

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 15 March 2012**

**(Extract from book 3)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary .....	Mr D. J. Hodgett, MP

### Legislative Assembly committees

**Privileges Committee** — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

**Standing Orders Committee** — The Speaker, Ms Barker, Mr Brooks, Mrs Fyffe, Ms Green, Mr Hodgett, Mr McIntosh and Mrs Powell.

### Joint committees

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

**Drugs and Crime Prevention Committee** — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

**Economic Development and Infrastructure Committee** — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

**Education and Training Committee** — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmr and Ms Tierney.

**Electoral Matters Committee** — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

**Environment and Natural Resources Committee** — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

**Family and Community Development Committee** — (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

**Law Reform Committee** — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

**Outer Suburban/Interface Services and Development Committee** — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

**Road Safety Committee** — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

**Rural and Regional Committee** — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

### 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

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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**Deputy Leader of The Nationals:**

The Hon. P. L. WALSH

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The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:**

The Hon. J. A. MERLINO

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Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank <sup>3</sup>	Broadmeadows	ALP
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Battin, Mr Bradley William	Gembrook	LP	Merlino, Mr James Anthony	Monbulk	ALP
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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
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Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
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Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
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Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin <sup>2</sup>	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Koroit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP
Languiller, Mr Telmo Ramon	Derrimut	ALP			

<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Resigned 27 January 2012

<sup>3</sup> Elected 19 February 2011



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**Thursday, 15 March 2012**

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

### NOTICES OF MOTION

**Ms GRALEY having given notice of motion:**

Mr Shaw interjected.

**Notices interrupted.**

### SUSPENSION OF MEMBER

#### Member for Frankston

**The SPEAKER** — Order! The member for Frankston should know I am not going to put up with that behaviour. He can leave the chamber for 30 minutes.

**Honourable member for Frankston withdrew from chamber.**

### NOTICES OF MOTION

**Notices resumed.**

**Further notices of motion given.**

### BUSINESS OF THE HOUSE

#### Notices of motion: removal

**The SPEAKER** — Order! Notices of motion 4 to 15 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

### PETITIONS

**Following petitions presented to house:**

#### Planning: Brunswick terminal station

To the Legislative Assembly of Victoria:

This petition of the people of Victoria draws to the attention of the house the deep concern the recent action of the Minister for Planning, Matthew Guy, and the Baillieu government in approving amendment C140 to the Moreland planning scheme, rezoning the site of the Brunswick terminal station and approving the building of an additional 66-kilovolt facility alongside the existing 22-kilovolt terminal.

The petitioners note:

the proposal was twice rejected by Moreland City Council as a part of the local planning process and the actions of the minister in rezoning the site have ridden roughshod over that process;

answers have been sought of the state government about significant unresolved questions about the health and safety of the redeveloped facility, and the appropriate safety standard for such an industrial facility in a purely residential and environmentally sensitive area;

calls had been made of the state government to work with the power companies to fully explore other appropriate sites, specifically in an industrial setting, for the facility;

these significant questions and calls of the state government remain unanswered and unacted upon.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reverse this decision, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site.

**By Ms GARRETT (Brunswick) (1167 signatures).**

#### Moonee Valley Racecourse: development

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need to reject the Moonee Valley Racing Club's master plan.

In particular, we note:

1. Moonee Ponds and the surrounding localities do not have sufficient infrastructure or public amenities to cope with an influx of up to 6000 or more new residents;
2. that any consideration for rezoning should be complemented with a comprehensive environmental effects statement that takes into account the effects of any of the proposal's impacts on the surrounding region including 'beyond the immediate surrounding neighbourhood';
3. that should any alternative proposed redevelopment be considered, there is a thorough and adequate consultation with the surrounding community, conducted in a manner that comprehensively explains the impact on Moonee Ponds and the surrounding area.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to urgently prevent the Moonee Valley Racecourse redevelopment in its current form.

**Mr MADDEN (Essendon) (52 signatures)**

#### Nurses: enterprise bargaining

To the Legislative Assembly of Victoria:

The petition draws to the attention of the house the issue of the nurses dispute.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reach a rapid conclusion to the nurses dispute that is of mutual benefit to all parties.

**By Mr MORRIS (Mornington) (22 signatures).**

### **Duncans Road, Werribee: traffic management**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for the state government to fund the construction of a full diamond interchange at Duncans Road, Werribee.

In particular, we note:

1. there are currently no on and off ramps on the Princes Freeway at Duncans Road for travellers to and from Geelong which impacts on travel times and also the level of congestion within Werribee;
2. with developments like Riverwalk, Wyndham Harbour and the Werribee employment precinct, the area of Wyndham is growing at a rate of 8.8 per cent or 12 500 people per year;
3. with such growth, investment in infrastructure, such as a full diamond interchange at Duncans Road, is necessary to ensure amenity for commuters both local and those coming into the area for employment and tourism purposes;
4. the state government has not committed any funding to the Duncans Road interchange in its first budget and has given no indication that it intends to do so in 2012–13.

The petitioners therefore request that the state government immediately commit to funding for the planning and construction of a full diamond interchange at Duncans Road, Werribee.

**By Mr PALLAS (Tarneit) (203 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Ms GARRETT (Brunswick).**

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

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

**Ordered that petition presented by honourable member for Mornington be considered next day on motion of Ms CAMPBELL (Pascoe Vale).**

**Ordered that petition presented on 14 March by honourable member for Pascoe Vale be considered next day on motion of Ms CAMPBELL (Pascoe Vale).**

## **CHILDREN'S COURT OF VICTORIA**

### **Report 2010–11**

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

**Tabled.**

**Ordered to be printed.**

## **DOCUMENTS**

**Tabled by Clerk:**

*Financial Management Act 1994* — 2011–12 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2011

*Gambling Regulation Act 2003* — Amendment of Category 2 Public Lottery Licence

Statutory Rule under the *Gambling Regulation Act 2003* — SR 18

Victorian Privacy Commissioner — Foodbowl Modernisation Project: Report of an investigation into Goulburn-Murray Rural Water Corporation and the Northern Victorian Irrigation Renewal Project under Part 6 of the *Information Privacy Act 2000* — Ordered to be printed.

## **BUSINESS OF THE HOUSE**

### **Adjournment**

**Mr McINTOSH** (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 27 March 2012.

**Motion agreed to.**

## **MEMBERS STATEMENTS**

### **Watsonia Primary School: student leaders**

**Mr BROOKS** (Bundoora) — I rise today to congratulate the recently announced Watsonia Primary School student leadership team. On Monday, 5 March, I had the privilege of handing out the badges to the outstanding students who have been elected to represent this school in various capacities. I would like to

congratulate the two newly appointed school captains, Ava Charlton and Jack Coghlan. This is a significant responsibility, and I wish Ava and Jack well in their important roles. The 2012 student activity managers, or SAMs as they are known, are Jhai, Bianca, Joshua, Ebony, Ozzie and Chrishel. These students have taken on responsibilities that will assist with the operation of the school. Those with the important job as library monitors of keeping the library functioning in an orderly matter for 2012 are Luke, Ashley, Imogen, Solveig and Ellie. The successful year level captains for 2012 are as follows: grade 1-2TP, Miriam; grade 1-2DA, Mason; grade 2VC, Kyle; grade 3CM, Bonnie; grade 4-5LH, Chloe; and grade 5-6LH, Connor.

I wish to thank Watsonia Primary School and the school's principal, Mrs Jeanette Martin, for inviting me to this important school occasion once again. It was also great to have the opportunity to speak with the grade 5 and 6 students about Parliament and the role of government in Victoria. Congratulations to all of those students on their thoughtful questions.

### **Planning: Armadale development**

**Mr O'BRIEN** (Minister for Gaming) — I again raise in this Parliament the concerns of Malvern electorate residents regarding the development proposal for 590 Orrong Road in Armadale. The scale of the proposal is excessive for the area. In particular, the proposed height of up to 12 storeys and the proposed density of over 450 apartments risks damaging local amenity and overloading local infrastructure, notably Armadale Primary School, which is already at capacity, and Toorak train station. The original proposal was rejected by Stonnington council. A subsequent modified proposal was again rejected by council — correctly, in my view. The developer is appealing the decision at VCAT (Victorian Civil and Administrative Tribunal), where council and many residents will be heard.

Council seeks the Minister for Planning's approval to exhibit an urban design framework (UDF) for the site. This UDF seeks to limit site development to 17 metres in height and 250 units. It represents a considered view as to what development is appropriate for this site. Community confidence in the planning process was shattered by political interference under the former government, most notoriously regarding the Windsor Hotel. Concerned local citizens therefore sought and received from me a commitment before the last election that the coalition would not support ministerial intervention in the planning processes regarding this project.

That is a commitment that I stand by. However, I do not believe ministerial approval to facilitate Stonnington council exhibiting its UDF for this site is inconsistent with my commitment. I therefore urge the planning minister to urgently approve the exhibition of council's urban design framework for 590 Orrong Road to add significant weight to the position of Stonnington council and residents before VCAT.

### **Preschools: Ocean Grove, Leopold and Portarlington**

**Ms NEVILLE** (Bellarine) — On 6 March I was very pleased to attend the official openings of the expanded preschool facilities in Leopold and Ocean Grove and to welcome the opening of the Portarlington children's centre. In 2010, under the Labor government, I was pleased to announce funding of \$200 000 each towards the upgrading of the Ocean Grove and district preschool in The Avenue and the Allanvale preschool in Leopold, as well as a grant of \$100 000 for the Portarlington children's centre. The increasing population in all these areas meant the local preschool facilities were struggling to cater for the growing demand. The Labor government acknowledged that need by providing the additional funding required to undertake the works we see at these preschools today. I am delighted the works have been completed and the facilities are ready to cater for more local preschoolers. I congratulate the City of Greater Geelong and the preschool communities on their hard work and commitment to see these projects through to completion.

### **Queenscliffe Maritime Museum: flagstaff**

**Ms NEVILLE** — On Sunday, 4 March, I was very pleased to be part of the commissioning of the new flagstaff at the Queenscliffe Maritime Museum, where I raised the Victorian flag. The signal mast was generously donated by the Wooden Boat Shop, and its installation at the Queenscliffe Maritime Museum has been supported by Queenscliff Harbour, Port Phillip Sea Pilots, Searoad Ferries, Danly Pty Ltd, John Gleeson Demolitions, Laker Engineering and museum volunteers. The flagstaff is a wonderful landmark for local residents and tourists and an added drawcard to the Queenscliffe Maritime Museum. Congratulations to all involved for their hard work and generosity.

### **Women's National Basketball League: grand final**

**Mr DELAHUNTY** (Minister for Sport and Recreation) — Congratulations to the Dandenong Rangers, who have been crowned 2011–12 Women's

National Basketball League (WNBL) champions. The Rangers defeated the defending champions, the Bulleen Boomers, 94–70 in the finals on Sunday afternoon at Victoria's State Netball Hockey Centre at Parkville. It has been 25 years since two Melbourne-based teams battled it out for the WNBL title. It was fantastic to have the match played right here in Melbourne, Australia's — and the world's — sporting capital.

In recognition of the importance of the event for women's sport the Victorian coalition government was proud to financially support Sunday's all-Victorian grand final. As Minister for Sport and Recreation I would like to congratulate both the Dandenong Rangers and the Bulleen Boomers on their outstanding seasons. They are great role models for young Victorian girls and women, encouraging them to be physically active through sport and recreation.

### **Premier's Active Families Challenge**

**Mr DELAHUNTY** — I also encourage all members and others in the Victorian community to register and become involved in the Premier's Active Families Challenge. It encourages people to be involved in 30 minutes of exercise over 30 days in six weeks, starting on 19 March. Anyone who wants to register should do so on the Better Health Channel. I encourage all members to be more active more often.

### **Wimmera Machinery Field Days**

**Mr DELAHUNTY** — On another matter, the Wimmera Machinery Field Days were held last week. This is the 50th year that they have been run, and a great display was put on. Congratulations to the members of the voluntary committee for the work they do in supporting agriculture in western Victoria.

### **Taxis: industry inquiry**

**Ms CAMPBELL** (Pascoe Vale) — On behalf of a number of my constituents and others who hold taxi licences, I raise their concerns about Professor Fels's taxi industry inquiry. As licence-holders they reject any characterisation of themselves as speculators, thus being unfairly accused of being at the heart of the industry's problems. As their taxi licences are their principal source of income, it is important that the assignment fee for the licence is not eroded.

I have received representations from people ranging from families of current licence-holder drivers to the widow of a taxi owner-operator whose taxi licences are their family income or superannuation. There is considerable angst in the industry from owner-operators

or those leasing licences as their superannuation. One widow advised me that in leasing her husband's licence she has always had due regard for the operational costs and pressures on the industry and has always been able to come up with an agreed reasonable price.

Licence-holders recognise that there will be changes. One very reasonable recommendation made was that any changes to the current system could be somewhat below the recent \$3000 per calendar month assignments to somewhere in the \$2000 range. If licences are to be restricted to owner-drivers and operators, current licence-holders are asking for an appropriate level of compensation at, for example, around the average price of a taxi licence over the past 10 years and not at recent artificially high prices.

I thank Mrs Panorea Christoforidis and her family and the industry for their efforts in highlighting solutions for Professor Fels.

### **Multicultural affairs: regional advisory councils**

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — Recently, together with Mr Chin Tan, the chairperson of the Victorian Multicultural Commission, I announced the membership of Victoria's eight new regional advisory councils (RACs). Each council will be chaired by a VMC commissioner and will include local residents, local councils, service providers and community organisations. The RAC members are volunteers and they were chosen for their understanding of multicultural issues. Their knowledge and understanding of the important settlement issues in each region will provide a vital link at a grassroots level between the Victorian government and local communities. They will be the eyes and ears of the VMC, and I wish them all the best in the task before them.

### **Multicultural affairs: federal inquiry**

**Mr KOTSIRAS** — On another matter, the Victorian government's submission to the inquiry into multiculturalism by the commonwealth Joint Standing Committee on Migration recommended that the commonwealth government introduce an Australian multicultural act similar to Victoria's act. The act would support the concepts of citizenship and diversity and it could establish a whole-of-government approach to multicultural affairs at the federal level.

It is therefore regrettable that the federal Minister for Immigration and Citizenship, Mr Bowen, does not

share this view. That is despite Senator Kate Lundy, who is now the federal Minister for Multicultural Affairs, giving the idea qualified support. I urge Mr Bowen to stop playing politics with our newly arrived migrants and to stand up for their interests and wellbeing. After all, he is the minister for immigration.

### **Kindergartens: Carnegie**

**Ms BARKER** (Oakleigh) — I want to record my sincere thanks to the many hundreds of residents in Carnegie who were actively involved in the campaign to ensure that the children of Carnegie would continue to have access to a local kindergarten. In 2007, having operated in the Carnegie area for over 80 years, the Carnegie Uniting Church Preschool was sold by the church to private developers. After intense lobbying by the community, an agreement was struck with the new owners for a lease of up to five years to allow the kindergarten to continue to operate. The greatest difficulty was identifying and securing another site, and we are all very grateful that Carnegie Primary School recognised that having no community kinder in Carnegie would severely disadvantage many children and families and worked towards locating a kinder on the school grounds.

