hands and do nothing for 1130 days. Anybody that — —

Honourable members interjecting.

The SPEAKER — Order! The minister will confine his remarks to government business.

Mr HELPER — I will conclude my response, unless I am requested to continue, by simply saying that I and this government have a lot more respect for the 480 000 small business operators than the shadow Minister for Small Business does.

Juvenile justice: government performance

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer the minister to the shocking revelations today by the Ombudsman that the government has failed young Victorians in the youth justice system, to the Ombudsman's reports into the crisis in child protection, to the coroner's finding that mental health is in crisis and to the Auditor-General's conclusion that disability services are crisis driven, and I ask: is it not a fact that as the minister responsible for every one of these failures she has demonstrated complete incompetence and has failed to protect the welfare of Victorians for whom she is responsible?

Ms NEVILLE (Minister for Community Services) — It is ironic that this question is coming from the opposition, the party that cut human services across the board — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not go down that track. She will confine her remarks to government business or she will be asked to sit down.

Ms NEVILLE — Of course I am happy to outline to the house the significant reforms and investments that we have made across the human services portfolio. There has been major reform in out-of-home care, with record investment. There has been record investment in child protection. We have employed an additional 400 — —

Honourable members interjecting.

The SPEAKER — Order! The opposition will not shout the minister down.

Ms NEVILLE — We are employing additional child protection staff. In fact since last September we have employed an additional 400 staff to help ensure that we can better protect and support vulnerable children and families in our community — —

Ms Wooldridge interjected.

The SPEAKER — Order! I warn the member for Doncaster that if she interjects once more, she will feel the weight of standing order 124.

Ms NEVILLE — In the area of disability, in the last two budgets we have made the single biggest investment ever in disability services in this state. In fact since we came to government we have increased the number of people eligible for disability services in the state from 8000 to 22 000 people. We are continuing to invest in human services. I have just outlined the additional investment we are making in youth justice to improve our security and safety services.

In relation to young people we have invested $22 million into youth workers, providing an additional 50 youth workers in our community to better support vulnerable young people. It is this government that has the record of reform and record investment in human services.

But can I say that this is working with some of the most complex and difficult people in our community. That is why it is called the Department of Human Services. All of these reports obviously go to assisting us in improving our services. It is this government that has taken on the challenge of working with and supporting some of the most difficult and complex people in our community, and we will continue to do that.

Volunteers: government support

Ms DUNCAN (Macedon) — My question is to the Minister for Community Development. I refer to the Brumby Labor government's commitment to making Victoria the best place to live, work and raise a family and I ask: can the minister update the house on steps the government is taking to support volunteers in Victoria?

Ms D'AMBROSIO (Minister for Community Development) — I thank the member for Macedon for her question and for her very strong interest in volunteering. The Brumby Labor government recognises how important volunteers are to ensuring strong communities right across Victoria. The value of

volunteering in Victoria has been estimated to be equivalent to 7.6 per cent of gross state product — that is, around $10 billion each year. We also recognise that the nature of volunteering is changing and that community organisations that rely heavily on volunteers face new challenges in recruiting and retaining them.

That is why in 2009 the Premier launched Victoria's volunteering strategy, which is our $9.3 million plan to attract, support and recognise volunteers and the organisations that rely on them so much. The two major parts of our strategy are the awareness and recruitment campaign and the volunteer website. I am sure that many members will have seen the awareness and recruitment campaign, which involves television, cinema, print and outdoor advertisements promoting the benefits of volunteering and encouraging Victorians to visit the new Victorian volunteer website.

Last week I launched the second stage of the website and awareness campaign. The volunteer matching service on the website is now up and running, and the awareness campaign is encouraging Victorians to access the website to search for and find a new volunteering opportunity that suits their interests, the amount of time they have to commit as volunteers and where they live. I am very pleased to report that since the website became operational in May this year more than 64 000 Victorians have visited it.

As of today — in near real time — the portal has provided a whopping 29 576 web referrals to the websites of 613 community sector organisations right across Victoria. Forty-eight per cent of these people have typed the website address directly into their internet browser, which tells us the recruitment and awareness campaign is a great success.

Unlike those opposite, who have nothing to say on community development and who have no strategy for volunteering and only pay lip-service to it and to the many tireless Victorians who are volunteering every day to make our community stronger — —

Honourable members interjecting.

The SPEAKER — Order! The minister will come back to addressing government business.

Ms D'AMBROSIO — I am very happy to do so, Speaker. The Brumby Labor government understands the needs of our community organisations and the thousands of Victorians who offer their time as volunteers every single day right across Victoria. Our government is committed to continuing to respond to the changing needs of our community. Only when you do this can you deliver real support to volunteers and real support for volunteering in Victoria. That is why we are delivering this volunteering strategy so that Victoria remains the best place to live, work and raise a family.

Opposition staff: government scrutiny

Mr CLARK (Box Hill) — My question without notice is to the Premier. Given that Victoria Police is now investigating the covert interception of emails sent to journalists, will the Premier commit that all members of his government, including the Premier's dirt unit, will fully cooperate with a Victoria Police investigation?

Mr BRUMBY (Premier) — I thank the honourable member for his question. Speaker, earlier today, before question time, you dealt with the issue that has been raised by the honourable member. I can add a message that went out on the internet yesterday in relation to some of these matters and a matter raised yesterday, I think, by the honourable member. This was a tweet message from Heidi Murphy that went out at 2.32 p.m. yesterday. It stated:

> Ted Baillieu staffer mistakes work experience kid for dirt unit operative spying on Robert Clark media conference.

Sport: regional and rural Victoria

Mr EREN (Lara) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby government's plan for regional Victorian sport, and is the minister aware of any alternatives?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Lara for his question. Every single community in regional Victoria knows Labor's plan for country sport, because there is not a single part of the state that has not been touched by it.

Close to $150 million has been invested directly into country sport — a record 5 times higher than that of the Kennett government and 10 times higher than that promised by those opposite at the last election. The Brumby government knows that many of our greatest athletes hail from regional Victoria. Sharelle McMahon, who carried the Australian flag at the opening ceremony of the Commonwealth Games — —

An honourable member — Hugh Delahunty!

Mr MERLINO — He was a good Essendon footy player. Sharelle McMahon carried the Australian flag at the opening ceremony of the Commonwealth Games, and she hails from the farming community of Bamawm. Labor's plan stands up to any scrutiny, and it centres on this fundamental proposition: no matter where you live you deserve access to the best possible facilities and opportunities. Without such a plan we would not have had close to $2 million invested in Ballarat's Eureka Stadium to bring AFL pre-season football to the town. Without a plan we would not have seen the dredging and refilling of Lake Wendouree, the home of the 1956 Olympic rowing competition and soon again to be home to elite international rowing. We would not have seen the hundreds of thousands of dollars of investment in Stawell's historic central park. The Stawell Gift is here to stay, and that is thanks to Labor's plan.

Without a plan we would not have seen the revitalisation of sport in central Victoria and the north-east, with AFL football in Bendigo, in Wodonga and soon in Wangaratta. We would not have seen the redevelopment of the Tom Flood Sports Centre, keeping the famous Bendigo International Madison secured for the city for many years to come — a project close to the heart of the member for Lara. Without a plan we would not have seen the complete revitalisation of sport in Geelong, headlined by the $44.5 million investment in Skilled Stadium, taking it from an outdated Victorian Football League ground to one of the world's best regional stadiums. Labor's investment has delivered a new eastern grandstand and a new premiership stand, and it will shortly deliver a new northern stand. These would not have been built by the opposition; it opposed the plan.

Without a plan we would not have seen every single sport in country Victoria saved from the drought. Without a plan we would not have seen hundreds of clubs benefit from the country football and netball program. No such program existed during the seven dark years of the Kennett government. This is the Brumby government's plan: unprecedented support for country sport.

The member for Lara asked about alternatives, and that is a good question. The member for Lowan's policy web page is still bare. There is nothing there. It is a blank page.

The SPEAKER — Order! I ask the minister to confine his comments to government business.

Mr MERLINO — Only the Brumby government has a plan that will truly deliver for country Victorians and for all Victorians and that will stand up to any scrutiny. The coalition's web page also has no policy on sport, no statements, no press releases, nothing at all on — —

Honourable members interjecting.

The SPEAKER — Order! The minister has concluded his answer. The time set down for question time has expired.

COMMUNITY SERVICES LONG SERVICE LEAVE BILL

Second reading

Debate resumed.

Ms NEVILLE (Minister for Community Services) — The second-reading speech continues:

The community sector — scope

The criteria for determining the scope of community services activities included in the scheme have been developed in close consultation with the sector.

The bill requires that community sector workers be included in the scheme based on a whole-of-organisation approach. That is, all full-time, part-time and casual workers employed to undertake the community service activities listed in the legislation will be included in the scheme.

The bill provides for only two exceptions to this rule:

1. Where a children's service is run by an organisation whose core business is unrelated to the community services sector, only those workers employed to provide children's services will be included in the scheme.

2. In registered community health centres, only those workers employed to deliver community services will be included in the scheme. Their peers providing health services will not be eligible.

The scope defining eligibility for the scheme has been developed to ensure that the legislation only captures community services sector employees.

All health workers and all those employed to provide community-based aged-care services will not be included in this scheme. This has resulted from extensive consultation with unions and organisations.

Consultations also identified that kindergarten teachers and assistants currently have access to unregulated portable long service leave arrangements that would be lost if those employees were included in this prospective scheme. In light of this, the bill excludes kindergarten teachers and assistants.

Portability of entitlements

The bill provides for community service sector employees to be entitled to long service leave benefits commensurate with those described in the Long Service Leave Act 1992.

Employees will be entitled to 8.7 weeks leave after they have accrued 10 years of service with an employer or multiple employers across the sector.

The bill also provides for those employees who receive additional entitlements, above the existing Long Service Leave Act.

These additional entitlements can include access to a pro rata entitlement after seven years of service with a single employer without having to terminate their employment, or leave the sector.

The bill also includes a provision to allow employers and workers to negotiate mutually beneficial arrangements for how long service leave entitlements may be used.

This may include mutually agreed flexible working arrangements; this is not to replace or prevent other flexible arrangements negotiated from time to time.

Jurisdiction of court proceedings

I make the following statement under section 85(5)(b) of the Constitution Act 1975 of the reasons why it is the intention of clause 98 of the bill to alter or vary section 85 of the Constitution Act 1975. Clause 98 provides that it is the intention of that section to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of an action of a kind referred to in clauses 40, 85, 91 and 92.

Clause 40 provides that an employee may apply to the industrial division of the Magistrates Court for a determination regarding when their long service leave may be taken if the employee and the employer cannot reach agreement or where the employer provides the employee with notice directing the employee to take long service leave.

Clause 85 provides that proceedings in relation to any offence against the bill must be heard and all penalties recovered by the industrial division of the Magistrates Court.

Clauses 91 and 92 provide that where an employer has terminated or prejudiced the position of an employee for exercising their rights under the bill the industrial division of the Magistrates Court may impose a penalty on an employer or order the employer to reinstate an employee and reimburse the employee for any lost remuneration or compensate the employee where remuneration is not appropriate.

The reason for limiting the jurisdiction of the Supreme Court in these types of cases is that the industrial division of the Magistrates Court has taken over from the Employee Relations Commission in industrial matters within Victorian jurisdictions. It is a specialist body that will provide cost-efficient and speedy determinations in these matters.

Costs and funding

Introducing a portable long service leave scheme will, out of necessity, create some cost and administrative changes for community sector organisations.

Under this legislative framework, in-scope employers will be required to pay a levy for all workers who have a contract of employment. The levy will be paid on the total earnings for each employee, for each quarter.

The levy will be managed by the scheme authority and used to pay administration costs of the scheme, as well as fund employee long service leave entitlements, when they fall due.

Extensive actuarial analysis has been undertaken to ensure an ongoing, viable scheme for the sector. Under the bill, the scheme authority will have the power to set the levy rate to be paid by employers on a quarterly basis.

Actuarial advice is that the initial rate should be set at approximately 1.6 per cent to be calculated at 1.4 per cent for employees' entitlements and 0.2 per cent for administration of the fund.

Throughout the consultation process it was identified that some sector employers held concerns about the potential administrative and financial impact of the scheme.

Extensive work has been undertaken to identify opportunities to reduce any financial and administrative burden that community sector employers may face.

As a result, employers will have the option of transferring administrative tasks associated with record keeping and financial management of out-of-scope employee entitlements, above-base entitlements and pre-existing entitlements to the scheme authority.

This will enable organisations to reduce their administrative responsibilities in relation to managing long service leave entitlements.

The government has agreed to provide financial assistance in the early stages of the scheme to assist employers to meet the initial extra costs of setting aside long service leave contributions.

Implementation time line

The bill will be implemented at a date yet to be proclaimed, as it will be of no effect until such time as the commonwealth passes legislation to allow the scheme to operate with the intended scope.

The deferred debate and proclamation allows for the necessary legislative change to the Fair Work Act, to support the operation of this scheme. The commonwealth has signalled intent to accommodate state-based portable long service leave schemes in the near future.

Secondly, the delayed proclamation date will allow time for community services organisations to adjust their practices and prepare for the transition to a portable long service leave scheme.

The operation of the scheme will not commence for at least 18 months after the legislation is proclaimed to ensure there is sufficient time for transition, consultation, training and establishment of the new arrangements.

The introduction of the scheme as outlined in this bill will provide the community services sector with a much-needed competitive advantage. It will provide additional benefits and help to ensure an ongoing, viable sector and effective delivery of services to the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Ms WOOLDRIDGE (Doncaster).

Debate adjourned until Wednesday, 20 October.

CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Crimes Amendment (Forensic Procedures) Bill 2010.

In my opinion the Crimes Amendment (Forensic Procedures) Bill 2010, as introduced to the Legislative Assembly, is compatible with the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the bill is to make amendments to the Crimes Act 1958 to broaden the existing power to take and retain DNA samples from adult suspects. It does this in three ways:

First, by enabling police to obtain DNA in the investigation of indictable offences, rather than limiting it to forensic sampling offences. This allows DNA to be collected in a broader range of instances where it may be relevant and may assist in crime detection.

Second, the bill changes the threshold test for taking DNA samples pre-conviction from a police officer or court having reasonable grounds to believe that a person has committed an offence to reasonable grounds to suspect. The change applies to a number of different provisions where currently a belief is the relevant test (e.g. that the procedure has forensic relevance or the same or evidence is likely to be lost if the procedure is delayed). The bill similarly changed the test from reasonable grounds to believe to reasonable grounds to suspect.

Third, the bill clarifies that a court is not limited to 12 months when granting an extension for retaining a suspect's DNA sample beyond the initial 12-month retention period.

The bill also provides a framework for independent oversight of these expanded powers, and all forensic procedure powers through the Special Investigations Monitor (SIM).

Human rights issues

This bill improves Victoria's criminal investigation laws by modernising and simplifying the procedures for obtaining and processing DNA, as well as providing a new framework for monitoring compliance with the legislative provisions governing forensic procedures.

In this way, the content of the bill reflects a balance between the need for effective law enforcement and the need to safeguard privacy and human rights in the conduct of criminal investigations.

By its very nature, forensic sampling powers will necessarily engage the section 13 charter right to privacy and reputation. Forensic sampling involves the taking of DNA from a person for the purposes of a criminal investigation and the retention of DNA for a period of time. The steps involved in taking a

DNA sample are currently set out in section 464 of the Crimes Act.

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

The principal right under the charter relevant to the bill is the right to privacy and reputation (section 13).

Section 13: privacy and reputation

Section 13(a) of the charter provides that '[a] person has the right not to have his or her privacy unlawfully or arbitrarily interfered with'. The scope of the right includes bodily privacy and the protection of a person's physical integrity as well as information privacy and the protection of a person's identifying information.

An interference with privacy will not limit the right if the interference is neither arbitrary nor unlawful. Arbitrariness will not arise if the restrictions on privacy accord with the objectives of the charter and are reasonable given the circumstances. An interference will not be unlawful if the law, which authorises the interference, is precise, circumscribed and determined on a case-by-case basis.

In this instance there are several aspects of the bill that engage the right to privacy. However, the amendments in the bill include appropriate safeguards to ensure that any interference with privacy is determined on a case-by-case basis and is proportionate to its aims. The reasons why I do not consider the changes in the bill to be an arbitrary or unlawful interference with the right to privacy are set out below.

Change from reasonable belief to reasonable suspicion

The purpose of this change is to promote greater consistency in the tests that are applied in criminal investigations. Having different threshold requirements for police to consider for similar types of investigative procedures is needlessly complex. Belief and suspicion are not considered to be particularly different in the way in which they are applied. However, the change does bring Victoria into line with other jurisdictions.

The amendment is not an arbitrary interference with the right to privacy because the court or a police officer must assess on a case-by-case basis whether it is appropriate to take a sample from a suspect if there are reasonable grounds that it will either prove or disprove their involvement in a crime. This is further circumscribed by the requirement that the decision-maker must also be satisfied that grounds for the suspicion are reasonable.

Power to conduct a forensic procedure on a person suspected of committing an indictable offence

The purpose of this change is to broaden the range of offences for which a DNA sample may be obtained from forensic sample offences to indictable offences. It is my view that it is wholly within the public interest to facilitate the detection of serious criminal offences and this amendment assists this purpose by enabling the use of the most up-to-date DNA technology in investigating a broader range of serious criminal offences. For example, the offence of theft where DNA would be a useful investigative tool would be captured by this change.

It is my view that the expansion of this power to a broader range of offences is not an arbitrary interference with the right to privacy. The law is sufficiently circumscribed as it incorporates a number of safeguards.

Firstly, a forensic procedure cannot be conducted on a person suspected of committing an indictable offence unless the police officer or court is satisfied that there are reasonable grounds to suspect that conducting the procedure may have forensic relevance — that is, that a DNA sample will either prove or disprove a person's involvement in a crime.

Secondly, a forensic procedure may only be conducted in accordance with section 464S, section 464SA or section 464T of the Crimes Act. These sections provide that a forensic procedure may only be conducted if either informed consent is provided or, in the case of a non-intimate sample, a senior police officer has authorised the taking of the sample or, in the case of an intimate sample, the court has made an order.

These safeguards ensure that the interference with a person's bodily privacy is conducted only where relevant to the investigation and either with the consent of the person or with some level of authorisation.

Retention of a DNA sample for a period of more than 12 months

The bill enables a court to make an order for certain DNA samples to be retained for more than 12 months under section 464ZG. The amendment is intended to apply in circumstances where a suspect whose sample has been taken has absconded or where the investigation is ongoing beyond 12 months. The power enables a court to order that the sample be retained for a specific period of time in relation to suspects who have not been charged or suspects who have not had their charges proceeded with within 12 months.

This amendment in the bill is not arbitrary because the decision to extend time beyond 12 months is subject to the discretion of the court. The court must assess each application on a case-by-case basis. This ensures that each application is assessed on its merits. The section currently requires the court to give reasons for its decision, ensuring transparency in the decision-making process . Given the circumstances when this may be relevant, it is also my view that it is the most appropriate means by which the purpose may be achieved.

The law is also sufficiently circumscribed as it makes clear that it applies only to suspects who have not been charged or where a person has been charged and the charges have not been proceeded with. Where the person has been charged and acquitted, this new power does not apply.

Special investigations monitor

It is important to highlight that the bill positively enhances the right to privacy by providing for independent oversight by the SIM for these expanded powers and all forensic procedure powers under the Crimes Act. The bill provides the SIM with broad powers to access and inspect the records of Victoria Police to ensure compliance and to report to Parliament on the results of such inspections. These powers protect the right to privacy by providing independent oversight of the collection and use of DNA by Victoria Police and enables greater scrutiny of the exercise of these powers.

The government has announced it will adopt the recommendations of the 'Review of Victoria's Integrity and

Anti-Corruption System'. The review proposes that an investigations inspector will take over the role and functions of the special investigations monitor. The government intends to make the necessary legislative changes to ensure that the independent oversight role for the special investigations monitor proposed in this bill will continue through future changes to the integrity and anticorruption framework. This may involve subsequent amendments to new sections 464ZHA and 464ZHB of the Crimes Act 1958.

Section 27: retrospective criminal laws

The new forensic procedure provisions in relation to suspects involve processes used in criminal investigation rather than criminal offences or penalties per se. As such, the restriction on retrospective effect of criminal laws in section 27 of the Charter of Human Rights and Responsibilities does not apply.

For the sake of certainty, the current forensic procedure provisions which relate to offenders will apply to anyone found guilty or not guilty because of mental impairment on or after commencement. This is because the sampling will occur after a finding of guilty or not guilty because of mental impairment.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In 1989, Victoria was the first Australian state to enact laws for the collection and use of forensic DNA evidence in criminal investigations.

Now, nearly 20 years later, we have improved technology which allows us to use DNA more effectively in fighting crime. We also have an improved insight into the benefits and risks of this powerful investigative tool.

The Crimes Amendment (Forensic Procedures) Bill reflects these improvements.

The bill makes the prosecution of criminals easier by simplifying the procedures for obtaining and processing DNA.

The bill also provides safeguards for the collection and use of DNA evidence more efficient by creating an oversight role for the special investigations monitor.

Overview of the bill

The Crimes Amendment (Forensic Procedures) Bill introduces three fundamental changes which significantly expand the ability of the police to use DNA evidence in order to investigate crime.

First, the bill expands the range of offences for which police can take a DNA sample from a suspect and offender to include all indictable offences. Currently, the police can take a DNA sample from a suspect or offender for a limited range of offences. The bill, however, will enable the police to take DNA for all, not just some, serious offences.

In this way the bill allows DNA technology to be used to its fullest extent in investigating any indictable offence. It also simplifies the legislation and brings Victoria into line with other Australian jurisdictions.

The second way in which the bill significantly expands the ability of the police to use DNA evidence in order to fight crime is by lowering the threshold test for taking DNA samples without consent. Currently a police officer must have reasonable grounds to believe that a person has committed an offence. The bill changes this to allow police to take a DNA sample if there is a reasonable suspicion that the person has committed an indictable offence.

Many police powers in the Crimes Act require that a police officer suspect that something has occurred on reasonable grounds. The differences between a suspicion and a belief are not substantial. Having different threshold requirements for police to consider for similar types of investigative procedures is unnecessarily confusing and a lower threshold assists police. This change also simplifies the legislation and brings Victoria into line with other Australian jurisdictions.

The third way in which the bill significantly improves the ability of the police to use DNA evidence in order to fight crime is by allowing a court greater discretion in ordering an extension of the time limit for retaining a suspect's DNA. Currently, the police can keep a suspect's DNA for 12 months. If they apply to a court to extend that period, the court can only grant an extension for a further 12 months. The bill allows the court to fix a specific period based on it's discretion after assessing all the relevant circumstances of the police's request. This will help ensure that valuable evidence is not lost and it will reduce the administrative burden on police and the Victoria Police Forensic Science Centre.

These improved powers to take and use DNA are significant. Considerable personal information is obtained from their exercise. Earlier this year the government commissioned former Supreme Court judge Mr Frank Vincent, QC, to inquire into the wrongful conviction of Mr Farah Jama. The substantial power of DNA evidence was demonstrated by

Mr Jama's wrongful conviction. Mr Vincent's report highlighted the need for proper processes to ensure that DNA evidence is collected and analysed appropriately. The government accepts Mr Vincent's recommendations in relation to the use, collection and improved procedures in relation to DNA evidence and is in the process of implementing them.

The bill will further improve these safeguards by giving the special investigations monitor an ongoing audit role to oversee the exercise of these DNA powers, and all DNA powers in the Crimes Act. The special investigations monitor will ensure that the powers are exercised in compliance with the legislation. The special investigations monitor will also have the ability to recommend improvements to police processes and practices.

The government has announced it will adopt the recommendations of the 'Review of Victoria's Integrity and Anti-Corruption System'. The review proposes that an investigations inspector will take over the role and functions of the special investigations monitor. The government intends to make the necessary legislative changes to ensure that the independent oversight role for the special investigations monitor proposed in this bill will continue through future changes to the integrity and anticorruption framework. This may involve subsequent amendments to new sections 464ZHA and 464ZHB of the Crimes Act 1958.

The justice statement review

The targeted reforms in this bill will be complemented by the fundamental overhaul of criminal investigation powers in the upcoming Criminal Investigation Powers Bill. The Criminal Investigation Powers Bill will fundamentally overhaul and modernise all investigation power provisions such as those governing questioning of suspects, fingerprinting and powers of arrest, search and seizure.

That Criminal Investigation Powers Bill will be the second major bill to result from the Crimes Act review that forms part of the government's Justice Statement to modernise our criminal justice system. The review has already produced the Criminal Procedure Act 2009, which comprehensively reformed criminal procedure in Victoria, and which commenced in January 2010. A third bill, which will reform many of the offence provisions in the Crimes Act, will be introduced next year.

Introducing this bill at this stage of the 2010 Parliamentary sitting means that it cannot be passed, and will not become law this year. However, this bill demonstrates the government's intentions. If re-elected, the government proposes to reintroduce this bill either in its current form or with provisions to the same effect as part of the Criminal Investigation Powers Bill in the next term of Parliament.

Conclusion

This bill makes targeted reforms to Victoria's DNA powers in order to make crime investigation practices more effective.

This bill makes prosecution of criminals easier by expanding the range of offences for which police can take DNA, and by simplifying the collection and use of those samples. The bill also introduces a new framework for monitoring compliance with all DNA powers in the Crimes Act. In this way, the bill provides a range of powers all geared towards effective and reliable criminal law investigation and enforcement.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 20 October.

SENTENCING AMENDMENT BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Sentencing Amendment Bill 2010.

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

Overview of the bill

The Sentencing Act 1991 (act) provides a regime for the sentencing of offenders and the imposition of penalties by Victorian courts. The act provides fair procedures for the imposition of sentences and for dealing with offenders who breach the terms or conditions of their sentence.

The bill will amend the act to:

abolish suspended sentences for serious offences;

provide credible sentencing options for the courts as alternatives to imprisonment (including suspended sentences).

The bill follows a series of reports and recommendations by the Sentencing Advisory Council (council) and commences a phased abolition of suspended sentences while replacing, recasting or refining existing sentencing orders. These measures are intended to provide more sentencing options for courts other than imprisonment.

In this regard, new sentencing orders are to be established: an intensive correction management order (ICMO) and an intensive correction management order (drug and alcohol) (ICMODA). In addition, reforms are proposed to community-based order (CBO) and deferred sentencing. This also includes broader breach and variation powers of these orders by courts.

The sentencing scheme in the act, by its nature, engages charter rights as it contains strong powers that are primarily directed at depriving or restricting the liberty of people who break the law and allow the court to denounce the type of conduct in which the offender engaged. The powers are a necessary measure to prevent crime and promote respect for the law.

However, the strong powers in the act are balanced by a range of appropriate safeguards designed to protect the individual rights of persons who may be subject to the scheme. Judicial discretion is maintained and enhanced by the new, more flexible sentencing orders created by the bill. The overarching effect of the bill will be to increase the range of options available to the sentencing judge. In addition, the act includes safeguards that apply generally to sentencing in Victoria, including the proportionate exercise of sentencing discretion and rights to appeal.

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

Human rights issues

The bill has been assessed against the charter.

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

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

Section 10: protection from compulsory medical treatment

Section 12: freedom of movement

Section 13: privacy

Section 16: freedom of association

Section 17: protection of families and children

Section 22: humane treatment when deprived of liberty

Section 25: rights in criminal proceedings.

Due to the nature of the amendments and the scope of the rights engaged, this statement will deal with the rights engaged by the conditions available for the new ICMO (including the ICMODA), before turning to the procedures relating to breach of the ICMO.

Strict conditions under an ICMO

The bill provides sentencing courts with the new ICMO, a non-custodial order, which does not constitute a term of imprisonment and is a discrete sentencing option for a court. Unlike the intensive correction order (abolished by clause 10), the ICMO will be an intensive form of community sentencing by way of supervision by Community Correctional Services and/or the courts. It involves an offender being regularly monitored in the community by Corrections Victoria, and/or a court. The ICMO may be an offender's last chance to serve a sentence in the community before being subject to a term of imprisonment (including a suspended sentence).

In addition, unlike the CBO, the ICMO will have special conditions available to a court, which place significant restrictions on freedom of movement. These orders enable a court, in its discretion, to order that an offender not associate with certain persons or class of persons or not enter or live at a specified place for a specific period.

In this section, I want to first draw attention to the conditions on a ICMO that can interfere with an offender's privacy, particularly those that relate to treatment or rehabilitation programs that the offender must attend, types of employment in which the offender must not engage, electronic and other forms of monitoring, and persons with whom the offender must not have contact.

In my view, the ability to impose these kinds of conditions is compatible with an offender's right to privacy because the conditions are made at the discretion of the court and sentencing safeguards generally apply to ensure proportionate exercise of discretion.

Right to privacy — clauses 13 and 24

The nature of the right limited

Section 13(a) of the charter protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The secrecy of personal information (including information about a person's physical condition, identity, interpersonal relations, day-to-day activities and whereabouts) lies at the heart of the privacy right because of its direct relevance to the choices or circumstances of an individual's personal life over which he or she is responsible and autonomous.