Funding of \$500 000 was committed by the Brumby government to locate a double portable on site and refit it to kindergarten standards. The completed work is of a very high standard, the kindergarten is fantastic and since the start of this kinder year staff and children have been very happily using this new kinder. Importantly, this means that 52 four-year-old Carnegie children are now attending kindergarten sessions from Monday to Thursday, 42 three-year-old Carnegie children are participating in a kinder program on Fridays and future kinder kids in Carnegie will not miss out.

I thank in particular Linda Jones, the principal of Carnegie Primary School, Michael McCarthy, the assistant principal, the school council and the community of this great school for supporting their broader community and ensuring that Carnegie continues to have a kindergarten. I know it was a lot of hard work, and I thank them for their great commitment.

### **Animal Aid: World Spay Day event**

**Mrs FYFFE** (Evelyn) — Animal Aid at Coldstream is not only a well-run shelter and vet clinic but also a leader in animal welfare and care. In an effort to reduce the numbers of unwanted puppies and kittens and to celebrate World Spay Day, two of the clinic's veterinarians are running a spay-athon on 28 February.

Pet owners are encouraged to book in their four-legged female friends for a discounted service. Desexing is a 100 per cent effective and permanent method of preventing unwanted litters.

### **International Women's Day**

**Mrs FYFFE** — On International Women's Day, Thursday, 8 March, I attended a dinner at Tokar Estate, Coldstream, organised by WinHort Yarra Ranges, the ninth such dinner. WinHort was formed in 2002 as part of a national program aimed at encouraging rural women to become more involved in horticultural issues. This group of women from a diverse range of farming industries meet regularly to share their business experiences and discuss issues that are important to horticulture. Congratulations to Di Larkman, Caroline Burgi, Ilse Mathews, Alison Brinson and Vicki Violo on organising another entertaining and informative evening.

### **Ovarian cancer: fundraiser**

**Mrs FYFFE** — On Friday, 2 March, I held a teal ribbon afternoon tea at Lilydale Lake to raise funds for research into ovarian cancer. Ovarian cancer is a quiet and, sadly too frequently, fatal disease. I thank all those who came along and gave so generously.

### **Homelessness: intensive case management initiative**

**Ms KNIGHT** (Ballarat West) — The intensive case management initiative has done a power of effective and necessary work in my electorate of Ballarat and further into the region. This initiative works intensively with those who are currently homeless or at risk of homelessness and who have high and complex needs. Mental health issues, dual diagnoses and challenging behaviours stemming from childhood trauma are some of the challenges facing the people who access this service. The intensive program provides assertive outreach, a methodology for identifying those who are most at risk and then establishing a trusting relationship with the very people who may be reluctant to engage with a service provider. It is difficult and challenging work but incredibly necessary, and it has proven to be extremely effective. I congratulate the skilled and determined staff who front up day after day.

This work is currently being undertaken by a local agency, but only until 1 July, because from that date the two positions of the people currently undertaking this important and necessary work will be cut to one. This will leave a number of vulnerable people in Ballarat without a service. To cut this service is a short-sighted

and cruel decision. While it may save a dollar or two in the short term, the long-term costs are far reaching. This cut goes beyond fiscal responsibility. This is about our core values and our responsibility to our most vulnerable citizens. To reduce services to members of this community who are already silenced through their circumstances is cruel, and this government should be ashamed of itself. This funding should not be cut on 1 July, and I call on the government to intervene immediately to ensure the continuance of this vital program.

### **Former Bairnsdale High School: centenary**

**Mr BULL** (Gippsland East) — I had the pleasure of attending the centenary of the former Bairnsdale High School on Saturday. Former students from all over East Gippsland, every state of Australia and even Singapore, New Zealand and Honolulu attended the reunion. Amongst the many present was Maisie Collins, who at 97 was the oldest former student in attendance, having undertaken her schooling between 1928 and 1930. Other former students present included Australia's foremost playwright David Williamson, former national heavyweight boxing champion, Foster Diron, and former MP, Bruce Evans, who officially launched his book *A Century of Outstanding Achievement*.

### **Men's health: Bairnsdale Biggest Ever Blokes BBQ**

**Mr BULL** — I congratulate the organisers of the Bairnsdale Biggest Ever Blokes BBQ, which was held to raise awareness of men's health issues and raise funds for the Prostate Cancer Foundation. Once again this event was a great success, with 350 blokes bonding together over a barbecue lunch. Chairman of the event David Preston said over \$60 000 was raised from the auction and donations. I thank the Minister for Sport and Recreation for making himself available to attend on the day. The additional attraction of visiting celebrities James Brayshaw, Billy Brownless and Gary Lyon made for a great time out for everyone who attended.

*Honourable members interjecting.*

**Mr BULL** — And I was there too!

### **Darcie Morton**

**Mr BULL** — I have previously sung the praises of Darcie Morton in this house, and now our young table tennis star has been selected to represent Australia at the International Table Tennis Federation cadet

under 15 world cup and the New Zealand open championships on 16 to 20 April. She will be the youngest participant and the only member of the Australian team who is from a regional area, which is quite incredible.

### **Midwives: enterprise bargaining**

**Ms THOMSON** (Footscray) — I raise the issue of support given to new mothers by midwives, particularly in the area of breastfeeding. As the enterprise bargaining agreement (EBA) is currently being negotiated, I ask the government to seriously consider the important role that midwives play in giving support to women as they adjust to looking after their new babies, which includes assisting them with breastfeeding. The support in relation to breastfeeding that is given to new mothers as they exit hospital also needs to be increased. So I ask that as the EBA is being negotiated we understand that it needs to be negotiated from the point of view of what a new mother requires by way of support.

For new mothers who go into hospital to have their babies, it is usually a delightful experience, and they are looking forward to it and to holding their new baby. But new mothers often experience conflicting emotions in relation to dealing with that new baby and its needs, being able to understand what the baby may require and how their bodies are changing, and adjusting their bodies to the needs of their babies. That is not easy for new mothers to do — it is probably not easy for second-time mothers either — and it is important that they have that support. We all know and understand that breastfeeding is the best way to feed a baby, and I hope that this government will take that into account.

### **Melbourne Markets: relocation**

**Mr HODGETT** (Kilsyth) — The Auditor-General's report into the Melbourne Markets relocation project was tabled in Parliament yesterday. The report is another damning critique of the previous Labor government. The Auditor-General found that this project will be six years late and more than double the original cost and that poor project implementation has adversely affected the project. He found that poor stakeholder management has resulted in significant cost increases, with the cost to government expected to be more than double the \$230 million set out in the 2004 business case.

This debacle is yet another example of the appalling mismanagement of major projects by the previous Labor government, and it is further proof of its financial incompetence. The original scope of the project omitted

warehousing. The previous Labor government was so hopeless that it omitted warehousing from a relocation project. Additionally, the Auditor-General found that the tender process for the trading floor failed to demonstrably deliver value for money. Two major concerns for the market community were the mixed messages coming from the previous government about the move and the government's inability to honour its commitment to keep the market community informed. The Auditor-General concluded that the project would be late, that the cost would blow out to more than double what was originally stated and that stakeholder management was poor for most of the project.

The Labor Party should be ashamed for presiding over a monumental debacle that included cost blow-outs, inexcusable time delays and poor stakeholder engagement. Victorian taxpayers will be left to pick up the cost of yet another Labor stuff-up. Billions of dollars have been wasted due to Labor's incompetence. Labor's financial incompetence and its disastrous management of major projects is its legacy to Victorians, and the Baillieu government is working hard to right this wrong.

### **Charles La Trobe College: Heidelberg West campus fire damage**

**Mr CARBINES** (Ivanhoe) — The Baillieu government must act immediately to rebuild the Charles La Trobe College junior school in Heidelberg West after a fire destroyed classrooms last night. The Metropolitan Fire Brigade has estimated damage to the school at \$1 million, and four specialist classrooms were among the buildings destroyed.

Government schools are fully insured with the Victorian Managed Insurance Authority, and the Department of Education and Early Childhood Development will be reimbursed for damage to the school. The Minister for Education must ensure that his department does not pocket this windfall for other purposes. There needs to be a clear commitment to the school community that the specialist classrooms that were destroyed in the fire will be rebuilt as soon as possible.

I spoke to the minister in Parliament late last night to advise him of the fire, and he is confident that relocatable classrooms will be set up at the school very soon. This is welcome news, but the school community needs certainty that the state government is committed to the school's long-term future. I spoke to the school principal, Maria Karvouni, last night. She was on site doing a great job for the local school community.

At the last election I visited the Olympic Village junior school campus with the then Deputy Premier, Rob Hulls, to announce Labor's election pledge to rebuild the school. The Baillieu government has failed to make any capital commitments to schools in the Ivanhoe electorate. The Heidelberg West campus of Charles La Trobe junior school has recorded increasing enrolments in recent years and has over 100 students. The school is achieving great results in a very disadvantaged community.

The Minister for Education has accepted an invitation to open stage 1 of the Charles La Trobe senior campus next month, a project which was funded by the previous Labor government. There is now an opportunity for something positive to come from this terrible blow to the school community, if the Baillieu government is prepared to invest in education in Heidelberg West.

### **Mount Waverley Cricket Club: Pink Stumps Day**

**Mr GIDLEY** (Mount Waverley) — On Saturday, 18 February, I had the opportunity to attend and support Mount Waverley Cricket Club's sparkling afternoon tea, which was held on Pink Stumps Day in support of the McGrath Foundation. Every dollar raised during the afternoon tea will assist the McGrath Foundation to place breast care nurses in communities right across Australia, as well as to increase breast cancer awareness in young Australian women. The afternoon was a great success, with many club supporters enjoying afternoon tea and a good match of cricket whilst supporting a worthy cause. Well done to Brad, Anthony and the club committee for organising the event.

### **Bernard 'Ben' O'Dowd**

**Mr GIDLEY** — I recently attended the funeral of Lieutenant Colonel Bernard 'Ben' Shelley O'Dowd, MBE, a returned serviceman who served in WWII, as part of the occupying forces in Japan, in Korea and in other conflicts. Lieutenant Colonel O'Dowd was a man who served his country with distinction. His passing is another timely reminder of the sacrifice and service those enlisted in our armed forces, both past and present, have provided to our nation.

### **Bowls Victoria: premier division grand final**

**Mr GIDLEY** — The Bowls Victoria premier division grand final was held at Glen Waverley Bowls Club last Sunday. The club was chosen to host this event through a competitive selection process. Grand final day was a great success, with members and bowls supporters enjoying a top day of first-class bowls

competition whilst enjoying the club facilities. I congratulate the club president, Mr Creagh Bown, the committee, club members and supporters on delivering such a professional, well-run event after many hours of work, planning and organising to deliver the event. I also acknowledge the work of Bowls Victoria towards this event.

### **Rail: premium stations**

**Ms RICHARDSON** (Northcote) — In May last year Daniel Bowen tweeted that the Minister for Public Transport had lied to the Public Transport Users Association. The evidence is certainly there to support Daniel's statement, because prior to the last election media reports confirmed that the then opposition spokesperson and now minister assured the PTUA that the premium station program would continue if the Liberals won government. Of course we all now know the program was scrapped, and \$55 million was taken from the program to help fund the Liberal government's bungled protective services officer (PSO) initiative.

In short, when the Minister for Police and Emergency Services knocked on the Minister for Public Transport's door and said, 'Bad luck, sport; we're robbing you of your funds to help pay for the PSOs', the Minister for Public Transport went weak at the knees, abandoned his promise to the PTUA and, worse, abandoned a program that was very popular with commuters. That has meant that 20 stations scheduled for premium station upgrades with staff from first train to last and improved facilities will no longer receive these much-needed improvements — for example, Chelsea station in Carrum, Highett station in Sandringham, Holmesglen station in Malvern, North Brighton station in Brighton, Parkdale station in Mordialloc, the Prahran and Windsor stations in Prahran, and I could go on. It raises the question: why are the Liberal members in these seats deathly quiet about the scrapping of these much-needed premium station upgrades?

The bungled PSO initiative is now on its knees, with just 18 officers on the station beat. At this rate it will take 57 years for the promised 940 PSOs to be delivered on our stations. In the meantime the Minister for Public Transport should man up and demand that the \$55 million taken from his department be returned in this year's budget, because clearly the money has not been spent on premium stations or on PSOs.

### **Small business: government initiatives**

**Mr NORTHE** (Morwell) — The success of small business is critical to the creation of jobs and a strong

economy. Unlike Labor the coalition government has undertaken a number of reforms and initiatives to support small businesses, including the abolition of Labor's clearways laws that were so detested by many businesses in the outer suburbs. We have amended Labor's unfair and confusing Easter Sunday trading restrictions, enabling all businesses to trade on Easter Sunday if they so desire.

We are committed to reducing red tape by 25 per cent in this term of government and continue to support businesses impacted by disasters such as floods and fires, whilst liquor licence fees have reduced significantly for many businesses under a coalition government. From a local perspective the \$10 million Latrobe Valley Industry and Infrastructure Fund has so far led to the creation of an expected 120 jobs, with more to come.

Labor also seeks to downplay the benefits of the Premier's recent trade mission to India. I was pleased to read some comments yesterday from Victorian Employers Chamber of Commerce and Industry CEO Mark Stone, who stated:

Victoria is a thriving state, with a diverse economic foundation that places us well in a position to be able to take advantage of the growth of global markets ...

There is unequivocal support from the Indian business community for increased two-way trade and investment partnerships with Victoria to ensure mutual prosperity.

Whilst some wish to talk down Victoria's economy, our government will continue to get on with the job of restoring strong economic stability, business confidence and growth in this great state.

### **Louis Fleyfel**

**Ms KAIROUZ** (Kororoit) — I rise today to pay tribute to a very special member of the Australian Lebanese community, Mr Louis Fleyfel, honorary president and founding director of the Australian Lebanon Chamber of Commerce and Industry (Vic) Ltd. Born on 8 January 1928, Louis migrated to Australia aged 20 in 1948. Louis became a successful businessman over a 30-year period, running many restaurants. Louis has been a model citizen and philanthropist for much of his life and was so well respected in the Australian Lebanese community he held the position of Honorary Consul of the Consulate General from 1969 to 1982. From 1969 to 1982, Louis also acted as president of the Victorian branch of the Australian Lebanese Cultural Union.

Some members may know the popular and successful Melbourne institution the Royal Melbourne Hotel.

Louis bought it and transformed it from a police station into one of Melbourne's most prestigious entertainment hot spots.

It is no surprise that Louis has been recognised for his years of service to the Australian Lebanese community, with two awards of considerable prestige: the Order of the Cedars in 1966 and the Order of Australia in 1982. Well done, Louis! I pay tribute to his continued service to Lebanese Australians across all fields of endeavour.