Section 7 analysis of the right to privacy

The conditions of ICMOs may limit the offender's right to privacy in section 13(a) but do not interfere with it in a manner that is unlawful or arbitrary. When formulating these recommendations, the council considered Victorian precedents for supervision conditions. The act provides supervision conditions for ICMOs and CBOs, both as core conditions (such as reporting to corrections officers and obeying lawful directions from corrections officers) and program conditions (such as treatment conditions). For example, a court may impose a supervision condition for a CBO under section 40 of the act, 'to allow for the rehabilitation of an offender in the community and the monitoring, surveillance or supervision of an offender who demonstrates a high risk of reoffending'.

Furthermore, under sections 72 and 75 of the act, it is open to a court to impose conditions to an adjourned undertaking that the offender return to court at regular intervals to confirm completion of a certain program (such as that imposed under a justice plan), course (such as a road trauma course) or other requirement (such as medical assessment).

In addition, the Drug Court at Dandenong may attach program conditions to a drug treatment order (DTO), which restrict a person's freedom of movement and association. Under sections 18ZG(1)(e) and 18ZG(1)(f) program conditions that may be imposed include that an offender:

must not associate with specified persons; and

must reside at a specified place for a specified period.

In addition, under section 18ZL(1)(c), if the offender fails to comply with the order the Drug Court may take a number of different actions including ordering that a curfew, requiring the offender to remain at a specified place between specified hours, applies to the offender for a specified period.

Clause 13 of the bill provides that strict conditions of an ICMO may be imposed on an offender by a sentencing judge, provided the offender consents (new section 35D), including that:

the offender reports to, and receives visits from, a community corrections officer at least once a week in the first three months of the order, and thereafter at least once every 28 days and/or as otherwise ordered by the Regional Manager of Community Correctional Services (CCS) during the period of the order, or supervision period (if specified) (section 35N);

the offender reports to a specified community corrections centre within two clear working days after the coming into force of the order (section 35M(1)(b));

the offender must notify of changes to address or employment within two clear working days after the change (section 35M(1)(c));

the offender must not leave Victoria without permission granted generally or in relation to the particular case (section 35M(1)(d));

the offender must obey all lawful instructions and directions of community corrections officers (section 35M(1)(e)); and

the offender must perform unpaid community work as specified in the order (new subdivision 5 of division 2A)

the offender undergo assessment and treatment for alcohol or drug use, submit to medical, psychological or psychiatric assessment and treatment, and/or to drug or alcohol testing, as specified in the order or as otherwise directed by the regional manager of CCS (section 35W(1)).

New subdivision 7 of division 2A enables courts to include special conditions including that:

the offender attend at one, or more than one, specified prescribed program during the period of the order or a shorter period specified in the order for this purpose (section 35Y)

that the offender must not associate with a person specified in the order or a class of person specified in the order for the period specified in the order (section 35Z(2)(a)) (non-association condition)

the offender must not reside at a place specified in the order or must reside at the place specified in the order for the period specified in the order (section 35Z(2)(b)) (residence restriction condition);

the offender must not enter a place or area specified in the order for the period specified in the order (section 35Z(2)(c)) (place restriction condition).

The bill does not displace the important safeguard that applies to sentencing orders under section 5(3) of the act. A sentencing judge must not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed. This fundamental principle of Victoria's sentencing scheme applies broadly, in deciding the appropriate type of order, and specifically, in regard to the appropriate conditions to be imposed in the circumstances.

The strict conditions available to courts under the new ICMO are clearly prescribed in the bill and are proportionate to the objectives of ensuring an offender's compliance with the sentencing order, to protect the community from the offender, to facilitate the rehabilitation of the offender and to deter the offender from similar reoffending. As such, the provisions are neither unlawful nor arbitrary. Restrictions on privacy imposed by other conditions are closely connected to the purpose of the proper administration of ICMOs. These restrictions to the right to privacy are necessary for, and proportionate to, that purpose.

In my view, the ability to impose these kinds of conditions is a justified limitation under section 7(2) of the charter with an offender's right to privacy for three reasons. First, the offender has consented to the conditions of ICMO, albeit in order to avoid a more punitive sentence of imprisonment. Second, the conditions are imposed by the sentencing judge at the discretion of the court and the underlying purpose of the bill is to enhance judicial discretion by providing more credible sentencing options. To the extent CCS may direct offender's subject to an ICMO, CCS is bound to act in accordance with section 38 of the charter.

Third, robust sentencing safeguards generally apply to ensure proportionate exercise of discretion, constituting the minimum interference with the offender's privacy. For example, section 5(3) of the act provides that the court does not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed. In addition to the general right to appeal a sentence, new section 35O enable courts to order judicial monitoring of conditions and subdivision 8 of division 2A provides for reviews of conditions which enable conditions to be cancelled or varied. Judicial oversight is a very important safeguard in ensuring that the interferences with privacy will not be arbitrary and will be no more than is necessary to achieve the legislative purpose.

In my view, the bill provides a reasonable and justified limitation on the right to privacy.

Right to freedom of association — clause 13

The right to freedom of association is potentially engaged by the following special conditions of an ICMO, namely conditions that relate to:

non-association conditions (section 35Z(2)(a));

residence restriction conditions (section 35Z(2)(b));

place restriction condition (section 35Z(2)(c)).

A person may, for example, be banned from associating with members of an organised crime syndicate or a club that serves as a front for criminal activities.

The compatibility of those conditions with the right is set out below.

The nature of the right limited

Whereas the right to privacy in section 13 of the charter encompasses a right to individual identity and personal development as well as to establish and develop meaningful social relationships, the right to freedom of association in section 16 is arguably more targeted at protecting the freedom of persons to formally join together in groups to pursue common interests and goals. Some examples of such groups include political parties, non-government organisations, professional or sporting clubs, trade unions and corporations.

Although in New Zealand, the right has been interpreted as going further to encompass the right of an individual to associate with another individual, New Zealand's Bill of Rights Act does not contain a right to privacy or autonomy like section 13 of the charter.

The authors Butler and Butler argue that 'in other human rights systems a narrow view of the ambit of free association is acceptable since the right to associate with other individuals in an informal, disorganised way would be likely to be protected by a right to privacy or autonomy' (at paragraph 15.7.2). Consistently with this, the scope of the right to freedom of association in article 11 of the European Convention presupposes a voluntary grouping for a common goal (see for example, *Anderson v. United Kingdom* [1998] EHRR CD 172 and *McFeeley v. United Kingdom* (1980) 20 DR 44).

Accordingly, the special conditions that may attach to an ICMO have been first analysed against the privacy right instead of the right to freedom of association.

Section 7 analysis of the right to freedom of association

As with the right to privacy, the limitation is imposed for the important purposes of facilitating the rehabilitation of the offender, community protection and to deter the offender from similar reoffending. The special conditions might, for example, prevent the offender from purchasing illegal drugs from suppliers known to the offender, joining certain groups or co-offenders or consorting with people that the offender believes are a bad influence. The use of non-association conditions for the existing DTO indicates that these conditions usually work where the offender volunteers this information to improve his or her prospects for rehabilitation. The requirement that the offender consent to the ICMO is particularly relevant to special conditions.

In regard to the relationship between the limitation and its purpose, section 5(3) of the act will ensure that the court does not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed.

As set out above in relation to the right to privacy, and emphasising the voluntary nature of a special condition, I believe the limitation is within the range of reasonable solutions to the risk posed.

Freedom of movement — clause 13

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

The nature of the right being limited

The right to move freely does not require any particular purpose or intention in movement, and encompasses both physical and procedural impediments. The requirement that an offender reside only at an approved residence limits him or her choosing where to live and restricts the activities that a person can undertake outside of that residence.

Section 7 analysis of the right to freedom of movement

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

The special conditions restrict the movement of persons who have committed offences punishable by custodial sentences and allows their activities to be monitored to ensure their good behaviour and compliance with the order. Restriction of movement in this manner also affords appropriate offenders an opportunity to serve their sentence without the additional burdens of imprisonment, including isolation from family and the comforts of home. For ICMOs with special conditions, the restrictions on freedom of movement are both directly linked to the objectives of the community-based sanction and are an important optional feature of the sentencing order.

The bill appropriately balances the punitive, deterrent and rehabilitative aims of the sentence. Importantly, the offender must consent to the ICMO and the special conditions of an ICMO already constitute a less restrictive means than the next relevant sentencing alternative, being a term of imprisonment.

Compulsory medical treatment — clauses 13 and 24

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

A condition governing ICMODAs is that the offender must submit to treatment programs (section 35W of the bill) which may limit the offender's right not to be subjected to medical treatment without his full, free and informed consent, as protected by section 10(c) of the charter. I nevertheless consider that any limit is reasonable and demonstrably justifiable in the terms of section 7(2) of the charter.

The nature of the right being limited

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

Section 7 analysis of the protection from medical treatment

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

The court's discretion to impose a ICMODA will be exercised in accordance with the purposes of the act, including the prevention of crime and to promote respect for the law by providing for sentences that facilitate the rehabilitation of offenders. The bill also provides (new section 35E(2)) that an ICMODA may be made for purposes including to take account of the offender's drug or alcohol dependency or abuse and to reduce the offender's health risks associated with drug or alcohol dependency or abuse. The sentencing principle in section 5(3) of the act ensures that a sentence is not imposed that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed.

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

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

In conclusion, therefore, to the extent that the treatment and program conditions in clause 13 of the bill limit section 10(c) of the charter, I consider that the limit is reasonable and proportionate to the objectives of supporting offender rehabilitation, to reduce health risks and address underlying causes of offending while also alleviating the harshness of serving sentences in prison.

Protection of families and children — clause 13

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

Breach proceedings for an ICMO

Rights in criminal proceedings — clause 13

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

The procedure for dealing with breaches of ICMOs re-enacts the breach proceedings for intermediate sentencing orders implemented by the Justice Amendment Act 2010 (subdivision 9 of division 2A). An offender will still enjoy all the rights guaranteed by section 25(2) of the charter. The courts oversee the breach proceeding, including variations or cancellations of intermediate sentencing orders (sections 35ZD and 35ZN). Cancellation of an intermediate sentencing order will, in some cases, lead to a jail sentence. The bill states that the practice and procedure applicable to the hearing of a summary charge in the Magistrates' Court applies to the determination of a breach proceeding (section 35ZO).

Section 25(4) of the charter provides a right to appeal a conviction and any sentence imposed. The right of offenders to challenge an alleged breach and appeal a resentencing following a breach is preserved within the sentencing scheme.

For these reasons the proceedings for a breach of an ICMO are consistent with the charter.

Conclusion

The bill is compatible with the charter.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill sets out significant reforms to the law of sentencing including removing the fiction of the suspended sentence for all serious offences. It will change the landscape of sentencing and create new options for judges and magistrates who are facing the challenging task of balancing punishment, deterrence and rehabilitation.

This bill is being introduced into Parliament during the last sitting week, and so will not be passed before the election later this year unless it proves to be possible to

debate this bill today. Should the bill pass during this sitting of Parliament, the government will introduce a further bill in the next sittings, to address any consequential and technical issues in order to ensure a smooth transition when the bill becomes law.

If the bill is not passed in these sittings, the government intends to reintroduce and pass the bill in early 2011, together with the necessary technical changes, to ensure a smooth transition when the bill commences on 1 July 2011. The public will no doubt use the time from today's second reading of the bill until its return to Parliament to provide the government with its opinion on the significant reforms to the law of sentencing being proposed.

I now turn to the subject of the bill.

Sentencing an offender for a crime is a serious responsibility. This responsibility is shared between the government, which enacts the laws of sentencing, and the courts, who administer these laws.

A sentence may involve elements of punishment, deterrence and denunciation. But, to ensure an offender does not re-offend, it must also provide for the effective rehabilitation of the offender. After all, the aim of the criminal justice system is not just to punish, but to protect the community by preventing further crimes.

To help the courts meet this responsibility, the government must provide them with sentencing options that answer all of these needs.

Some sentences will require great weight to be given to punishment and deterrence, and very little to rehabilitation For some crimes, a jail sentence is the only answer. If a court sentences an offender to a term of imprisonment, it should be understood that that offender is going to jail.

But, if sentences are going to contribute to addressing the causes of offending they also need to allow for rehabilitation, whether it be through supervision, counselling, treatment, work or other conditions.

This bill will address both these objectives. It will abolish the suspended sentence for serious offences. It will also provide judges and magistrates with new sentencing options that will allow them to construct sentences that rehabilitate as well as punish.

The abolition of the suspended sentence for serious offences will strengthen truth in sentencing. A sentence of jail will mean the offender will go to jail. However, as I said when I announced these reforms in May this year, the key issue for our government is that suspended sentences do not provide for any sort of monitoring, treatment or reporting requirements. Like many in the community, we find that unacceptable, particularly in relation to the most serious crimes. We want to ensure that for those cases where jail is not warranted, other tough sentencing options, with strict conditions, are available.

The public must have confidence in the criminal justice system. Sentencing is one of the most scrutinised aspects of that system. As the Supreme Court has recently said in the case of *WCB v. R* [2010] VSCA 230; if the public is to have confidence in the criminal justice system it must be provided with the necessary information to make informed judgements.

If we are to talk sensibly about sentencing, we must understand it. To understand sentencing it must be transparent.

Suspended sentences

The government agrees with this. One aspect of sentencing that is not transparent and which does not help the public to understand a sentence is the 'suspended sentence'. This is the jail sentence that does not involve any jail time. It is the punishment that allows an offender to continue to live his or her life as before. It is the obligation to the state that involves nothing more than not committing another offence — which is an obligation we all share.

We have long considered the role of the suspended sentence. This government created the Sentencing Advisory Council to consult with the community on sentencing matters and to advise the government. Suspended sentences was the first issue referred to the new SAC and the government has received two reports from the SAC on the topic, and a monitoring report.

In 2006, the SAC released a report on suspended sentences that found that the suspended sentence was an inherently flawed order, and that confusion over what a suspended sentence is and what it is intended to achieve has not only affected levels of community confidence in sentencing, but was also evidence of the order's failure to satisfy its symbolic and communicative purpose.

In 2006 we acted on the SAC's recommendation from that report to reduce the availability of suspended sentences for serious offences. The Sentencing Amendment Act of that year stated that a suspended sentence would only be available for a serious offence in 'exceptional circumstances', and only then if it were in the interests of justice.

This reform took some years to be fully effective, and earlier this year the SAC released a monitoring report on suspended sentences. This report showed that the 2006 amendments had made very little change to the number of suspended sentences handed down for serious offences.

The report showed more than this. It highlighted a number of difficult cases in which prison was clearly not an appropriate disposition, but where it was obviously difficult for the court to find a sentencing option that properly provided that mix of punishment, deterrence and denunciation, as well as rehabilitation.

In this Sentencing Amendment bill the government responds to both these problems. We are taking the tough step of removing suspended sentences for all serious offences. No offender convicted of a serious offence, including armed robbery, sexual penetration of a child under 16 or intentionally causing serious injury, will be able to receive a suspended sentence. For these offences, a sentence of jail will mean a sentence of jail.

However, that is not all we are doing. The repeal of suspended sentences for serious offences is not tantamount to a mandatory sentence of jail for these offences. Mandatory sentencing is a blunt instrument that does little more than create injustices, fill up expensive jail beds and create incentives to draw out criminal proceedings in any way possible. Not too many offenders will agree to an early plea of guilty if there is no hope of a sentencing discount in recognition of this.

It would have been simple to remove the suspended sentence for serious offences and claim that the job was done, but this government is committed to judicial discretion, and to providing judges and magistrates with the tools they need to construct sentences that rehabilitate as well as punish.

We have followed the recommendations of the SAC and created a suite of new sentencing orders. These orders will not be jail sentences, and neither will they pretend to be. The new intensive correction management order will allow judicial officers to create sentences that are onerous and do carry real obligations to the community, that are closely supervised by corrections and, in some cases, by the judiciary themselves but that do have the flexibility to address each offender's circumstances. These orders will be a real alternative to a suspended sentence.

If a person commits a serious offence but, due to (for example) youth, remorse, previous good character or other mitigating circumstances, jail is not appropriate, judges and magistrates can turn to these orders to find a different sentencing approach.

The question of what is a serious offence is under consideration. Next year the SAC will complete its work on the review of penalties for criminal offences. As part of its response to this, the government will look again at the question of which offences should be defined to be serious offences, and carry the consequences that flow from that classification.

Also under consideration is the balance of the suspended sentences. In line with the SAC's recommendations, we will abolish suspended sentences for serious offences and create the new sentencing orders, and then evaluate the success of this reform before we proceed to abolish suspended sentences completely.

The new intensive correction management order

This bill will abolish the old intensive correction order. This order was a serious sentencing option that required supervision and community work, but it was too inflexible to be useful. The statistics show that it is used in about 3.5 per cent of cases in the higher courts, and lawyers report that they do not seek it because it is too inflexible to be performed by any offender with work or educational commitments.

It will be replaced with the new intensive correction management order (ICMO).

The ICMO will not be a sentence of imprisonment, but it is targeted at those who are at risk of going to jail. If the court considers that an offender may commit further offences and, if this order were not available the court would consider sending that offender to prison, then the court can instead order an ICMO.

There will be two variants of this order, the general ICMO, and an ICMO, drug and alcohol.

The general ICMO is an order that allows for up to 600 hours of community work to be ordered to be served over up to three years by the higher courts. In the Magistrates Court the limit will be 500 hours over two years. The court can decide the appropriate number of hours within these limits but the reform is clear: some amount of unpaid community work will be mandatory. However, the ICMO is more than a community-based order.

This order will require close supervision by community corrections (CC) — at least once a week for the first three months, and then every 28 days for the remainder of the order. This is a stark contrast with the suspended

sentence, which does not require any contact with CC at all. The ICMO's requirement of supervision creates an obligation on the offender to report to corrections and provides an avenue to deliver assistance through appropriate programs and education to aid rehabilitation.

The court will also have the option of imposing place and association restrictions on the offender. These tough conditions will ban an offender from associating with a named person or class of people. They may also require a person to live at a particular residence, or to not enter a particular place or area. This will allow the court to consider the individual circumstance of an offender, and what it might take to assist him or her to break away from a previous style of living. Any breach of these conditions will be a breach of the order itself, and leave the offender vulnerable to being re-sentenced and potentially jailed.

The ICMO will also give the court the unique ability to order that the most onerous conditions of the order be concentrated at the start of the order. An ICMO could provide that the offender was sentenced to a two-year ICMO, with a supervision period of nine months and 250 hours of community service. That community service would have to be served within the supervision period of nine months. This will concentrate the obligation, making it more significant, and keeping it close to the actual sentencing proceeding. During this period the offender will be under close supervision from CC. It could also be that during that period the offender was subject to a special residence condition that required him or her to live at a certain address.

Once that nine-month period has been served successfully, the obligations on the offender reduce to the core conditions of the order, which include obeying the directions of CC and not committing further offences.

Abolition of the CCTO

The combined custody and treatment order (CCTO) is abolished by this bill. Like the ICO, this order has been criticised for its inflexibility and has rarely been imposed by the courts. In fact, the SAC found that it was used only twice in 2006–07.

This order has not done what it needed to do, so it is being repealed and replaced by an intensive community management order, drug and alcohol.

The ICMO, drug and alcohol, has all the features of an ICMO plus some special variations designed to deal with drug and alcohol abuse. It recognises the link between offending and the use of drugs and alcohol. If a court finds that an offender's dependence on or abuse of drugs and alcohol contributed to the offence, then it may impose this order.

The most significant aspect of this order is that it extends some of the principles of the Drug Court of Victoria into the general criminal cases heard before all courts. The Drug Court uses an intensive model of monitoring of offenders by the court, paired with treatment for drug and alcohol dependence, plus vocational and educational training to achieve the goals of reducing drug use and offending behaviour. The 2005 evaluation of our pilot of this court found that this court was working. Reoffending was reduced, the lives of the offenders improved, and it was demonstrated that this approach was both less costly and more effective than a jail sentence.

We are taking these lessons and applying them to the mainstream courts. Judicial monitoring of an ICMO, drug and alcohol will be available in all Victorian courts. It is not mandatory, but if the court imposes an ICMO, drug and alcohol, it can choose to remain involved in the offender's sentence. It can make an order that the offender return to the court in a certain time or at certain intervals so that the judge or magistrate that imposed the sentence can check to see if the sentence is being complied with. Is the offender attending at the programs that were ordered? Is the community work being performed? Are the conditions still appropriate or should they be altered?

The ongoing involvement of the judge or magistrate who made the order, and the discipline of reporting back in to the court, provides a strong incentive for an offender to comply with an order. The Drug Court has demonstrated that judicial involvement in a person's sentence has a significant effect on an offender's rehabilitation.

Another important variation is that unpaid community work is not mandatory, but program conditions are. An offender sentenced to an ICMO, drug and alcohol, must be ordered to complete some hours of training, education or assessment and treatment for alcohol or drug use. In this way the order will attack the cause of the crime — dependence on or abuse of drugs and alcohol. Again this is unlike the suspended sentence, which offered no treatment, support or education for offenders. They were merely left to their own devices and warned not to reoffend on threat of an immediate jail sentence.

When these targeted conditions are linked to the power to order restrictions on residence or association, it is clear that the ICMO, drug and alcohol, will be a tough,

onerous sentence, but one which has a real chance of addressing the underlying causes of crime.

Breaches of an ICMO

If these orders are breached, the offender will return to the court. It will be presumed by the court that the appropriate response will be to re-sentence the offender for the original crime. An offender who breaches these orders then will be at real risk of being sentenced to a term of imprisonment.

The ICMO, however, is innovative: as well as providing a stick it provides a carrot. We all know that reward is a very effective way of changing behaviour, and these orders have the scope for the courts to provide that reward in appropriate cases. The ICMO can be reduced by the court, on application by Community Corrections, as a reward for good behaviour. Where a reduction of an ICMO would assist a person's rehabilitation and it is no longer in the community's interest to continue the sentence, the order can be cancelled or varied. This gives offenders a real incentive to comply with the terms of their order.

Intensive correction management orders in addition to jail

In serious cases it may be appropriate for a court to jail an offender for a short period and subject them to further supervision and treatment on their release from imprisonment. Currently, under the Sentencing Act, a community-based order (CBO) may be imposed in addition to a period of imprisonment of up to three months. An important feature of this bill is that a court will have the same discretion for an ICMO. Such an option did not exist for courts under the intensive correction order. This not only provides more flexible options for courts but is tougher on offenders where short, sharp jail terms are warranted.

Community-based orders

The sentence of a community-based order will remain. However, to make it clear that it is a lower order sentence and not appropriate for those who commit more serious offences, the amount of hours of community work that can be ordered to be served under a CBO will be capped at 300 hours.

The SAC has shown that the average number of hours of community work ordered to be served as part of a CBO is 100 hours. Only 1.5 per cent of offenders on a CBO are required to work 300 hours or more.

Capping the CBO at 300 hours will reflect the current practice of the courts and ensure a clear distinction between the more onerous ICMO and the community-based order.

Although CBOs will be limited to 300 hours of unpaid community work, there will be no reduction in the hours of unpaid work that will be imposed on those who fail to pay a court-ordered fine.

The Sentencing Act already provides that if a person fails to pay a fine, then this fine can be required to be worked off as unpaid community work, up to a maximum of 500 hours. The change to the CBO will not result in fine defaulters getting an easier ride.

Youth CBO

The SAC recommended that there be a particular variation of the CBO for young offenders. Young offenders have different needs from older offenders, and responding to those needs can make the difference between that young offender staying out of trouble or graduating into an older offender.

Although it does not feature in this bill, the government intends to continue to develop a new CBO targeted at young people. It will be aimed at offenders aged under 25 who are sentenced in adult courts. The order will have a maximum length of 18 months, and the unpaid work component will be capped at 200 hours.

A greater emphasis will be placed on the inclusion of conditions on the order that respond to young offenders' needs for education, training, and drug and alcohol intervention. This order will be a useful tool for judicial officers when they consider cases where there is a pressing need for a young offender to receive an order that allows for rehabilitation and reintegration into society.

Deferral of sentence

Sometimes the best decision the court can make is not what sentence to impose, but simply to delay imposing a sentence for a set period. This delay, known as deferral of sentence, allows an offender time to demonstrate to the court that he or she has taken independent steps to address his or her offending behaviour. When offenders return to the court able to show that they have made genuine effort towards rehabilitation, then the court can reflect that in the sentence that is ultimately imposed.

At the moment this can be done in the Children's Court and the Magistrates Court if the offender is aged under 25. The Neighbourhood Justice Centre has a broad power to defer sentencing for any offender, no matter

how old they are. A sentence can be deferred for up to six months.

Deferral is a useful tool for judicial officers. It allows offenders the chance to demonstrate that they are a good candidate for a sentence that provides the opportunity for rehabilitation. It also creates a good incentive for offenders to address the factors that lead to their offending before they are sentenced, in the expectation that the court will impose a sentence that recognises their genuine efforts.

For these reasons, in this bill we accept the recommendations of the SAC to broaden the ability to defer a sentence. The ability to defer a sentence will be extended to all of the Magistrates Court and to the County Court and will apply to all offenders regardless of their age. A sentence will be able to be deferred for up to 12 months.

The bill also provides the courts with the power to review an offender's progress during this period of deferral. This will provide the offender with an incentive to continue to comply with the terms of the deferral. If an offender does not respect the opportunity that a period of deferral provides, the court may cancel the order deferring the sentence and proceed to sentence the offender immediately. This failure to comply with the conditions of a deferral will be reflected in the sentence imposed.

The expansion of deferral of sentence gives judicial officers another tool to assist them to construct a sentence that balances the need to condemn the offence and to punish the offender with the need to encourage the rehabilitation of the offender and prevent further crimes.

Drive while disqualified

The offence of driving while disqualified or suspended carries a mandatory jail sentence of one month for second or subsequent convictions. The distortion that this mandatory jail sentence causes is proven by the fact that in 2008–09 suspended sentences for this offence accounted for 35 per cent of all suspended sentences in the Magistrates Court. In that year the court found that despite the mandatory jail sentence 2426 people should not go to jail immediately but should receive a suspended jail sentence.

The suspended sentence provides no mechanism for addressing any of the factors that lead to the repeat offending. There is no power to order counselling, treatment, or to punish by imposing any requirement that the offender complete unpaid community work.

This bill will abolish the mandatory jail sentence for this offence. The courts may still sentence a person to jail. The offence still carries a maximum penalty of two years imprisonment. However, if jail is not appropriate, rather than being restricted to imposing a suspended sentence, the courts may use any other sentencing tool, including the new ICMO. This will allow courts to create a sentence that both punishes the offender and requires the offender to comply with conditions to address the behaviour that led to the offending.

Procedure for this bill

This bill contains significant reforms to the law of sentencing. It removes the fiction of the suspended sentence for all serious offences. From now on, a jail sentence for a serious offence will mean that that offender goes to jail.

It will change the landscape of non-custodial sentencing orders and create new options for judges and magistrates who are facing the challenging task of sentencing offenders who should not necessarily be jailed, but who do need a sentence that provides the appropriate balance of punishment, deterrence and rehabilitation.

This bill will also clarify the position of the CBO in the sentencing hierarchy, and expand the ability to defer sentences to all courts, dealing with offenders of all ages.

I commend the bill to the house, and I now invite the house to debate the bill without delay.

Mr CLARK (Box Hill) — What a difference 24 hours makes. Yesterday the Attorney-General was protesting that all he was seeking to do was put a bill on the public record and that he would be bringing it into effect on 1 July next year. Now, lo and behold, there has been some desperate, mad scrambling. He has obviously raced around and thought he was going to look pretty feeble and weak — as indeed he would be if he had not brought this legislation on for debate. We are very pleased that he has been shamed into reversing course and allowing this bill to come on for debate today. Regrettably, in relation to suspended sentences it is a very limited bill, but at least it is a step in the right direction.

We have had the benefit of a very helpful briefing from the department during the lunch break, and having the briefing has provided us with an opportunity to consider those parts of the bill that relate to intensive correction management orders, or ICMOs. Obviously the part related to suspended sentences is very simple and limited. However, having had the benefit of

being briefed on the provisions relating to the ICMOs and other related sentencing changes, they are broadly in accordance with the recommendations of the Sentencing Advisory Council, the direction of which we have been supportive of ourselves. We therefore believe there is no reason why the bill should not proceed to be debated and hopefully be passed by this Parliament in the current sitting.

However, the acid test will be this: the Attorney-General can relent and back down and allow this bill to be debated and hopefully be passed by the Parliament, but the test will be what the Attorney-General will do between now and the entering into of the caretaker mode on 2 November to bring the bill into operation ahead of the announced commencement date of 1 July 2011. What on earth is the point of him making a big stunt of getting this bill through the Parliament if he just sits on his behind, as he does so often, and does not bring into operation these suspended sentences at the earliest possible time?

Mr Hulls — Suspended sentences should be retained, you said. That was in your media release: keep suspended sentences.

The ACTING SPEAKER (**Mr Ingram**) — Order! The Attorney-General should not interject in that manner. The honourable member for Box Hill should be heard without interjection.

Mr CLARK — The Attorney-General might like to return to his whiteboard or else he might like to listen and learn something about suspended sentences and law reform, because he has had to be dragged kicking and screaming all along to the position that he now on paper adopts. Of course the reality is that all he has committed to do is plug the loophole that he left in his 2006 legislation. What is striking is the change in his rhetoric and language, because just about every statement he made to the house in the course of his second-reading speech in favour of abolishing suspended sentences was an argument in favour of the coalition's policy. Certainly if there is a change of government on 27 November, the incoming government will be moving to abolish suspended sentences for all offences, not just a few as the Attorney-General proposes.