### **International Women's Day**

**Ms KAIROUZ** — On another matter, I would like to congratulate the Macedonian Australian Community Organisation on its successful event celebrating International Women's Day at the Sheldon Reception and Convention Centre in Sunshine on 4 March. International Women's Day is an official holiday in Macedonia, and it is fantastic to see the local Australian Macedonian community gather together to celebrate this very special occasion.

### **Clean Up Australia Day: Forest Hill electorate**

**Mr ANGUS** (Forest Hill) — On Sunday, 4 March, I once again had the pleasure of leading a group of volunteers and participating in the annual Clean Up Australia Day. We assembled at the Lookout Trail, a popular walking track in the electorate of Forest Hill. Many local residents were in attendance, and all worked tirelessly during the morning to make a difference to this wonderful bush area. I would like to thank all the volunteers for their hard work in improving our local environment.

### **Nunawading Swimming Club: Olympic trials**

**Mr ANGUS** — Early last Saturday morning I was pleased to be able to attend a Nunawading Swimming Club training session. Afterwards a presentation was made to club members leaving this week to compete in the Australian Olympic trials being held in Adelaide. I wish all those competing, together with their coaches, well for their events at these trials.

### **Eastern Palliative Care: gala dinner**

**Mr ANGUS** — I was pleased to attend the recent Eastern Palliative Care gala dinner. It was great to be able to support a worthy organisation that is providing a range of much-needed care in the community. I congratulate all those involved in this event and in the operations of the organisation.

### **Box Hill Hospital: redevelopment**

**Mr ANGUS** — I note that the construction of the \$447 million redevelopment of Box Hill Hospital is progressing well. This project will support 1300 full-time jobs during the three-year construction process and will be a major boost for the state. It will result in outstanding, state-of-the-art medical facilities for residents of the eastern suburbs, including those from the electorate of Forest Hill. Following the incoming coalition government's additional \$40 million commitment to the project, the facility will now include 100 more beds than was proposed by the previous state government. Expanded theatres and emergency and intensive care services are also included in the project. This is a good example of the coalition government addressing the health needs of eastern suburbs residents as well as providing job opportunities for many workers.

### **International Women's Day**

**Ms GARRETT** (Brunswick) — As members are aware, Thursday, 8 March, was International Women's Day. I was delighted to attend some very special events and join with hundreds of other women in marking this significant day on our calendar. Most importantly, I began the day, as I have for the last couple of years, by attending the Sally Isaac International Women's Day Breakfast and fundraiser at the Fitzroy Town Hall. I first met the gorgeous and extremely talented Sally Isaac when I was sharing a group house with a couple of her best friends in Dorrit Street, Carlton, in the 1990s. Sally took over my room when I moved out. She was vivacious and bright and clearly a very loyal and loving friend to those close to her.

Our paths crossed again some years later when I was told by mutual friends that, at a very young age, Sally had been promoted to the senior position of director of community programs at Yarra City Council. Not long after this I stood for Yarra council and was elected in November 2009. Tragically Sally and I never worked together at the council. She died in 2009 after a 12-month battle with cancer. She was 36.

The Sally Isaac Memorial Scholarship Fund was established by her family, friends and colleagues in the wake of her untimely passing and aims to award an annual scholarship to further the education of a young woman who is making a significant contribution to the Victorian community in the field of local government or social justice. The first award of \$10 000 will be made this year. The annual breakfast event held in Sally's name is a special occasion. Not only does it

honour and celebrate her life but it also helps to ensure that her legacy will continue.

### **Employment: former government performance**

**Mr MORRIS** (Mornington) — Over past weeks we have heard much commentary about the current employment situation in Victoria, magically combined with a case of collective amnesia from the opposition. The facts are that the February 2012 unemployment result for Victoria exceeded the national figure by 0.1 per cent. If we review the period in office of the former government, we find that until June 2004, coasting on the hard work of reconstruction undertaken by the Kennett government, the state figure outstripped the national figure for the first 51 straight months, flatlined for the next 6 months, and then the wheels fell off. In the remaining 78 months of Labor government, state unemployment exceeded the national average by more than 0.1 per cent — the current figure — for 58 months, 25 of those by 0.3 per cent, and in excess of even that for 8 months. In other words, for three-quarters of Labor's last six-and-a-half years in office the relative unemployment situation was worse than it is today. Labor are determined to talk Victoria's economy down. The record clearly shows that it prefers to play politics with the future economic wellbeing of Victorians

In contrast, the coalition is putting in place steps to build a strong future for the state. We have identified a long-range vision for Melbourne, including our roads and road network. The Minister for Planning and the Minister for Roads are working on that. We have freed up planning in the port of Hastings and have undertaken trade missions overseas. While Labor hides from its record and talks the Victorian economy down, we are getting on with the job.

### **Cyprus Culture, Food and Wine Festival**

**Mr PANDAZOPOULOS** (Dandenong) — I would like to congratulate the Cyprus Community of Melbourne and Victoria on its annual Cyprus Culture, Food and Wine Festival, which was held last weekend. I congratulate president Jim Woods and his committee for their celebration of Cypriot food and culture.

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

## **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012**

*Second reading*

### **Debate resumed from 14 March; motion of Dr NAPHTHINE (Minister for Ports).**

**Mr CRISP** (Mildura) — I rise to make a contribution on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. The purpose of the bill is to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide that endorsed midwives may possess, use, sell or supply certain drugs required for midwifery practice.

The history of this bill is a long one. The commonwealth has developed the National Maternity Services Plan, and Victoria and other states need to amend their legislation to enable the plan to be fully enacted. The coalition government is delivering on its commitment to do this work. The legislation will deliver prescribing rights to midwives and allow access to the pharmaceutical benefits scheme (PBS). The commonwealth can grant authority to access the pharmaceutical benefits scheme, but the authority to prescribe is a state responsibility. With these new authorities midwives can provide a broader range of services. Without this legislation Victorian families would not benefit from the access that could be utilised by midwives to PBS drugs. Midwives will need to be endorsed to access and administer these drugs, and they must meet the standards of the Nursing and Midwifery Board of Australia. I understand the bill is supported by key stakeholders.

The National Maternity Services Plan is intended to provide more services to rural and remote communities. We need to look at some of the midwifery services that are important in my electorate. In Mildura, which has a growth rate of 2 per cent, the birth rate is near to 1000 births a year. These are conducted at Mildura Base Hospital, and the hospital is busy. There has been a need for some time for another birthing suite and some nursery cots, particularly in the higher care area. Part of the commitment by the coalition government to provide the best possible health services to Mildura is to introduce another birthing suite and expand the number of cots in the nursery.

There are other like rural health services that have a midwifery-style service. Robinvale District Health Services is one of those. Although it does not do birthing, it offers a community midwifery service. The service, which has a partnership with the Mildura Base

Hospital, employs a midwife, does postnatal and domiciliary work and provides antenatal and peri-natal mental health care. I thank Laurence Burt, the CEO, for providing me with a substantial briefing on this. A central point is that this is an area where midwifery services were offered in the hospital, but over time that has changed. Robinvale is 90 kilometres from Mildura, and some pretty special people are required to work in the community to ensure that women who are preparing for births get the services they need and also have the time to travel to Mildura for the births.

I pay tribute to the midwife, Vicki Broad. Robinvale has its challenges, being a very multicultural community with a large Aboriginal and Islander population, and moving to our standard of midwifery care is a real challenge for that community. Emergency births are catered for, should they be required, and Vicki Broad is trained in emergency births. There have been very few in recent years because of the work Vicki has done, and that has built up the good relationship that is needed between mums-to-be and their families and the midwife. She works one day a month in Mildura to keep up her skills. I also thank Professor Pettigrew for the work he does with this service and other rural hospitals to offer the best possible maternity care in these more remote situations.

The challenge in the future for rural and regional health services will be to see whether opportunities are available beyond private practice. This bill allows nurses in private practice to access the pharmaceutical benefits scheme. If a mother gives birth in a public hospital, then the public purse meets the cost of the drugs administered. There is an issue of whether this can be extended in communities and whether midwives want to operate in private practice in communities. They need to do this in close consultation with specialist doctors. It is about whether a model can be developed. I have a great deal of faith in the community health services of Robinvale and Ouyen to look at this and see if there are opportunities. Initially the bill's application will be very narrow to begin with, but it is an opportunity to continue to work outside the square in relation to the delivery of maternity services in country areas.

It will be interesting to see how Lawrence Burt at Robinvale District Health Services and John Senior at Mallee Track Health and Community Service develop any opportunities that are offered by this plan and the legislation over time to see if benefits can be delivered to some of our rural areas. It is about meeting the challenge and having innovative ideas in regard to rural health. The challenge is attracting professional people to deliver those services; there is a challenge in

retaining those professional services in rural communities; there is a challenge to get us as close as we can to that goal of equity of access to health services in those rural areas. These organisations, in conjunction with the Mildura hospital, work hard and often on this issue. I commend the bill to the house and wish it a speedy passage.

**Ms GARRETT** (Brunswick) — It gives me great pleasure to rise and speak on this bill. I am sure that there is a collective sigh of relief from members of this house that I can still rise and speak on a bill! As my good friend and colleague from Broadmeadows said this morning, perhaps no other MP has ever gone to such lengths to research the practical applications of the bill as I have. For the benefit of those who, I am sure, will be pouring over my contribution in years to come, I stand in the house seven months pregnant. At this juncture, while we are on the subject of pregnancy, I would like to put on the record my thanks to members on both sides of the house. I have had a lot of very warm wishes and inquiries about my health and the progress of this pregnancy, which have been greatly appreciated. I also appreciate the proactive role of the officers of the Parliament and the Speaker's office in relation to meeting with me and ensuring that there are steps in place for what are very exciting impending arrivals for both me and my colleague the member for Bendigo East.

I am living this bill day to day. I have direct contact with midwives. A lot has been said on the record by members about the importance of giving women greater choice in relation to their prenatal and postnatal care, their labour options and choosing the team around them as they go through a significant moment in their lives. We do not oppose the bill; in fact we have played an active part in what began as a broad initiative of the federal government involving a \$120 million package in relation to these issues and others surrounding maternity.

I will give just a brief anecdote. A couple of weeks ago I was in my obstetrician's office. I had had a glucose test, as women do when they enter the third trimester, and I had slightly elevated levels. Apparently it was due to what I had had for lunch that day. Members will be pleased to know I did not get my lunch from the parliamentary dining room on that day. I was required to have another test. I sat in my obstetrician's rooms for 2 hours waiting for this test to be done. During that time I was able to witness the extraordinary work of the midwives, including the manner and breadth of issues they dealt with on the phone, how they handled patients coming into the office, their care, professionalism, breadth of knowledge and the absolutely critical role

they play in administering health services and ensuring that women during their pregnancies feel as well prepared, calm and confident as possible.

We do not oppose this bill that rewards and recognises that role. I will finish my contribution by saying that we urge the government to properly support midwives and nurses through this current dispute, because — as I, and so many others, can attest — the role they play is absolutely critical in providing health care across the state.

**Mrs BAUER** (Carrum) — I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012, which enables endorsed midwives to possess, use, sell or supply certain scheduled medicines required for midwifery practice. It is certainly a pleasure to speak on this bill. I am very happy to see that the opposition is supportive of this bill. The Baillieu government recognises the essential role midwives play in our community. When reflecting on the role of midwives I have drawn on my own experiences. Having brought four sons into this world, I have a very high regard and respect for midwives. Many of these midwives work on the Peninsula in my electorate of Carrum. They tell me that they really love their jobs, and they are proud of the support they provide for local families.

The electorate of Carrum covers the suburbs of Aspendale down to Seaford, and many areas of my community are experiencing rapid growth. We have seen an increase in the birth rate in places like Bonbeach and Harbourtown estate. Quite a few suburbs are seeing huge numbers of babies being born, and families are being supported by midwives who live and work locally.

There are currently 88 000 nurses registered in Victoria, and midwives make up 12 per cent of the total nursing workforce. It is also worth noting that nursing is consistently voted the most ethical and honest of all professions. This is a status that our profession aspires to achieve, but I believe it is unlikely that we will.

Within the nursing industry midwifery is a highly respected and specialised field. It typically requires a three-year nursing degree followed by a postgraduate qualification in midwifery. Ongoing registration is also required for midwives in Victoria. Midwives need to complete at least 20 hours of professional development related to midwifery per year. If they are an endorsed midwife, they must also complete at least 10 hours a year relating to their endorsement. Staggeringly, 70 000 babies a year are delivered by midwives in Victoria. This equates to about 199 babies a day. It is

certainly very important that our legislation supports and protects our midwives, both men and women.

Midwifery is an evolving profession, and our legislation needs to support this evolution. When we look around the world at other models of midwifery practice we can see that New Zealand has a model that is working effectively. New Zealand midwives are considered leaders in their field. Their model places midwifery as an autonomous profession; it has its own code of ethics and scope and standards of practice. In New Zealand 85 per cent of women giving birth are cared for by a midwife, not a doctor. A high rate of women expressed satisfaction with the maternity service they received from their midwife. Midwives in New Zealand have been prescribing drugs for minor disorders of normal pregnancy and interpreting tests since 1990. Back in 1998 Australia began to investigate this approach. The National Health and Medical Research Council reviewed the services offered by midwives and explored the possibility of midwives being able to order tests and prescribe medications relating to midwifery.

More recently, following national consultation and agreement by state governments, the National Maternity Services Plan 2010 was developed. To fall in line with recommendations set out in the National Maternity Services Plan 2010 this bill adjusts the Drugs, Poisons and Controlled Substances Act 1981. There is still work to be done in relation to significant changes, but this bill makes progress towards each state endeavouring to adjust its drug legislation to provide midwives with prescribing authority.

In 2010 federal Parliament passed a health legislation amendment bill. That legislation added midwives as a new prescriber group. Although this did give midwives PBS (pharmaceutical benefits scheme) authority at a commonwealth level, this was not an authority to prescribe: it was only an authority to claim a rebate for PBS medicines. Authority to prescribe the drugs and medicines falls under state government jurisdiction, hence the necessity for us as the Victorian Parliament to change our legislation to marry up with the federal legislation.

It has always seemed unusual to me that a midwife, who is the primary carer for mother and baby during pregnancy and labour, can advise a doctor about medication and a course of treatment and provide their assessment in relation to drug treatment but then must step aside while the medical practitioner then makes the same assessment and prescribes the drug. I have heard from midwives that they feel their hands are tied and that their ability to offer care is restricted. These women

and men — the midwifery profession has 1 per cent male midwives — have long been experienced and qualified to make these important decisions, and our legislation certainly needs to reflect this.