Let us look at the history of this issue. If we go back to 14 January this year, the coalition announced in a media release that we would be abolishing suspended sentences for all offences in Victoria. We made the point that:

> Suspended sentences are part of Labor's soft-on-crime approach, which pretends that an offender is serving a term of imprisonment, when in fact they are living free in the community …
>
> As a consequence many offenders actually incur no punishment whatsoever.

The Attorney-General has now acknowledged the correctness of what we said when we pointed out that 'they are not subject to any restrictions, community service obligations or reporting requirements'.

We also made the point that:

> Many of those released on suspended sentences go straight back to committing further crime.
>
> …
>
> The time for delay is over. Violent crime in our community is reaching record levels and the Brumby government's response has failed, so a clear message must be sent to all Victorians that there will be zero tolerance of violence, criminal activity and antisocial behaviour.

We gave a commitment at that time that we would legislate to abolish suspended sentences upon coming to office and made the point that alternative sentences are already available to the courts and there was no reason to delay in the abolition of suspended sentences.

As the Attorney-General now acknowledges, if the court considers that an offender should be released into the community in a particular case, the court will be in a position to say so openly and sentence the offender to an alternative sentence. Under the current legislation that is an intensive correction order or a community-based order; under these proposals before us, reflecting the Sentencing Advisory Council's recommendations, there is a new variant on the intensive corrections order.

What Labor's failure to act on suspended sentences for serious offences means is that perpetrators of certain serious crimes could still walk free from the court. We made the point that:

> Labor's own Sentencing Advisory Council (SAC) recommended in 2005 that all suspended sentences be abolished, but the SAC was then forced to recommend postponement due to Labor's failure —

as far as it considered —

> to implement other recommended changes.

In 2006 the Labor Party purported to abolish suspended sentences for serious offences but left in the legislation an open-ended and undefined exceptional circumstances clause which dramatically undermined the effect of the legislation. At that time we proposed

that there be an amendment made to close that loophole but Labor rejected the amendment.

Subsequently the chair of the Sentencing Advisory Council, Professor Arie Freiberg, was reported as confirming that Labor's 2006 laws were not working as intended, and that has subsequently been more formally confirmed. The result is that Victorians have been suffering badly the consequences of the Labor Party's neglect of this issue. We committed back on 14 January to deliver that long overdue reform to restore honesty in sentencing.

What was the government's reaction to that? It was an absurd, hysterical and fallacious claim that the consequence of our policy would be that repeat disqualified driving offenders, whom the government described as 'mum and dad motorists', would go to jail because of the government's retention on the statute books of a mandatory sentence that government members say they are philosophically opposed to. That claim was, of course, absolutely wrong, because the alternative sentence of an intensive corrections order was available.

What was particularly concerning was the lighthanded and dismissive manner with which government members regarded repeat disqualified driving offences. These are very serious offences, and there need to be very serious penalties attached to them. To characterise offenders in that category as simply mum and dad motorists undercuts what has generally been a bipartisan approach to road safety issues.

Labor's own Sentencing Advisory Council has found that four out of five repeat offenders are convicted at the same time of additional offences such as theft, drink driving, failing to appear on bail, drug possession or giving a false name and address. These are very serious matters that need a serious response if we are sincere about tackling the road toll and promoting responsible motoring. Overseas studies have shown that offenders who drive while suspended or disqualified are far more likely to be involved in road accidents, injuries or deaths. The suggestion at that time by the Premier and others that those repeat offenders should be able to simply walk out of court without any real penalty sent an appalling message about road safety. Now, of course, we have seen the government recognise the folly of those arguments.

What followed that? Labor members disappeared back into their bunker. Then, as with so many other issues, they did a huge backflip. They decided to come out and at least purport to adopt coalition policy. It was a giant flip-flop on the part of the Attorney-General. On 14 May, when he was also holding the office of Acting Premier, he purported to announce that the Labor government would restore truth in sentencing and abolish certain suspended sentences. When one looks at the detail, one realises that despite his saying 'The Brumby Labor government is taking action to ensure that jail means jail', what he in fact meant was that jail will mean jail for a few offences but not for all the other offences, including a number of crimes that have very serious consequences. The only commitment the Attorney-General made was to eliminate the loophole that he left in 2006 for serious offences. He made a non-specific commitment to look at the possible abolition down the track of suspended sentences for other offences.

Despite the purported backflip, what we ended up with in May was the revolving-door sentence approach largely continuing unaltered. Even under Labor's purported backdown, the revolving door approach will continue for the vast majority of cases. Notwithstanding that, as with police numbers, policing on public transport and the crushing of hoon drivers' cars, the government purported to be following coalition policies but has failed to do so. The problem is that for the vast majority of offences, including many crimes that have very serious consequences, the revolving-door sentence approach will continue.

Just to make that absolutely clear, I refer to the offences of recklessly causing serious injury, aggravated burglary, arson and drug trafficking. The offence of recklessly causing serious injury can be described as the 'offence of choice' for those who want to enter into plea bargaining. Time and again one can look through court reports and find that people who have committed some appallingly serious assaults have ended up pleading to the offence of recklessly causing serious injury rather than intentionally causing serious injury. People who have choked innocent strangers in fast food outlets and flung them face down on the floor have ended up with convictions for the offence of recklessly causing serious injury.

The Attorney-General's position means that if someone intends to cause serious injury, they cannot get a suspended sentence, but if they injure someone knowing that the injury is likely to be serious but claim they did not intend it, they will still be able to walk free straight out of that court door. That is a completely unacceptable position.

We have had from the Attorney-General simply the vague aim of abolishing suspended sentences for offences other than serious offences, which is in stark contrast to the coalition's position to legislate during

our first term in office to abolish suspended sentences for all offences. In other words, under a Baillieu government jail will mean jail in all cases. If the Attorney-General had any decency, he would apologise to victims of violent crime in Victoria given that the government's weak approach to sentencing has allowed violent crime to soar and the public to lose confidence in the justice system.

Where are we now, after the last few days? As I indicated earlier, yesterday we had the government bring in the bill but not take advantage of any of the procedures that could have allowed it to be second read yesterday. When the bill arrived here yesterday, what the Attorney-General said about the commencement date was that it was his intention — and as far as we can tell it remains his intention — to have it just wait around until 1 July next year to come into operation. As far as one could tell yesterday, he would also simply have the bill lie over until it disappeared when the Parliament was dissolved.

The Attorney-General should have acted far earlier to get the legislation to the house. We had the policy backflip on 14 May. It was 5 October before the government gave notice of this bill. Even yesterday the government could have taken advantage of the standing orders to have copies of the bill made and available to non-government MPs in advance and to have it second read yesterday. It had no such intention until it was embarrassed and shamed into doing so by the position the opposition took. Yet again the government is being dragged kicking and screaming to take measures that will better protect Victorians, albeit in a far more limited form than should be the case.

I conclude by making a few observations on the provisions of the bill. The bill has the commencement day or days to be proclaimed under clause 2, with a default commencement day, in accordance with usual practice, of 1 January 2012 and with the government apparently still intending that it not come into operation until 1 July next year. As I said earlier, the test of the government will be: if the bill is passed by the Parliament, will the Attorney-General move to proclaim the commencement of the bill earlier than 1 July next year? Certainly if there is a change of government on 27 November, we will be looking to bring this bill into operation as soon as can possibly be achieved. There is no reason for tardiness on the part of the Attorney-General. If this bill is passed, we will be watching to see if he is prepared to back up his rhetoric with some substance and some real action and move to proclaim the commencement of this bill earlier than on the 1 July date he has been talking about.

The changes in relation to what are now termed ICMOs are, as I said earlier, broadly in line with the direction recommended by the Sentencing Advisory Council, which we have been generally supportive of. There may well be further changes that need to be made to those provisions going forward. Obviously we cannot certify as to each and every one of them in the time available.

In terms of community-based orders, there may be some issues about the reductions in the maximum period that can be ordered. There may also be some issues about how the ICMOs are intended to operate in practice, how intensive a remedy they will be and how much of real backbone there will be in those new orders. It hardly needs me to tell the house that the public has largely lost confidence in community-based orders as they currently stand. When serious graffiti vandals or those who engage in G20 riots can be sentenced to a desultory 50 or so hours of community-based service for offences that have caused real harm to the community, then the community asks how serious community-based orders are.

Fifty hours can be compared with the sorts of hours that many young Victorians engaged in tertiary study spend simply to earn some dollars to help them continue with their studies. Many of these young people would do 25 hours a week or more of part-time work, so a community-based order of 50 hours might amount to a fortnight or perhaps a month of work by a young person who is honestly going about their studies and honestly paying their way through tertiary education. Yet that is all the reparation that a community-based order may require of someone who has caused serious injury to an innocent Victorian or has done serious criminal damage.

When one then looks at the statistics about what even those nominal hours of community-based service amount to, one sees further cause for community lack of confidence. When one looks at the boasted figures about graffiti clean-up rates under mandatory programs, one sees that in practice these graffiti vandals spend a handful of hours lined up or on duty for community-based orders and that in the course of those hours on average they only clean up a few square metres of graffiti.

The community is entitled to ask how fair dinkum community-based orders are under the Brumby government in the first place. Even when offenders are sentenced to a community-based order, both statistics and anecdotal accounts suggest that they spend a lot of their time sitting around doing very little. The community has lost confidence in community-based

order sentencing, and that is a serious problem in the whole fabric of our justice system at present and is urgently in need of reform.

These ICMOs are being represented by the Attorney-General as being both a tougher and more flexible option. Let us hope the way the bill operates achieves what he says it is going to.

I note that the bill provides for a structure of these ICMOs that differentiates between a particular up-front period of up to six months in which it is open to the court to require the bulk of the obligations under the ICMO to be undertaken, and then in effect the ICMO moves into what can be described as a monitoring phase. That is at the discretion of the court; it does not have to do it that way. However, one does have to worry whether there is going to be indirect pressure and guidance given to the court to the effect that the corrections system is going to struggle to cope with anything more than that and that while somebody might be sentenced on paper to an ICMO that might last for several years, in fact the period of their intensive corrections and other extended obligations is only going to run for six months or so. That is another issue that I flag on behalf of the coalition in relation to those provisions of the bill.

Notwithstanding those points that may need further attention, it is clear that at least this bill will go a step in the right direction towards abolishing suspended sentences, and that is obviously something that we welcome. We obviously believe the bill could and should have gone a lot further and could and should have provided for the abolition of suspended sentences for all crimes.

It is highly regrettable that under the Brumby government, if it continues in office past 27 November, people who commit really heinous offences — such as recklessly causing serious injury; drug trafficking, which causes such misery and grief throughout the community; aggravated burglary, which is otherwise known as home invasion and can be a terrifying offence to the victims who experience it; or arson, which needless to say can cause horrific damage and loss of life — will under this bill still remain eligible for the revolving door, where a person can walk free of court on what pretends to be a jail sentence but is in fact a suspended sentence.

Notwithstanding that, this bill is at least a step in the right direction. The coalition parties believe it should be passed by the Parliament before the Parliament is dissolved for the election. As I have said, the spotlight will then be on the Attorney-General to see whether he will respond to the opportunity and clear direction given to him by the Parliament to take action to bring forward the commencement of this legislation ahead of the date that he has been talking about of 1 July and to do so prior to his government going into caretaker mode on 2 November.

Debate adjourned on motion of Ms THOMSON (Footscray).

Debate adjourned until later this day.

APPROPRIATION MESSAGE

Message read recommending appropriation for Sentencing Amendment Bill.

SENTENCING AMENDMENT BILL

Second reading

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

Ms THOMSON (Footscray) — It is a pleasure to be able to stand to support the Sentencing Amendment Bill and to speak to it today in the house. There are situations where you have no policy, situations where you have bad policy and situations where you have good policy. On this side of the house we believe in good policy. Good policy requires you to do the work to ensure that what you bring into this house by way of legislation or policies that you will take to the people can in fact be implemented and delivered and actually do the job you intend it to do. Then you have either the no policy position or the bad policy position that comes from members of the opposition, who keep changing their minds. They have not done the work. They have not prepared. They have not thought about the implications of the policies they set. In 2005 the opposition said, 'We support suspended sentencing'. It is on the record. There is a press release from the Liberal Party, which states:

> While suspended sentences should be retained as a sentencing option, the presumption that it is a term of imprisonment is plainly incorrect …

'But, hey', it said, 'we're keeping them anyway'.

The government is consistent. The Brumby government has always believed that sentences should reflect community expectations and attitudes, and it has done a number of things to support that policy. We have established the Sentencing Advisory Council to consult with the community on sentencing. We have

established the Judicial College of Victoria to ensure that judges are highly trained and up to date with sentencing statistics and community attitudes. We have increased the maximum penalties for offences such as large commercial drug trafficking, possession of child pornography, soliciting or procuring a child for sex and hit-and-run driving. We have also announced the most far-reaching review in Victoria's history of maximum penalties for all offences on our statute book. This review, to be undertaken by the independent Sentencing Advisory Council, will involve the most substantial community consultation on sentencing ever conducted with the Victorian public.

Then we come to the legislation that we have before us. The opposition has the notion that we can implement this immediately. 'Let's do it in a month' — that is what we have come to expect from the opposition. 'Don't think about it. Don't ensure that the courts are ready to function with the new legislation. Let's just go ahead and do it'. There is a reason why the commencement date is 1 July 2011. The reason is there are a number of things that have to be put in place before this legislation can be effective. There is no point putting in place legislation when the courts are not prepared for it, when the regulations have not been put in place to back it up and when the education of the judges has not occurred.

Let us have a look at a number of the things that have to be done before 1 July 2011 when this legislation will come into effect. First, we need to make sure that we recruit the 150 new community correction officers who are needed to handle the new intensive correction management orders. We need the court to prepare the orders, procedures and rules for the computer systems to be prepared for the new procedures and orders as well. Can this happen overnight? I do not think so. We need to ensure that the regulations that are required to support these reforms are put in place, and most importantly of all we need to make sure that the judges, magistrates and lawyers are informed and educated about how they can use these new options available to them in sentencing. When judges look at the raft of options that are in this legislation that give them flexibility around sentencing based on the individual case before them, they will be able to make decisions that are based on a real understanding of the intention of those laws and the sentencing that is appropriate to deal with the person in front of them in the court at that point in time.

When we look at this legislation and what is in place in this legislation we understand that it is not just about doing away with suspended sentences. It is about accountability and transparency in understanding sentencing and giving judges the flexibility to impose the appropriate sentence on someone who has been found guilty of a crime. That is what is important about this legislation. It is about us on this side of the house having faith in our judges to make that determination and make decisions and impose sentences based on the individual and the case in front of them — as opposed to the members opposite, who believe they should dictate to the judges what they can and cannot do. This is the fundamental difference: on this side of the house we really do believe in the separation of powers. We do believe that the judges are best placed to make a determination in a case that is before them. We do not resolve to do away with suspended sentences one minute and then do a backflip when we realise that mums and dads driving on a suspended licence may potentially go to jail. We do not do that sort of thing. We spend time listening to the experts, listening to the recommendations of the Sentencing Advisory Council and ensuring that as we implement the recommendation of the Sentencing Advisory Council — and let me stress this point — to phase out suspended sentences, we will do that in what is considered to be the best way to do that.

We will start with the most serious crimes and we will look at the ways in which they are then impacted, and we will work through the suspended sentence regime on the lower crimes and ensure that we deal with them in a way which is able to be implemented by the courts. That is important, too. This government has made sure along the way with the legislation it has introduced and the reforms it has made that the support of the courts is crucial to all of this. The government has ensured that the courts are supported with resources to implement the legislation that we pass here. The fact that 150 officers will be put in place to support this legislation is an example of that.

When the opposition says, 'We are eager to see this legislation in place', the government, too, is eager to see its policies and legislation in place. However, we want the proper procedures in place. We want to ensure that the proper recruiting mechanisms are put in place and that judges, lawyers and magistrates have some education and an opportunity to understand the implications of this legislation and the opportunities this legislation provides to them in sentencing. We want to make sure we have covered all our bases before this legislation is effective, and there is no way that that can be done prior to 1 July 2011.

In considering this legislation, opposition members should understand that there is still work behind the legislation that needs to be done. When we are talking about a commitment to making sure that we meet

community standards in sentencing in our courts there is only one side of the house that is committed to doing it seriously, and that is this side. This government does not come up with legislation that it has to backtrack on. We do not come up with legislation that is not thought through. What we do is listen to the experts, listen to the Sentencing Advisory Council and deliver the legislation which will make a meaningful difference to the way in which our courts operate.

We will give the community the transparency and understanding of sentencing that they require, but we will also understand that when it comes to those who have been committed, we do not want to just lock them up and throw away the keys. We also want to deal with the underlying causes behind some of the crimes that are coming before the courts. We have seen that in many measures that we have brought to the Parliament, including the drug courts, the Koori courts and other measures we have put in place. We are not just about dealing with problems with the lock-them-away mentality we hear from the opposition. We want to ensure that we are not just dealing with a particular crime but looking at the underlying causes of crime and dealing with those as well.

I commend the bill to the house. I am proud and pleased to be part of a government that over the life of this Parliament has brought massive reforms to our legal and judicial systems for the good of the state and to meet the needs of today's community.

Mr McINTOSH (Kew) — I rise to speak on the Sentencing Amendment Bill. I will start by raising a matter which was raised by the member for Footscray during her contribution to the debate, being the implementation time and the delay of the implementation of the bill until 1 July next year. The member said time is needed so that the courts and the corrections system can be provided with proper resources. She said time is needed for people to become familiar with the laws so they can avail themselves of their rights.

I have just spoken with the member for Prahran, who is the cabinet secretary and who was a colleague of mine at the bar for a number of years. If anybody in the cabinet would know about this legislation, he would. Apparently this bill only applies to all offences committed after 1 July next year. As the member for Footscray would well understand, there is always a significant delay between the commission of the offence and the investigation and prosecution by police or the Director of Public Prosecutions in our court system. Because of the current Attorney-General's lack of attention to our court system there are now significant delays in our court system, even in relation to our criminal justice system. There are delays of up to 12 months to two years in the Magistrates Court alone. Apparently there is a consistent level of complaints in relation to our country courts, and in relation to the County Court it could be 12 months or two years before they could be dealt with by the courts. This is not necessarily about a lack of resources; this is about a lack of resolve by this government. This bill has been kicking and screaming to be brought to this house by government members, and there is one reason, and one reason only, that this government is implementing this bill.

The government has a problem in this state with the issue of law and order, and government members know that there has been an awareness in the community about the problem of law and order. It is not only about policing, sentencing in the court system and to some extent problems in our corrections system. This bill addresses one part of this particular problem, but government members have a problem. The coalition went out and announced its proposal to employ 1700 extra police and 940 protective services officers on all train stations in the metropolitan area from 6.00 p.m. until the last train. What happened a month later? The government came out and matched that proposal, with 1700 extra police.

On top of that the coalition has been consistent over the last few years about suspended sentences. Suspended sentences have lost their credibility in the minds of people in the community. No amount of rhetoric and statements by the government will address the fact that suspended sentencing has lost credibility in the community and is no longer seen as a credible option.

When I first went to the bar in the mid-1980s one of the impacts of suspended sentences was that if you reoffended, it did not matter what the offence was — no questions were asked. There was no discretion; you went straight in. Through a series of amendments over the years that has now changed, and suspended sentences are seen as a seriously soft option. Government members have a problem with law and order. They matched the coalition's policy in relation to policing, and now they have effectively matched the opposition in relation to sentencing and suspended sentences.

Most importantly it is not just the opposition talking about the issue; victims-of-crime groups are also talking about it. Even the body set up by the Attorney-General, the Sentencing Advisory Council, has said that suspended sentences have passed their use-by date and need reform. Only one person stood out

against this trend. The Attorney-General has consistently resisted any attempt to touch these out-of-date and less-than-credible sentencing options in our courts. The Attorney-General has been consistent in his opposition to changing that particular aspect.

Perhaps at one stage there was a place for suspended sentences, but there is no longer. The community does not accept them. That does not mean that there cannot be some other form of interim order, but the fact is that suspended sentences in the way they operated were not palatable to the community any longer nor were they to many other people, including the Sentencing Advisory Council, the opposition and many other victims-of-crime groups. It was a cause for profound concern that this Attorney-General stood his ground and refused to change. This government has realised it has a real problem in relation to law and order. It is a serious political issue, along with the issue of policing in this state, on which government members have backflipped. Even the chief commissioner finally came out in the middle of this year and said that these extra police the government is promising are badly needed in this state because of problems occurring right around the state with rising levels of violent crime.

I turn to the issue of sentencing options. Coalition members are supporting this legislation and the expedition of this legislation through the house because it needs to be brought in as quickly as possible. It is in the hands of the government to implement this legislation sooner rather than 1 July next year. Let us not hear the rhetoric about it taking time to bring the legislation into operation. It will take time to bring this legislation by the normal effluxion of time because of the delays in our courts and the delays in the prosecution system. There will be ample time to implement this sentencing option. It should be brought in sooner rather than later. If the government is not fair dinkum and is going to wait until July, potentially this legislation will only come into operation towards the end of next year, which is completely unsatisfactory in the minds of people in the community.

The community has indicated that suspended sentences are past their use-by date and need to go, and that is exactly what the opposition has been calling for for a number of years and reiterated in July. It was only in May that the government made a substantial backflip on this issue. Government members defended suspended sentences on the basis that we would be sending mums and dads to jail. Of course government members are the ones who have been parroting that line about mandatory sentencing. For 11 years government members have avoided mandatory sentencing in relation to road safety offences — that is, driving while disqualified after a second offence. They did not want mums and dads caught driving while disqualified a second time to have mandatory sentences. It was in their hands to get rid of that mandatory provision. That should never have been used as an excuse for not getting rid of suspended sentences.

It was a substantial backflip by the Attorney-General and the government on 14 May when they said they would get rid of suspended sentences for serious offences, but we say it needs to go further. Suspended sentences need to be abolished right across the board. That does not mean you do not have interim sentencing options — intensive correction management orders, community-based orders and intensive correction orders — but we need to get rid of suspended sentences because they have passed their use-by date.

One of the things I have always found profoundly difficult to understand as a shadow minister responsible for a variety of different areas in this whole complex web of justice is the lack of provision for any form of condition to be imposed on a suspended sentence. The Adult Parole Board, for example, can impose quite stringent conditions. When a prisoner is eligible for parole at the expiry of their minimum term, they go through that process of making an application for parole, and there is no limit on the conditions the parole board can impose. To use the expression of some luminary in the area, those conditions can be used as tow ropes. You gradually release those tow ropes as the person adheres to those conditions, making it more manageable to ease them back into the community. The conditions might involve reporting requirements, what the person can ingest, what they cannot ingest, where they can live, where they can go, whether they can travel on a tram — all sorts of very flexible conditions.

That is part of what should be occurring with some form of interim corrections order. The inability to apply conditions in relation to suspended sentences has been a particular flaw. In relation to parole, as opposed to suspended sentences, there has been the capacity to impose quite strict reporting conditions that could be gradually released to allow the offender to assume their rightful place in the community. By contrast, someone who has been going to jail but has received a suspended sentence is given a get-out-of-jail-free card without any conditions whatsoever. I think that has been one of the significant drawbacks of suspended sentences.

In concluding I will reiterate that suspended sentences have seen their day. Almost every credible commentator who is involved in this issue — the Sentencing Advisory Council, victims of crime groups and other members of our community — reckons that

suspended sentences have seen their day. They have seen their day for a variety of reasons, and this bill goes only part of the way to removing them. We need to get rid of them completely as a sentencing option. That does not mean there should not be an interim sentencing option, but there should be the ability for a judge to impose conditions and the ability for people to go before a judge and have their trial dealt with as expeditiously as possible rather than having to wait two or three years for a trial to occur. All of those things go to the capacity of reforming offenders. That is why suspended sentences have had their day.

Mr LUPTON (Prahran) — I am very pleased to rise today to support the Sentencing Amendment Bill. I want to do that in the first instance by explaining the three principal components of the legislation, then I might take one or two moments to correct a couple of matters on the record in relation to the opposition's stance on these issues and some of the comments made by the member for Kew.

This bill will do three principal things. In the first instance it will abolish suspended sentences for serious offences, as they are currently defined in section 3 of the Sentencing Act; secondly, it will abolish the mandatory sentence of imprisonment for subsequent offences of driving while disqualified or suspended; and thirdly, it will provide credible sentencing options for the courts as alternatives to imprisonment, in line with the recommendations of the Sentencing Advisory Council.

It is important that the house and the community understand that this bill is comprised of those three parts for very particular reasons. Those reasons were explained to the Victorian community in the report of the Sentencing Advisory Council upon which the government has acted and upon which this legislation is based.

It is important for us to understand that the opposition over a period of some years has been all over the place on this issue. It is on the record in 2005 as saying that suspended sentences should be retained as a sentencing option. The member for Kew himself is on the record as saying that suspended sentences should be retained. He was a supporter of them. Of course the opposition has of late changed its opinion, but in the way of this opposition when it changes its opinion, it has not done the hard work that is necessary to get the policy right. What it said was simply, 'We will abolish suspended sentences across the board forthwith', and that is all. What the Sentencing Advisory Council — our expert advisory group on sentencing matters here in Victoria — has advised us is that if suspended sentences were abolished in the way the opposition has claimed they would do it, the result would be 'catastrophic'. There are very good reasons for that expression being used.

If we in fact just implemented a policy that had not been thought out and simply abolished suspended sentences overnight without any further thought or consideration, there would be a vacuum created in alternative sentencing options, and the courts would need to effectively manage people who had been found guilty but who had not been sentenced to jail. We need to be very clear about this: abolishing suspended sentences does not mean that everybody who is convicted of a crime is somehow going to go to jail. Many offenders who are found guilty will be, need to be and should be sentenced to forms of punishment that do not involve a jail sentence. Where jail is justified and where the court believes that it is the appropriate sentence, then the person should go to jail. That is why we believe suspended sentences should be abolished: because in a sense they are a fiction. I personally believe very strongly in the concept of truth in sentencing. I believe that if a judge of this state makes a decision that somebody deserves to serve a period of imprisonment, then the person should serve it.

The way in which suspended sentencing has been operating over the last few years has made decision making very difficult for our judiciary in the percentage of cases where jail is justified but where on the other hand a judge believes the interests of justice — that is, the interests of the community and the interests of the individual's rehabilitation — would be best served by the person not going to jail and where that judge has not had sufficient alternative methods to ensure appropriate monitoring and intervention to bring about the rehabilitative functions.

I think most people in the community would agree with the notion that if a judge, acting on all of the appropriate evidence, the pre-sentence reports and other material judges have available to them, believes the interests of the community are best served and that rehabilitation is going to be facilitated by somebody not being sentenced to imprisonment, then that is a very sensible option the court should consider. No doubt we as a community are better off rehabilitating people in order to lessen the chance of reoffending. We are a better community if that is the outcome. Where somebody is determined by a court to deserve a period of imprisonment, then they should serve it. However, you simply cannot abolish suspended sentences without creating the alternative methods of corrections and punishment that this bill will create.

The Sentencing Advisory Council recommended to the government that we go about the process in this way for those reasons. As a corollary of abolishing suspended sentences for serious offences this bill creates a new flexible but very intensive form of corrections order — that is, the intensive correction management order. This will be available to the courts to provide for a very wide range of sentencing options where jail is not the appropriate disposition. For instance, the features of the new intensive correction management order include in the higher courts up to 600 hours of community work and in the Magistrates Court up to 500 hours, a supervision period that may be shorter than the overall order, an ability to make non-association and residence and place-restriction conditions, the ability to order judicial supervision of the order and the ability to apply to reduce the order as a reward for compliance.

The bill also creates a special subset of intensive correction management orders to deal with particular drug and alcohol cases where drug and alcohol addiction and abuse has been a material cause of the offending in the first place. That is a very good example of what others on this side of the house and I have said many times, which is that we are tough on crime but tough on the causes of crime too. If you do not address the causes of crime you are not really going to be successful in reducing the overall incidence of crime in the community; all you are really doing is creating the conditions where there is likely to be more and more offending. We need to tackle both of those issues strongly.

The third element of this bill that is integral to it is the abolition of the mandatory sentence of imprisonment for subsequent offences of driving while disqualified or suspended. If you are going to abolish suspended sentences for serious offences, you need to remove the mandatory jail sentence for those particular offences. Otherwise, as the opposition found out to its great chagrin when it announced its half-baked policy earlier in the year, you would be locking up mum and dad drivers in those circumstances. That is why the opposition had to backflip on its policy within hours of it being released.

Honourable members interjecting.

Mr LUPTON — We all know that is the case. I want to clarify one matter raised by the member for Kew in his commentary in relation to the commencement of the changes under this legislation. The critical date for the commencement of the changes to suspended sentences for serious offences will be the date the offence is committed. It is intended this bill will commence operation on 1 July 2011, and the new sentencing orders will be available in relation to all offenders from that date. However, the new rules about suspended sentences for serious offences will apply only to offenders who commit an offence after 1 July 2011. This means there is no retrospective removal of the entitlement of somebody to receive a suspended sentence where they have committed the offence before 1 July 2011. That is a normal principle of law and quite appropriate.

Mr Wynne — No retrospectivity.

Mr LUPTON — There will be no retrospectivity as far as the abolition of the suspended sentence is concerned. However, if an offender comes to court after 1 July 2011 then the new sentencing options will be available to the court. That is the right way for this legislation to be implemented. This is good legislation which will benefit the community of Victoria. It is tough on crime and tough on the causes of crime, and that is what we stand for in the Brumby government. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Sentencing Amendment Bill 2010. Even though it is being rushed through this Parliament in the last week of the session and even though the bill was introduced yesterday and second read today, the coalition advised it would be willing to debate it immediately, because it wants to see this go through the house.

Mr Wynne — Well, make up your mind!

Mrs POWELL — We are debating this today! The Minister for Housing, who is at the table, said by interjection 'Make up your mind'. But we did. We said we would debate it today, and we are doing that, even though we are speaking immediately following the second reading. We are making that allowance and agreeing to have this debated immediately so that it can come into law.

It is interesting that the government is saying it now wants to get this through and that it really supports abolishing suspended sentences when it had resisted them all along when the coalition had been asking for this very measure. In January of this year the coalition itself announced that a Victorian Liberal-National coalition government would abolish suspended sentences. We were concerned about the soft-on-crime approach of this government, and so was the community. We were also concerned about the violent crime in our community, which is reaching record levels. It is also interesting to note that the government has tinkered around the edges of the judicial system

over the years it has been in office but now has been dragged kicking and screaming into saying it will abolish suspended sentences.

As other speakers have said, there are options for judges other than suspended sentences. In 2005 the Sentencing Advisory Council recommended that all suspended sentences be abolished. It said that the process was no longer working, was flawed and was confusing to the community. When people were given a suspended sentence there was no monitoring, and once a person went back into the community, so long as they did not do anything wrong in the 12 months or however long they were given, it looked as though their penalty had been almost abolished. The community was quite concerned about that. Information was given to the Sentencing Advisory Council to say that the community did not have any confidence in suspended sentences.

In fact the Sentencing Advisory Council was set up by this government to listen to the views of the community. Obviously the government set out to say, 'We are going to listen to the views of the community, listen to what the community thinks about sentencing and about the judicial system'. It took five years before the government decided to act on what the Sentencing Advisory Council said. After five years the government has brought in this legislation in the last week before the Parliament is to be dissolved and the government goes into caretaker mode. The bill is being put on the table, and it will be left there until about February next year. Coalition members are quite happy to debate the bill and hope it goes through very quickly.

The community is saying that if a jail sentence is warranted, then that is what is should be given. If an offence warrants a jail sentence, then give one. Judges have other options, such as community-based orders, if they can be warranted. They take on the guise of many things in the community. If a judge looks at an offence and determines that a jail sentence is warranted, then that is what should be given. If a judge believes that a person should not go to jail, then they should use some other option. All options are open to a judge to use.

There have been a number of rallies on the steps of this Parliament about the government being soft on crime and about soft sentencing. Many coalition members have attended those rallies, but it is interesting to note that government members have not attended them. There have been people outside pleading with the government to harden up some sentences and to ensure that those who have done the crime do the time. But the government did not listen, and now in the last week before the Parliament expires it has brought in this bill hoping it will sit on the table for a number of months.

We all understand that sentencing is a serious and complex responsibility for a judge. A You be the Judge forum came to Shepparton; I invited Professor Arie Freiberg, who is the chair of the Sentencing Advisory Council, to take it there. A number of examples of offences were given, and the acting judge explained that a number of sentences could apply. There were differences of views between people who were at the forum about what the sentence should be. No-one says it is easy for a judge to give a sentence, but they spend many years in law school and are trained to deal with the issues relating to a person's background and their motives in committing a crime. All of those issues are looked at when a judge makes his or her decision.

The community told the Sentencing Advisory Council that it wanted minimum sentencing. The council has resisted standard minimum sentencing, which The Nationals called for quite a while ago. The government keeps introducing maximum sentences, but it does not introduce minimum sentences for very serious crimes where the community says there should be a minimum sentence so that a judge can have discretion within the bounds of an act. The community needs to have faith that there is a certain set of standards that a judge must adhere to and that the community expects its judges to bring forward.

The second-reading speech states that sentencing is not just to punish but is also to ensure an offender does not reoffend. It says:

> The aim of the criminal justice system is not just to punish, but to protect the community by preventing further crimes.

There are times when the justice system has let down the community. Many of us know of and have heard sad and tragic stories about the justice system letting down the community. On 28 January 2008 two young girls from Toolamba in my area, who were in the prime of their lives — Colleen and Laura Irwin — were brutally raped and stabbed at a home that their parents, Alan and Shirley, had bought for them in Altona North. They bought the house because they thought the two girls would be safe living there. What they did not know was that living right next door was a serial sex offender, who was the person who murdered those beautiful young girls.

The killer, William John Watkins, was a convicted criminal with a 20-year history of violent crime. In 2000 he was sentenced to a maximum four years and three months jail after pleading guilty to raping a woman in her own bed. Two months later he was

sentenced to an additional 12 months jail after pleading guilty to bashing a defenceless, blind, invalid pensioner in her own home. He was out of jail in two years. The family believes this person was unsupervised while on parole. At the funeral of the girls the family asked me, 'Why was this man allowed to be on the streets? He was not on any sexual predator list. The father and mother from the country town of Toolamba bought the home in Melbourne for their children thinking they would be safe. The girls were very excited and had new jobs in Melbourne — and this man got into their home and raped and stabbed them to death.

The community has been calling for minimum standard sentencing for those sorts of crimes, and I have brought petitions about this subject into the house many times. The government has tinkered around the edges and, as I said, it has increased maximum sentences and given training to judges, but it has resisted abolishing suspended sentences. It has resisted many of the things that the coalition has called for, but it cannot resist the community calling for minimum sentences for crimes that are violent in nature. The community expects these people to be in jail. I understand that these are not the sorts of crimes that would attract a suspended sentence; I do understand that. But we need the deterrent so people know that if you do the crime, you are going to do the time. I think it is time this government stopped being soft on crime and listened to the community. We hope the bill goes through the Parliament very quickly and becomes law.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak on the Sentencing Amendment Bill. I noticed a comment in the *Herald Sun* on 15 January by Professor Arie Freiberg, who is the chair of the Sentencing Advisory Council, that suspended sentences should be phased out contingent on the introduction of a number of major changes, and that is very much what is happening today. We have a bill which will amend the Sentencing Act 1991 to remove suspended sentences as a sentencing option for offenders who commit serious crimes, and I think that is very welcome. It is important, but it needs to be brought in over time. We need to work out its implications and not just rush into it like others have done with a holus-bolus approach and get rid of all suspended sentences.

With regard to that there will also be a review of what will be considered a serious offence under section 3 of the Sentencing Act. Currently serious offences include murder, attempted murder, manslaughter, child homicide, defensive homicide, intentionally causing serious injury, threats to kill, rape, assault with intent to rape, incest, sexual penetration offences involving children, kidnapping and armed robbery. I think the community welcomes the fact that suspended sentences will not apply to those offences. The bill also abolishes the mandatory penalty for a subsequent offence of driving while disqualified under section 30 of the Road Safety Act. That is important, because we do not want to send people to jail automatically for an offence which may have occurred in error when they do not necessarily have a history of breaking rules in relation to the Road Safety Act 1958. We saw what happened in that instance when the opposition indicated that it would remove all suspended sentences for that offence and make serving a sentence mandatory.

The implications are a little more difficult than just the holus-bolus removing of suspended sentences. It needs to be worked through, and that is what we are doing, with the Sentencing Advisory Council. We are assessing what can and cannot be done and doing it appropriately and properly so that the implications are not horrendous for some people who may not have had a history of committing offences under the Road Safety Act.

The bill will also introduce new sentencing options for the courts from 1 July 2011, and these orders will be available to all offenders in all courts, but in particular they should provide alternative sentencing options for those who are no longer eligible to receive suspended sentences. It is important that we rationally, sensibly and appropriately deal with those issues. The bill abolishes the intensive correction order (ICO) and replaces it with the intensive correction management order (ICMO). Unlike the ICO, this order will not act as a term of imprisonment served in the community. The maximum length of the order will be increased from 12 months to 2 years for the Magistrates Court and 3 years for a higher court.

The new ICMOs feature up to 600 hours of community work for the higher courts and 500 hours for the Magistrates Court; a supervision period that may be shorter than the overall order; the ability to impose non-association, residence and place restriction conditions; the ability to order judicial supervision of the order; and the ability to apply to reduce the order as a reward for compliance. So we are providing the necessary tools and resources to our courts — as we are removing suspended sentences for serious crimes but also looking at a review of suspended sentences overall over time — to provide judges and magistrates with the capacity to make assessments. We want not to dictate to them what they should and should not do but allow them to make an assessment of the cases before them and look at what is appropriate in the circumstances. We do not want them necessarily to just, speaking

metaphorically, hang people immediately or whatever the case may be, but to actually look at what is appropriate in the circumstances that have arisen before the court.

The bill also creates a new intensive correction management order, drug and alcohol (ICMODA), as a subset of the new ICMO, which replaces the combined custody and treatment order. The features will be the same as the general ICMO with the variation that community work will be replaced with a requirement of program conditions, and obviously that would include conditions like drug treatment for alcohol and drug addiction, treatment for causes of the underlying addiction or abuse through counselling and the like, and would involve things like psychiatric and psychological treatment. That will be welcomed by the courts, but it will require a period of time for the courts, through an educational process, to be provided with a full understanding about what orders are available to them so that there will be appropriate application of those orders and we do not end up with a situation where those orders are provided when they should not be and a jail term might have been more appropriate. It is important that we recognise there needs to be a period of time for this to be phased in, and that is what is being provided in this bill.

The bill also expands the powers to defer a sentence for up to 12 months. The powers of the court on breach of any of the new orders will be more flexible than the current powers. There will be no cases in which it will be presumed that an offender who breaches an order must be jailed for the duration of the order. As I said, that provides flexibility and recognises that our judges and magistrates, not parliamentarians, are in a position to make those decisions. However, as long as we provide them with the full range of powers, which is what we are doing today, then they can actually make those assessments, and that is appropriate.

These reforms will ensure truth in sentencing. If an assessment is made that jail is the appropriate punishment in the circumstance and a jail order is made, it will be jail — not a suspended sentence which the offender never actually undertakes. People will be able to have confidence that when a judge indicates there will be a jail sentence, there will be a jail sentence. Over time, people's confidence in those orders will improve.

There are a couple of other points I will refer to briefly. The crime rate in the city of Casey in my electorate have reduced. There seems to be continual assessment by the opposition and others that crime is increasing. The statistics do not bear out the statements which have been made to date in some of the letters to the editor and so forth in my area that suggest that crime has increased, but that is if you do not actually count it as, probably, per 100 000 people. At the end of the day the crime statistics do not bear out many of the statements of the opposition. It would be appropriate if the opposition referred to actual facts and figures as opposed to making a hysterical populist overplay where pretty soon we will be bringing back hanging in the city square. That would be popular with some people, but it is not an appropriate way to behave in a civilised society. I am sure some people in my electorate might find that rather enjoyable, but to me taking such action would be a retrograde step in our society.

There has been a complaint that we need to bring this in straightaway, but we need to look at the educational processes for judges and magistrates. Law making is too serious for us to behave reactively to everything. It needs to be done rationally and sensibly and to be well thought out, as the opposition found out when it proposed to abolish all suspended sentences but had a change of mind when it came to driving offences because of the serious implications. It is a bit like hanging everyone who has committed a crime. We have moved a bit beyond that and beyond sending people out to Australia because they have stolen a loaf of bread. As a civilised society we have moved well beyond that, and that is what this bill represents today. It is a civilised, rational, well-thought out and sensible approach to dealing with these matters. I commend the bill to the house.

Mr R. SMITH (Warrandyte) — I rise to speak on the Sentencing Amendment Bill, and I will begin by applauding the member for Box Hill for leading the debate in such a strong and decisive manner with such short notice.

This bill is the result of yet another coalition policy being adopted by the government; the manner in which the government adopts coalition policy has certainly begun to follow a very consistent pattern. What happens is that the coalition comes out and announces a policy that has been driven by public need and desire, and as a standard pattern the government then ridicules that policy. The Attorney-General's claims at the time we introduced this policy, and certainly government members' claims during this debate that the coalition's policy would put mums and dads who were convicted of driving offences in jail, were just ridiculous. They seemed to imply that just because you were a parent you could completely disregard the law, never mind the fact that the Sentencing Advisory Council had found that four out of five repeat offenders are convicted at the same time of additional offences such as theft,

drink-driving, failing to appear on bail, drug possession or giving a false name and address.

The next thing that happens is that the government sees, after the announcement of one of our policies, strong community support for it. I saw that personally in my own electorate when I did a survey of public opinion on sentencing a few years ago and I had over 3500 responses to the survey. There was a great outpouring of interest from the community, and almost without exception the public expressed its very deep displeasure with the way this government handled the issue of sentencing. Many of those surveyed responded that suspended sentencing was something they would like to see abolished; so we saw this big community support for our position. We also saw that support during recent victims-of-crime rallies that I have been to and certainly at the most recent one where the member for Box Hill spoke and reiterated our commitment to the abolition of suspended sentences.

It is always interesting to note a number of coalition MPs at those victims-of-crime rallies. I must say that in the time I have been in this place I have yet to see just one Labor MP attend those victims-of-crime rallies and hear the stories of those victims and how they believe that justice has not been served in their cases. Government members need to get their heads out of the clouds. They need to stop making policy based on flawed ideology and actually get out and listen to the people who have been affected by their legislation.

The next thing that happens after the government sees public support for coalition policy is that it comes out and adopts the position, and often we find that that position is adopted in a very watered down form. This bill has been introduced at the 11th hour as the Attorney-General's reaction to the coalition's commitment, but in this house we all know that the Attorney-General does not actually believe in this legislation; he certainly does not believe in the tougher provisions that the coalition would have proposed. We in this house know that the Attorney-General does not really want to put this bill through. While the coalition's policy is unequivocally that jail will mean jail, the bill the Attorney-General has put before us is just a pale shadow of the coalition's commitment. This bill introduces provisions that will not apply to many serious crimes — and many of them are violent crimes. The sorts of serious crimes this bill will not apply to are crimes such as drug trafficking, arson and recklessly causing serious injury.

I have a story to tell about a former policewoman in my electorate that clearly demonstrates the inadequacy of this legislation. This constituent of mine is a former senior constable in Victoria Police. I say 'former' because of an injury she sustained while performing in the line of duty. Ms Dixon was stationed at the economic forum that was held in Melbourne a few years ago. She was at the front line against a whole lot of lefty demonstrators when a group decided it would be fun to pick up a barrier and throw it at Ms Dixon. Ms Dixon sustained a serious injury to her arm that left her on light duties with the police force for a number of months before it was finally decided that she could not continue her long career and she was forced to retire very prematurely from a job that she loved. She had taken a great deal of pleasure in working for the community, and it was very unfortunate that that injury meant she could no longer work. It meant that she could no longer lift her own children and she could no longer participate in her hobby of horseriding because the injury to her arm meant she could no longer hold the reins when on a horse.

Some of the people who threw that barrier escaped any conviction at all, while some were handed down a suspended sentence. I spoke to Ms Dixon recently, and she is absolutely appalled that this legislation will mean that those who in the future engage in the same sorts of acts that ended her long and promising career will still be eligible for suspended sentencing. That is a real indictment of this legislation and of this government.

This bill is typical of Labor's soft-on-crime approach. What this government does is pretend that criminals will receive a term of imprisonment, but the fact is that they do not; they go on living outside of the prison system despite the fact that they have been handed down a jail sentence. I have heard Labor members today saying they are very keen to implement this legislation. The Sentencing Advisory Council recommended the abolition of suspended sentences five years ago in 2005, so if Labor MPs and the Attorney-General were so committed to getting this legislation through, why did they wait five years to introduce it in Parliament? Why did they wait just two days before this 56th Parliament is to be dissolved to introduce this legislation, when they could have introduced it long before now? The reason is that, as I said, the Attorney-General simply does not believe in the basis of this legislation.

Victorians should be very cynical about the Attorney-General's pre-election introduction of this bill. His commitment to the concept of jail actually meaning jail is highly questionable and should be taken with a grain of salt by the Victorian community. I support the passage of this bill.

Ms KAIROUZ (Kororoit) — I rise to contribute to the debate on the Sentencing Amendment Bill. I heard the member for Warrandyte, who spoke just before me, criticising the Attorney-General and the government for taking so long to respond to the recommendations of the Sentencing Advisory Council. The reason the government had been progressively responding to SAC's recommendations since 2006 is that the government established that council to talk to the community about sentencing and to take into account the community's views in developing answers to the difficult questions that sentencing raises. We are not a government that, like the opposition, decides its policy at the minute or on the spot. We do not develop policy on the go; we actually talk to people and consult them.

Soon after the council was established the Attorney-General asked it to conduct a review of suspended sentences. There was a perception that the community was concerned about the operation of these sentences, and he asked the council to advise him on the use of these sentences and whether there was a need for reform. In 2006 the council released a report of its review of suspended sentences, part 1. This report recommended, amongst other things, the phasing out of suspended sentences over three years. In response to the council's 2006 report we passed the Sentencing (Suspended Sentences) Act 2006. The act limited the use of suspended sentences by guiding the exercise of the court's discretion to suspend a term of imprisonment and creating a presumption against wholly suspending a term of imprisonment for a serious offence, which includes murder, manslaughter, rape, sexual penetration of a child under 16, threats to kill and armed robbery.

Following that, in 2008 the council released its suspended sentences final report, part 2. This report moved away from the abolition of suspended sentences and recommended a suite of other changes to the sentencing system. The council still recommended that suspended sentences be abolished, but only after the new sentencing options have been introduced and implemented and sufficient time has elapsed to evaluate their impact properly.

Earlier this year Parliament passed the Justice Legislation Amendment Bill, which enacted some of the other reforms to the sentencing system recommended by the council in its 2008 report. This act removed the offence of breaching an intermediate sentencing order as it was an unnecessary mechanism to return the offender to the court that imposed the original sentence. It made home detention orders stand-alone sentencing orders and broke the link between a prison sentence and home detention.

The 2006 reforms took some years to be fully effective, and earlier this year SAC released a monitoring report on suspended sentences. The report showed that the 2006 amendments had made very little change to the number of suspended sentences handed down for serious offences. The report showed more than this; it highlighted a number of difficult cases in which prison was clearly not an appropriate option but where it was obviously difficult for the court to find a sentencing option that properly provided the mix of punishment, deterrence and denunciation as well as rehabilitation. By abolishing suspended sentences for serious offences and providing new flexible sentencing options, the Sentencing Amendment Bill 2010 responds to both of these aspects of SAC's report.

The Brumby government will abolish suspended sentences for all offences and remove the mandatory jail term for a second driving-whilst-disqualified offence. These reforms will ensure truth in sentencing — that is, when a judge decides that someone should go to jail, they will go to jail. The bill will abolish suspended sentences for all serious offences from 1 July next year followed by the phased abolition of suspended sentences for all matters.

Serious offences are defined in the Crimes Act, which is currently under review, as are the maximum penalties for offences. They include murder and serious violence along with drug and sexual offences. The question of what constitutes a serious offence is also under consideration by SAC's review of maximum penalties that is to be completed in 2011. As part of its response to the review the government will look again at the question of which offences should be defined as serious offences and carry the consequences that flow from that.

We have always said we would implement the Sentencing Advisory Council's recommendations in relation to suspended sentences. This legislation will implement SAC's recommendations from 2008 to give courts credible alternative sentencing options, including more flexible intensive correction orders. Those opposite have ignored the experts and are always too lazy to present the Victorian people with a well-thought-out sentencing policy. Unlike the opposition, the original on-the-go policy of which was to throw into jail thousands of mums and dads with offences for driving while disqualified, we have approached this issue in a considered and measured way and have been guided by experts. Unlike the opposition, which has no plan to replace suspended sentences, our reforms will ensure that credible alternatives to suspended sentences are provided, including intensive corrections orders, community

corrections orders, home detention as a sentence in its own right and other options.

In line with the recommendations of SAC, these reforms are designed to reduce the use of suspended sentences by providing viable community-based alternatives. To support these reforms the government will spend $78 million over four years to strengthen Corrections Victoria's capacity to monitor and supervise offenders within the community. The Victorian prison system has capacity for those who require imprisonment. For others this investment will provide tough community-based options designed to improve rehabilitation outcomes and reduce reoffending within the community. This $78 million investment will result in 150 new jobs for Corrections Victoria in both metropolitan and regional areas across the state and provide for the supervision and management of offenders on correctional orders. Importantly, this investment will reduce reoffending rates, which will reduce the costs of crime in our community.

The Brumby government's sentencing policies are crystal clear. The Brumby Labor government is tough on crime and the causes of crime. We are taking decisive action in relation to police, courts and the justice system to protect members of our community. The Brumby government has always believed that sentencing should reflect community expectations and attitudes. It will continue to take advice from experts and enact sentencing laws which are tough and effective, because it believes the most important thing is protecting the community. I commend the bill to the house.

Mr MORRIS (Mornington) — Four little words sum up the political charade in which the Attorney-General has been engaged this afternoon. Four little words describe the substance of this bill very simply: too little, too late. Two and a half days before the end of this Parliament the Attorney-General announced his intention to bring this legislation into the house. He made it clear yesterday that there was no intention to pursue a debate, but as the member for Box Hill observed, what a difference 24 hours makes! There was absolutely no intention even 24 hours ago to do anything meaningful about the joke that is suspended sentencing. He had to be dragged, kicking and screaming, even to go through the charade of bringing in this bill. There was no intention of passing the bill at all. Thankfully we on this side have forced the issue.

This is nothing better than a cosmetic bill, introduced in the dying days of a Parliament, despite the announcement six months ago by the Attorney-General that he intended to abolish suspended sentences. It is interesting to look at the heading of the press release issued at the time, which reads in part 'Hulls unveils latest truth in sentencing'. That may even have been a Freudian slip on behalf of the media unit, because it actually put some truth into the Labor Party's policy on truth in sentencing. This was simply the latest in a series of devices designed to avoid confronting the issue. The Attorney-General is reported in the press release as having said that 'the Brumby Labor government is listening and taking action'. This is the government's idea of taking action: six months on, a day and a half before the end of this Parliament, it brings in a 52-page bill.

More than six years ago the Attorney-General referred the issue of suspended sentences to the Sentencing Advisory Council (SAC). At least four years ago the final report was made available to the Attorney-General. SAC was asked to consider how the system could be improved, whether it should be available for all offences and whether it should be subject to some conditions. As we know, it produced a very comprehensive report in 2006. Recommendation 1 was that 'suspended sentences should be phased out in Victoria by December 2009'. Yet here we are nearly 12 months on from that deadline suggested by the Sentencing Advisory Council and only today has the bill been second read.

This is nothing better than a desperate tactic to paper over the government's neglect on law and order issues over its entire term of office. It is nothing better than a desperate attempt to conceal its failure to address the rising tide of violence on our streets. It is a desperate attempt to pretend that there has been meaningful action to make our streets safer when we all know that that is a total and utter misrepresentation.

This terrible joke at the expense of the Victorian public has gone on for far too long. Now after six years or four years or six months — whatever time frame we take from the latest commitment to do something — and after lunch on the second-last day of this Parliament we finally see the government's attempt to deal with the issue with what it claims to be truth in sentencing. What a joke! Once again the government is treating this Parliament and the people of Victoria with complete and utter contempt. Fifty-two pages of legislation and the completely new concept of intensive correction management orders (ICMOs) was unveiled this afternoon, and we are expected to get across it. We are ready to get across it because we committed to a decent policy almost 12 months ago.

It is indicative of the absolute and utter contempt of this government and its view of this house and this Parliament. We will pass this bill not because it is the best possible legislation; clearly it is not. We will pass this bill because it is better than nothing. It is one small step towards reducing the epidemic of violence we have in Victoria. It is one small step along the road to putting away perpetrators of crimes in this state. It is finally putting a very small brake on the revolving door that justice in Victoria has become under the Premier and the Attorney-General. Despite the government's claims to the contrary, this is not a considered response; it is nothing better than a knee-jerk reaction to what they see as a political problem.

That is the difference between members who sit on this side of the house and those opposite. Members opposite see it as a political problem. We see it as a human problem. We understand the human cost and we understand the impact on victims' families, and that is why we have proposed a serious policy response: the absolute abolition of suspended sentences. That is clearly not what this government is intending. It appears from this legislation that its intention is to replace suspended sentences with some other device such as the ICMO. It may be worth trying; who knows? As the member for Kew said, the problem is that at the moment there are no options. It is a sentence or a suspended sentence, and there is no middle way to deal with the issues. ICMOs may provide the answer; they may provide the leverage. We will just have to wait and see.

The bottom line in this debate is that suspended sentences simply do not work. A persistent feature of this debate has been the government's refusal to face facts. It has refused to be driven by a genuine commitment to the issue. It has refused to be driven by any conviction that the epidemic of crime which is afflicting the state has to be dealt with. Nor has there been any attempt to deal with the basket case that is the community-based orders system. No-one I have spoken to who is involved with the administration of that scheme — and I have spoken to people across the state — thinks it is actually working. How are ICMOs going to be any better? That is the reality of the situation.

Part of the problem is that perpetrators know they can expect little more than a slap on the wrist. I would be one of the first to say that prison should not just be about punishment; it should be about rehabilitation. As the member for Essendon noted in the debate this morning, aside from other considerations there are very sound economic reasons for trying to keep people out of prison, but I hasten to add that there are sound humanitarian reasons as well. However, you need a deterrent. The current system provides no deterrent, and I am not sure that ICMOs are going to be much different. The public rightly has an expectation that we have in this state a system under which if you do the crime, you do the time, but that is not the way the criminal justice system operates under Labor.

To come back to the four words I started with: too little, too late. I will add a couple more: perhaps better than nothing. The community has a clear choice next month whether to have another four years of Labor's soft-on-crime approach or real truth in sentencing under a coalition government.

Debate adjourned on motion of Mr BROOKS (Bundoora).

Debate adjourned until later this day.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 2, lines 10 to 14, omit "49, 51, 53, 54, 56(2), 64, 65, 66, 67, 83, 84, 85, 86, 87, 93, 110, 111, 112 and 127), Part 4 (other than sections 135, 136, 137, 139, 140, 141, 142, 143, 144, 146, 147, 151 and 152), sections 159 and 161" and insert "46, 48, 50, 51, 53(2), 61, 62, 63, 64, 80, 81, 82, 83, 84, 90, 107, 108, 109 and 124), Part 4 (other than sections 132, 133, 134, 136, 137, 138, 139, 140, 141, 143, 144, 148 and 149), sections 156 and 158".

2. Clause 2, line 18, omit "93" and insert "90".

3. Clause 2, lines 20 and 21, omit "51, 56(2), 66, 127, 154, 155, 156, 157, 158, 160 and 162" and insert "48, 53(2), 63, 124, 151, 152, 153, 154, 155, 157 and 159".

4. Clause 2, lines 23 and 24, omit "110, 111, 112, 139, 140, 142, 143, 144, 146, 147, 151, 152, and 153" and insert "107, 108, 109, 136, 137, 139, 140, 141, 143, 144, 148, 149 and 150".

5. Clause 2, line 26, omit "67" and insert "64".

6. Clause 2, lines 29 and 30, omit "64, 65, 135, 136, 137 and 141" and insert "61, 62, 132, 133, 134 and 138".

7. Clause 2, lines 32 and 33, omit "53, 54, 83, 84, 85, 86 and 87" and insert "50, 51, 80, 81, 82, 83 and 84".

8. Clause 2, page 3, line 1, omit "49" and insert "46".

9. Clause 36, line 3, omit "Change of name of Authority" and insert "Repeal of section 18A".

10. Clause 36, lines 4 to 35 and page 54, lines 1 to 3, omit all words and expressions on these lines.

11. Clause 36, page 54, line 4, omit "(5)".

12. Clause 37, omit this clause.

13. Clause 39, omit this clause.

14. Clause 42, omit this clause.

15. Clause 43, lines 3 to 9, omit all words and expressions on these lines.

16. Clause 43, line 10, omit "(3)".

17. Clause 43, lines 19 to 32 and page 57, lines 1 to 18, omit all words and expressions on these lines.

18. Clause 83, page 106, line 26, omit "83" and insert "80".

19. Clause 83, page 107, line 3, omit "83" and insert "80".

20. Clause 83, page 108, line 7, omit "83" and insert "80".

21. Clause 83, page 109, line 9, omit "83" and insert "80".

22. Clause 108, lines 28 and 29, omit "References to non WorkCover employers in Part VIA" and insert "Amendment of definition of tail claims".

23. Clause 108, lines 30 to 36 and page 140, lines 1 to 26, omit all words and expressions on these lines.

24. Clause 108, page 140, line 27, omit "(4)".

25. Clause 108, page 140, line 28, omit "—" and insert ', in paragraph (b), for "whether under this Act, at common law or otherwise" substitute "under this Act (other than section 242AB or 242AD) or damages at common law as permitted by and in accordance with section 134AB or 135C".'.