I am keen to note that the proposed changes to legislation that will ultimately authorise midwives to prescribe drugs do come with necessary safeguards. For example, endorsed midwives who access Medicare or the PBS will be required under the commonwealth act to have established an arrangement with a designated medical practitioner. This practitioner can be an obstetrician, a doctor who provides obstetric services, or a medical doctor employed by a hospital authority. The collaborative arrangements encourage essential dialogue and will promote professional relationships between the medical practitioners and the midwives. Amendments have also been made to the act so that midwives will be required to prescribe medicines in the same way as other medical practitioners are required to do. These adjustments will have a positive impact on the midwifery profession and the ability of midwives to meet the needs of their patients in a timely manner, and I am confident that they will add to the role that midwives play within our hospital system.

The Baillieu coalition government recognises the significant and important role that midwives play in our community. Midwives step up to the plate for the most crucial and significant event in our lives, and it is certainly fundamental that midwives feel supported to provide timely and essential care to mothers and babies in hospitals. This bill seeks to further support and protect midwives as they provide vital services. It also expands their role so that midwives can prescribe and supply necessary medications to patients. I am very proud to support this bill, because it reinforces the message that our government respects nurses and is providing necessary legislation to allow our skilled midwives to provide complete quality care to Victorian mothers and their infants. For these reasons, I commend the bill to the house.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012 and to follow the previous speaker on this side of the house, the member for Brunswick, whose blossoming pregnancy reminds us all how important this stage of life is and how important it is for the community and government to support women and their families during the prenatal and postnatal experience. I assure the house, from my own experience of having children and having been attended by midwives, that one does really appreciate the extra effort they go to not only to make you comfortable but

to encourage you and reassure you. It would be a very sad situation if nurses and midwives were not given the respect that they deserve in this state. Especially as I represent the baby boom capital of Australia, the Casey area where Casey Hospital operates, I would encourage the government to support nurses and midwives and also to support the opening of special care cribs at that hospital. I know there are many parents who would like to see their babies attended by nurses and midwives at that very good local hospital.

As previous speakers have said, the opposition will not be opposing this bill. As many members have spoken on this bill and made many contributions to the debate, I will leave my comments at that and commend the bill to the house.

**Mr THOMPSON** (Sandringham) — I am pleased to be able to support the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. The purpose of the bill is ‘to provide that endorsed midwives may possess, and use, sell or supply, certain drugs required for midwifery practice’.

The Sandringham and District Memorial Hospital has had a long-term role in providing important midwifery services to the middle south region of Melbourne. When I was first elected to this place the throughput was in the order of 600 to 800 or so deliveries a year, and there were other hospitals in the district that also provided birthing/midwifery services. There was a homebirthing unit at the Moorabbin hospital, which was closed under the former Labor government a number of years ago. There was a strong campaign at that time with the slogan ‘Labour pain, Labor shame’, as a number of people had been the beneficiaries of the smaller precinct in that area in the state electoral district of Bentleigh and there was a strong community campaign by a lot of young mothers who were very keen to have that service continue in situ at that site.

There was also the Mordialloc Community Hospital, as it was then known, which also had significant throughput before there was a rationalisation of midwifery services in the middle south region of Melbourne. There was some conjecture about the closure of hospitals. There was a meeting at a local school hall where 1000 people turned up to discuss the threatened removal of obstetric services from the Sandringham hospital. I am pleased to note that those services continue today in the local region. The Mordialloc hospital was closed but it was developed into a community health service precinct and has played a very strong role in that regard. I pay tribute to my then colleague, the then member for Mordialloc, Geoff Leigh, who did an excellent job of brokering an

arrangement that would achieve a good outcome in that precinct and enable good, community-built infrastructure to continue to supply very strong local community health services.

In relation to Sandringham Hospital, it is going through a transitional phase and there is a public consultation process under way at the moment. Its chief focus is on service delivery at the present time, and this includes general surgery. It has had a dialysis unit that has operated successfully from the hospital. It has perhaps the most important department, which is the emergency department, under the excellent supervision of Dr James Taylor. A \$5 million upgrade is proposed for that precinct. The Sandringham Hospital had a very novel design. It was octagonal in shape, with a central service area that enabled a central nursing desk to service surrounding wards. It was a state-of-the-art construction.

The hospital itself was first envisioned back in the late 1930s and early 1940s, but it took over 20 years before the vision was realised, with it opening circa 1962. I recall on one occasion a person saying in relation to a fundraising proposal that there would not be enough coconuts in Victoria to deliver that outcome. As the Minister for Gaming, who is at the table, is a little bit curious as to what that means, I will explain. The person said there would not be enough coconuts to cover the number of lamingtons that would need to be made in order to pay for the eventual outcome. In this particular case, the Sandringham and District Memorial Hospital was a community hospital. It was made possible through local funds — the local Black Rock sports auxiliary has contributed over the years — and there are some people who have put in 20, 30 and 40 years of volunteer service. It was at one point a hub for local Meals on Wheels in the district and fulfilled a very important role.

The bill before the house relates more to giving midwives the power to supply a range of drugs to allow them to fulfil their immediate responsibilities. In the middle south region of Melbourne the Sandringham hospital has been a major hub of service delivery for birthing practices. The hospital review within the Sandringham Hospital at the moment is looking at how it can best deliver services in the medium-term future. Andrew Way and the board of Alfred Health have put out a discussion paper looking at the emergency department, the paediatric and obstetric services, and general surgery being provided from the hospital to see how the hospital can best fulfil its role in the medium term.

If there are complications during pregnancy or delivery, it is critical that there be access to tertiary level medical support that can provide the appropriate intervention and care during that very important time in people's life journey. The other side of the equation is that where there has not been the appropriate level of tertiary care, or where there is a breech birth position or a lack of oxygen to the baby during the birth, a range of medical disabilities can ensue. In the middle south area of Melbourne there are some very valuable support services that provide advice, support and information on government services that might improve life opportunities and outcomes. There are a number of special schools in the district and a number of intervention programs, including Interchange Southern, that can provide better choices for access to ancillary support resources that help people care for young children while having respect and regard for quality of life and the importance of people having the best opportunities to realise the promise of life.

Looking at the bill in more detail, it will come into operation on a date to be proclaimed or, failing a specific date being proclaimed, by 30 November 2012. It provides a definition of a registered midwife. A register is kept under the Health Practitioner Regulation National Law. Such persons are authorised to have controlled substances in their possession. The minister can approve the supply and the scope of prescribing rights for poisons. It is a practical bill for the provision of midwifery services.

On this side of the house, in this chamber and in the other place, there are a number of people who have nursing experience, some of whom have undertaken further nursing training to qualify as a midwife. One of the great features of this Parliament, certainly on the government benches, is the breadth of backgrounds that people have which they can use to apply their minds to the guiding purposes of legislation as it is evaluated, analysed and considered.

It is also important that as Melbourne's population grows over the next 10 years towards 5 million people there be ongoing provision of and access to good health services and that places such as the Sandringham Hospital emergency department are appropriately resourced. For the record, I note the excellent work of Dr James Taylor and his support team. Recently the wife of a medical practitioner, Dr Lindsay Quennell from Beaumaris, required the support of Sandringham Hospital. He took the time to write to me to say how much he valued the calibre of care provided by the medical staff, the nursing staff and the ancillary support staff as they looked after his wife and the excellent

team work exhibited at the different levels of service support at Sandringham Hospital.

Sandringham Hospital stands as one of the great community assets in the district. It serves people not only in my electorate but also in the immediately surrounding area. I received a letter from another resident in the southern region of Melbourne, John Bailey, who also wrote to my office some time ago praising the great work undertaken by the medical, nursing and support staff at the hospital. It is not on the same scale as the Alfred hospital or the Monash Medical Centre; it currently has a role as part of the Alfred Health group in the bayside region. Interestingly, the Alfred hospital does not have a tertiary obstetrics unit, and there has been a continuing debate in my area as to whether Sandringham Hospital midwifery services and obstetric services are best aligned in the overall region of Melbourne.

I note that the role of midwife is also performed in a home setting. One needs to be cognisant of the potential dangers of homebirths. While there are excellent opportunities for a family to support that process, it is important that there be access to secondary and tertiary services.

**Ms EDWARDS** (Bendigo West) — I am pleased to rise to make a brief contribution to debate on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. Labor will not be opposing this bill because Labor actively participated in the national process that brought about the National Maternity Services Plan. Labor is also very supportive of moves to increase the scope of practice for midwives, which will result in greater maternity choices for women in Victoria.

The bill is about broadening the scope of midwifery practice and will result in women having more choice in the type of care they want during the antenatal phase of pregnancy, during labour and in postnatal care. Midwives are members of a very respected profession in our community. My last two children were born at home and were delivered by midwives. The doctor had to come afterwards to administer certain medications, which under this legislation the midwife will be able to do without having a medical practitioner present. From my own experience I would say that this bill will give midwives much more opportunity and will also help to improve the options for women so that they have a choice as to whether to give birth to their children at home or in hospital.

What is disappointing is that unfortunately the government has not treated midwives or nurses very

well for nine long, drawn-out months — time enough indeed to have a baby! Midwives and nurses want to keep their jobs; they do not want to be replaced by nursing assistants.

In addition to changes to laws around access to the PBS (pharmaceutical benefits scheme) and prescribing, the Australian Nursing and Midwifery Board, which registers Australian nurses and midwives, has a comprehensive regulatory framework around registration standards for prescribing. A number of those standards have already been mentioned. In 2004 the former Victorian government released its maternity services policy document *Future Directions for Victoria's Maternity Services*. Through that policy the Labor government of the day provided a vision for gradual but strategic change based on the principles of ensuring quality and safety; providing women with informed choice and control over their birthing experience, a matter I am passionate about; achieving the right balance between primary maternity models and access to medical expertise when it is needed; and making the best use of the complementary skills of maternity health professionals and enhancing a multidisciplinary maternity team approach. Labor does not oppose this bill, and we look forward to its passage through the house.

**Mr McCURDY** (Murray Valley) — I am delighted to rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. Many members have spoken before in this chamber about how this government continues to assist our communities. It is showing great leadership straight-out common sense in many areas, including the area of financial assistance. This is another example of a bill which will make life a lot easier for people in our communities, particularly in regional Victoria, where there are pressures as there are in all communities.

The purpose of this bill is to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide that endorsed midwives may possess or supply certain drugs required in a midwifery practice. As a father of four I was able to see what went on all those years ago. It is very important that when mothers are having babies they can make choices and have different opportunities to look after their families in the way they see fit. This bill came about after the federal government announced a maternity services reform package in the 2009–10 budget. The National Maternity Services Plan was developed following national agreement by the state, territory and commonwealth governments. The plan provides a five-year vision for maternity care in Australia and gives effect to the commonwealth maternity reform package of budgetary measures. The

bill is in accordance with the plan. Victoria, along with other states and territories, agreed to:

... use best endeavours to amend the relevant drugs and poisons legislation to enable appropriate prescribing rights for midwives to facilitate access to PBS —

the pharmaceutical benefits scheme —

subsidies for women.

To facilitate the maternity services reform package, the Parliament of Australia passed the Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010, which amongst other things amended the Health Insurance Act 1973 and the National Health Act 1953 to add midwives as a new prescriber group. Granting PBS authority for midwives at a commonwealth level, however, is not granting an authority to prescribe but an authority to claim the rebate for certain PBS medicines.

In the regions, more than in other areas, women are impacted on by their ability to access maternity services. In my electorate of Murray Valley the hospitals in Wangaratta and Yarrowonga deliver babies. Throughout the community people will have greater opportunities and choices as a result of the bill. Without the prescribing authority Victoria's midwives would be unable to provide a range of private midwifery services, and Victorian women and their families would be more limited in their access to maternity services and would not benefit from the public rebate schemes.

I will touch on a bit of the detail in the bill. The definition of 'midwife', to be inserted in the principal act by clause 4 of the bill, means a person registered under the Health Practitioner Regulation National Law who can practise the nursing and midwifery profession as a midwife — other than those who are students, of course — and whose name is in the register of midwives kept for that profession. Various amendments to the act authorise endorsed midwives to prescribe in the same way as other health professionals with scheduled medicines endorsement under the national law.

There is provision for the minister to limit the circumstances in which a midwife can prescribe, for example, to a class, list or type of medicine, or with reference to the form of the medicine, or the purpose for which the medicine is used, sold or supplied. That is a significant change. It is expected that the list of scheduled medicines the minister will approve will be developed in consultation with clinical experts, other jurisdictions and the board. The good news is that the amendments will enable clients of an eligible midwife to receive comprehensive services, and where a referral

is unnecessary they will not need to also see a doctor or a nurse to have medicines prescribed for their routine maternity care.

As I mentioned earlier, the Murray Valley community supports the bill. Families need to have access to services and enjoy choices when it comes to pregnancy and birth. This bill will allow that. It provides good choices. If women choose to use the services of midwives, the midwives will be able to offer a comprehensive service for expectant mothers. With this bill midwives who meet the appropriate regulations will have access to the medications they require to assist their patients. It will also mean that if she chooses, a pregnant woman can access all the services she requires without the need to see a doctor.

We have wonderful maternity services in the Murray Valley to welcome our new arrivals. This bill strengthens our existing maternity services and provides another option for women in the Murray Valley. The CEO of Northeast Health Wangaratta, Margaret Bennett, and Chris Cunningham, who is the chair of the board, are tremendous advocates for Northeast Health and for women throughout our entire region. I mentioned earlier today that Northeast Health services a big area, taking in not just my own electorate but Benambra, Benalla and other areas. Access to these services is a great opportunity for people.

Regional services and access to them are important. We are constantly talking about overcrowding in Melbourne. Everybody has wanted to send people out to the regions, and we have said, 'We will take those people on board'. We embrace people moving out to the regions and enjoying what we have, but we cannot put the cart before the horse. We need to make sure that regional Victoria is well equipped to handle the people who come our way. This bill allows us to spread that load through some of our hospitals and midwifery departments. It represents a great opportunity to assist people as our regions grow. Obviously our infrastructure needs to keep pace. This bill will not necessarily lead to a huge number of dollars being spent, but it will free up the opportunities for midwives. Our Regional Growth Fund has created various opportunities. We are keeping the infrastructure going. If it is built, people will come; give them the opportunities, and they will come.

**An honourable member** interjected.

**Mr McCURDY** — And we do hope to have more babies in regional Victoria.

In its own small way this bill is a great opportunity to assist women, and I commend it to the house.

**Mr MADDEN** (Essendon) — I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. This will be a very concise contribution. I want to make it clear that we are not opposing the bill. We are active participants in the national process that brought about the National Maternity Services Plan, and we are supportive of moves to increase the scope of practice for midwives, which will result in greater maternity choice for Victorian women. At its core the bill is about broadening the scope of midwifery practice in Victoria. This will result in women being given more choice as to the type of care they have for antenatal care, labour and postnatal care. In particular the bill will broaden the scope of practice for privately practising midwives rather than midwives working in hospital settings.