26. Clause 108, page 140, lines 29 to 34 and page 141, lines 1 to 35, omit all words and expressions on these lines.

27. Clause 123, line 6, omit "44" and insert "41".

28. Clause 123, line 12, omit "80" and insert "77".

29. Clause 123, line 20, omit "98" and insert "95".

30. Clause 123, line 27, omit "99" and insert "96".

31. Clause 132, page 161, line 24, omit "51" and insert "48".

32. Clause 132, page 161, line 29, omit "53" and insert "50".

33. Clause 132, page 162, line 2, omit "55" and insert "52".

34. Clause 132, page 162, line 12, omit "59" and insert "56".

35. Clause 132, page 162, line 17, omit "63(1)" and insert "60(1)".

36. Clause 132, page 162, line 23, omit "93" and insert "90".

37. Clause 132, page 162, line 31, omit "64" and insert "61".

38. Clause 132, page 163, line 6, omit "80" and insert "77".

39. Clause 132, page 163, line 14, omit "76" and insert "73".

40. Clause 132, page 163, line 18, omit "46" and insert "43".

41. Clause 132, page 163, line 24, omit "66" and insert "63".

42. Clause 132, page 163, line 29, omit "67" and insert "64".

43. Clause 132, page 164, line 3, omit "69" and insert "66".

44. Clause 132, page 164, line 8, omit "73" and insert "70".

45. Clause 132, page 164, line 19, omit "74" and insert "71".

46. Clause 132, page 164, line 30, omit "75" and insert "72".

47. Clause 132, page 165, line 7, omit "103" and insert "100".

48. Clause 132, page 165, line 13, omit "104" and insert "101".

49. Clause 132, page 165, line 20, omit "105" and insert "102".

50. Clause 132, page 165, line 27, omit "112" and insert "109".

51. Clause 132, page 165, line 32, omit "115" and insert "112".

52. Clause 132, page 166, line 2, omit "56(2)" and insert "53(2)".

53. Clause 132, page 166, line 9, omit "132" and insert "129".

54. Clause 132, page 166, line 11, omit "56(2)" and insert "53(2)".

55. Clause 134, line 3, omit "certain references" and insert "definition of WorkCover insurance policy".

56. Clause 134, lines 4 to 9, omit all words and expressions on these lines.

57. Clause 134, line 10, omit "(2)".

58. Clause 134, lines 14 and 15, omit "a WorkSafe insurance policy" and insert "an insurance policy issued or deemed to be in force in accordance with this Act".

59. Clause 134, lines 16 to 32, omit all words and expression on these lines.

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

That the amendments be agreed to.

Mr McINTOSH (Kew) — These are significant amendments that were moved by the opposition in both this chamber and the other chamber. It is certainly a very pleasing result that the government has decided to agree to these amendments. It will make a significant difference in relation to the workability of this bill. Accordingly the opposition expresses its gratitude that the government has come to the realisation that these are worthwhile amendments and has agreed to the amendments made by the upper house.

The ACTING SPEAKER (Mr K. Smith) — Order! I inform the house that the third reading of this bill was passed with an absolute majority. I am of the opinion that the adoption of these amendments should therefore require an absolute majority to be obtained. As there are not 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in the chamber:

Motion agreed to by absolute majority.

SENTENCING AMENDMENT BILL

Second reading

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

Dr NAPTHINE (South-West Coast) — The member for Mornington quite rightly said that this legislation the government has brought forward on the eve of the finish of this Parliament could be best described in four words: too little, too late. I would suggest in addition to that there are another four words that could describe this legislation: Labor, soft on crime. This certainly is too little, too late. It is also another clear demonstration that during the 11 years of this Labor government we have seen a government that is soft on crime, does not listen to the victims of crime and has stopped listening to the community's concern about the increase in violence in our community, the increase in crime in our community and the decline in community safety.

There is no doubt that there has been a significant increase in crime throughout Victoria, particularly serious and violent crime. This government has done nothing to make the community safer, and I am not the only one who is saying that. I refer to an article in the *Portland Observer* of 24 March this year entitled 'Retiring officer slams soft approach'. It refers to a retiring policeman from Dartmoor. The article states:

> A Dartmoor policeman with more than 40 years experience has slammed the state government and judiciary for being soft on criminals.

The article goes on to state:

> He said one of the major, if not the major concern among police, was the soft penalties given to criminals in the court system. 'It is frustrating when police catch and charge people, take them to court only to find out they are back on the streets the next day because of an adjournment or a soft sentence', he said.

He could equally say 'because of suspended sentences'. That is why in January this year the coalition, in a decisive and strong stand against violent crime in our community, released a policy headed 'Coalition to end suspended sentences'. The coalition has been firm and strong. It has listened to the community. It wants something done about crime in our society, it wants the revolving door approach in our justice system to stop and when people are sentenced to jail it wants them to serve time in jail.

The community wants an end to suspended sentences. That is why earlier this year the coalition announced that an additional 2640 police and protective services officers would be put on the streets and at public transport stations to protect the people of Victoria. The coalition firmly believes in tougher sentencing and that people who are sentenced to jail should serve their time in jail and not walk out with suspended sentences. It should be of concern to all Victorians that the breach rate for suspended sentences is 27.5 per cent. That is a significant number of convicted criminals who were sentenced to jail and then walked out of court with suspended sentences who reoffended in the time they were given that suspended sentence.

Let me go through some of the examples in my own area. From my limited reading of the legislation — we have had less than 24 hours to review it — the interesting thing is that these examples will not be covered by this government's belated and politically motivated attempt to abolish suspended sentences for some crimes. That is the difference. The coalition wants to end suspended sentences right across the board. At the last minute the government, which does not really

believe in abolishing suspended sentences, now wants to suspend sentences for some crimes only.

Let me give some examples. An article in the Hamilton *Spectator* of 24 July this year refers to a 29-year-old Cranbourne man who was charged with threats to kill, recklessly causing injury, criminal damage and use of a carriage to menace. He has been given a suspended sentence. The article quotes Magistrate Ron Saines, who said to the offender:

> This is the second time you have been charged with a crime of violence …
>
> You have spent a lot of time in prison and you have spent a lot of time in courts.

Here we have a multiple offender charged with serious offences walking out of court with a suspended sentence.

An article in the Warrnambool *Standard* of 15 July this year entitled 'Man avoids prison' with the subheading 'Woman unconscious after partner's attack' states:

> A man who knocked his partner out during one of two sickening attacks has avoided jail …

The man pleaded guilty to assault in company and two counts of recklessly causing injury. The man hit the woman, the mother of his three children, in the head at least four times, causing her to lose consciousness. He was convicted on all charges and given a suspended sentence.

Another article in the Warrnambool *Standard* of 15 July entitled 'Partner bashed, kicked' states:

> A Terang man who twice bashed his former partner, including kicking her to the head, has received a suspended jail term.

The article states that the offender, Mr Marken:

> ... pushed the woman, who had an acquired brain injury, into a door, then hit her, grabbed her head and pushed her to the ground before hitting her again.

He was convicted and sentenced to serve three months in prison, but the sentence was suspended for two years. He walked free with a suspended sentence. These are offenders who, under this legislation, will still be able to get suspended sentences because the Labor Party and the Attorney-General are soft on crime. These are people who have committed serious offences, and many of these offences are acts of domestic violence against women, which should not be tolerated in any way, shape or form.

An article in the Warrnambool *Standard* of 17 July this year states:

> A Warrnambool repeat offender has been placed on another suspended jail sentence after bashing a man because he was wearing a scarf.
>
> ... He was jailed for six months but the sentence was suspended for two years.
>
> The assault breached a two-month suspended jail sentence for driving offences imposed three months before the assault.

The offender also had a prior conviction for a brutal assault six years ago. So with a prior conviction for a brutal assault he is already on a suspended sentence and he gets another suspended sentence under the soft-on-crime approach of this government.

An article in the Warrnambool *Standard* of 20 January this year entitled 'Drug pair dodge jail' with the subheading 'Suspended sentences for traffickers' reported that two key players in a Camperdown drug ring which turned over $42 000 in two months had been given a suspended sentence.

An article in the *Herald Sun* of 29 May this year states:

> A member of an infamous … crime family has avoided prison time over an attack that left a man unconscious.
>
> …
>
> Pettingill, 21, kicked and punched the victim, Benjamin Rendell, in Russell Street, the County Court heard.
>
> Mr Rendell suffered bruising to the brain.

The judge jailed Mr Pettingill for two and half years but wholly suspended the sentence for three years. The article further states that one of Pettingill's co-accused, Jay Young of Craigieburn, who was on a suspended sentence at the time, was also involved in the offence. This is absolutely appalling.

I have a series of quotes and articles which show that people who were on suspended sentences committed further crimes. An article which appeared in the Warrnambool *Standard* of 6 March states:

> On February 2, Edmonstone received a community-based order and a four -month jail sentence. He had pleaded guilty to hitting another man with a stubby, stealing two cars and being involved in a police pursuit.
>
> This jail sentence was suspended for 18 months.
>
> … the court was told that in the early hours of February 8 —

only six days later —

> Edmondstone was drinking with another man … when an argument developed.

> The defendant punched the victim to the head a number of times, which caused the man to fall to the floor unconscious.

Six days after he walked free from a court with a suspended sentence! That is what this government supports as a sentencing approach. We believe those suspended sentences ought to be abolished.

I turn to an article which appeared in the Warrnambool *Standard* of 14 May, which states:

> A father of six … who breached a suspended … sentence when he grabbed his former … partner by the hair has been locked up for three months.

Again, he was on a suspended sentence for previous violent offences, and he committed those acts again.

There is the classic example of two people who appealed against the severity of sentences imposed for assault, theft and handling stolen goods. They went to the court and said their sentences were too harsh, and the judge changed them to suspended sentences. However, hours after they were released from the court — they walked free from the court — they were arrested by Camperdown police when they were travelling on the train on the way home from court for stealing a wallet and for weapons offences. That is what happens when you have suspended sentences. This government is soft on crime and is not serious about getting rid of suspended sentences. The coalition will deal with the matter. We will get rid of suspended sentences and be tough on crime, which the community demands.

Mr LANGUILLER (Derrimut) — It gives me pleasure to make a contribution to the debate in support of the Sentencing Amendment Bill. The bill amends the Sentencing Act 1991 and will abolish suspended sentences for serious offences, as defined in section 3 of the Sentencing Act. It will abolish the mandatory sentence of imprisonment for subsequent offences of driving while disqualified or suspended, and it will provide credible sentencing options for the courts as alternatives to imprisonment in line with the recommendations of the Sentencing Advisory Council. It is important that we reiterate and emphasise the credible sentencing options.

Government members anticipated that opposition members would want to debate this issue. Obviously we are close to an election, and we expected to hear members of the opposition claim that the government is soft on crime, but the opposite is the case. We have been as tough on crime as we are required to be, but we have also been effective. First of all, and importantly, I refer to the fact that there has been broad-ranging consultation. The Sentencing Advisory Council conducted a full consultation in the development of its report entitled *Suspended Sentences and Intermediate Sentencing Orders — Suspended Sentences Final Report Part 2.* In addition the council released an interim report calling for submissions. The Sentencing Advisory Council convened meetings with the courts, with those working with victims of crime and with the legal profession. Then the department developed the Sentencing Advisory Council's recommendations and consulted with the council, the courts, Corrections Victoria, the Office of Public Prosecutions, the Victim Support Agency and Victoria Legal Aid. Indeed it ought to be placed on record that once the bill is introduced into Parliament there will be an opportunity for the wider community to comment on the bill and any changes that may be incorporated for inclusion early in 2011.

On the proposition that suspended sentences should be immediately abolished for all offences we need to refer our critics to the Sentencing Advisory Council and its recommendations and comments that relate to the fact that if we were to abolish all suspended sentences, it would have — as the Sentencing Advisory Councils says — a catastrophic impact on prison numbers. That is the first point we need to make in relation to the comments made by the opposition.

On another matter, questions were raised in the chamber in the course of this debate about the discussion in relation to what constitutes a serious or otherwise sentence. We should say that a full review of the offences in the Crimes Act 1958 is under way. The Sentencing Advisory Council is reviewing all maximum penalties available under the act. This will included consideration of which offences should be considered serious for the purposes of the Sentencing Act, so we expect there will be a report from the Sentencing Advisory Council some time in 2011.

We have a proud track record on this side of the chamber. The government has a track record not only of being tough on crime — which of course we are, and we have shown as much over 11 years of government — but also of being effective and of working with the courts and the groups that represent victims of crime. We believe we need to have an efficient system, one that is realistic and dinkum about sentencing and which gives courts and judges real and effective guidelines for the sentences they have to hand down.

This is good legislation. This is a debate that government members were happy to have before the conclusion of this Parliament, because it goes to the heart of what we represent. This government represents

a community that wants to be safe, and it does everything it can in order to deliver that. We want to have a community that rehabilitates people and incorporates them back into society as good citizens. However, we also want a sentencing act that is realistic, effective and efficient, and one that represents community values and the expectations of the courts, the judges and the system. I commend the Sentencing Amendment Bill to the house.

Dr SYKES (Benalla) — I wish to make a brief contribution to the debate on the Sentencing Amendment Bill, and indicate that I share the views expressed by my colleagues on this side of the house — that is, the Liberal-Nationals coalition. If given the chance to govern, we would show how to be fair dinkum about being tough on crime, rather than doing what this Labor Party has done, which is to be soft on crime and to seek to maximise its political opportunity by raising this bill at the 11th hour.

The bill before the house goes part of the way to addressing what the coalition has said has needed to be addressed. We have said that for a long time, and we put our policy position out in January this year, when the Attorney-General, who is at the table, pooh-poohed it. When we went to the Public Accounts and Estimates Committee he had just — —

Mr Hulls — You have done a backflip.

Dr SYKES — The Attorney-General is talking about backflips. Here we have the master of backflip. The Attorney-General pooh-poohed the coalition policy of being tough on crime and doing away with suspended sentences, saying it could not be afforded. The budget was handed down in May, and in the post-budget hearings of the Public Accounts and Estimates Committee — hearings that you, Acting Chair, were part of — we interviewed the Attorney-General about an announcement he had made a few days after the budget was handed down. He said that the Labor government was going to reduce some suspended sentences. We asked him where that was costed in the budget, given that this announcement had been made only a few days after it had been handed down. The Attorney-General said it had not been costed because it was a post-budget announcement, and he said it would be funded later. For political expediency at that time an announcement was made that was unfunded, and after our side of politics had been pooh-poohed on the issue for coming up with something similar.

Now we have moved on, and we are at the 11th hour. If we keep in mind that the Attorney-General announced this proposal in May or June, immediately after the budget, and that we have now waited until the second — —

Mr Ingram — I think it feels like 11 hours and 59 minutes.

Dr SYKES — I will take up that interjection: 11 hours and 59 minutes. We have gone the whole way through, and the Attorney-General has attempted to sneak this legislation in, with the hope of getting it on the table. The Attorney-General wants to be seen to be gaining political advantage from passing this legislation but without being forced to deliver anything.

This side of politics said, 'Show that you're fair dinkum and put it up for debate immediately', and, surprise, surprise, the Attorney-General, who made reference just a little while ago to backflipping, did one of those backflips and has now chosen to debate it. This side of the house has been able to put up speakers who can describe from a number of firsthand experiences the appalling situation under the nearly 11-year reign of this government in which hardened criminals have got away with soft sentences for appalling crimes — sentences which are the equivalent of a slap across the wrist with a wet lettuce leaf.

In addition to needing to have the removal of suspended sentencing options so that those who do the crime do the time, our side of politics also took the lead in terms of putting more police on the beat, so that we could have those criminals — —

Mr Hulls — When did you put more police on the beat? When?

Dr SYKES — It is in a policy commitment. We make the policy commitment, and you come out with yet another me-too policy. I think we have put out 100 policies and you have picked up 70 of them. You are nothing but a tired, arrogant, out-of-touch government, and it is time you went.

The ACTING SPEAKER (**Ms Munt**) — Order! The member for Benalla should address his comments through the Chair. I assume he does not mean me by 'you'.

Dr SYKES — Thank you, Acting Chair. I will disregard the unparliamentary interjections from the Attorney-General and proceed with a measured presentation of my reasoned arguments to show that the government is tired and out of touch and is simply opportunistically maximising its political advantage out of the misfortune of people in Victoria.

The member for Shepparton highlighted the importance of having sentences that fit the crime. She described the absolutely dreadful example of the Irwin sisters, who were brutally raped and murdered by a person who had a 20-year history of serious offences and who had been treated very leniently by the court system. In addition to the removal of the suspended sentence option, the member for Shepparton has argued for minimum sentencing for these sorts of crimes.

If we are going to be fair dinkum about dealing with our hardened criminals, we need the full package, not the drip-feed, piecemeal approach that the Labor government seeks to introduce. It just feeds it out and tries to maximise the political opportunity. Each time it makes an announcement it glosses it up as though it is a big step forward, when often it is just a very small step forward. That is the Labor Party to a tee — more spin than substance, maximising political advantage and not worrying about effectiveness. There is so often no correlation between the spin of Labor Party policies, the so-called objectives and the actual delivery. The Auditor-General has shown in his reviews of many departmental policies that there is just no connection. The Labor Party is spin without substance.

I welcome that in the proposed bill there is the provision for community-type work. I see that as an appropriate alternative to jail sentences for certain offences.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! There is too much shouted conversation across the table. The member for Benalla has the call, and he should be listened to.

Dr SYKES — I was saying that the provision of options other than jail sentences is welcome. There are certain offenders for whom the opportunity to do community-type work and other sorts of programs can be very beneficial. We want the maximum number of people who are offending to be rehabilitated and to come back to being contributing members of our society.

I should compliment the inmates from the Beechworth prison who have on a number of occasions made very significant contributions to community wellbeing — both after the series of fires we had in north-eastern Victoria, most recently the 2009 fires, and also after the recent floods. Inmates from Beechworth prison were out there helping to restore fences, and that was much appreciated by the community. I know from people who have been interacting with these prisoners that these activities develop their self-esteem, and everyone is a winner out of that. You would hope that those people would go on to readjust to life in the community and return to being contributing citizens.

Another issue which has been raised repeatedly with me by my constituents is people who have got off with suspended sentences for repeat driving offences, often for driving whilst their licences are suspended. I think it was the member for Box Hill who mentioned this earlier. When we talked about removing the suspended sentence option for these people, the government said we would be putting ordinary mums and dads in jail for driving offences. They missed the obvious reality that many of the people who have repeat driving convictions are in fact hardened criminals with a long list of priors, and they deserve nothing less than to go to jail because they have done the crime and escaped the penalty in times gone by.

I, along with my Liberal-National coalition colleagues, welcome this step towards implementing the coalition policy, and I look forward to 27 November when the people of Victoria finally show they have seen through the spin-over-substance policy of this tired, arrogant, out-of-touch Brumby government. When they elect the Liberal-National coalition to do the job, you will see a proper, complete approach to the management of crime, providing the people of Victoria with an assurance of safety that they have not had over the past 10 years of a Labor government.

Mr HARDMAN (Seymour) — I rise to make a brief contribution to the debate on the Sentencing Amendment Bill 2010, which will amend the Sentencing Act 1991 to abolish suspended sentences for serious offences as defined in part 3 of the Sentencing Act, which covers the offences of murder, attempted murder, manslaughter, child homicide, defensive homicide, intentionally causing serious injury, threats to kill, rape, assault with intent to rape, incest, sexual penetration, offences involving children, kidnapping and armed robbery. It also abolishes the mandatory sentence of imprisonment for subsequent offences of driving while disqualified or suspended and provides credible sentencing options for the courts as alternatives to imprisonment in line with the recommendations of the Sentencing Advisory Council.

The Bracks government and now the Brumby government have continued to take a balanced approach to recognising community values and recognising that violence is a serious issue in our community. We have made a number of changes to laws in order to make our community safer. Over the period of the 11 years we have been in government we

have also brought about much more enforcement. We have put on 1650 extra police. We have also promised and started delivering an extra 1966 police onto the beat. There is a big difference between what the Brumby government is doing and saying it will do in the future and what the opposition is saying it will do. In elections since 1999 we promised 1650 police; we have delivered and are actually delivering more. In 1992 the opposition promised 1000 extra police and when in government reduced the police force by 800. The people of Victoria still remember that and recognise the difference between us and those on the other side of the chamber.

Our measures make a big difference in our communities. Compared to when we were elected there are 56.5 per cent more police in the Mitchell policing area — that is, the Mitchell and Murrindindi shires. Places such as Kinglake, which has never had a police station, now has one. It is there to make sure that crimes are investigated and that the cases are followed through to sentencing. Again I think this bill is a measured approach to a serious issue on the part of the government. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to this debate on the Sentencing Amendment Bill 2010. I think this bill is a great reflection of the way in which this government has treated issues of law and order and sentencing within this state. Here we are after 11 years of this government debating this piece of legislation on virtually the last sitting day of this Parliament. If this government were serious about issues of suspended sentencing, we would have been dealing with this issue weeks ago, if not months or years ago. But as we know, government members do not have their hearts in it. They do not want to bring in changes with respect to suspended sentences. If they did have their hearts in it, these changes would have already been in place.

As the member for Box Hill and other members before me have already identified for the house, yes, this is a positive change, and yes, this goes part of the way. However, more importantly, there is still so much more that needs to be done. People causing serious injury recklessly, arsonists, those committing aggravated burglary in what we know as home invasions and those involved in drug trafficking — people committing all those heinous crimes — will still fall outside these amendments.

This is just one example of how this government is soft on crime. I would like to pay tribute to two very important members of my community who have been advocates — in many ways sole advocates — of issues to do with victims of crime. They are, of course, Bev and Noel McNamara. Not only are they stalwarts of the Ferntree Gully community but they have also stood up for victims of crime throughout this state. Affected by the death of their own daughter, they decided to stand up for the rights of other Victorians and advocate for changes with respect to law and order and particularly sentencing. I know they and their supporters have strongly argued for changes in this area.

We all know there is so much more this government could have done. This government's members really do not have their hearts in it. In my own community I surveyed the residents and asked the questions, 'What are your views on law and order?' and 'What are your views on sentencing?'. I had responses from nearly 900 residents, which is a significant response from my community. I asked the question, 'Do you believe that sentences handed down are reflective of society's expectations?'. I did not ask Liberal supporters. I did not ask Labor supporters. I asked everybody in my community regardless of their political persuasion what they believed about this government's approach to sentencing in our state. Out of 900 respondents 96.8 per cent told me they did not believe this government was handling sentences appropriately. That is a significant response.

I asked a whole range of other questions. I asked, 'Do you believe the sentences applied to first-time offenders are strong enough?', and 94.9 per cent said they believed they were not. I asked, 'Do you believe the sentences specified in our legislation are adequate?', and 86.8 per cent said they believed they were inadequate. I asked, 'Do you believe Knox is safer now than 10 years ago?', and 95.8 per cent of people said they felt less safe than they felt 10 years ago.

Honourable members interjecting.

Mr WAKELING — That is 10 years under this government. I am happy to take up interjections from those opposite, because I would like to see the response to a survey carried out in my community by those opposite. I would like to see my residents receiving a survey questionnaire from this government asking their views on law and order. Where are the survey results from the minister at the table, the Attorney-General? When was the last time my residents were surveyed about their views on law and order? I can tell you, Acting Speaker, my residents have not been surveyed. How do I know that? I have lived in my community for a long time, and I have certainly not received a survey from the government.

I am happy to ask my constituents whether they have received a survey. I am sure the answer will come back that this government does not want to listen to the views of people in my community or those of people throughout the state. I am more than happy to provide the survey responses to the government, but it will not matter. The government is not listening and it does not care because it just does not get it. When I asked residents whether they believed police numbers were meeting the needs of Knox residents, 94.2 per cent told me they did not. We are not talking about a survey of 5 people or 100 people; we are talking about 900 residents who chose to respond to a survey by the local member asking them to give their views on this issue.

Why did they respond? They were not interested just in informing their local member so he has a nebulous understanding of the issues of law and order. They gave me their views because they want me to stand up in this place and tell this government to do something about the issue, because this government has sorely let down people. Those opposite can laugh and think it is not important, but I can tell them that people in my community are hurting. Government members stood up in this house and told us, 'We have got the best police system in the state, and we have the safest state in the country. We do not need more police'. Then, by chance, the coalition announced its policy to put on more police. We saw the flip and the flop and all of a sudden we woke up one day and the government had turned around and said, 'We are going to have nearly 2000 more police'. What happened overnight that we needed to go from no new police to 2000 more police on the streets? What brought that on all of a sudden?

I speak to my neighbours, many of whom are members of the police force, and I ask their views on this issue. Members of the force were so annoyed when the government made that announcement because they had been telling the government for years that they needed more police, but the government turned around and said, 'We do not need to provide more police. We have the safest state in the country, and we do not need any more police'. But all of a sudden when the coalition made its announcement the government was forced to act, and it is no different with suspended sentences. The government was forced to act when the coalition made its policy announcements. Those opposite can make whatever statements they like, but people do not care any more; they have gone beyond listening to the reasoning of the government. After 11 years my community has switched off. At the end of the day the community does not have faith that this government will deliver the changes people need. My constituents look at the evidence and at what they have seen for the last 10 years. The government promised it would deal with law and order, but the evidence shows that 95.8 per cent of people in my community feel less safe now than they did 10 years ago. The evidence shows that 94.2 per cent of the people who responded feel that police numbers are not meeting the needs of Knox residents.

I invite those opposite to come out and tell my community that things are all right. I invite them to come out and tell my community that their views are wrong; that 95.8 per cent of my community got one question wrong and that 94.2 per cent of my community got another question wrong. I am happy for government members to come out and tell them; I will organise the meeting. I am happy to invite the Premier, the Attorney-General and the Minister for Police and Emergency Services to come out and talk to my community and tell them that their views about the situation in Knox are wrong. They were asked, 'Do you believe that sentences handed down are reflective of society's expectations?', and 96.8 per cent of them said, 'No, they are not'. The government should come out and tell them they are wrong. I am happy to organise the meeting.

Those opposite have stopped listening. Members of the opposition are listening, and a coalition government will put the policies in place. We will stand up for Victorians. I will stand up for my community because I know this government is not prepared to do the hard work.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to speak in support of the Sentencing Amendment Bill, which, as many before me have set out quite accurately, abolishes suspended sentences for serious offences, abolishes mandatory sentences of imprisonment for subsequent offences relating to driving while disqualified or suspended and provides credible sentencing options for the courts as alternatives to imprisonment, as recommended by the Sentencing Advisory Council.

This continues the government's long-established position of measured, proportionate and sensible responses to the very serious issues of not only crime and corrections but also the causes of crime and the causes of the issues that the member for Ferntree Gully gets so hysterical about, and rightly so in some respects. But he is wrong in terms of his analysis. Of course what the member is engaged in is a race to the bottom by trying to appeal to the lowest common denominator through fear and hysteria. The member for Ferntree Gully asked, 'Where is our survey?'. Unlike the Liberal Party's design to come up with a solution, the

government prefers to rely on an organisation which those opposite might have heard about; it is called the Australian Bureau of Statistics. Its figures for this area show that for every year since 2000, on commonly accepted national measures, this state has seen a reduction in crime to the point where now it is irrefutably the safest state in Australia.

It has happened through contributions such as the Sentencing Amendment Bill. It is also made through a series of other social and legal contributions across government. I urge those opposite to wish the bill a speedy passage and to see it on its way in due course in 2011.

Mr HULLS (Attorney-General) — In summing up, the opposition's contributions on the bill have been entirely predictable and, can I say, pathetic. The fact is that opposition members stand up here and fire empty criticisms across the chamber about law and order and about protecting victims. We are heading towards an election, and they want to beat the law and order drum, but the public of Victoria will never forget that this is the mob that cut police numbers. The best thing you can do in relation to law and order is to increase police numbers and give them resources. The fact is that the shadow Attorney-General was part of a government that hacked into police. He might smile and nod his head, but he knows that when a former Premier, Jeff Kennett, was hacking into police, he just sat there like a little cry baby and did nothing about it.

Now he comes into this place and wants to be tough on law and order. Not only that; in his contribution he had the audacity to say that the real test is going to be whether or not these major reforms, which are among the most major reforms to sentencing in this state's history, are going to be introduced and up and running prior to 27 November. For goodness sake! He is absolutely in fantasy land. First of all he said some time ago, 'We are just going to get rid of suspended sentences. We are not going to replace them with anything. We are just going to get rid of them'. It was pointed out to him that there are thousands of mum and dad drivers who get suspended sentences. He said, 'Help. I did not realise that. No-one told me about that. I am not sure what we will do about it, but we are still going to get rid of all suspended sentences'. When asked what he was going to replace them with he said, 'Nothing. We are just going to get rid of suspended sentences and replace them with nothing'.

The fact is that opposition members are lazy people who do not do the hard work and are not prepared to do the costings. We found out yesterday that the opposition is not prepared to give its election policy costings to Treasury. We saw the most pathetic press conference ever undertaken in this place on the front steps of Parliament house, when the shadow Attorney-General went out there and said, 'We do not want to give them to Treasury because while we trust Treasury we do not know to whom it might hand over the costings, so we are just not going to do it'. Then he scuttled back and obviously hid under his blankets in his room.

The fact is that we have done the hard yards. We have relied on the experts, the Sentencing Advisory Council, which has given us a road map for a new sentencing regime. We have progressively implemented what the Sentencing Advisory Council has recommended — and not just that, we have taken action on crime and safety. We have seen more police on the beat under this government. We have seen falling crime rates under this government. We have seen longer prison sentences. We have seen recidivism rates that are among the lowest in Australia and unlike any other state have been dropping every year for the past six years. That is because we are tough not only on crime but also on the causes of crime.

We have even had, from memory, the Liberal shadow Attorney-General in New South Wales pointing to how we have been doing things in Victoria and saying, 'They are getting something right in Victoria'. That is because we actually address the underlying causes of crime. We know that to make the community safe you have to be tough on crime and tough on the causes of crime. We know that if you are fair dinkum about stopping crime, you have to address, amongst other things, the factors that lead people to commit crime. We know this approach works.

We also know that you need to maintain judicial discretion, because mandatory sentencing — and that is what is being flagged when it is said, 'We are going to be tough, and not just that, we are going to impose mandatory terms of imprisonment as well' — is just a fraud on victims. It reduces the rate of guilty pleas and convictions, it results in more trials, delays and trauma for victims, and it does absolutely nothing to reduce crime. If you look at any jurisdiction around the world where there is mandatory sentencing or mandatory minimum terms, or whatever you like to call it, it does not reduce crime; it is a fraud on victims.

We are putting more police on the beat to prevent crime. We are putting sentencing laws in place that are tough enough to properly punish offenders but smart enough to be effective in preventing reoffending. We have always said that we will introduce and implement the Sentencing Advisory Council's recommendations in

relation to suspended sentences. We have been progressively implementing its recommendations since 2006, and the reforms outlined today are simply a continuation of our truth in sentencing regime.

We are prepared to act on the advice of experts, not some knee-jerk Noddy nonsense that comes out of those opposite — and that is what it is. It is policy that is knee-jerk, fairytale, Enid Blyton nonsense. Opposition members do not do the hard work. They wake up at 2.00 a.m. and say, 'I have had a thought bubble — I am going to get rid of suspended sentences, and that will be my policy', which is a quick grab but it just does not work. They are not prepared to do the hard yards. We are. We have done that, and we have relied on the experts. And not just that — —

An honourable member interjected.

Mr HULLS — Talk about flip-flop and a Nadia Comaneci double backflip with pike! The fact is that we have a media release that sets out the opposition's policy on suspended sentences, and from memory it was put out by the then shadow Attorney-General, the member for Kew. It has been quoted in this place before. It is dated Monday, 16 May 2005, and headed, 'Labor must change suspended sentencing law ASAP'. It says:

> While suspended sentences should be retained as a sentencing option, the presumption that it is a term of imprisonment is plainly incorrect and the law needs to be changed.

The policy was that suspended sentences should be retained. I notice the member for Lowan is over there winking at me because he knows a backflip when he sees one.

Honourable members interjecting.

Mr HULLS — It is in black and white, for goodness sake. The shadow Attorney-General knows full well that it has taken the view that suspended sentences should be retained, so when it comes to being dragged kicking and screaming, the fact is that it is the experts who have made this recommendation. We are adhering to the view of the experts. On the one hand those opposite say we have not moved quickly enough, yet on the other hand they say we are not going far enough and we should get rid of suspended sentences altogether — but not replace them with anything. That is not thought through; that is absolute fairyland stuff.

This is sensible policy, and although the shadow Attorney-General says, 'You are going to be judged on whether or not this will be implemented before you go into caretaker mode or before the election', we have always said, based on the Sentencing Advisory Council's recommendations, that this is long-term reform that has to be carefully implemented. There are brand-new sentencing orders that are able to be imposed by judges. There are a whole range of matters that need to be addressed, including the judicial college, education and getting people in place. There is something like 150 new corrections staff in metropolitan and regional Victoria who will have to be employed to ensure that these sentencing options can be implemented appropriately. There will be $78 million allocated over four years to recruit these new corrections staff.

It is important that we get this right, and that is why the start-up date of 1 July 2011 is absolutely appropriate. The shadow Attorney-General comes into the chamber and says — guess what — 'It should start up before the election', which shows what a sleepy-hollow individual he is. He just goes to sleep, does not do the hard yards and is not prepared to do the appropriate work.

Mr Clark interjected.

Mr HULLS — He yells across the table, 'You have now set a date: 1 July. We are going to hold you to account for that.' I hope that is dead right. He should hold us to account for that because it will mean that he is in opposition and we are in government, and that is fine by me. This is appropriate policy, and what the opposition has said when it comes into this place is another example of it saying one thing and doing another — putting forward a half-baked, knee-jerk policy without doing the hard yards.

Instead, we have progressively implemented the Sentencing Advisory Council's recommendations since 2006. The reforms outlined today are simply a continuation of our truth in sentencing regime. This is good reform; it is groundbreaking reform. There are some who will not agree with these reforms. There are some who will say we should not be getting rid of suspended sentences at all. The view I take is that after doing the hard work, replacing suspended sentences with appropriate sentencing options ensures that when a judge or magistrate imposes jail a person actually goes to jail and does not walk out of the court. If the judge does not want to send them to jail but wants to give them appropriate sentences where they can be monitored and put into rehabilitation programs and then come back to see how they are going, that is also appropriate. That actually broadens judicial discretion; it gives the judges more sentencing options rather than less.

I notice that the Law Institute of Victoria put out a media release when this announcement was made. Basically it said that the sentencing report makes sense. It said that the government's proposals on sentencing reforms will make sense if conditions relating to the causes of offending are imposed on court orders, so the law institute also agreed. Whilst the law institute has previously said that it would prefer suspended sentences to remain, it also said that if you are going to replace them, you should replace them with these types of flexible orders that will give the judiciary more flexibility and more discretion rather than less. This stands in stark contrast to what the opposition is proposing, which is to provide no alternatives and just abolish suspended sentencing. Not just that — wait for it; we will hear it in a very short period of time — it also wants to impose mandatory sentencing, with mandatory minimum terms for particular offences. The fact is that that is a fraud on the victims, and it is lazy. It is lazy politics, because we know it does not work.

Finally opposition members have been dragged kicking and screaming to accept this legislation, and I welcome the fact that they have belatedly decided to support these groundbreaking reforms. I notice that they have had to come in here and pull themselves up and quite nervously say, 'We actually do support what the government is doing'. The fact is that they belatedly come to this debate. They have not done the hard yards, but now they have finally decided to accept that the government's policy in this area is correct, it is flexible and it is appropriate.

We have relied on the experts, and while the opposition's support has been belated — it has been very slow in coming to agree with the government's position in this area — I give credit where credit is finally due, and I thank opposition members for finally waking up to themselves and realising that this policy is appropriate. They are finally getting out of their beds, getting out from under their doonas and realising that the government has done the hard yards and has relied on the experts. They are saying, 'Yes, we are going to finally agree with what it is doing.' I thank members of the opposition very much for their support, albeit belated. I welcome that support, and I wish the bill a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

BAIL AMENDMENT BILL

Second reading

Debate resumed from 2 September; motion of Mr HULLS (Attorney-General).

Independent amendments circulated by Mr INGRAM (Gippsland East) pursuant to standing orders.

Mr CLARK (Box Hill) — This is the second bill in a row that we are debating in this house where the government is failing to respond adequately to the need for law reform to more effectively protect the community. In the case of the previous bill we had the government at least pretending to follow opposition policy and take action. Then, in the dying stages of the debate, we had the Attorney-General indicating that although he is passing the bill through the house he still has no intention of having it come into operation prior to 1 July next year. In the case of this bill we have not even got a pretence from the government that it is acting to address the many problems that we face in relation to the law of bail. It is not even pretending to pick up on the policies that the coalition has announced that would bring effective and strong bail laws to Victoria and tackle the wide range of serious problems that the community faces with bail laws at present.

What this bill does is relatively limited. It amends the Bail Act 1977 to redraft it and make relatively minor changes relating to conditions of bail, sureties and deposits, variation of bail, revocation of bail and further bail applications and appeals. It provides that a bail justice can remand a person in custody for a maximum of two working days, compared to eight working days at present. It abolishes the common-law right of a surety to arrest the person for whom they are acting as surety — for example, if the surety fears that the person on whose behalf they have acted will breach bail. The bill also amends the Bail Act to require a decision-maker to take into consideration any issues that arise due to the Aboriginality of the person when making a determination under the act in relation to that person. The bill also amends the Magistrates' Court Act 1989 to create a new legislative framework for bail justices which includes five-year fixed-term appointments, mandatory professional development requirements, procedures for removal from office and cessation of full appointments as bail justices from the age of 70 but with some provision for a person to be an acting bail justice until the age of 75.

There are a number of concerns about the bill. It fails to act on many of the recommendations of the Victorian Law Reform Commission, and again this is a striking example of where the government has commissioned

an expert body to come up with a series of recommendations which it has then comprehensively ignored or inordinately delayed. We saw that with the Sentencing Advisory Council's 2005 recommendations in relation to suspended sentences, which we were considering in relation to the previous bill. Here we have a whole series of significant issues on which the law reform commission has made recommendations, but the government is saying, 'No, these are all too hard. We'll put them off and think about them later, and we'll just bring in this pretty limited collection of amendments in this bill'.

Amongst those recommendations of the commission that have not been tackled are recommendations to make clearer what conditions can be imposed on bail, to provide for reimbursement and better training for bail justices, to provide better provision of information to victims and to improve records of prior offending history. Those are all pretty important recommendations from the law reform commission, and in respect of a number of them there is a very substantial overlap between what the commission has recommended and what the coalition announced in the policy that it released on 6 July this year.

Our policy addresses those issues that desperately need tackling in relation to bail, which are all conspicuously absent from the bill before the house. The bill should have contained, as our policy contains, provision for an extra penalty when a further offence is committed by someone while on bail. At the moment there is very little deterrent to people committing additional offences while breaching the trust that the community has placed in them by releasing them on bail. Furthermore, there are enormous practical difficulties at the moment in keeping track of whether people have in the past reoffended while on bail, which means that courts, police and other decision-makers are not in a position to make fully informed decisions when someone comes before them with a subsequent bail application.

Under our policy a person on bail who commits an indictable offence or offences, such as assault causing injury, theft, burglary or possessing or trafficking drugs, will be liable for an additional penalty of up to three months in jail for offending while on bail. It will apply to each indictable offence committed while on bail, on top of the penalty for the offence itself. Our policy will be sending a clear message that criminals who commit crimes while they are on bail not only break the law but also mock the bail system itself and breach the community's trust, and there should be a penalty attached to that. That measure is conspicuously missing from this bill.

Similarly missing from this bill are amendments that will tackle the problem we face at the moment because there are not standard definitions for bail conditions. A general discretion is given to a court or bail justice to impose what the bill refers to as special conditions, but without clear specifications it is very difficult to make standard and efficient provision for the operation and enforcement of those provisions. The law needs to be amended to be made clearer and stronger so that offenders released on bail are adequately monitored and the community is protected from those breaching bail conditions.

If the legislation were to set out the details of the range of restrictions that an alleged offender can be required to agree to if released on bail, that would make the process of setting, monitoring and enforcing bail conditions much easier. It should be made clear in the legislation, for example, that restrictions can include curfews and no-go zones. Furthermore, under the present law if someone breaches a bail condition — believe it or not — they face no additional penalty for breaching that bail condition and go completely unpunished for their contempt of the bail system. All that can happen is that they are brought back before a bail justice or magistrate to have their bail reviewed.

We believe the law should be amended to make it an offence to breach bail conditions that are imposed in order to protect the community or to prevent absconding, including conditions such as curfews, no-go zones, staying away from victims or witnesses and reporting to police. None of those matters is dealt with in this bill, nor is there a specification of a clear range of penalties that will apply, including jail for serious breaches.

Furthermore, there is nothing in this bill to establish a framework that would allow for the electronic monitoring in appropriate cases of persons who are released on bail. Supervising people who are released on bail relies on manual systems such as reporting to police. There are often long delays before authorities realise an offender has fled, and it is very difficult to enforce conditions such as curfews. Police are often in the situation where at the end of a long and busy day of trying to stem the rising tide of violent crime in this state they need to attend to paperwork regarding the tracking of offenders who have reported or should have reported to police in accordance with bail conditions. Understandably this recording at times can be overlooked and a period of time can elapse before it is even realised an offender has absconded.

We believe the law should make provision to allow a court to require an electronic monitoring device to be

worn as a bail condition in the way same way as can currently occur for supervision orders. The bill before the house should have included a provision to allow that to occur and therefore to allow for the monitoring of persons on particular bail conditions such as curfews or requirements to return home by a specified time.

Another serious issue that the bill does not address is that of bail shopping. In theory when someone wants to make a repeat application for bail there are certain requirements and preconditions that should apply, and there is supposed to be a requirement that in most circumstances a fresh application should go back before the judge or magistrate who heard the initial application. But there is evidence and some very telling and tragic cases where those requirements have apparently been bypassed and people have been able to shop around for bail — that is, make multiple applications to obtain bail — and they have then gone on to commit very serious offences indeed.

Provision needs to be made to work with the courts and to amend the law if necessary to make sure that the system will operate effectively to prevent bail shopping and other abuses, such as unjustified repeat bail applications, and to make sure there is adequate notification to police or prosecutors to allow them to act to stop bail shopping or other abusive applications. There is no sign that the government has recognised this is a problem that needs to be tackled, and certainly there is nothing in the bill that tackles these problems.

There is another issue which was canvassed in the Legislative Council. I do not intend to canvass it at length here, but I will just note the point that the bill makes special provision for persons of Aboriginal background in that a decision-maker is to take into account issues that arise due to the Aboriginality of a person when making a determination under the act in relation to the person. To take account of a person's background, such as their Aboriginality, is perfectly appropriate if account is taken in an appropriate manner. It may well be that this provision in the bill simply puts in black and white what is implicit anyway.

In the Legislative Council we raised the proposition that if you are going to put such a provision explicitly in legislation, it should not be confined to Aboriginality as a background. There are many other circumstances in which the background of a person may be relevant in terms of the customs, practices and ways of life to which they are accustomed. If it is appropriate to take those matters into account in relation to Aboriginality in certain circumstances, as it is, then it is equally appropriate to take them into account when people have other backgrounds that bring similar relevant factors into consideration. We believe the bill should have been amended to that effect. Regrettably it was not amended in the Legislative Council. While we maintain our view on what should be in the bill, we recognise that we are unlikely to win support for our proposition in this house either.

Let me make a few remarks about the provisions relating to bail justices. As I outlined, this bill creates a new legislative framework for bail justices. I think it is important to draw a very clear distinction between the framework that has been put in place for bail justices and what the Attorney-General is talking about doing in relation to justices of the peace, because we on this side of the house are strongly opposed to a number of aspects of the changes in relation to justices of the peace that the Attorney-General has announced. In particular, we believe that a person should not be capable of being dismissed as a justice of the peace or not being reappointed by virtue of a political decision by the Attorney-General or the administrative decision of a low-ranking public servant. We believe that if there is to be a decision to remove or not reappoint a justice of the peace, that decision should be made by an independent decision-maker of appropriate standing.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr CLARK — As I was saying, the opposition's view is that any decision to remove a justice of the peace or not reappoint a justice of the peace should be able to be made only by a decision-maker who is both independent and respected. Certainly we believe it is fully appropriate that a person who accepts appointment as a justice of the peace should make themselves available on a reasonable basis to perform their duties.

It is important to have mechanisms in place whereby people who accept appointment and then do not make themselves available on a reasonable basis to perform their duties can be removed, because those who do not perform their duties on a reasonable basis simply increase the burden and workload for other justices of the peace.

Many justices of the peace make themselves available for long hours, often at inconvenience to themselves, to perform an invaluable duty to the community. It is unfair to them that others can accept appointment and hold it as close to a sinecure. However, as I said earlier, if a decision is to be made to remove or not reappoint a justice of the peace, that decision should not be made on political grounds or by some middle-ranking public servant who does not have the experience or the stature

to command respect amongst justices of the peace or within the community.

In relation to the provisions in this bill that relate to bail justices, the opposition has some reservations about the provision that allows the Attorney-General to be the one who makes decisions as to the reappointment of bail justices. We think it would be better if there were a more independent decision-making process. In theory at least there may be times when appointments should not be renewed simply because there are more bail justices on the books than are required. I think that is largely a theoretical proposition and that in reality it is always an effort to find people willing to take on appointment as a bail justice, to perform the very onerous and important responsibilities that a bail justice exercises and to be prepared to be called out on duty often late at night or in the early hours of the morning to attend where someone has been apprehended and a decision has to be made out of hours on a bail application. We believe it would be better if there were a provision that ensured some recognition of the stature of bail justices and that did not make them liable to lose their office simply on a whim or an unjustified decision of the Attorney-General of the day.

However, given the heavy responsibilities that fall on bail justices and the familiarity with the range of legislation relating to bail which they are required to have, we believe it is reasonable to expect them to undertake at least some level of professional development and for there to be mechanisms for their appointments not to be continued if they are unable or unwilling to take that on. Experience and time will tell whether the mechanisms and provisions in the bill will work adequately and effectively to achieve that result.

One more aspect in relation to bail justices that I want to remark on was alluded to in relation to the Victorian Law Reform Commission's report — that is, how bail justices are treated by the system. I have a very longstanding bail justice resident in my electorate who has expressed to me with considerable force his dissatisfaction with the demands that are being made on him to be rostered and to attend. Often others cannot be found who are willing to come on duty late at night or in the early hours of the morning. An increasing burden is falling on him and a handful of others, who are often expected to travel well outside the district of their primary responsibility either because other bail justices have not been appointed or because they are not willing to attend. Bail justices who are conscientious and diligent get very little recognition from the government for their work on behalf of the community, and they often incur substantial out-of-pocket expenses. I believe there was a time when some reimbursement was paid to them, but their general view is that currently those arrangements are not on a stable foundation.

The final matter to which I refer in my remarks on this bill is the provision in relation to a bail justice's ability to remand a person in custody for a maximum of only two working days rather than eight working days, as provided for currently. While the objective of ensuring that a person who is remanded in custody comes before a court as quickly as possible is appreciated, a number of persons in country Victoria have raised the concern that in some circumstances two working days may prove to be an impractical limitation and there may be difficulties, particularly in getting a person to court from a remote town or a location where there are not enough police officers on hand to convey them. The case has been urged that there should be some reconsideration of this two working day restriction and possibly an increase in that length of time to cover those contingencies. It seems to me that there is merit in that proposition and that it deserves further consideration.

Overall the coalition parties do not oppose this bill. It does raise the various concerns that I have referred to in my contribution to the debate. The principal concern we have about the bill is that although there is a wide range of pressing and important reforms to bail laws to better protect the community and to ensure that bail conditions are honoured and respected by those who are granted bail, none of those provisions has been included in the bill before the house.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Bail Amendment Bill 2010 and also pleased to hear that the opposition will be supporting it. The Bail Act was originally established over 30 years ago, in 1977. It was based largely on common law, and it came into effect in that year. Since then the act has been amended many times, but it is drafted in a language and style that is now outdated and it is definitely in need of modernising and updating. The government committed to this in the Attorney-General's justice statement of May 2004.

In relation to the two justice statements the Attorney-General has brought down since we were elected to government, the very significant judicial and legal reforms that have been made across the state have really made us be seen as a leader in Australia. I say that having last week attended the Australian and New Zealand Society of Criminology annual conference, where I gave a plenary talk on the Drugs and Crime Prevention Committee report on the trafficking of women for sexual purposes. Over the two days I was there I had the opportunity to listen to a broad range of

papers delivered by academics from a range of Australian states and from New Zealand. Victoria was identified very clearly as a leader in a whole range of legal and judicial reforms. It certainly is a model for other states, for New Zealand and for South-East Asian countries, which were represented at the conference. We pay tribute to the Attorney-General for the changes that are being brought into Victoria through the reforms that have come from his two justice statements. I congratulate the Attorney-General on that.

Following the 2004 justice statement in November that year, the Attorney-General asked the Victorian Law Reform Commission (VLRC) to review the Bail Act in its practical operation to ensure that it was consistent with the overall objectives of the criminal justice system. Those objectives included: the presumption of innocence; the protection of the public, including victims of crime; the speedy resolution of issues concerning a person's detention; and the presumption in section 4 of the Bail Act that a person accused of an offence should normally be granted bail except in circumstances specified in the legislation.

In October 2007 the Attorney-General tabled the VLRC's report entitled *Review of the Bail Act — Final Report* in the Parliament. In accordance with the terms of reference of the review, the VLRC report contained 157 recommendations for procedural, administrative and legislative changes to ensure that the bail system functions simply, clearly and fairly for the whole community. The recommendations in the VLRC report were based on extensive consultations with users of the Bail Act, including the courts, prosecutors, legal practitioners, police, government agencies, bail justices, community groups and the general public.

The government is responding to the VLRC recommendations in two stages. This bill responds to 40 recommendations and represents the first stage of reforms to Victoria's bail system. There will be further reforms relating to the VLRC's report at a later stage. The recommendations that the government is responding to first are those focusing on clarification of the existing law and enhancement of the operation of the bail system. Broadly, the aims of the bill are to clarify aspects of current bail law, codify some existing practice by bail decision-makers and promote efficiencies in the operation of the bail system.

Key reforms included in the bill are a new provision for Aboriginal Australians; a new provision for imposing bail conditions; new procedures for administering surety conditions; a reduction in the period for which a bail justice may remand an adult accused; a new provision for further bail applications, amendments to provisions for applications to vary conditions and applications to revoke bail; the abolition of a surety's right to apprehend an accused; and a new legislative framework for the operation of the bail justice system.

It is quite a complicated bill, and I will not go through all those reforms because members have probably read them already while looking at the bill before us. It is very clear that this is a further reform that our Attorney-General and government have brought in and a further way in which Victoria can lead into the future in the judicial systems in Australia. I am pleased to support the bill, and I commend it to the house.

Dr SYKES (Benalla) — I wish to make a contribution to the debate on the Bail Amendment Bill 2010. I start off by putting the bill in context. As we come to the second-last day of parliamentary debate in this four-year term of the Brumby government, we are moving towards further judicial reform. Just an hour or two ago we debated the removal of suspended sentences for some crimes. You have to wonder why these issues are brought before the Parliament at such a late stage in the fourth year of this government — in fact in the 10th or 11th year of Labor government.

The concerns of this side of the house in relation to the bill have been outlined quite adequately by the member for Box Hill, but I would like to touch on two or three aspects that are of interest to me, as a representative of the people in the electorate of Benalla. The first one is the issue of special consideration being provided to people of Aboriginal background. Whilst the electorate of Benalla does not have many people of Aboriginal background, there are a sufficient number with whom I have dealt on a number of occasions to draw to my attention their particular cultural differences and way of seeing the world. They see the world through different eyes. I fully accept that, and fellows like Wally Cooper and Chris Thorne are people who I hold in very high regard. Similarly Sandy Atkinson from Shepparton is another person who I hold in high regard.

I ask the question that the member for Box Hill asked in relation to why these special considerations are being made just for people of Aboriginal origin: why do we not make special consideration for people of other culturally different backgrounds? Prior to coming to this place I had the opportunity to visit and work in a number of other countries, including Kyrgyzstan and Peru. I was welcomed with open arms by people in those countries, particularly ordinary working people, and I was truly humbled by their hospitality and generosity. I know that if those people came to Australia, either through the normal system or as refugees, they may well be entitled to extra

consideration given the substantial cultural differences they would experience in coming from their country to ours.

A cousin of mine works with refugees who have come to Australia from Sudan. It is quite enlightening to listen to him talk about the challenges that people coming from Sudan and many other refugee-type situations are confronted with when they come to Australia. They have come from a background of dog eat dog — it is about survival, it is about food not for the day but for that particular meal and it is about looking after themselves, no. 1, and their family, no. 2, or perhaps vice versa. It is all about the absolute fundamentals of survival.

For those people coming into a system of democracy, where we have a set of rules, where we have a requirement that you need a drivers licence, for example, to drive on the roads and where we have an expectation that you go to work rather than just filling in the day somehow struggling for survival, all of those challenges are something that we need to take into consideration in our justice system. In recognising the different cultural background of Aboriginal people, for whom I have the greatest respect, we also need to provide the same recognition for people who come from other culturally different backgrounds and are challenged by dealing with what we have, which is a wonderful democracy and the best country in the world to live in, without a doubt.

I will now move on to the issue of bail justices and the role they play, particularly in country communities. I note that there is a provision for retirement or exclusion after the age of 70, with a couple of exceptions. I want to cross-reference that to the role that justices of the peace play in our country communities. Just last week I attended the annual general meeting of the Benalla justices of the peace. Those people work in my office one day a week providing a much-appreciated service to our community. Some of them double up as bail justices.

The challenge is that if you seek to put an age limit of 70 years on the people performing those roles, which from one perspective makes sense because they are perhaps entitled to be taking more from the community rather than giving — many of them have given for much of their lives — you create the question of who is going to fill the void. It is one thing to have in place a rule that says this shall happen and this shall not happen, but you need to make sure that the much-appreciated community service provided by these people is still able to be delivered.

Reflecting on the individuals in Benalla who provide these bail justice and justice of the peace services, we are talking about people such as Phillip Messenger, who has contributed to the community in many ways; Ian Roscoe, who is a former mayor of Benalla; Ken Whan, who has been involved in many community activities, including local catchment management; Jack Harrison, who has been involved in the Country Fire Authority for many years; Joy Poole, who is tied up amongst other things as a member of the board of the Benalla Bowls Club; Steve London, who has been involved in many activities including a considerable period as chairman of the Benalla Trust Foundation, of which I am a member; Des McNulty, a solid citizen; and Irene Ham, one of the younger ones. All of these people have made a significant contribution to our community, and most of them, perhaps with the exception of Irene and Steve, are in excess of 70 years of age.

If we start to apply this rule of the 70-years-of-age cut-off, we are going to take out of the community service delivery area people who have made a significant contribution, people who may want to continue to make a significant contribution and people who may be hard to replace.

Another issue which was raised by the member for Box Hill is that of reducing the period of time for which a person can be kept in custody on bail from eight days to two days. I think we all understand the principle of innocent until proven guilty. In the country, we have areas to keep people under lockup. For example, people who may have been somewhat unruly in their behaviour on Mount Buller whilst enjoying the magnificent snow experience may need to be retained in the lockup on bail because of their unruly behaviour. They would need to be transported from Mount Buller to Benalla, which is the nearest available lockup, and that consumes five hours of our two police officers' time.

In looking at the various amendments in the bill we need to ensure that it is taken in the broader context and that the issues affecting country Victoria are taken into full consideration.

Ms KAIROUZ (Kororoit) — I rise to contribute briefly to the debate on the Bail Amendment Bill. The government committed to reviewing and replacing the Bail Act in the Attorney-General's justice statement in May 2004. In November 2004 the Attorney-General asked the Victorian Law Reform Commission (VLRC) to review the Bail Act and its practical operation to ensure that it was consistent with the overall objectives of the criminal justice system, including: the

presumption of innocence; the protection of the public, including the victims of crime; the speedy resolution of issues concerning a person's detention; and the presumption in section 4 of the Bail Act that a person accused of an offence should normally be granted bail, except in circumstances specified in the legislation.

In October 2007 the Attorney-General tabled the final report of the VLRC's review of the Bail Act in the Parliament. In accordance with the terms of reference for the review, the VLRC report contains 157 recommendations for procedural, administrative and legislative changes to ensure that the bail system functions simply, clearly and fairly. The recommendations in the VLRC report were based upon extensive consultations with Bail Act users, including the courts, prosecutors, legal practitioners, police, government agencies, bail justices, community groups and the general public.

The government is responding to the VLRC recommendations in two stages. The bill before us responds to 40 recommendations and represents the first stage of the reforms to Victoria's bail system. The recommendations that the government is responding to first are those focusing on clarification of the existing law and enhancement of the operation of the bail system. Broadly, the aims of the bill are to clarify aspects of the current bail law, to codify some existing practices by bail decision-makers and to promote efficiencies in the operation of the bail system.

Key reforms included in the bill are a new provision for Aboriginal Australians; a new provision for imposing bail conditions; new procedures for administering surety conditions; a reduction in the period for which bail justices may remand an adult accused; a new provision for further bail applications, applications to vary bail conditions and applications to revoke bail; the abolition of a surety's right to apprehend an accused; and a new legislative framework for the operation of the bail justice system.

I turn to the provisions of the bill. As I have said, the provision for Aboriginal Australians is a new provision that requires decision-makers to take into account, in addition to any other requirements, any issues arising due to a person's Aboriginality when making a determination under the Bail Act.

The provision in the bill relating to conditions of bail replaces section 5 of the Bail Act to better reflect the way decision-makers impose conditions. Key features of this new section include: a change to the order in which decision-makers must consider conditions; a requirement that all conditions must be imposed to reduce the likelihood that an accused will fail to attend court, commit offences, endanger the safety or welfare of the public, or interfere with witnesses or otherwise obstruct the course of justice; and a requirement that all conditions must be no more onerous than is required to achieve the bill's purposes and that they must be reasonable, having regard to the nature of the alleged offence and the circumstances of the accused.

Additionally the bill provides for decision-makers to consider the conditions that they may impose when assessing whether an accused would pose an unacceptable risk if granted bail. It also requires them to consider the means of an accused or a surety in deciding whether to impose deposit or surety conditions and the amount of such conditions.

The bill also establishes a new procedure in the Bail Act for dealing with objections about the suitability of a proposed surety. Such disputes will go back before a magistrate or judge for determination. It also establishes a clear procedure for an accused and a surety to sign the bail forms when they are not present in the same location.