Given that we are endorsing the role of midwives, I hope that we are enhancing that role through this bill and that that role will be recognised more broadly. Given we have heard glowing comments from government members about the role of midwives, I hope midwives are recognised for their role in the health sector and our hospitals, particularly the public hospitals, and that the pay rates are reflective of that and of community expectations in relation to the standing of midwives, nurses and the like, meaning they are remunerated in accordance with those expectations. They may not necessarily align with the government's expectations —

**The DEPUTY SPEAKER** — Order! On the bill — industrial relations and salaries are not part of this bill.

**Mr MADDEN** — I look forward to that occurring in the future, as the government endorses the stature, operation and scope of midwives, particularly privately practising midwives, and their ability to do their job and give people choice.

I want to make a few quick comments about midwives. Given that my wife and I have four beautiful children, I am very grateful for midwives and what they do. Obstetricians do a fantastic and amazing job, but often they are there — a bit like Dad, sometimes — at the beginning and the end, and much of the hard work is done by your partner and also by the midwives, who are very much involved in those hours prior to the delivery of your beautiful children. I want to put on record my appreciation — and I am sure I am expressing the appreciation of many in the Essendon electorate — of the great work midwives do. I look forward to a speedy passage for this bill.

**Mr WATT** (Burwood) — I take great delight in rising to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. In beginning my contribution I would like to pay tribute to some of the maternity services I have dealt with. People might ask, 'What does a 36-year-old male know about midwives?', but I would like to pay tribute to the Birralee maternity wing of the Box Hill Hospital — and I note the Kennett government rebuilt that maternity section. I also note that the member for Bayswater commended the midwives there. When my daughter was born there the experience we had did not involve an outcome that most people would like, but I pay tribute to the midwives for the work they did. They made it a lot easier for my wife and me. I would also like to pay tribute to all the midwives at Frances Perry House, where my two sons were born. They did a fantastic job, and we had two healthy boys. Once again I pay great tribute to those midwives. The member for Essendon spoke about obstetricians; often they get all the glory, but I would like to pay tribute to the midwives for the work they do.

This bill amends the Drugs, Poisons and Controlled Substances Act 1981 to allow suitably qualified and endorsed midwives to possess, sell, use or supply certain drugs required for midwifery practice. This follows the federal government's 2010 National Maternity Services Plan. Developed through national consultation and agreement among the Australian governments — through the Council of Australian Governments — the plan provides a five-year vision for maternity care in Australia. It includes an agreement among the states and territories to use their best endeavours to amend the relevant drugs and poisons legislation to enable appropriate prescribing rights for midwives to facilitate access to the pharmaceutical benefits scheme.

The federal government has held up its end of the bargain on this one, which is surprising, because it generally does not hold up its end of the bargain at all. The Gillard government, however, has held up its end of the bargain, so midwives will be able to have their patients claim through the Medicare benefits scheme and through the pharmaceutical benefits scheme for drugs they are prescribing. That is why we are passing this bill in Victoria — to enable midwives to prescribe such medicines. I note — and other speakers have talked about this — that this has been done in other states. I note also the support of both sides of the house, and I thank the opposition for its support for this bill. Everybody in this house would pay respect to midwives and nurses for all the great work they do.

This is just another plank in the government's package to support health workers, nurses, hospitals and the Victorian community to get good health outcomes. The \$447.5 million rebuild of the Box Hill Hospital is part of the plan to improve health services and give people more choice.

The bill gives people choice in midwifery services so they will not have to spend great sums of money on an obstetrician. I think it was the member for Bendigo West who said she called on a doctor only at the end for the prescription of medicines. As she said, the bill allows a midwife to prescribe those medicines rather than people having to call on a doctor to do so.

Going to the bill, as I said, it amends the Drugs, Poisons and Controlled Substances Act 1981. It amends section 4(1) of that act by inserting a definition of 'registered midwife'. I thought it would be pertinent to read that definition, which states:

*registered midwife* means a person registered under the Health Practitioner Regulation National Law —

- (a) to practise in the nursing and midwifery profession as a midwife (other than as a nurse or student); and
- (b) in the register of midwives kept for that profession.

As most others have said, the bill adds registered midwives to the list of health professionals authorised by section 13 of the principal act to obtain and have in their possession and to use, sell or supply scheduled substances. The new section provides that a registered midwife whose registration is endorsed by the Nursing and Midwifery Board of Australia may obtain and have in his or her possession and use, sell or supply only those drugs specified in the endorsement of the lawful practice of his or her profession.

Essentially the crux of the bill is to allow midwives to serve patients. Many times midwives are on the front line. As was said earlier, there are a lot of obstetricians and other doctors who get the glory, but the midwives are those who are generally there through the night, as I know from my experiences in the Birralee Maternity Unit and at Frances Perry House. Interestingly enough, many moons ago dads were not in the maternity wing, sitting there watching it all unfold, These days I think most fathers would actually be there and see it all unfold and see all the great work that midwives do. Then they get an understanding of the good work they do.

The bill allows midwives to do more and it gives more choice in midwifery or birthing services. It allows people more choice in the delivery of their child. I commend the bill to the house.

**Mr LIM** (Clayton) — Much has been said in this chamber about the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012, and I would like to bring the debate to the human level of my personal experience and as having two sisters in this category of the medical profession. They are both midwives who trained here in Melbourne.

I came from the horror of the country of Cambodia during the time of Pol Pot. My mother always wanted every single one of her children to be doctors. She would be horrified to know that I have become a politician in this new country. Eight of my friends in the contingent of 40 people who came to be trained in this country under the Colombo Plan in the 1970s were killed. They were sent to the notorious S21 torture chamber by Pol Pot.

My mother felt very strongly about this because of the experiences she had before she died. The only profession that the Pol Pot killers tolerated was the medical profession because they needed its members, no matter what. People in other professions — accountants, lawyers or engineers — were eliminated if they were found out. My mother's strong wish was that every single one of her children should become a doctor. I am so proud to stand here and say that one of my younger brothers, after he escaped through Thailand and came to Australia, was trained at the University of Melbourne and became a practising doctor and now works in the northern suburbs.

My two sisters, who were in their second year at the medical school in Phnom Penh in Cambodia, did not have that chance and they had to reduce their ambition. They became midwives, and I am very proud of them. In their case what is important is that as midwives they speak two other languages, Cambodian and Chinese, and so they have been able to help as medical professionals on the front line, particularly during the early years of the flood of refugees from Indochina. They did and do a tremendous job.

The bill allows the front-line workers in the medical profession to take the next step in delivering their unique service to patients. I am very proud of this bill. It is one we need, had to have and must pass as soon as possible.

Without saying much more, I would like to take this opportunity to congratulate and wish all the best to our colleagues the members for Brunswick and Bendigo East on delivering two Dragon babies this year. I hope they will both have safe deliveries, and I wish them all the very best.

**Ms MILLER** (Bentleigh) — I am delighted to contribute to the debate today on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. The bill essentially allows midwives to possess, use, sell and supply certain drugs in the course of midwifery practices. The Baillieu government totally respects the nurses and midwives in Victoria. Having been a nurse for the past 25 years, I personally support them. I think that nurses do an amazing job here in Victoria and around the world.

In Victoria there are some 88 000 nurses, 12 per cent of whom are midwives. The bill allows midwives to manage a woman who is going to have a child, which is fantastic. I have worked very closely with midwives in the operating theatre when women have come in and had caesarean sections to deliver their babies. I have seen the postnatal care that midwives offer their patients, which is incredible.

The work that midwives do starts at the beginning, in the prenatal term, and continues through to the delivery and then obviously with the postnatal care that is involved, so they have a holistic approach. Today women have choices in birthing. For women from some cultural backgrounds a homebirth or a natural birth is a natural thing. For others, it may not be. Midwives are there to offer women a choice about whether they want a homebirth, a water birth or a hospital birth — whatever it may be. They are there with a woman until she safely delivers her child.

The member for Sandringham spoke earlier about the history of the bayside area. In the Bentleigh electorate we have the Moorabbin hospital. For those members who know Bentleigh well, the Moorabbin hospital offered a maternity service back in the mid-1970s. In 1987, when Monash Medical Centre Clayton opened, those services were transferred to Southern Health. The Clayton site now offers those maternity services, and the staff do an amazing job there. I worked at Monash Clayton when it first opened, and I am very proud to say that the nurses then and certainly the nurses and midwives who are there now all do an amazing job.

In the bayside area and certainly in Bentleigh, which is a very family-oriented area, there has been a growth in the birthrate. As the member for Sandringham acknowledged, Sandringham Hospital, which is being talked about currently, offers very good community services in its area. It is seeking public consultation. It is asking members of the public what sort of services they would like that hospital to offer its local community in the future. In the Bentleigh area the existing maternity services and facilities can be found in Bentleigh, in McKinnon, at Moorleigh Community

Village and at Bentleigh East maternal services. The clinical support those services provide from a nursing and midwifery perspective are second to none. I am very proud to be part of that.

From the federal point of view, the commonwealth National Maternity Services Plan of 2010 was developed following national consultation and agreement by Australian governments and provides a five-year vision for maternity care in Australia. The bill we are debating makes amendments to enable a registered midwife whose registration is endorsed under section 94 of the national law to obtain, possess, use, sell or supply any schedule 2, 3, 4 or 8 poison approved by the minister in the lawful practice of his or her profession as a midwife. This will give effect to commonwealth budgetary measures to allow authorised midwives to access the pharmaceutical benefits scheme and will facilitate implementation of the National Maternity Services Plan.

I am from a big family, and I have a number of brothers and sisters. My mother's experience was that she went to hospital and had us in the normal way. I am sure the midwives all those years ago did an excellent job and that today's midwives conduct themselves in a similar fashion. However, more babies are being born today, and the challenges midwives face now would be more technical than in earlier times. Years ago giving birth was probably a simpler process than it is today, when things are a bit more complicated and some people have more health issues.

This bill is a fantastic contribution towards and acknowledgement of the work midwives do these days. Midwives work hard, work extremely long hours and enjoy the work they do; and it is important for mothers and newborn babies to have the support and expertise of midwives to help them at a wonderful time in their lives. I understand from women who have had the pleasure of having babies that breastfeeding, for those women who can do it, provides the most nutritional benefit to their newborn child and that the longer they are able to breastfeed the more it will provide health benefits associated with breastfeeding.

It is important for this bill to have a speedy passage, and I am delighted that both sides of the house support it. The changes in the bill will enable midwives to be autonomous in their clinical care and decision making, with the support of an obstetrician, with whom they will work very closely. From my own experience I know that a midwife is the person to go to when an obstetrician is not available. It is not uncommon for a midwife to step in, and it is fantastic for them to be able to do that. Giving birth is a very unpredictable thing;

some women have a very quick labour and some have very long ones. I take my hat off to those who have a long labour, particularly a natural one.

Obstetricians rely on nurses, and the two work in close partnership to manage women during the labour process in a holistic manner. It is important and comforting for a woman having a child, whether it be her first, second or third, to know that she is in good, safe and trustworthy hands. Nurses are highly regarded for their ethical approach as part of a medical team. Giving midwives the ability and the choice clinically to offer pain management during the labour process is very important. Midwives are there by the woman's side assessing what the level of pain may be. There are different forms of pain management a midwife can offer, and they work closely with the obstetrician and/or anaesthetist, who may be in a position to assist in clinically offering additional medication if required.

It is important that women today have choice. It was mentioned earlier that a member of the opposition is seven months pregnant. The member for Brunswick looks very well, and I hope that everything goes well for her. Midwives should have the autonomy to assist a woman in making a choice as to the type of birth she wants to have. It is important to acknowledge that the Baillieu government respects the work nurses and midwives do. We encourage them in their work. This bill needs to be passed quickly by both sides of the house, and I commend it to the house.

**Mr CARBINES (Ivanhoe)** — I am pleased to rise to make a contribution on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. Can I say from the outset that I am looking forward to joining my colleagues the members for Bendigo East and Brunswick as a parent in a couple of months time myself. It makes you more attuned to the value and importance of midwives when you find that you are going to be relying on their services yourself in the months to come. Can I also say that this points to the fact that we have a very productive opposition in the house at this time!

Importantly, this bill goes back to providing greater scope of practice for midwives and the capacity for them to make a greater contribution in their roles. This was also acknowledged by the past Labor government. I know in my role working for the former Minister for Health, the member for Melbourne, we did a lot of work around the future directions of maternity services and the work of midwives, improving, broadening and diversifying their scope of practice. We did that work through a future directions document back in about 2005. That was all about trying to pick up on changes

in the community around maternity services, recognising the different challenges in relation to workforce issues and trying to make sure that those who want to practise as midwives amid increasing changes to technology have the opportunity to broaden their skills and dispense different medications as part of the specialist and skilled roles they perform in the community. It is also important to move away from the protectionism of the medical fraternity around doctors and the Australian Medical Association to improve and broaden midwives' scope of practice and provide services to mothers-to-be.

It is also important to note that we have provided a lot of support locally at the Austin and Mercy hospitals. The Mercy Hospital for Women in Heidelberg is a great provider of maternity services. I particularly noticed the support that midwives have during my time down there on the corner of Burgundy Street and Studley Road on the picket line with Australian Nursing Federation members from the Austin and Mercy hospitals. We have had a lot of support in the past couple of weeks in particular — —

**Mr Battin** — On a point of order in relation to relevance, Acting Speaker, this bill is about drugs and poisons control. I do not believe there is anything in there about industrial action in relation to nurses.

**Mr Foley** — On the point of order, Acting Speaker, you have given wide breadth to government speakers on this bill in speaking about similar circumstances relating to the health services to those the member for Ivanhoe has referred to. I think it is in keeping with rulings from the chair that such breadth continue to be offered to the member for Ivanhoe.

**Ms Miller** — On the point of order, Acting Speaker, I understand previous debaters have been pulled up for straying from the bill. I ask that you bring the member back to the bill at hand.

**The ACTING SPEAKER (Mr Nardella)** — Order! There is no point of order. I was listening to the honourable member for Ivanhoe, and I believe he was making comments in passing, but I ask him to return to the bill.

**Mr CARBINES** — I think it is important when we are talking about changes to the scope of practice and the dispensing of medications by midwives to acknowledge the work of those midwives at the Austin and Mercy hospitals in my electorate, the efforts they make and the support they have from the community to continue to provide those services in the Ivanhoe

electorate. That is very relevant to the bill and a reasonable point to be making at this time.

In keeping my contribution brief to allow an opportunity for other members to make contributions, I acknowledge that a lot of work has been done by the previous Labor government to improve midwives' scope of practice and to build on their skills and professionalism. I was pleased to have worked on a lot of that with the former Minister for Health, the member for Melbourne. I am pleased to see that these amendments will pick up on national standards that will improve the capacity of midwives to provide professional care and services to families in my electorate of Ivanhoe, who are very respectful and very supportive of the work that is done at the Austin and Mercy hospitals in particular. I commend the amendments to the house.

**Mr BATTIN** (Gembrook) — I have pleasure in rising to support the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. It is a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain midwives to possess, use, sell and supply certain drugs in the course of midwifery practice and for other purposes.