Further provisions in the bill relate to further bail applications, applications to vary conditions and applications to revoke bail. The bill replaces section 18 of the act, which deals with further bail applications, applications to vary conditions, applications to revoke bail and appeals by the Director of Public Prosecutions (DPP) when a court refuses to revoke bail. In general this new section clarifies or codifies the current law, but it makes two changes: firstly, an accused whose bail has been refused or revoked by a bail justice will be able to make a further bail application to a court without having to establish that new facts or circumstances have arisen; and secondly, bail-related applications after the completion of a committal hearing are to be made to the relevant higher court.

The bill also amends section 18A of the Bail Act, which allows the DPP to appeal to the Supreme Court against any decision to grant bail. The amendments clarify that the Supreme Court's consideration of bail after setting aside an original hearing is a fresh hearing, and they codify the right of an accused and clarify the right of the DPP to appeal a decision of a single judge of the Supreme Court to the Court of Appeal.

Many speakers before me spoke about the bail justice system. Many of us know bail justices, and we know what they have to deal with after hours. That work is done on a voluntary basis, and we are very grateful for the work they do. However, the bill before us acknowledges that bail justices deal with after-hours

bail applications, and it amends the Magistrates' Court Act to create a new legislative framework for the bail justice system.

Key features of the new system include: the Secretary of the Department of Justice will administer the bail justice system, including being able to direct bail justices to undertake training and being able to issue guidelines; the Attorney-General will appoint bail justices for five-year fixed terms; the Attorney-General will be able to appoint acting bail justices for 12-month terms, with the potential for reappointment; and the code of conduct will be enacted in regulations and contravention may result in suspension from office, a direction to undertake training and an independent investigation. The bill also reduces the maximum period for which bail justices can remand an adult from eight days to the next working day, unless it is impractical.

As I have said, the government is committed to reviewing and replacing the Bail Act, and this review was announced by the Attorney-General in his justice statement in 2004. We now have a list of 157 recommendations, 40 of which we are dealing with today. We have come a very long way, and the VLRC has put in a lot of work and consulted many stakeholders. This is good legislation; we have got it right, but we still have other recommendations which we have to review and which we are yet to bring to the Parliament. The bill meets another commitment made in the annual statement of government intentions, and I wish it a speedy passage.

Mr INGRAM (Gippsland East) — I rise to speak on the Bail Amendment Bill 2010. I think the bill before the house is a good step forward. I would like to pay tribute to justices of the peace and bail justices for the important services they provide to our community, particularly in rural and regional areas, when people are arrested and come before the court system and magistrates or judges are not available. In consulting in relation to the bill I had important input from bail justices in my region, and I would like to thank them for their considered input through the consultation process, in which they looked seriously at the potential impacts of the bill.

I think it is important to look at the potential impact of the legislation on regional areas. Special consideration needs to be given to regional areas in respect of the distance between courts and magistrates and the difficulty of access and in respect of the availability of family and support networks for people who find themselves on the wrong end of the law. I acknowledge the impact on individuals when they are charged with an offence and held by the police, but I think it is important to make sure that any changes we make are practical. The amendments I have moved come after consultation with local bail justices.

In relation to clause 11 of the bill, the Victorian Law Reform Commission report indicated that in the view of the VLRC if a bail justice refuses bail to a person held in custody, the bail justice should remand the person to appear before the court on the next working day. That was the recommendation in the report the government commissioned. I acknowledge that the government has amended that recommendation. In the legislation before the house it is provided that if the next working day is not practical, the person appear before the court within two working days. The amendment that I have proposed, which has come out of the recommendations of my local bail justices, is that in some areas, particularly in regional areas, that is potentially not practical. In a perfect world the person would appear before the magistrate or the judge, as is recommended in the report, on the next working day, but in some areas, because of distance or lack of access to family support or court systems, it may not be practical for them to appear even within two working days. To allow some flexibility in such cases, a period of three working days was recommended. I would like to thank the bail justices in my area for providing that input. That is the recommendation of those people who deal with this issue on a daily basis, and I have to support that.

In relation to the other changes the bill provides for, I think they should be supported. They are a good step forward, which is demonstrated by the majority support for the bill across the Parliament.

I would just like to reiterate my support for the job that bail justices do, often in very difficult circumstances. They are on call, providing a good service to our local communities and our legal system. The input I have had, though, particularly in regional areas and in relation to indigenous people in my community, is that the changes proposed in my amendment would improve the outcomes. I fully acknowledge that for anyone who is held in custody it is not a pleasant experience and is not something they would welcome extending, but we need to make sure the provisions are practical and that we are not imposing an overly difficult process on the legal system and the law enforcement officers and magistrates in regional areas where we do not have the same access to the court system as people in the metropolitan area do. With those words, I will conclude my contribution. I will hopefully pursue the amendments I have proposed, but I will not be opposing the bill.

Mr PERERA (Cranbourne) — I am pleased to rise to speak in support of the Bail Amendment Bill 2010. This bill will modernise and enhance the Bail Act 1977, which is antiquated, and it will modernise the office of bail justice.

The Brumby government has followed the correct procedure in getting the legislation to this stage, as it always does. In November 2004 the Attorney-General asked the Victorian Law Reform Commission to review the Bail Act and its practical operation to ensure that it was consistent with the overall objectives of the criminal justice system, including the presumption of innocence; protection of the public, including the victims of crime; the speedy resolution of issues concerning the detention of persons; and the presumption in section 4 of the Bail Act that a person accused of an offence should normally be granted bail except in circumstances specified in the legislation.

The report was tabled in Parliament in October 2007. The Victorian Law Reform Commission conducted a wide-ranging consultation with courts, prosecutors, legal practitioners, police, government agencies, bail justices, community groups and the public. In its report the commission made 157 recommendations for reform to ensure that the bail system functioned simply, clearly and fairly.

The government is responding to the VLRC recommendations in two stages. This bill responds to 40 of the VLRC recommendations and represents the first stage of reforms to Victoria's bail system. The next stage of bail reforms will involve consideration of the remaining VLRC recommendations. The debate today is about those 40 recommendations before us.

There was extensive consultation with bail justices as part of the development of the Victorian Law Reform Commission recommendations. The aspects of the bill that were proceeded with were incorporated into a consultation paper that was made available to the bail justices, and as part of that consultation there were some nine responses from bail justices, all of which were broadly supportive of these reforms.

In Victoria currently the police grant 25 000 bail applications per year, as opposed to magistrates courts granting only approximately 3000. Bail applications are heard by the Magistrates Court if police do not grant bail. Therefore 95 per cent of bail applications are considered by lay decision-makers — that is, police and bail justices.

The bail justices are volunteers. These volunteers are regularly called in during night-time, since the great number of bail decisions are made by police after hours. The Brumby Labor government has realised that reforming the bail justice system is long overdue, as the criminal justice system needs to keep pace with a modern changing world. Crime and how it affects victims has changed and taken different shapes and forms over a period of time. On the one hand the safety of victims, witnesses and the general community has to be considered when making decisions about granting bail. On the other hand the liberty of the offenders has to be considered and balanced against a number of these factors, as all perceived offenders are innocent until proven guilty.

This bill clarifies the administrative framework of the bail justice system, with the secretary of the department taking greater responsibility for administrating the system. The proposed administrative system includes training, rostering and oversight of how bail justices are performing their roles. If required, bail justices are provided with further training in providing justice to everybody, including accused people.

The bill establishes five-year fixed terms for bail justices with the option for reappointment if they choose to seek it before the end of their term. The five-year period strikes the right balance. It is long enough for the department to invest in training for bail justices, for the justices to establish themselves in the job and be productive and for the department to make a fair assessment about their performance in terms of reappointment. There could be bail justices who, at a certain stage in their life, could become lethargic in responding to bail justice call-outs but who wish to maintain their position for the sake of prestige. The five-year appointments will provide the opportunity for the department not to reappoint such bail justices. Once they are 70, if they choose to, bail justices can extend their services with a 12-month appointment, with the provision that a person can act as a bail justice up to the age of 75. This is a great initiative to retain the knowledge of the experienced and competent bail justices in the system for a longer period of time.

Retaining knowledge is an issue in many disciplines of work in this day and age. If a person is healthy, is not bankrupt and is performing well, this is the ideal time in life to make a voluntary contribution as a bail justice. The bill also enacts a code of conduct for bail justices in terms of regulation. If they contravene the code of conduct, they may be suspended and directed to undertake further training and/or counselling or may be subject to investigation, leading to possible removal.

The practice for some time has been for bail justices to remand an accused until the next available court sitting

day, and this is now provided for in the bill. However, the bill provides that a bail justice can remand a person in custody for a maximum of two working days, which is a change from the present provision of eight working days. This is delivering justice for the accused person. It ensures that an accused adult remanded by a bail justice is brought before a court at the earliest opportunity. There will always be a duty magistrate available Monday to Friday. It is bit rich for somebody to suggest that two working days are not enough in this day and age in a state such as Victoria and in a developed country such as Australia.

A bail justice normally remands a person only until the next court sitting day, which will invariably fall within two working days. This indicates that the Brumby Labor government is taking the bail justice system seriously, as it is an important part of the Victorian criminal justice system. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Bail Amendment Bill 2010. The Liberal-Nationals coalition will not be opposing this legislation. The purpose of the bill is to make amendments to the Bail Act 1977 and the Magistrates' Court Act 1989. In this legislation the government is responding to recommendations of the Victorian Law Reform Commission's review of the Bail Act. The final report was tabled in Parliament on 10 October 2007. That was three years ago, so we have another bill coming into the house in the last week of Parliament, though this has been debated in the upper house.

The Victorian Law Reform Commission's report contained 157 recommendations, and the government is responding to 40 of those recommendations. The recommendations deal with conditions of bail, sureties and deposits, variations of bail, revocation of bail, bail applications and appeals. The bill provides that a bail justice can remand a person in custody for a maximum of two working days; at the moment they can remand a person in custody for eight working days.

The bill will also amend the Bail Act to require a decision-maker to take into account any issues that arise due to the Aboriginality of a person. This relates to recommendation 143 in the report, which says:

> The new Bail Act should provide that when making a decision involving an indigenous Australian, bail decision-makers must take into account the needs of the accused as a member of the indigenous community.

In that report there are about nine other recommendations that deal with the Aboriginal community and Aboriginal people in the court system. I do not believe those issues have been dealt with in this legislation, but I understand further legislation is coming in, and I would hope to see those recommendations dealt with in that further legislation. Those recommendations include that additional funding should be provided to the Aboriginal community justice panel program, that the Victorian Aboriginal Legal Service should receive further funding, that the Department of Justice should ensure there is an Aboriginal liaison officer or a Koori Court officer in all court regions and that the Koori Court officer should also fulfil the role of Aboriginal liaison officer in relation to bail. They go on and on about a number of other issues. Some of those issues are administrative and some of them require more funding. I hope the government is going to pick up on some of the recommendations when they come back before the house and that it makes some more amendments.

The Aboriginality issue was not in the original discussion paper. I understand that as the panel went around to consult in Victoria it was raised in a number of forums that there is a need for Aboriginal and Torres Strait Islanders to attend certain cultural ceremonies and events and that as part of their Aboriginality they also need to attend funerals. In the Aboriginal community funerals may last for a whole week, so there needs to be an understanding that people may need to be on bail to attend those sorts of events and that it would be frowned upon if they did not, particularly if the deceased was a close family relative. I understand that bail would only be allowed after consideration of a number of issues, such as whether an offender would be at risk of not attending the court or whether they were a risk to the community or to witnesses.

We understand there is overrepresentation of the Koori population in the criminal justice system. Members of the Koori population are 12 times more likely to be held in a Victorian prison than other Australians. That is fairly damning and significant evidence, and we need to do everything we can to ensure that Aboriginal people are kept out of the criminal justice system and that if they are in it, they are treated in a way that helps them to not reoffend and to move on with their lives when they leave jail.

My area of Shepparton has the highest population of Aboriginal people outside of Melbourne. We have a Koori Court in Shepparton, which I know is working quite well. There was some resistance to it when it was first established as a pilot program in 2002. A number of judges and barristers resisted it and said that Aboriginal people should be treated the same as everybody else. The court was reviewed after a number of years, and I was part of that review. I said I believed

it was working. At the time the recidivism rates were far lower; the reoffending rates for those who had gone through the Koori Court system were much lower. They also turned up for their court cases and were more likely to complete community-based orders.

The Koori system is much more intense. I attended a couple of the courts, and people who think it is a soft option need to spend some time in the court. They will find that it is certainly not a soft option; in fact it can be quite daunting for an offender. There is the victim, there might be an Aboriginal elder or respected person and there is the police prosecutor, and when you are told about your crime the person who you offended against might be in the courtroom as well. You are then sentenced, because in a Koori Court you cannot plead anything other than guilty and it cannot be for a serious crime. The court does not deal with sexual offences or family violence issues; there are only certain offences it deals with.

The court is working. A review was done, and the court continues. Hopefully it is a way for Koori people to see that the justice fits what they need and tries to makes sure they do not reoffend. When I talk to barristers and judges one of the things they want to do is try to keep people out of courts and find ways to rehabilitate them when they have been to court so that they do not reoffend.

In the Legislative Council the coalition raised the issue that perhaps other people's backgrounds could be considered as well as Aboriginality. Sadly that amendment was lost, so we are not going to pursue it in this house. There are a lot of refugees in my area, and I know from dealing with them that many of them have a fear of authority. Their cultural circumstances could be looked at when bail is being considered. When you consider people from non-English-speaking backgrounds, and we have a lot of these people in Shepparton, you can appreciate that sometimes they might not understand their rights and sometimes they say they understand because they want to be compliant. They may say they understand something, but they may not understand what is being said to them. People from non-English-speaking backgrounds could also have their background circumstances looked at when consideration is being given for a bail notice.

There are also cultural differences for some Iraqi and other Arabic-speaking people that should have been considered. I know a lot of Iraqi women do not mix with men, and there are some issues where those sorts of cultural differences could have been looked and perhaps subjected to a bit more consideration. Aboriginality is important, but so are other cultural differences and differences where people — especially people from war-torn countries who have a fear of authority and who try to fight the system — may not be able to understand. Maybe we should be a bit more understanding of those people.

One of the issues that the Victorian Law Reform Commission looked at was homelessness, where people have no fixed address for bail conditions. When you release somebody like this on a bail notice there is nowhere for them to go other than to be with a friend or a family member who may not want them. The report deals with that. The commission also dealt with primary carers. It said that should be able to be taken into account. I know the bail justices and the courts can look at those issues, but they are not obliged to look at them; the act does not oblige them to do so. The commission identified that matter as an issue.

We have all said that bail is absolutely appropriate in certain circumstances where there are no risks to the community, where the person is not at risk of reoffending and where it is in the best interests of a person to be in their home or with people who can care for them. There are quite a number of areas where people need to be on bail. There is a presumption of innocence until someone is proven guilty. If somebody is charged with an offence, it does not mean they are guilty, and sometimes it is detrimental to their health and wellbeing if they go into a court system. I hope the bill passes through the Parliament. The opposition does not oppose it.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Bail Amendment Bill 2010. The primary purpose of the bill is to respond to 40 of the 157 recommendations made by the Victorian Law Reform Commission in its review of the Bail Act to clarify current bail law, codify existing practice by decision-makers and promote efficiencies in the operation of the bail system.

I commend the very important work the commission has done. The bail system needed to be updated and some of the confusing and outdated aspects of the act needed to be clarified. I also commend the Attorney-General for this great reform.

The bill amends the Bail Act 1977 and the Magistrates' Court Act 1989. One of its features is that it includes a new provision requiring decision-makers to take into account a person's Aboriginality when making a determination under the Bail Act. The previous speaker mentioned Koori courts. I am a great supporter of Koori courts; there is one in Broadmeadows. I am in violent agreement with the member for Shepparton when she

says that it is certainly not an easy option for people. The courts work well when people are judged by their peers and when whatever is decided is put in place by their peers. I say more power to the Koori courts.

The bill replaces section 5 of the Bail Act to better reflect the way decision-makers impose conditions. Bail justices have very important considerations to make, and one of the features of the bill is that all conditions must be imposed to reduce the likelihood that an accused will fail to attend court, commit offences, endanger the safety or welfare of the public, or interfere with witnesses and otherwise obstruct the course of justice. If that happens, those are all very serious offences. We cannot make the bail conditions too onerous. They have to be reasonable and have regard to the nature of the alleged offence and indeed the circumstances of the accused. All these things have to be taken into consideration.

The bill also establishes a new procedure in the Bail Act for dealing with objections about the suitability of a proposed surety. Such disputes will go back before a magistrate or a judge for determination. There is also a much clearer procedure for an accused and a surety to sign the bail forms when they are not present in the same location.

One of the features of the bill is the very wide consultation that has taken place. I commend the department for the work it has done. It has conducted both targeted and public consultations on the reforms contained in the bill, and I will talk about that process. A discussion paper was sent to key stakeholders and was also published on the department's website. Some 22 submissions were received from a very broad range of stakeholders, including government agencies, prosecutors from both the Victorian and commonwealth jurisdictions, Victoria Police and the Australian Federal Police as well as from the courts, bail justices and community legal groups.

The submissions were, by and large, supportive of the proposed reforms. Then there was a steering committee put in place to oversee the bail project, and that steering committee comprised representatives from the Children's Court, Corrections Victoria, the County Court, the Department of Health, the Department of Human Services, the Magistrates Court, the Office of Public Prosecutions, the Supreme Court, Victoria Legal Aid and the Koori Court. The department also met with several stakeholders and made presentations to members of the Aboriginal Justice Forum. There was a broad range of publicity around the steering committee and in November 2009 the discussion paper was published.

Extensive consultation has taken place, and certainly everybody in this house knows the very important work that bail justices do to simplify and clarify the laws around the granting of bail, and amending those laws has been a very good thing. Once again the new legislation improves the entire governance of the bail justice system. There is a new code of conduct for bail justices; the terms of appointment of bail justices are now five years; and the suspension and removal process is more appropriate to volunteer office-holders.

These are very important reforms. Many say this is the most significant overhaul of criminal justice legislation in the last 150 years. It includes the new Evidence Act and Criminal Procedure Act. These are very good reforms to the bail system. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Bail Amendment Bill. The concept of bail is an important part of our justice system. While our justice system is based on the absolutely key legal principle that a person is innocent until proven guilty, we recognise that there are circumstances which require an accused person to be held in custody pending a trial, and these circumstances, as outlined in the second-reading speech, include safety of the community, safety of witnesses and ensuring that the accused will actually appear in court. That is why the bail system is very important as a key component of our justice system in Victoria. The coalition does not oppose the legislation but has some concerns about the bill before the house.

In particular we raise concerns about the failure of this legislation to act upon many of the recommendations of the Victorian Law Reform Commission on bail, including making it clear what conditions can be imposed on bail, reimbursements and better training of bail justices, and the better provision of information to victims, which I think is an area where our legal system has made some progress over the years but probably the victims are still often treated as victims twice over, once in terms of crimes perpetrated upon them and often in the justice system the victims are again treated poorly. We need to continue to update our justice system, and in this case the bail system, to ensure that there is provision of better information to victims. We need improved records of prior offending history.

One of the other changes in this legislation that my community and I have concerns with are provisions that a bail justice can remand a person in custody for a maximum of two working days as opposed to the present eight working days. In many circumstances particularly in regional and rural Victoria, our bail

justices, who do a fantastic job, need the option to be able to hold somebody in custody for longer than two working days to give the police and other people in our justice system the flexibility they need to manage those alleged offenders.

As this legislation is rolled out across Victoria we will find that the reduction from eight to two working days as the maximum of for people to be held in custody under a bail justice will often not be workable. It will be very difficult for our justice system to work efficiently and effectively under those rules in regional and rural Victoria. I suggest that we might be back in this house early in the term of the new government to look at this issue again. That is one of the concerns we raise.

I want to take this opportunity, as this legislation deals with bail justices — and I will come to some of the related provisions in the bill shortly — to place on the record my great appreciation and that of the south-west coast community for the tremendous work done by voluntary bail justices. These people make difficult decisions. They are often called on at all hours of the night and day, and in particular at weekends, and they make themselves available in a very quiet but effective capacity to work on behalf of the community. The work they do, which is often unnoticed by the vast majority of the community, is much appreciated. Many in the community would not even know who is a bail justice or the work they actually do. I can say to the bail justices in south-west Victoria — indeed I could probably speak about bail justices right across Victoria — that their work is certainly important and well recognised. For them to do that work in a voluntary capacity is very much appreciated by the broader community.

While I am on that subject, I want to place on the record our great appreciation of the work done by the honorary justices of the peace in our community. I also express my disappointment, and I believe the disappointment of the wider community, at the attack on honorary justices of the peace led by the Attorney-General over recent months and years. Justices of the peace have served the community with distinction for many decades, particularly in regional and rural Victoria. They make themselves available to witness documents and perform a range of roles within the community, and they do it on a voluntary basis without any fanfare and without seeking any accolades or thanks. They certainly do a great job. For them to have been attacked and pilloried as they have been by the Attorney-General is unacceptable. I want to place on record my appreciation and my community's appreciation for the work of bail justices and justices of the peace, many of whom perform both of those roles.

I refer to pages 22 and 24 of the bill which relate to provisions regarding bail justices. In particular I refer to clause 29, which inserts proposed new section 120A(2). This section says:

> (2) A person is not eligible for appointment as a bail justice unless —
>
> (a) the person is of or over the age of 18 years and under the age of 65 years

Following on from that, on page 24 of the bill, new section 120E(2) says that a person is not eligible for appointment as an acting bail justice unless they are over the age of 70. I am concerned about those age limits. I thought we lived in a society where we judge people on their merit rather than on their age. The Acting Speaker, the member for Murray Valley, would know that there are many people over the age of 65 who are extremely competent and could perform the role of bail justice with distinction, particularly people who have retired from work and would then have the time to be bail justices. I think it is unreasonable to limit the eligibility to be a bail justice to people who are under the age of 65. In this modern era, where people are living longer, fitter and healthier lives well into their advanced years, many people over the age of 65 could perform that role very well. The Acting Speaker is a living example of somebody who could perform that role very well.

I will refer to a couple of cases where the community is concerned about the way bail is applied in our society. I quote from an article in the *Bendigo Advertiser* of Wednesday, 21 July 2010:

> A Bendigo man charged yesterday over a series of thefts and burglaries is expected to face court this morning.
>
> The 23-year-old man was on bail for similar offences when police said he broke into numerous cars and homes, stealing cash and other items with an estimated value of thousands of dollars. Police arrested him yesterday morning.
>
> He is alleged to have broken into more than 25 cars in the greater Bendigo area and to have entered numerous homes in the past month.

The community is concerned that somebody who is on bail is committing these offences. The coalition's approach of being tough on people who commit offences while on bail is something that should be adopted by this government. The people of Victoria certainly expect that tougher approach.

I also refer to a case reported in the *Herald Sun* of 18 August. The article reads:

> A graffiti vandal who defaced railway stations, trains, trams and public buildings during an eight-month crime spree is addicted to tagging, his lawyer claimed yesterday.

> Brett Williams, 23, was on bail, serving two suspended sentences and on a community-based order for previous graffiti attacks when he committed a further 26 tagging offences.

Here is a fellow with more than 90 convictions who had been given a string of suspended sentences, community-based orders and fines and yet was still released on bail to commit further offences. I think the community really wants these bail conditions to be tightened up so that people who are a genuine risk to the community do not keep getting bail. There are similar concerns with respect to suspended sentences. What people want is a government that treats crime seriously. They want a government that is tough on crime, not a Labor government that is soft on crime.

While we do not oppose this legislation, and we strongly support the work of bail justices and honorary justices of the peace, we ask that the government make sure it is tough on people who breach bail conditions.

Debate adjourned on motion of Mr LANGUILLER (Derrimut).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Standing orders

By leave, opposition amendment circulated by Mr McINTOSH (Kew).

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

> That —
>
> (1) Standing orders be amended as follows:
>
> (a) standing order 2, omit subparagraph (3) and subparagraph (4);
>
> (b) standing order 2, in subparagraph (5), after 'announced' insert 'by the Serjeant-at-Arms, the commissioner delivers the commission to the Clerk,';
>
> (c) standing order 5, in subparagraph (2), after 'business' insert ', in assertion of the house's rights';
>
> (d) standing order 5, omit subparagraph (3).
>
> (2) The Clerk of the Legislative Assembly be authorised to carry out any consequential renumbering in standing orders 2 and 5.

This notice of motion has been on the notice paper. As a consequence of that the member for Kew is proposing an amendment, which has been circulated. This change to the standing orders arises as a consequence of the other chamber making some changes to its procedural mechanisms — its standing orders. Accordingly this house needs to make these few minor changes in order that its standing orders align with those that have been now passed by the upper house. So in a sense this is an initiative of the upper house, and particularly as it relates to procedural elements of the opening of Parliament and the dealing with privilege bills we want to make sure that our standing orders align. We do not need a misalignment of them.

The changes relating to the privileges bills come to this chamber and the other place by way of a recommendation of the Standing Orders Committee, and accordingly the government is happy to accept those. Embedded in the motion that I have moved containing the proposed changes to the standing orders is a provision to accommodate the reality of the new procedures that really have in a sense superseded the need for a privileges bill.

The privileges bill goes way back to ancient history in the House of Commons, and there has been a need to create a privileges bill to assert the rights and privileges of the house. My amendment on that matter is proposed to acknowledge that. But I would make a comment that the amendment proposed by the member for Kew deals with it in a different way, in a much more expansive and explanatory way, in terms of the intent of these proposed changes. Accordingly I would say to the house that as a government we are prepared to accept that amendment, and I guess the member for Kew in his presentation will amplify to us all the reasons behind that. But the proposals that I have moved and the amendment the member for Kew is proposing to move seek to deal with the same issue. These are fairly technical and minor changes to our standing orders to achieve that alignment, and the amendment that the member for Kew proposes to move helps to amplify within the body of the standing orders what we are seeking to do today and to acknowledge that history and tradition.

It is appropriate that the member for Kew move this type of amendment. He is a very conservative member of this house. He acknowledges the history and traditions that go right back to the killing of a monarch within the parliamentary chambers, and I can understand why that is still a lingering, painful experience for the member for Kew. We are prepared to accommodate the need to articulate this and express it within the continuing standing orders. We are thankful to him for reminding us of the actions that members of the House of Commons took a long time

ago in relation to the deceased monarch, and it is appropriate that we incorporate these references into our ongoing and enduring standing orders. Not only do I commend the motion I have moved to amend the standing orders but I am happy to accept the appropriate amendment from the member for Kew.

Mr McINTOSH (Kew) — I move:

> In paragraph 1(c) omit 'in assertion of the house's rights' and insert 'to re-insert and maintain the rights of the house to deal with its own business before the Governor's business'.

In doing so can I just express the enthusiasm of the house for such an educative performance by the Leader of the House on the history of the democracy that we have inherited. There is one correction. King Charles I was not executed in the precincts of the Parliament; he was actually executed outside the banquet hall, which then formed part of the Palace of Westminster, so it was not actually in the parliamentary precinct. However, having said that and having corrected that historical inaccuracy that I could not let stand, I am also very grateful that the Leader of the House has described me as a conservative member of the Parliament. But I have no idea why that gives me some sort of standing to speak on this matter.

The opposition will not be opposing the government's motion. In fact it is supporting it. It is necessary because of changes that have been made to the standing orders in another place. The standing orders, as I understand it, are not proposed but have actually been passed by the upper house, or at least my understanding is that debate on this matter has been dealt with.

The reality is that at the commencement of a new Parliament the upper house will no longer invite members of the lower house to join it for the reading of the proclamation by the commissioners who are designated or appointed by the Governor to swear in new members both in the Legislative Council and in the Legislative Assembly. It has nothing to do with the ceremony involving the Usher of the Black Rod, which of course is part and parcel of a Westminster Parliament and has been for nigh on 300 years and is an important symbol of what we do in here.

What normally occurs at the start of every Parliament is that the Parliament is called together — I think the last Parliament was called together at 11 o'clock in the morning — and the Clerk reads out a proclamation saying the election has been held, the writs have been returned and the Governor has called together a Parliament. Then a message is sent from the Legislative Council, and we are invited to go to the upper house to hear the appointment of the commissioners. On the last occasion it was the Chief Justice of Victoria and the President of the Court of Appeal. The chief justice presided in the Legislative Council for the swearing in and the President of the Court of Appeal presided here for the swearing in of members. Obviously the swearing in is a very important part. The change does not affect that at all. This amendment is needed because the upper house will no longer summon us. Without it, if we come together at 11 o'clock in accordance with this standing order — —

Mr Languiller interjected.

Mr McINTOSH — The member for Derrimut is obviously enthusiastic about my contribution as a conservative member of the Parliament in correcting the Leader of the House about the forms.

Having said that, what it means is that the upper house has changed its rules, so if we came together at 11 o'clock in accordance with the standing orders as they currently stand, expecting a message from the Legislative Council to ask us to adjourn and attend the Council chamber for the reading of the proclamation in relation to a commissioner, we would be waiting for some time. We would be waiting not 5 minutes, not 1 hour and not 2 hours; we would probably be waiting until 3 o'clock until we heard the Usher of the Black Rod banging on that door summoning us as sworn members of the Parliament to join members of the Council to listen to the Governor's speech. Of course we would not even have been sworn in because the commissioner would not have arrived.