I will start off by acknowledging the member for Ivanhoe, who said in part of his contribution that he will become a father shortly. I understand that makes being in the chamber a lot more difficult because you are a lot more tired after a night up with the children. It becomes a bigger challenge. I wish him all the best, as I do the member for Brunswick and the member for Bendigo East on the impending births of their babies.

This bill is very important to my constituents in Gembrook. We have one of the fastest growing populations in Victoria in the Gembrook electorate, and recent figures that have come through show that we had 1026 births in the Cardinia shire alone in 2008–09, 1100 births in 2009–10, 1255 in 2010–11 and we are already on 818 for this financial year. I think that goes a long way towards showing the growth in the area. Those figures do not include figures for Casey, which is still one of the fastest growing cities in Victoria. One day it will have a population the size Canberra's, which is a very interesting rate of growth.

Both of my children were born in Berwick at the St John of God Hospital. The midwives at the hospital are not just there to deliver children; they do a lot more. They offer a far greater service than just coming in for the birth. As it was put by the member for Essendon, midwives do not just turn up at the end, as some

obstetricians do, coming in and managing to get the glory for it. They are there from the very start to the very finish, and they do an absolutely amazing job.

My wife and I have had two children. My wife had a combined labour of 33 hours. The first one was 30 hours long, and we had a midwife who stayed with us from the first minute right through to the end. So for 30 hours we had one midwife with us due to complications during that birth. I will stand here and say that the midwife on that particular day — the doctor was there, but I will not go into the details of the doctor — was the reason my first child survived birth. Any support we can give to midwives is very important. It is important to give them the opportunity to prescribe medication and to deliver children effectively on their own.

The member for Ballarat West also spoke about homebirth. Homebirth is something that this bill is going to very much assist with, as it increases the opportunity for mothers to have choice in where they would like to deliver their children. Choice, in my view, is very important, and a bill like this supports that choice.

As I said, in the area of Gembrook we have the growth corridor that runs through Berwick to Pakenham and Officer, which is obviously going to be one of the fastest growing new subdivisions. The electorate also goes into areas like Emerald and Cockatoo, where people do not have direct access to hospitals just around the corner and have to drive quite a distance to get to one. Those communities want to have that ability and choice as well. We can also travel through to some very isolated parts of my electorate, up through Warburton and Reefton, and if you speak to many of the residents up there, you realise that a bill like this gives them the opportunity to have a midwife. There are a lot of homebirths in that area, and this bill allows them to use a midwife who can prescribe medication rather than having to call on a doctor to attend. That is something they see as very important. Because of the rate of homebirths through the top end of the electorate, it is important that everybody support this bill. It is fantastic that both sides of the chamber are supporting the bill to ensure that it makes speedy progress through this Parliament.

The other services midwives offer have been brought up a few times. I will raise one service midwives offer in the Gembrook electorate. We have the Raphael Centre, where there is a midwife base as well as psychologists for any parents who have any issues or concerns at all, pre or post birth. The work the staff there do in our local community is absolutely

outstanding. It is a service offered through the St John of God hospital at Berwick, and that service supports new mums who are struggling with any aspect in relation to having a child, whether that be prior to birth or post birth.

Some of the services my wife and I used were in relation to breastfeeding, which was brought up before by a member on the other side. Having a midwife there can make a big difference. With our first child my wife had some issues with breastfeeding. That is something where, at first, looking in from the outside, the medical side of it is not seen as a big issue — it is the mental strain it puts on a woman who feels she cannot achieve what she is supposed to. That is the issue we had at home and which we had to work through. When you have a midwife and the experience a midwife brings, you have someone who can sit down with a mother, especially a mother who has just had her first child. The midwife can explain to the mother that it is not her fault and that it is something that does happen. It is very important that they have someone with that experience to sit there and go through it with them. Our greatest thanks go out to the midwife assigned to us at the Raphael Centre for what she has done for us.

I have visited the Raphael Centre since becoming a member of Parliament; I have gone there a few times. The work the staff there do is continuing, and they are looking at expanding. The people there will talk about a bill like this and how important it is so they can get out there and discuss with mothers-to-be the process that is coming up for the birth of their child and ensure that they can offer the best service they can, now and in the future.

I will just go back to part of the bill here. The bill will commence on 30 November 2012. It comes into operation on that date. It is a very important bill that we should get through and have enacted as quickly as we can. At the moment the drugs a midwife will be able to have in their possession to use, sell or supply include any medication or drug in schedules 2, 3, 4 or 8 approved by the minister and specified in the endorsement of the lawful practice of their profession as a registered midwife. Most of these medications will be to assist with the process, pre or post birth, to ensure not only the comfort of the mother but also the safe arrival of any child.

The commonwealth's National Maternity Services Plan 2010 has been agreed to by all Australian governments. It is important that all states follow up on this and make sure they bring in bills like this to ensure that midwives have the opportunity to get out there and start using these new powers to ensure the safe arrival of children,

to ensure that we follow best practice and to ensure that there are choices for mothers-to-be all over Victoria.

In the Gembrook electorate our main maternal health hospital is the St John of God hospital in Berwick. We also have the Casey Hospital in the Narre Warren South electorate, just over the border, which many of our residents use. Both of these facilities are first-class facilities available for communities, and many in the community have the opportunity to use them. Because of the rapid growth over the years, the St John of God hospital has expanded, and it is looking at expanding again as we speak. We have been discussing it with the hospital. Part of the expansion is looking at the growth in the maternal health section of the hospital as more and more people in our local area choose to use the St John of God hospital because of its reputation.

That reputation comes down to the effectiveness and the work ethic of our midwives at the hospital there. People I know who have been delivered there, including best friends who were delivered there over 30 years ago, still speak of the advantage of being delivered in such a fantastic, first-class facility that is so strongly supported by the Berwick community. It has its own women's auxiliary to raise funds so it can be the best hospital possible for our community. It is a pleasure to rise and support this bill, and I commend the bill to the house.

**Mr SCOTT** (Preston) — It gives me pleasure to rise and speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. As has been mentioned previously by other speakers, the bill's purpose, as set out in clause 1, is to amend the Drugs, Poisons and Controlled Substances Act 1981 to allow suitably qualified and endorsed midwives to possess, sell, use or supply certain drugs required for midwifery practices.

As has been touched upon previously, this is a really important bill in providing an improvement to the scope of services available to families who are having children in Victoria. It arises from federal action to expand these services, which has allowed for an improved role for midwives by allowing them to access the pharmaceutical benefits scheme and the Medicare benefits schedule and provide certain drugs that are required for their services. It is important to note that there is a limited scope to this in that the persons have to be qualified midwives and registered by the Nursing and Midwifery Board of Australia.

I will touch upon one issue that relates to this which obviously arises — that is, the necessity for midwives to perform at a higher level and standard. It is

illustrative to note the work done in the 19th century that compared midwives and qualified physicians and established the basis for modern understanding of the dangers of post-surgical infection. In that work it was the high standards of the midwives and the poor standards and results of the so-called qualified surgeons which allowed the comparative analysis to be done, and that analysis established that performing an autopsy and then going straight on to deliver a baby is perhaps not such a wise idea. It was literally the good work of the midwives and the high level of care that they provided which allowed that conclusion to be reached. That work established that the poor practices of the physicians was endangering their patients.

Often fears are raised about the service of midwives, but the history of medical science has illustrative examples that show that for a long period of time midwives have been performing services at a very high level. That allowed for the development of modern sanitation standards within medical care, because of the work that literally compared the good practices of midwives to the poor practices of qualified physicians, who in many cases were killing their patients through their poor practices. I will keep my contribution brief, and I wish this bill a speedy passage.

**Mr SHAW** (Frankston) — I am also happy to contribute to the debate on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. The amendments contained in this bill will enable the clients of midwives to receive comprehensive services and not be required to see a medical practitioner or nurse to receive a prescription for medicines in routine maternity care. That is a good point. We are recognising midwives as a profession. However, midwives also need to do their training. They need to keep up with professional development and take out the required insurance, just like other professionals. We talked yesterday about the legal profession, members of which also require professional indemnity insurance. No doubt legal professionals also require continual professional development, as do accountants.

I would like to discuss Frankston Hospital. The member for Narre Warren South, on the other side, no doubt thinks about Frankston because she passes through it every day on her way to her electorate, which is a number of miles away from where she lives. Frankston Hospital has a maternity ward comprising a 29-bed integrated unit. That is fantastic because over 200 children are born at Peninsula Health, which includes Frankston and Rosebud hospitals, every month. In 2010–11, 203 babies were born there per

month. The interest that has been shown in Frankston Hospital this morning is fantastic.

I want to congratulate the Minister for Health, who had the foresight to see what was required at Frankston Hospital. One of our commitments last year, announced before the May budget, was a \$36 million expansion of Frankston Hospital. This will produce over 100 jobs for the Frankston electorate. It is part of the Baillieu government's \$522 million investment in new health infrastructure which was announced in last year's budget. I would like to quote the Minister for Health, the Honourable David Davis, who was quoted as having said:

Health infrastructure projects across Victoria are vital in terms of economic activity they produce, the jobs they generate and the stimulus created in local communities ...

Frankston is a great hospital. Lots of work needs to be done there. One of the big areas that needs work is car parking. It is also being dealt with. The parents of all of those 203 babies who are born each month need car parking. Over the duration of this project, which will include 64 acute adult multiday inpatient beds and 24 acute adult short-stay beds, this \$36 million package will create more than 100 jobs. I thank the Honourable David Davis for his foresight.

The purpose of this bill is to endorse midwives so that they will be able to sell or supply, possess or use certain drugs required for their practice. This bill makes midwives one of the groups who are authorised to possess these poisons or controlled substances. It is important to look at that definition. The bill is just adding midwives to this area. I quote from the bill:

any registered midwife whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law is hereby authorised to obtain —

and have in their possession, to use, sell and supply, any of the poisons approved by the minister and specified in the endorsement. That is important. It is not taking away from doctors or nurses; it is adding midwives to the group that is able to supply these drugs. A mother will be able to continue with her routine maternity care without the need to see a medical practitioner or a nurse. That allows choice, it allows freedom and it also frees up medical practitioners.

I would also like to address the safeguards relating to this amendment to the Drugs, Poisons and Controlled Substances Act 1981. Even though it is a significant amendment, it seems quite an easy one because it just involves the addition of midwives. Firstly, the Nursing and Midwifery Board of Australia has a comprehensive regulatory framework for midwives, which includes

that they must complete all training and continual professional development. Secondly, midwives must satisfy a number of other requirements to gain this endorsement, including providing:

Evidence of current competence to provide pregnancy, labour, birth and postnatal care, through professional practice review ...

Midwives apart from those who are otherwise exempt are also required, as are all health practitioners, to have professional indemnity insurance. As I mentioned before, they must also complete mandatory continual professional development. Lastly, as in all cases, midwives who access the Medicare scheme are required under the act to have an arrangement with a designated medical practitioner.

With those comments on this bill, I again want to thank the Minister for Health for his \$36 million contribution to the expansion of Frankston Hospital, which has created 100 construction jobs. I wish the mothers of the 203 babies who are born each month in Peninsula Health facilities all the very best. My four children were born there, and my wife was born in Frankston Hospital.

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to rise to speak in support of this important piece of legislation. It is important to all of us: those who have parents, those who are parents and those who are not. However, it is important first to recognise what the bill does. The bill broadens the scope for midwives in Victoria. This will result in women having more choice as to the type of care they receive.

The bill seeks to create a definition of ‘registered midwife’ as a person registered under the Health Practitioner Regulation National Law Act 2009. It also provides that any registered midwife who has been endorsed under section 94 of the national law is authorised to obtain, have in their possession, use, sell or supply any schedule 2, 3, 4 or 8 poison approved by the minister and specified in the lawful practice of the profession.

In the brief period of time I have to make my contribution, I want to recognise the work done by the federal Labor government. In particular I remember an announcement by the federal government in the 2009–10 budget when it committed \$120 million to a package of measures to improve choice and access for pregnant women and new mothers to maternity services in Australia. It is important to recognise and remember the important national maternity services review that was a part of that package. I place on record that the former

Labor state government made an important submission to that review.

When we were in government we introduced a policy framework called *Future Directions for Victoria's Maternity Services*. Some work had taken place, including research and a pilot program involving Casey Hospital and Sunshine Hospital. Those were important first steps. That policy aimed to ensure safety and quality and provide women with informed choices and control over their birthing experiences. The aim was to achieve the right balance between primary maternity models and access to medical expertise when required and to make the best use of the complementary skills of maternity health professionals.

At the time I was the parent of four children. We made a good contribution — one for the country and the other ones for everybody else! We are still — —

**Mr Donnellan** — You could keep going, Telmo!

**Mr LANGUILLER** — And the bills continued coming up. We have been through this, and it is wonderful. This bill is good for future mothers. My wife and I have no intention of continuing to have children. We have made enough contributions to this nation, I think, in terms of children!

With these few remarks, I commend this bill to the house. It is good for women and communities if we broaden the scope of services. Last but not least, I commend the very good work of all midwives in the state.

**Ms RYALL** (Mitcham) — It is a pleasure to rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. Essentially this bill amends the principal act to provide a mechanism for suitably qualified midwives to be authorised to prescribe medicines. With that prescribing authority, a greater range of choices will be provided to women and their partners in relation to their birthing options.

The National Maternity Services Plan 2010 was put together because all governments nationwide came together and looked at improving access to maternity care for women in Australia. It is also about providing a plan for a further five years that includes a vision for maternity care in Australia. This bill provides in particular for qualified private midwives, of which there is not a huge number.

I will provide some context. Nurses can do postgraduate qualifications in midwifery, but on top of those postgraduate qualifications in midwifery they

have to go on and gain further qualifications in order to be independent or private midwives. This bill is about addressing issues in relation to midwives who have completed further training and education and have qualifications on top of midwifery experience. They will be able to obtain, possess, use, sell or supply any schedule 2, 3, 4 or 8 poisons approved by the minister. That schedule itself, which is approved by the minister, will be subject to a culmination of expert consultative advice to ensure that there is current best practice in relation to the use of particular drugs during births and in the immediate postnatal period.

In a sense midwives provide pregnancy, birthing and postnatal care to not just women but also the baby after it is born. Those particularly qualified midwives will only be able to prescribe what is on the list set down by the minister. They cannot go outside the prescribed list. These drugs are commonly used and have been used for quite some considerable time in relation to the birthing process and infants.

I know many midwives. I have great respect for the work they do. As a former nurse — albeit many years ago — I have a great respect for nurses, the work they do and their commitment to the giving of themselves to others. I know midwives do this. I gave birth to my daughter at the only hospital in the Mitcham electorate — that is, Mitcham Private Hospital. There is a fantastic team of midwives at that hospital. Box Hill Hospital has great maternity and prenatal services for women and provides services to those who live in the electorate of Mitcham. There is an excellent group of midwives in the maternity unit at Box Hill Hospital.

As I mentioned, there is not an enormous number of qualified midwives who will be able to prescribe particular drugs, but I expect that over time the number of private and independent practising midwives will increase. This legislation brings Victoria into line with other states which have come on board. The governments of most mainland states have already committed to this legislation, and some are still working towards bringing their legislation into line. In relation to a national perspective, the legislation before the house will be consistent.

I am pleased that the Baillieu government has acted on this issue and moved to this level. It is important when a midwife privately provides services to a woman or a woman and her partner during the prenatal stage, birth and the postnatal stage that the midwife has the toolkit to do what he or she needs to do. Of course some midwives are in fact male.

As I said, midwives do a fabulous job. I had a difficult birthing process with my daughter and required an emergency Caesarean after quite a long labour. The reassurance I received was vital, as was the quick thinking and logistical organisation for theatre that the midwives provided. They are very special people. I know every woman who is going through labour and the birthing process absolutely relies and depends upon midwives during that phase.

Private midwives undertake specific training after their postgraduate midwifery qualifications are obtained. They have to meet the Nursing and Midwifery Board of Australia requirements and adhere to the regulatory and professional practice framework to make sure their midwifery practice is safe. That includes particular competency standards, registration requirements — particularly under section 94, which stipulates continuing professional development requirements that they are expected to meet on a continual basis — guidance specific to midwifery practice for homebirths, accreditation standards for midwifery prescribing courses, guidelines for scope of practice decisions and professional boundaries and ethics guidelines. It is comprehensive. These people are well qualified and have an extensive understanding of the thorough and holistic approach required when providing midwifery services for women.

The list of medications midwives are authorised to prescribe is limited, and midwives are not able to go outside of it. They are restricted to prescribing just the drugs on this list that are to be provided to women and infants after birth. Eligible and endorsed midwives will be able to be rebated. We have the Medicare benefits schedule, to which they have access along with the pharmaceutical benefits scheme. That midwives will be able to access these schemes and be rebated accordingly is another important step in recognising the professionalism of those working in this field.

I have great respect for midwives. As a woman I could never have done without a midwife in the lead-up to and the birth of my daughter. I have overwhelming respect for the service midwives and the team at Mitcham Private Hospital and Box Hill Hospital provide. I know this bill will enhance the choice for women and, where applicable, their partners, during the birthing process. I take this opportunity to commend the minister, and I commend the bill to the house.

**Mr DONNELLAN** (Narre Warren North) — It is an honour to speak on this bill today. It is a bill which, in many ways, is about the leadership of the federal government in standardising a National Maternity Services Plan to introduce the capacity for midwives to

provide benefits under the Medicare benefits schedule and pharmaceutical benefits scheme. It is obviously more applicable to those in private practice than those in the hospital system. The bill provides an improvement in choice for people, but more than anything else it highlights the importance of establishing standardised regulation in regard to the provision of medical services. That includes groups like the Nursing and Midwifery Board of Australia, which registers midwives, to ensure that there is a standardised system of regulation across the country. That is vital. We hear a lot of talk about red tape and the like. Not many people find this type of bill particularly exciting, but it is incredibly important that these regulations be standardised, and this bill goes towards achieving that.

I am quietly reminded of the fact that in my local area, the city of Casey, the hospital has a special care nursery with 25 beds. Unfortunately some of those beds are currently sitting unused, because we do not have enough midwives and nurses in the system to manage those beds. That is a bit disappointing, but at the end of the day it is fortunate that the previous government put in those special care nurseries, because we have seen enormous growth in the number of children in Casey. We need those services there to ensure that those children are properly provided for.

I note that various government members talked about their respect for and love of nurses. I suggest that a proper pay offer may be a way of showing that love, respect and goodwill not just for midwives but for all nurses. I know that kind of respect is often felt in relation to midwives acting in private practice, but generally on the issue of nurses and the government's respect for them one way to highlight that respect and goodwill would be to put a proper pay offer on the table and settle the current industrial dispute.

With that short contribution I commend the bill to the house.

**Mr DELAHUNTY** (Minister for Sport and Recreation) — I rise on behalf of the Lowan electorate to speak on this very important bill, the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. I have to say up-front that my mother was a nurse, and I respected the work she did for a lot of people in my area. She was not only a great nurse but a great mother. I have a brother who is the CEO of the Echuca hospital. He was the CEO at Stawell Regional Health before that. He is very happy with this government, because he is getting \$40 million to build a new hospital up there. There are a lot of good things happening in country Victoria, but I know a lot of people in the medical profession who are concerned

about birthing services across rural and regional Victoria, which is why I want to say a few words on this bill.

In the Lowan electorate, which I serve, there are five hospital services: Wimmera Health Care Group, Western District Health Service, Casterton Memorial Hospital, Edenhope and District Memorial Hospital and West Wimmera Health Service, which is based in Nhill. When I first started in 1999 a lot of those hospitals had birthing services in place, but as a result of changes in the law and concerns about litigation a lot of those birthing services have been closed down. Now the situation is that those services are provided at Hamilton and at Edenhope and Casterton, although Casterton unfortunately lost the in-vitro fertilisation program that was being run through Monash University. There are a lot of good people out there who do great work in providing birthing services for our community.

As this bill reflects, midwives play a very important role, whether it be at hospitals or homebirths. There are not a lot of homebirths, but it is important that we have appropriately qualified midwives out there to deal with them. The purpose of the bill is to make amendments to the Drugs, Poisons and Controlled Substances Act 1981. After this amending bill passes, it will provide a mechanism for suitably qualified and authorised midwives to prescribe medicines. With prescribing authority, midwives will be able to provide a greater range of services, thereby improving access to maternity care for women and families. As a country member I point out that there are lots of hospitals around, but they do not provide the birthing services that were available for a long time in years gone by. The GP used to do it all, but now we need appropriately qualified staff. The difficulty we all have is in attracting not only doctors but also allied health staff, and particularly midwives, to our country communities. However, if we get these qualified people we need them to be able to provide the appropriate drugs and poisons that the bill enables midwives to administer.

I know the background of this legislation. The commonwealth National Maternity Services Plan was developed in 2010 following a national consultation and agreement by Australian governments, and it provides a five-year vision for maternity care in Australia. We need to do more in that regard, because we need to provide services to people everywhere, whether they live in metropolitan Melbourne or right up at Murrayville, Kaniva or in remote areas of Victoria, and right across Australia. This plan has been developed by the Council of Australian Governments with the support of all governments in Australia. I am

pleased that has happened. The plan includes an agreement by the states and territories to use best practice endeavours to amend the relevant drugs and poisons legislation to enable appropriate prescribing rights for midwives to provide access to pharmaceutical benefits scheme (PBS) services for women.

This is a key part of the legislation. In a lot of places we do not have the medical staff, the doctors, to prescribe appropriate medicines and drugs. As you know, Acting Speaker, the PBS authority is for medicines prescribed in private midwifery practice and is limited by state and territory prescribing rights, and that is the reason for the changes in this bill. The PBS authority is for reimbursement only and is not an authorisation to prescribe. The bill will amend the act to enable registered midwives whose registration is endorsed under section 94 of the national law to obtain, possess, use, sell or supply any schedule 2, 3, 4 or 8 poison approved by the minister in the lawful practice of his or her profession as a midwife. It is fantastic that we have this opportunity for midwives to be able to provide appropriate services. We have heard many members speak about their experiences, and it was great to hear the member for Mitcham do that. I have not had those personal things happen to me, but I have been at the births of two of my children — I did not get to the first one.

**Mr Donnellan** interjected.

**Mr DELAHUNTY** — Probably. With the second one I was worried about it, because I know it was on a Friday and I was a bit worried that my wife had been in the birthing suite for a long time. We were playing Melbourne the next day, and I thought, ‘We’d better hurry up here’. I guess my priorities were a worry, but we had great service out there at the Essendon hospital. Importantly it was not only the GP but the midwives who provided a fantastic service at that time — and such staff continue to do so today, as was highlighted by the member for Mitcham.

I thought I had suffered some pain while playing football, but it was nowhere near what we are talking about here. I did not know what pain was.

**Mr Donnellan** interjected.

**Mr DELAHUNTY** — I might be beaten up this afternoon. But seriously, we do need appropriately qualified staff, and midwives, who are qualified to provide pregnancy, birthing and postnatal care to women and infants, are a very important part of our community. This change to the legislation will give

them the ability to provide a greater range of services and medicines, particularly for women and infants.

I just want to finish up by saying that as a country member I believe we need to look at different ways of providing all types of medical services, but particularly in relation to birthing. Some women have to travel long distances to get to hospital or whatever service they might need. It is very pleasing that we have the appropriate ambulance services available, including the air ambulance helicopters. We have a pretty good spread of those types of services in Victoria, but importantly we need qualified staff such as midwives to be able to not only work with these women when they are having their babies but also to provide the appropriate drugs. This bill will allow that to happen. From that point of view, as a country member I am pleased to see that after many years of talking about this type of thing this legislative change will allow greater services, particularly for rural and regional families. That is why I am strongly supporting this bill in Parliament today.

**Mr BROOKS** (Bundoora) — I like nurses so much that I married one. I have been listening with interest to the debate this morning and this afternoon. I will keep my comments fairly short, because I understand a number of members wish to speak on another bill this afternoon on this last sitting day of the week. What struck me in this debate were the experiences of members of the place who are men. Of course one would expect women to have a very strong and clear understanding of the importance of the role of midwives, but it is interesting that in this day and age men, most of whom have had the honour of attending the birth of their child or children with their wives or partners, have a very clear understanding of the great work that midwives do and the importance of that profession and have a great deal of respect for it. Of course during those hours of sheer terror we rely, both for ourselves and our partners, on the experience, professionalism, training and dedication of midwives. We have heard from many members in this debate today paying tribute to the work that midwives do.

As has been stated, the bill has its genesis in a national process which began back in 2008 and which was driven by the federal government. The process appears to have been one of cooperation and sensible reform in this area of regulation. Any time that a new class of professional is given the right to prescribe drugs is a cause for legislators to exercise some caution and care, and the bill before us sets out the controls that will be put in place both here in Victoria and nationally. The Nursing and Midwifery Board of Australia regulates and sets the registration standards for midwives. There

is a level of confidence both here in Victoria and across the nation in that board's ability to perform its role properly in ensuring that the proper standards are put in place and in dealing with issues around the stipulation that the appropriate insurance be in place for these professionals.

I have to say that I have struggled somewhat to reconcile the comments coming from members of the government about how they value midwives and nurses and the level of respect they have for them, with the government's approach in the recent push by nurses and midwives to protect their working conditions, including issues like nurse-patient ratios and the introduction of health assistants to the system. On the one hand they are talking up the profession but on the other hand they are trying to talk it down.

**Ms Ryall** — On a point of order, Acting Speaker, the member has strayed widely from the bill, and I would ask you to bring him back to it.

**Mr BROOKS** — On the point of order, Acting Speaker, with great respect to you, in your contribution to the debate you referred to a former Labor government's closure of a maternity ward in your area and the political slogan that was used then. I think a fair degree of latitude has been shown by Chairs in this debate. I am simply trying to put the debate into perspective, and I would ask that you allow me to discuss the way in which the government treats midwives.

**The ACTING SPEAKER** (Mr Thompson) — Order! I will rule on the point of order. A fair bit of latitude has been exercised in the debate. I will allow reasonable comment, provided it is germane to the role of nurses in the community, but I also note the more specific aspects of the bill, being the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012.

**Mr BROOKS** — Thank you, Acting Speaker, I will take your comments into consideration. The point I was trying to make is that it is important that changes to the way the health system operates, particularly in relation to midwives and nurses, are made in a considered way. This bill is a result of a process that has been undertaken in a considered way. Other propositions that have been put forward recently have obviously not had the same level of thought and care put into them. I urge the government to think carefully before it approaches those sorts of issues again in the future. I commend the bill to the house.

**Mr GIDLEY** (Mount Waverley) — I rise to speak this morning on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. I want to focus on this particular bill in terms of what it brings to maternity services for people in Waverley and people in Victoria. The background of the bill is that Victoria, in line with other states, is taking action to deliver the commonwealth National Maternity Services Plan 2010, which is a well-considered plan to try to ensure that families and women around Australia, regardless of their location, have better access to midwifery services and maternity services.

As part of trying to achieve that goal the National Maternity Services Plan 2010 included an agreement with the states and territories to use their best endeavours to amend the relevant drugs and poisons legislation to enable appropriate prescribing rights for midwives to facilitate access to pharmaceutical benefits scheme subsidies for women. What that really means is that there is an obligation on the state of Victoria to amend legislation and regulations to ensure that that particular line item in the plan is achieved, and that is why we are here today. We are here today because, as with other states, the state of Victoria is moving to implement that plan, to amend legislation and to provide, as part of that legislative response, the ability for the minister to undertake changes in regulations if necessary.

As I said, that will be a good thing not only for people in Waverley but for all Victorians. The reason for that is that there is a special relationship in many ways between families who use maternity services and midwives. Midwives have an important role in the birth and delivery of any child. Before the birth of a child prenatal classes are fairly common, not only in some public hospitals but also in the private sector, so that mothers, fathers and other family members are able to come to rely on and build a relationship with midwives as to what to expect in the birthing process, how to provide support to other family members and what to expect afterwards. From that very initial stage of the birthing process a special relationship is built up between a family and a midwife.

This is important because often in the birthing process an obstetrician, who may operate out of a range of different hospitals, is attending to a range of different patients and is therefore not always around. There is not a need for them to always be around. The consequence of that is that midwives in maternity wards and other settings are heavily relied on. The fact that sometimes there is only a midwife around — and sometimes that is because no-one other than a midwife needs to be

around or because of the practical elements I outlined — as well as the relationship with midwives that families have, even at the very start of the birthing process through prenatal classes, means it is not hard to see why a patient would be highly reliant on the services that a midwife provides. This bill focuses on that by ensuring that, within a structured regime of best practice in terms of safety and qualifications, midwives are able to dispense certain drugs. As I said, the bill very much recognises the practical realities of the birthing process in terms of the staff who are around, and it also recognises the relationship that midwives have with patients, which is important.

When we make this change, which is an appropriate step based on what other states are doing and based on the advice that has been provided, it is also important to look at the mechanisms for ensuring patient safety. We are allowing individuals to prescribe drugs to patients, and in those circumstances it is important to look at patient safety in terms of the sorts of drugs that can be dispensed and the qualifications a person must have to be able to dispense those drugs.

I note that there is a comprehensive national professional practice framework for all registered midwives, which includes competency standards for registered midwives, registration standards for recency of practice, professional indemnity insurance and other things. The framework sets out course accreditation standards for midwifery prescribing courses, so people in Waverley and across Victoria can have confidence that there are good standards to ensure that midwives who are prescribing drugs are well trained. The framework also includes professional boundaries and professional ethics guidelines, which is an important aspect to note when we are talking about allowing individuals to dispense drugs as part of the birthing process. I also note that there is a schedule of medicines endorsed for registered midwives. That will ensure that a midwife will be able to prescribe only drugs which are appropriate to their level of training, their qualifications and the particular circumstances.