The reality is that the Council has changed its rules and therefore we are required to change our rules to meet its requirements. It was a recommendation of both the Standing Orders Committee of the Legislative Council and the Standing Orders Committee of the Legislative Assembly to do so, but the Council has now changed its standing orders — or is about to, if the vote has not yet gone through — and therefore we should do the same. What this means is it will cut out the initial stage. The ceremony of the Usher of the Black Rod and the formal swearing in of the members of Parliament in this chamber in front of the commissioner will still take place. All of that will remain unchanged. It eliminates just one part of the ceremonial process at the beginning of the day. That is not without some anguish. Some members of the opposition are concerned about this matter, but I think we have to do it, otherwise the Parliament would become unworkable because the two houses would be out of sync in relation to this matter. Therefore the opposition will have to support this matter to ensure its passage through this place.

In relation to the second matter, which as far as I am concerned is probably the more important aspect of the amendments, traditionally the lower house has passed a bill dealing with the rights and privileges of the house to transact business before it deals with the Governor's speech. More importantly, traditionally that is based on the premise that we can conduct our affairs as a lower house without any direction from the monarch. That is a historical purpose of a particular privilege bill. That is transmogrified, if I can call it that, into just an ordinary bill — that is, any bill that is transacted prior to the notification of the Governor's address in the upper house is asserting our rights to maintain our privileges in this chamber.

The amendment I have put before the house inserts into the standing orders as amended exactly the words that exist in our current standing orders. The amendment reinserts those words, and what it basically says is that in transacting formal business, not necessarily a bill, but any formal business — it could be the Premier standing up and announcing his cabinet, the Leader of the Opposition announcing his election as the opposition leader, a notice of motion or any aspect that we normally conduct in relation to formal business, including the first reading of a bill — the most important thing is that we are asserting our historical right to transact business and not be subject to the direction of the monarch. Of course it is now set out in our standing orders that it will occur before we get notice of the Governor's speech, and that leads to the address-in-reply and the inaugural speeches of the new members of Parliament, all of which we are now familiar with. I think this clarifies the position. It reinserts the exact words of our current standing orders rather than having an abridged form, and that is why I suggest to the house that it should be adopted. I am very grateful that the Leader of the House has indicated that he would accept that amendment.

With those words, the opposition supports this motion. It is an important motion, because firstly we need to address the first stage of the opening of Parliament because the upper house has changed its standing orders and therefore as a necessary result we have to change our standing orders. The pageantry, the history, the ceremony of the opening of Parliament will still be maintained, and the Usher of the Black Rod will still be summoning us to listen to the Governor's address in the upper house. All of that remains.

The second thing is that rather than having a privilege bill nominated putatively for the purposes of asserting our rights, any form of formal business will constitute an assertion of those rights, and we can then move to the report of the Governor's speech, the address-in-reply and the inaugural speeches of the new members of Parliament. The ceremony, the sanctity and the history will be maintained. It is just a pity that the Leader of the House does not quite get his history correct in all of these matters.

Mr MORRIS (Mornington) — It is perhaps appropriate that we have the longest serving member in the chair for the purposes of this discussion. As both the Leader of the House and the member for Kew have identified, this discussion is about the events surrounding the opening of Parliament. It would be considered by many if not almost everyone outside Parliament to be largely a ceremonial process. We certainly celebrate our democratic traditions and heritage. There is the opportunity for a bit of pageantry with perhaps some symbolism, but we are also doing serious business. These were hard-won rights and freedoms, and we need to ensure that they are never lost.

The processes followed to date not only in Melbourne but also in Canberra and at Westminster have been very similar. In the case of the Victorian Parliament the process is laid down in our constitution and standing orders. As has been indicated by both speakers thus far, the changes that are proposed are in part a consequence of changes to the standing orders in the other place, and of course it is necessary that we consider our position.

It is interesting that while many parliaments follow the Westminster tradition and in many cases much is similar, sometimes things are done differently and sometimes they are done much the same way but to different effect.

Honourable members interjecting.

The ACTING SPEAKER (**Mr Jasper**) — Order! Has the members' discussion finished?

Mr MORRIS — As I was saying, it is interesting that while many parliaments follow the Westminster tradition and while much is similar and some things are done the same, some things are done differently. In some cases they are done in the same manner but the outcome is slightly different.

Currently in all three jurisdictions that I have referred to — Victoria, the commonwealth and the United Kingdom — commissioners have a similar role in terms of the function of opening the Parliament. I make the distinction between actually opening the Parliament, which is what occurs, and the swearing-in of members. In Australia members are sworn in by commissioners, as they are called in Victoria. I think they have a slightly different title in Canberra. In the House of

Commons, following the attendance of members in the House of Lords to hear from the monarch's commissioner, members return to the House of Commons, elect the Speaker and are then sworn in by the Speaker. We do it slightly differently — in reverse order.

The practical effect of the implementation of the proposed changes to the standing orders and standing order 2 is to abandon the tradition of both houses sitting together with the vice-regal representative for a formal opening. The cumulative effect of the changes to the standing orders in both houses would be to institute a practice of sitting apart and in effect conducting two simultaneous openings of the Parliament in lieu of all parties sitting together.

Does it matter? Probably not in a practical sense. If the motion succeeds — and given that it has the support of the government and the opposition, I think it is probably a foregone conclusion — then the situation will be resolved. I will certainly be supporting the motion. As the member for Kew identified, if we do not pass the motion, perhaps we would all be left sitting here waiting for a knock on the door that might never come. That is unless the provisions of section 43(2) of the Constitution Act which relate to messages between the houses apply.

I am certainly not opposing the change, but I think it is important to recognise that it is not simply a process of changing the swearing-in arrangements. We are in fact changing the arrangements that affect the opening of the Parliament. We are taking it from a practice of sitting together to formally open the Parliament to in effect having parallel openings.

In terms of the other change, the amendment affecting the proposed change to standing order 5 in paragraph 1(c), the member for Kew made the case for his amendment very well, and I will certainly be supporting that.

Amendment agreed to.

Amended motion agreed to.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Energy and Resources).

ADJOURNMENT

The ACTING SPEAKER (**Mr Jasper**) — Order! The question is:

That the house do now adjourn.

Disability services: funding

Mrs FYFFE (Evelyn) — The action I request is for the Minister for Community Services, and it is that she urgently review the level of funding given to non-government organisations such as Melba Support Services in Mount Evelyn. This organisation has been having great difficulties coping with its funding situation.

Caring for disabled adults is labour intensive, and organisations such as Melba spend most of their funds on wages. The funding increase of 3.14 per cent this year was less than the wage increase of 3.25 per cent. The inability to keep pace with pay levels in the private sector means the organisation is finding it extremely difficult to retain staff. The money it has left over after paying wages to carers has to be apportioned to pay for not just basic maintenance of buildings but also the servicing of an ageing fleet of buses, some of which should have been replaced 10 years ago. Without these buses, programs will be cut further.

Complying with the government's demands for personal plans for each patient, whilst admirable in theory, is useless if there is no money to fulfil even the clients' most basic requests. It takes a lot of time to put these policies into basic English. The population is ageing, and this means the disabled are also ageing. Disabled people have few accommodation options when their primary carers are no longer able to look after them. It is also noted that people with cerebral palsy age faster.

With lower interest rates Melba Support Services has lost significant income. The staff are now in a position where they cannot take their clients out to interact with the community by doing extra activities such as swimming, which is very therapeutic and often the only thing the clients look forward to. As such, the quality of life of clients has dropped significantly.

I would like to draw the house's attention to one particular client of Melba Support Services, a man who is blind, deaf, unable to speak and confined to a wheelchair. He is reliant on others to attend to all his physical needs. Even feeding himself is difficult, but the one thing he has been able to do over the years is swim. These wonderful carers have taught him to communicate that he loves swimming. I was there one day when he was making the swimming motion and the carers were counting one-two on his fingers and putting his hands on the side of his head, which meant two more sleeps to go before swimming.

Graham looked forward to swimming with great joy because with the right flotation devices it was something he could do without others' hands on his

body. But now, because of the lack of funding — because the funding that is given to these organisations has not kept pace not just with inflation but also with the demands the government places on them — Graham cannot go swimming. It is absolutely appalling, and I call on the minister to give Graham and others like him at least some minimal quality of life — quality of life that people like us take for granted.

Children: Newport early years centre

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for Children and Early Childhood Development. The action I seek from the minister is that she consider a funding application that has been submitted by the Hobsons Bay City Council for a children's capital funding grant to construct a new early years centre in Newport. This $4 million project would see the existing Hobsons Bay Kindergarten on Laurie Street in Newport replaced by a new facility to be constructed on the grounds of the Newport Gardens Primary School on Maddox Road.

This project is very timely, particularly given that the kinder's existing premises are approaching the end of their operational life. In addition, the kinder expects that the introduction in 2013 of 15 hours of four-year-old kinder will place some pressure on the existing centre to manage its enrolments. It is for those reasons that I have become a strong supporter of this application from Hobsons Bay City Council, which is obviously supported by Hobsons Bay Kindergarten's committee of management and the local Newport Gardens Primary School.

I have communicated my support directly to the council and want to acknowledge its willingness to invest more than $3 million into this new development. I have also communicated my support to Hobsons Bay Kindergarten's committee of management. We know that quality and accessible services are essential in providing our children with the best start in life; in my view the proposed early years centre will do just that. The new facility promises to offer an extensive range of services, including sessional and full-day early learning kinder programs, alternative care, maternal and child health services, a toy library and family support services. The new facility will also offer up to 138 places in its sessional and full-day early learning programs.

The Brumby Labor government has already provided more than $134 million worth of grants to construct new children's centres and upgrade, renovate and improve infrastructure, of which more than two-thirds is owned by local government. The minister has been a strong and consistent supporter of early years services in the electorate of Williamstown and has already made a number of funding allocations, including $500 000 for Clare Court Child Care Centre in Yarraville, $251 000 for the expansion of Yooralla's Western Early Childhood Services in Altona North, $100 000 for the Range Children's Centre in Williamstown North, $93 000 for Merriwa Kindergarten in Yarraville, $48 500 for Williamstown Child Care Centre Co-operative and $19 300 for Outlets Co-op Neighbourhood House in Newport.

Finally, I want to commend Hobsons Bay City Council on the quality of its application and thank the members of the committee of management at Hobsons Bay Kindergarten for their commitment to provide our local preschool children with the best start in life.

Floods: infrastructure repair

Dr SYKES (Benalla) — My issue is for the Treasurer in his role as chair of the flood recovery committee. My request of the Treasurer is that he immediately make a public commitment to fund the repair of the waterways, roads and bridges in those areas that were damaged by the floods back in early September.

Whilst the floods in north-eastern Victoria did not cause particularly severe damage to individual houses in our major communities such as Benalla, Wangaratta, Euroa and Shepparton, they did have a devastating effect on the waterways upstream of those communities and also on roads and bridges throughout the electorates of Benalla and Benambra. The rivers and creeks affected that I am aware of include the Kiewa, the Ovens, the Buffalo, the King, the Fifteen Mile, the Upper Ryan, the Hollands, the Seven Mile and the Castle. The damage caused has to be seen to be believed.

One of the major issues is that of replacing the fencing that has been put in place along these rivers to protect the riverside vegetation and encourage the development of wildlife corridors. That is primarily for the public good. These fences were initially often put up with public funding and maintained by the land-holders. The fences have been washed away, and it is now critical that they be replaced, but the land-holders who have experienced over 10 years of drought cannot afford to do it, and therefore we are requesting that public funding be made available to replace those fences, as was done initially.

Then we have a large list of individual land-holders who have had a major part of their adjoining land washed away. In some cases irrigation pumps were

washed away. The Dal Zottos on the King River, the Sheppards, Robert Gaspari, George Burrowes and the people of Gentle Annie Caravan Park have suffered severe damage to their premises. On the Fifteen Mile we have Des and Greg Croke and Jane Lindsay, and on the Buffalo we have people like Neville Freeman, Peter Thornton and Malcolm Milne, all of whom have experienced severe damage to their properties, as has Clive Browne on the Ovens River.

My request is that the money be put on the table. Let us stop politicking on this and put the money on the table. We need in excess of $10 million for waterway repairs. We also need a similar amount for the repair of our roads and bridges that were damaged by these severe floods. The ball is in the court of the Brumby government. I say put the money on the table now.

Geelong Racing Club: expansion

Mr TREZISE (Geelong) — I raise an issue on tonight's adjournment with the Minister for Racing. For the information of the house, a fortnight from today, 20 October, will see the running once again of the historic Geelong Cup, which was first run in 1872, when it was won by a horse by the name of Flying Scud. The Geelong Cup truly is a great day out for locals and for visitors; and I am not only talking about visitors from intrastate and interstate, because these days we have international visitors. That is a credit to the Geelong Racing Club, which is going from strength to strength, especially now that it has its new synthetic track up and fully operational. Given the success of the club, the action I seek from the minister is that he actively support the ongoing expansion of the Geelong Racing Club, including providing support for its push for night racing at the Geelong racecourse.

As I have said, today fortnight, October 20, will see the running of the Geelong Cup. I have been to every cup since 1978, so this will be my 32nd Geelong Cup in a row, and in those 32 years I have backed one winner, which shows how much I know about it. In recent years the club has done a great job in ensuring that the racing on cup day is good for patrons and an enjoyable day. It is fair to say that until six or seven years ago — perhaps a decade ago — on cup day, especially later in the day, things became pretty untidy due to copious amounts of alcohol being consumed. However, the club has done a great job in recent years in turning the Geelong Cup into a great day once again for everybody. I take this opportunity to commend the committee, which is led by Paul Bongiorno and includes the CEO, Paul Carroll, and his team, not only for the work they do on cup day but for taking the club from strength to strength.

In mentioning the people behind the club I also take this opportunity to mark the recent passing of a true Geelong Racing Club stalwart, former chairman Keith Sutton. I met Keith on only a couple of occasions, but I know he committed much of his time and effort to the Geelong Racing Club and his death was felt very hard within the racing club and within racing circles.

Geelong Racing Club is a great club that is going from strength to strength. As the local member I look forward to working with the club for many years to come. I also look forward to the ongoing support for the club from the Minister for Racing.

Planning: Caulfield Village development

Mrs SHARDEY (Caulfield) — The issue I raise on my second-last day in the Parliament is for the attention of the Minister for Planning. The action I seek is that he ensure that the residents of Caulfield do not have forced on them the inappropriate overdevelopment planned and facilitated by the Brumby government known as Caulfield Village. The proposed C60 amendment, or Caulfield Village development, proposes a high-density commercial and residential development between Caulfield Racecourse and the railway line at Caulfield station. The proposal includes towering buildings of 15 and 23 storeys, which will loom over Caulfield homes. It also includes 1200 high-density small one and two-bedroom residential units, a major new shopping centre to include over 35 000 square metres of retail and office development and very little off-street parking.

The Brumby government has done nothing to ensure that such a development in this part of Caulfield is in keeping with the residential environment and demographics of the area. All that Caulfield residents have to look forward to is a lack of parking for this massive project, overcrowded and blocked streets, and the threat of alcohol-fuelled antisocial behaviour that racecourses can attract. Local residents are not antidevelopment, but they do want to be listened to and they do want the amenity of their neighbourhood preserved. They want developments that add to the community, that are reflective of the lifestyle they enjoy and that they are happy to share with others.

It is time the Minister for Planning stopped plotting behind the backs of Victorians and doing secret deals without community support and realised Victorians are not his pawns to be overlooked and run roughshod over to effect his own political agenda. The Brumby government has already legislated a land swap to give Melbourne Racing Club a large piece of Crown land to form part of the Caulfield Village development. The

problem is that the piece of land being made available to the community in return for the Crown land is judged by Glen Eira City Council as being of little value to the community. The council has said it will not develop this piece of land for community use because it fronts a busy intersection and is not seen to be of sufficient size or value.

The lack of consultation on this land swap has been judged to be appalling and yet another arrogant action of the Brumby government, which cares little for community views. The Minister for Planning should take action to right yet another wrong. We do not want to see another Windsor-style total debacle in relation to a residential area, and we do not want to see a minister who is not accepting his responsibility to listen to local communities.

Watsons Creek: proposed dam

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Water. The action I seek is that he ensure that the beautiful Watsons Creek, a tributary of our wonderful Yarra River, is not dammed. Watsons Creek has wonderful custodians. The Bend of Islands Conservation Association and many local residents have worked hard over decades to rehabilitate the creek and to keep it pest free.

At my invitation John Thwaites, a former Deputy Premier and Minister for Water, observed firsthand the beauty of this area and responded by introducing the Heritage Rivers Act, which sought to ban dams on the Yarra River and on Victoria's other 17 heritage rivers. The communities of Christmas Hills, Kangaroo Ground, Panton Hill and the Bend of Islands have been through this before. They did not want dams in the 1970s, the 1980s or the 1990s, and they do not want them now. The Heritage Rivers Act, which this government introduced, was an enactment of our serious no-dams policy and reinforced our commitment to our water reforms relating to river health and future water requirements, including Our Water Our Future and the Victorian river health strategy.

A new dam on the Yarra River or its tributary, Watsons Creek, would not create new water; it would simply take from the environment, causing massive disruption and damage to Nillumbik's green wedge. We have to face future water shortages, but building new dams is not the way to go about it. Over the last decade we have been short on rain, not short on dams. The most effective way to secure our water future is through conservation, infrastructure investment and the efficient use of water, not by building costly new dams. Families living in Warrandyte, the Bend of Islands, Christmas Hills and Panton Hill would have their way of life changed forever if a future Liberal or Nationals government decided to dam Watsons Creek or the Yarra. I, for one, certainly do not want to see our Yarra reduced to a trickle or the beautiful areas upstream of Warrandyte deliberately flooded and made into a massive dam.

The community should be very worried about an earlier indication of Ted Baillieu's attitude. I quote from the *Age* of 13 May 2006:

> Baillieu did not join the Liberal Party until 1981 …

One of the two triggers for his signing up was:

> … his support for Malcolm Fraser's refusal to intervene in the plan to dam the Franklin River …

Mr Burgess — On a point of order, Acting Speaker, the member is referring to the Leader of the Opposition by his name.

The ACTING SPEAKER (**Mr Nardella**) — Order! I uphold the point of order.

Ms GREEN — The Leader of the Opposition has form on supporting dams. He supported the damming of the Franklin, and he would support the damming of Watsons Creek. I ask the minister to act.

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

Parkinson's disease: Gippsland nursing services

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Health. The action I seek is that the minister support the introduction of a Parkinson's disease-specific nurse for the Gippsland region. As we know, some 18 000 Australians are affected by Parkinson's disease, a chronic incurable illness. It is thought that there is an annual increase of approximately 3 per cent in the incidence of the disease across Australia, and much of this increase is attributed to an ageing population. Across many Victorian communities, including those of the Morwell electorate, there are many people who are affected by Parkinson's.

I recently had the opportunity to attend a local Parkinson's support group meeting in the Latrobe Valley. The group's members do a marvellous job in advocating for and supporting local people who are impacted on by Parkinson's. It was a real eye-opener to witness the passion, the commitment and the dedication of those in the room. Many of the people in the room were carers of people affected by Parkinson's and in

many cases the partners of those people. These people spoke about many of the challenges they confront on a daily basis in dealing with Parkinson's. During the meeting it was strongly put to me that there is a need for a Parkinson's-specific nurse in Gippsland. The consensus was that such a service would make an enormous difference to the lives of so many people who contend with Parkinson's, and not only those people but their family and friends who help care for them.

As we know, the medication management of the disease is complex, and the timing of medication is critical and unique in many circumstances, so it cannot be tackled with a one-size-fits-all approach. If medication is not managed correctly, there can be significant side effects and it can take a long time to recover from incorrectly administered medication.

Subsequent to my discussion with the local Parkinson's support group I have been contacted by a number of members of the group requesting that I take up the cause of a Parkinson's-specific nurse in Gippsland on their behalf. There is no doubt that there is inherent need for such a position within the Gippsland region and across other regional areas of Victoria. I took the opportunity earlier today to speak, albeit briefly, with the Minister for Health with respect to that, and he indicated his willingness to follow up on my behalf once I have made all the information available to him. In closing, it is important that the Minister for Health follows up on this and ensures that a Parkinson's-specific nurse is located in Gippsland.

Beach Road, Mordialloc: safety

Ms MUNT (Mordialloc) — I wish to raise a matter for the attention of the Minister for Roads and Ports, and the action I seek from the minister is that he work with Kingston City Council to develop a strategy to improve safety on the Kingston council corridor along Beach Road between Charman Road and the Nepean Highway in Mordialloc. The Kingston council is currently working to develop a strategy to improve safety along this corridor for all road users, so I ask the minister to work with the council on the strategy as a matter of priority.

As the minister would be aware, the Kingston council recently adopted a trial of no-stopping zones on Saturday and Sunday mornings along Beach Road between Charman Road and Nepean Highway in Mordialloc. A number of my constituents have raised with me the need for more pedestrian crossings along Beach Road, and in light of the no-stopping zone trials now under way I believe it would make good sense to investigate the possibility of installing more pedestrian crossings for access to beach-side recreational areas. Beach Road is a very busy road, and this stretch of it is home to some of the most popular and picturesque beaches in Melbourne which have very high rates of usage by locals and visitors alike.

As the weather gets warmer over spring and summer we will see increasing numbers of beachgoers coming to our local beaches. These beachgoers include families, children, young and old people, dog walkers and fitness groups. Lifesaving festivals are held there and local schools take students there to access the beach. There are cyclists, dedicated paddlers and athletes. There is a complete cross-section of people from our area and from the whole of Melbourne.

During the summer months many beachgoers will need to cross Beach Road to get to and from their homes, cars and the beach, so now would be a particularly good time to work with the Kingston council to investigate the installation of extra pedestrian crossings — for instance, how many and what would be the best locations for pedestrians — as part of its strategy.

Beach Road and the foreshore of Port Phillip Bay on Kingston's stretch of beaches is subject to intense recreational usage by a very large variety of individuals and groups. Sometimes there is potential conflict in this usage among pedestrians, cyclists and motorists. There are currently two pedestrian crossings operating with signals between Charman Road and Warrigal Road, Mentone. One was recently upgraded at Naples Road following a tragic death there a couple of years ago. Levels of usage and safety considerations indicate that more crossings should be considered for this stretch of road, particularly following the tragic accident that happened there a couple of years ago, which was a great source of grief for locals. I urge the minister to give this request consideration as a matter of priority.

Autism: Wantirna Heights school

Mrs VICTORIA (Bayswater) — I am delighted that the Minister for Education is at the table tonight, because I have a request for her: to make funding available to ensure that the specialist school for autism spectrum disorder (ASD) students at Wantirna Heights is maintained in addition to the new campus being refurbished at Ferntree Gully.

The prevalence of autism is growing. The jury appears to be out on whether this is due to diagnosis and identification becoming more precise or to external factors. Whatever the reason, these children and their families deserve as much assistance as they can get.

The new facility at Ferntree Gully will cater for 100 students in the P–6 range, which is the same number as is currently catered for at the Wantirna Heights school. These places are in high demand in my electorate and its surrounds because early intervention is recognised as the best way to give children with autism-related conditions the best chances in life and education. We need to help them out as much as possible.

If 100 P–6 places are retained at the Wantirna Heights site in addition to those being created at the Ferntree Gully site, there will be a much-needed increase in access to specialised education for children in the eastern region who have an autism spectrum disorder. The state government has spoken in the past about a five-year plan to address identified service gaps. The mere relocation of existing places from Wantirna Heights to Ferntree Gully without a single extra place being provided would in itself create a service gap.

The Wantirna Heights school has been extremely creative and has opened classrooms with specialist teachers at other mainstream primary schools in the area because it does not have enough room. In recent years the school has turned away up to 60 potential students each year due to its limited size and resources.

This is leaving local parents quite desperate and not knowing how to obtain the help needed for their children. I have met with several mothers who really wear their hearts on their sleeves when they come to my office. Life can be challenging enough for the families of ASD children without their also wondering whether a basic human right such as education can be delivered to them.

The recent funding allocated in the state budget for the establishment of the Ferntree Gully site is welcome, but without additional primary places being created for students, the move is of no benefit to the families who are still metaphorically knocking at the door with the 'full house' sign hanging on it. When the government finally allocates the money it should for the addition of 100 secondary positions, this will also be welcome news. We need to keep both sites open to allow the opportunity for all children in the area to achieve their maximum potential.

I ask the minister to take up this matter personally, as one of great importance, and to make the necessary funding available to keep the Wantirna Heights school operating successfully as a second primary school campus.

South Eastern Region Migrant Resource Centre: ICT skills grant

Mr PANDAZOPOULOS (Dandenong) — I raise a matter for the Minister for Community Development in relation to her department's community ICT (information and communications technology) skills grants program. I commend the minister for her hard work in meeting and visiting communities in relation to various funding applications. Only a few days ago she was in Dandenong visiting Wallara, a service and accommodation provider for intellectually disabled residents in my region, to announce some funding under this program.

This matter relates to an application from the South Eastern Region Migrant Resource Centre, which is one of the biggest migrant resource centres in the state and deals with a region with the highest humanitarian intake under the federal government's refugee program. We are a region that puts our hand up and welcomes refugee communities. We are a region that tries to support their members as they make a new way of life in Australia and to show them that there are better systems of government and models around the world in which governments support diversity, multiculturalism and refugee communities.

The South Eastern Region Migrant Resource Centre, ably led by director Jenny Semple and president Fr Michael Protopopov, have sought, among many programs, funding under this information and communications technology (ICT) skills grants program. This is a program providing grants of up to $25 000 to assist communities that are disadvantaged with respect to the knowledge and benefits of ICT and also disadvantaged with respect to accessing training programs. The centre believes, given our region has such a large humanitarian refugee intake and a very large refugee community, there is a very high need to have access to this very important program. Of course the whole area of ICT needs to ensure that it is accessible to all people irrespective of their background and their learning ability. That is why this program is so important, giving communities an ability to access some very good training and knowledge, which gives people a leg up in life as new residents in this country and in terms of being able to compete with others and to access services.

I ask the minister to support this very important application from the South Eastern Region Migrant Resource Centre. MPs in the region are very strongly supportive of the application and of the work of the centre. We are very pleased we have such a program. It was not available when I was an opposition MP. These

sorts of programs were not then available for refugee communities, and I am proud that the Brumby government supports these programs and that the minister is actively listening to communities about their concerns and about the disadvantage that exists in relation to access to ICT services for some members of our community.

Responses

Ms D'AMBROSIO (Minister for Community Development) — I want to thank the member for Dandenong for raising this matter with me. I would like to congratulate him for his enthusiasm in helping the many not-for-profit and community groups in his electorate and especially for appreciating the particular challenges that confront many members of our community who would otherwise miss out, if it were not for certain interventions that we proudly support on this side of the house.

As the member for Dandenong mentioned, the information and communications technology (ICT) skills grants program provides grants of up to $25 000 for community organisations to support the uptake and usage of ICT by population groups that are at risk of being left behind. These groups include senior Victorians, indigenous Victorians, recently arrived migrants and refugees, people with a disability, unemployed Victorians and those outside the formal education system.

This program essentially helps more Victorians get the skills they need to participate more fully in the community, gain employment, connect with others and remain an integral part of community life. It is an important part of the Brumby government's $1.3 billion vision for tackling social disadvantage — our A Fairer Victoria social framework. A Fairer Victoria is very much a reflection of our understanding that when people are included in and connected to their communities they are happier and healthier and their communities are much stronger.

For many people the internet is a central part of work and social life. Whether they use email or social networking sites to keep in touch with family and friends, or whether they use the internet to do their shopping, pay bills or find job opportunities, these are all important uses of the internet. This is why the Brumby Labor government is encouraging more people to get online and stay connected through important grants programs such as the one the member for Dandenong has referred to.

This program is about more than just access to the internet for the sake of it. Many people require further help, once they are online, to learn how to communicate and make the most of the technology. These grants are designed to support a range of activities that make it easier for people to access the internet and learn ICT skills, from training volunteers to helping transport people to ICT training venues and even to providing child care for people taking classes. These grants aim to provide targeted assistance to people who need it most.

I understand that the migrant resource centre application is currently being considered, and I will look at it closely in the coming weeks. For now I would like to again thank the member for Dandenong for his enthusiasm for the work of the South Eastern Region Migrant Resource Centre and his fervent support for the ICT skills grants program.

Ms PIKE (Minister for Education) — I thank the member for Bayswater for raising the issue of the provision of the appropriate number of educational places for children with a disability and for her interest in this area. I think in this house we all share a genuine commitment to making sure that children with special needs get appropriate additional support. The government has certainly provided funding for new facilities, particularly the new facility at Ferntree Gully. We are also very conscious that we need to expand the number of satellite programs in some of our mainstream schools to make sure that parents who wish their children to be integrated in a mainstream setting have opportunities for that kind of support for children for whom that is an appropriate environment. We will certainly continue to expand the number of places, and I will take on board the suggestions that have been made by the member and follow those issues up.

The member for Evelyn has raised a matter for the Minister for Community Services.

The member for Williamstown has raised a matter for the Minister for Children and Early Childhood Development.

The member for Benalla has raised a matter with the Treasurer regarding funding for flood-affected members of his community.

The member for Geelong has raised a matter for the Minister for Racing.

The member for Caulfield has raised a matter for the Minister for Planning — —

An honourable member interjected.

Ms PIKE — I am sure she will have another chance tomorrow night too! This is the penultimate evening.

The member for Yan Yean raised a matter for the Minister for Water.

The member for Morwell raised a matter for the Minister for Health.

The member for Mordialloc raised a matter for the Minister for Roads and Ports.

I will duly pass on all those matters to the appropriate ministers.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 10.13 p.m.