This is not an open-slayer approach. This is a considered approach, which, as I said, looks at the practical realities of midwives and the birthing process. It is an approach which recognises the relationship that midwives have with patients and an approach which residents in the Waverley area and residents across Victoria can have confidence is going to be consistent with the goals of the commonwealth National Maternity Services Plan to provide improved access to midwifery and maternity services for women and families across Victoria. I note the contribution of a number of coalition country members. The Minister for

Sport and Recreation, who is also the Minister for Veterans' Affairs, made a relevant contribution earlier, and I know other country members here in the chamber also made contributions which highlighted from a country perspective what this bill will mean — that is, as I said, improved access to midwifery services based on the practical realities of the role of midwives in the birthing process and the relationship they have with patients.

The bill is also part of a comprehensive framework for health services in the Waverley and Monash areas and around Victoria. It would be remiss of me if I did not highlight those aspects of the bill which seek to improve health services. They include in my neighbourhood the \$250 million Monash Children's hospital, which will provide first-class specialist children's services from Monash, and as I have said in this chamber before, the first down payment on that hospital was delivered and provided for in the first coalition budget. It is something I am very proud of, and I commend the government for taking that action. Adding to those health service improvements in this bill is the \$17.5 million MonashLink Community Health Service that the coalition government is delivering in Waverley as well. It is another aspect of the coalition government's commitment to improving health service outcomes for Waverley, Monash and Victoria.

As I have said, putting all that together, there are the improvements in this bill relating to health services, the specialised children's hospital happening in Monash under the coalition and the MonashLink Community Health Service, which the coalition is putting together and funding. That is really what this bill is about: improving health services and taking action. We can talk about what might have happened with previous governments, but the reality is delivery is different to words, and this government is delivering and not just using words in relation to health service improvements for the Waverley area. With those comments I commend the bill and the health services plan we have for Victoria to the house.

**Mr NARDELLA** (Melton) — I support the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. My partner is a midwife, and I respect my partner a lot for her professionalism and the work she and all her colleagues have done over many years. On this side of the house we absolutely respect midwives and nurses for the great work they do on a day-to-day basis. This bill gives some extra responsibility to midwives because of their professionalism. The respect we and others give to midwives and nurses is paramount, because we understand the pressures they face and the actions they

need to take on a daily basis. Honourable members on both sides of the house have said this bill is about pain management and looking after patients, mothers and babies. We should understand that these professionals need to be looked after because of the responsibilities given to them under this bill.

When midwives are looking after mothers and babies they should not be stressed or put under pressure while doing that very important work in our hospital system. That work includes not only the extra responsibility for administering medication that this bill provides for but things like nurse-patient ratios, which are extremely important, especially when caring for mothers in children's wards. You would not want to have a situation where stressed nurses with numerous patients to look after may get something wrong due to the extra pressure brought about by this proposed legislation going through this house. We understand that situation; we understand the importance of midwives and giving them respect and authority. We understand the professionalism required for their important duties and the need to give them the ability to do their work on a day-to-day basis. They do a fantastic job.

The honourable member for Gembrook talked about how his wife had a difficult birth with his child. Midwives and the nurses, doctors and obstetricians who support them, should be given the respect that members on our side of the house and other honourable members have for them. They should be given the ability to continue to do that work on a day-to-day basis. With that respect comes appropriate remuneration. I say that in passing, because on this side we certainly believe it should occur. This is an important bill that supports midwives, nurses and the hospital system.

Unfortunately, despite all the discussion from members on the other side of the house, the hospital system, after having been built up for 11 years, is now starting to be run down. The bill before the house is a good bill, and we certainly support it on this side of the house.

**Mr SOUTHWICK** (Caulfield) — I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. It is always a pleasure to follow the member for Melton, and I take up his point that all members on his side of the house respect the great job done by midwives and nurses, as do all members on this side of the house. This bill has bipartisan support.

**An honourable member** — Actions speak louder than words.

**Mr SOUTHWICK** — I note the interjection from the other side, but it is the coalition introducing this

important bill, so, yes, actions do speak louder than words.

This bill provides a mechanism for suitably qualified and authorised midwives to provide medicines and to provide a greater range of services, thereby improving access to maternity care for Victorian women and families. We are extending the framework of maternity care by enabling a select few midwives who have suitable qualifications to prescribe medicines while providing pregnancy, birthing and postnatal care to women and infants.

Before I go into the details of the bill, I want to recognise the great work done by the entire medical profession and in particular note the work Victoria's 92 000 nurses do — some of that involving midwifery-specific training and work. We would all have personal experiences of having been looked after and provided with great care by Victorian nurses — and such care is also provided by nurses across Australia.

In the municipality of Glen Eira, in my electorate of Caulfield, 1776 births were recorded in 2010, which puts us at around the state average fertility rate of 1.75 births per woman, which is one of the lowest in Australia. If you consider certain parts of Glen Eira and the Caulfield electorate, however, you can see that we have a number of families that have contributed more than one birth for the state and one for the family, as a former federal Treasurer put it. We have families with more than a dozen kids. I mention in particular the Waks family, which is the largest family in Australia; the contribution that family has made in raising the national average is tremendous!

I will mention also a couple of hospitals in the area. I wanted to mention the great work of Masada Private Hospital, the great leadership of Petra Snelleman and particularly the great work that hospital does in its mother-baby unit. That hospital has decided to specialise in mother and baby care and to look in particular at providing care in relation to feeding, infant sleep, adjusting to parenting and postnatal depression. It has a number of qualified staff with particular expertise in midwifery. It does some great work, as I said. Unfortunately it does not do birthing anymore, but a number of my constituents would have had babies delivered in Masada hospital. My wife and I had our first child, Tyler, delivered there. We chose to do a natural birth — well, I cannot say 'we'; my wife chose, and I was there, supporting her ably. We did not know what we were going to have, and she ended up delivering a 10-pound baby, so it was hard work for Hayley.

**Mr Noonan** interjected.

**Mr SOUTHWICK** — I will not talk you through the details, but it was a great result. The second time round, with my daughter, Paige, we went to the hospital across the road, Cabrini, which I also want to refer to. Now that Masada does not have birthing facilities, Cabrini has taken up a lot of the slack. The two hospitals work very much in collaboration, with deliveries happening at Cabrini and the postnatal care and mother-and-baby work being done at Masada. Getting back to the story, Paige was born at Cabrini and, without going into too much detail, our doctor did not arrive on time. Our daughter did, but the doctor did not. That is probably one of many similar stories of the doctor arriving late. However, the midwives were on hand ensuring that we had a smooth birth, and I once again pay tribute to the midwives involved on that occasion and to all midwives. They quite often do the birthing, taking mums, dads and families through that process, and they certainly have the expertise to deliver babies.

Turning specifically to the bill, I note it will ensure midwives can prescribe suitable medicines to the mums of families, although those midwives need specific training before they can use these provisions. The eligibility is narrow: only midwives whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law will be able to prescribe these medicines. This includes registered midwives who have demonstrated more than three years postgraduate midwifery experience, have completed postgraduate courses in midwifery-prescribing approved by the Nursing and Midwifery Board of Australia, have NMBA notations on their registrations as to their being eligible midwives, and have further undertaken professional practice reviews to demonstrate their current competencies across the full scope of midwifery practice. Members can see that those women and men are very highly trained, as people need to be when they are prescribing and administering medicines.

The bill makes significant amendments to the principal act. It is obviously well overdue. It is very important that we are giving midwives coverage under the legislation by allowing them to prescribe medicines and at the same time recognising the great work midwives do professionally. That is probably one of the points that has not been made quite strongly enough — that is, that by incorporating midwives into legislation, as we are now doing, and increasing their powers and responsibilities, we are in fact recognising their expertise. It is very important to recognise their great contributions, along with those of many other nurses and medical professionals in this area.

Today members have heard many stories from people on both sides of the house who have had firsthand experience of the great work midwives do. As I said, the bill will have only limited scope as to the midwives who will be covered by it. They will be largely private independent midwife practitioners who have had extensive experience and extensive training to prescribe the medicines that are listed in the bill.

I finish by commending the Minister for Health on the great work he has done not only on this legislation but in health across the board. We have had so much great work in health care, with more hospitals and really fixing the problem. Earlier Monash Children's was mentioned. We are doing some great work in health. It is much needed and long overdue after the mess we were left by Labor. I commend the bill to the house.

**Mr BURGESS** (Hastings) — It is a great pleasure to rise to speak in the debate on the Drugs, Poisons and Controlled Substances Amendment (Supply by Midwives) Bill 2012. It gives me an opportunity to give a little bit of background for the reasons for introducing the bill and the process that has been undertaken in drafting it and also to talk about a bit of my life experience.

As members know, there were significant reasons for reviewing whether midwives were able to prescribe medicines. In 2008 there was an election commitment by the federal government that it would review the whole process. With its good grace, it carried out that review, which was finished in 2009. The response from the commonwealth, after significant national consultation, came in the form of the National Maternity Services Plan 2010. The plan provides a five-year outline for what should happen throughout Australia in midwife prescribing. After that, there was a lot of consultation with the states, and the states then became involved in the process. Now Victoria has come up with its response, which is what we are debating today.

While the commonwealth government is able to provide a range of opportunities for midwives to access schemes such as the pharmaceutical benefits scheme (PBS) and Medicare, it cannot provide for a midwife to be able to prescribe. That is the job of the states and what is provided for by the bill we are debating today. With prescribing authority, midwives will be able to provide a broader range of midwifery services. That is really important, and it is where my personal experience comes in.

I have seven children. Three of them are biologically my children, and I was at the births of all three of them.

The birth of my second child, my elder daughter, was quite traumatic and on frequent occasions a doctor was not available. I do not know how many members have been through the traumas that can be experienced on a day like that, when things change and the doctor is not there but the midwife is. For instance, a monitor was placed on my daughter and at one point her heartbeat was lost completely. There was no doctor there to make the decisions about what should or should not be prescribed, so that was a very traumatic time. In fact I have laughingly said to the mother of my elder daughter that it was more traumatic for me than it was for her! She does not necessarily agree with that, but I was certainly in a pretty traumatised and anxious state at that stage. There is very little that anyone can do if there is not a doctor there, so I commend the midwives who were involved for their responses. What members are debating today is giving midwives an added ability to respond in certain circumstances that should never have to be reached — that is, because a doctor is not present, the child who is being born is not getting proper care.

There is an alternative or cautionary view to that, and that is covered in the safeguards that are put in place by the bill. Those safeguards are numerous and fairly well all encompassing. The Nursing and Midwifery Board of Australia has a comprehensive regulatory framework for midwives that includes significant registration standards. Section 94 of the national act prescribes a range of requirements for midwives to meet before they qualify. The requirements that they must satisfy include providing evidence of current competence to provide pregnancy, labour, birth and postnatal care through a professional practice review. They must also demonstrate that they hold an approved qualification to prescribe the scheduled medicines required for midwifery care.

Endorsed midwives are required — as are all health professionals registered under the national law, if not otherwise exempt — to have medical indemnity insurance. That has been a bugbear for a long time. Today we are doing what we can to address that situation. Endorsed midwives must also complete additional mandatory continuing professional development. That is another aspect of the safeguards provided by the bill. As a lawyer in a previous life, I know the benefits that continuing legal education was able to provide me in my practice. At various times I also observed the difficulties of people who had not undertaken reviews and updates. The mistakes that were made at cost to their clients were reasonably frequent and significant.

Under the commonwealth act midwives who access Medicare or the PBS must have in place a collaborative

arrangement with a designated medical practitioner, who can be an obstetrician or another medical practitioner who provides obstetric services or is employed by a hospital authority. Another safeguard of great importance also is that the minister is able to limit, in appropriate circumstances, the types of drugs that can be prescribed and the circumstances in which they can be prescribed.

I commend this bill to the house on the basis of common sense and also personal experience. It is another step towards placing parents and families who are bringing new little ones into the world in a better situation. It also puts the professional system covering that process in a better position to be able to protect that child and mother. I commend the bill to the house.

**Debate adjourned on motion of Mr KATOS (South Barwon).**

**Debate adjourned until later this day.**

## WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012

*Second reading*

**Debate resumed from 14 March; motion of Mr WALSH (Minister for Water).**

**Mr CRISP (Mildura)** — I rise to make a contribution to the Water Amendment (Governance and Other Reforms) Bill 2012. The purpose of the bill is to amend the Water Act 1989 to provide for metropolitan water corporations and to make consequential and other amendments to that act, and to amend the Water Industry Act 1994 to repeal certain parts of the act relating to the licensing system and make consequential and other amendments to that act. This bill will establish a new working relationship for three Melbourne water authorities, being City West Water, South East Water and Yarra Valley Water, which were established as special-purpose corporations. The bill will convert them to statutory corporations and migrate them from the Water Industry Act 1994 to the Water Act 1989, under which the other rural water corporations are established.

The bill fulfils a commitment within the government's plan for water to keep Victorian water utilities in public ownership. There is a role for the private sector in providing contractual services to Victoria, but the water utilities will be owned by and accountable to the Victorian government. The Victorian model is different to models used elsewhere. In other states of Australia there are very much mixed models of local government

ownership and private corporations. Our rural corporations, as I said earlier, are already statutory corporations but the Melbourne water corporations are not. This change — to give credit where credit is due — had its infancy in the previous government, and I appreciate that that is the reason the opposition is supporting this bill, because it is part of the maintenance of the system that existed.

It is true that we have two different acts and two different regimes between retail water and sewerage water or waste, and this will bring them together into one, to make it a far more uniform structure. An objective of this bill is to reform that part of the water industry to bring it into line with the others and hopefully simplify some of the red tape in those organisations by having that single objective. Another objective is to have those operating arrangements and services for communities in Victoria under one act. Again, this is our commitment to try, in every way we can, to eliminate some of the red tape from the public purse wherever we can. This will be achieved by a uniform arrangement.

We also need to look at the history of the Melbourne retailers, which have come about over a period of time under the Water Industry Act 1994 and are wholly owned by the state government. They hold licences to provide retail water and for sewerage purposes; each licensee holds a water and sewerage licence under the Water Industry Act 1994 and they operate those within Melbourne.

The role of our water corporations is vital to our communities. It is an essential service that is provided. In my electorate Lower Murray Water provides three classes of water: urban water, irrigation water and it manages wastewater. It has a huge responsibility in that area; it stretches from beyond Swan Hill to the South Australian border with those various responsibilities, and it also overlaps in some areas with other authorities which have irrigation water responsibilities around Swan Hill. It is managed by Lower Murray Water and within the irrigation area in particular there are responsibilities for irrigation schemes which, in their genesis in history were soldier settlement schemes, as well as private diverters and some schemes that have been renewed, upgraded and replaced, mostly from open channels to more efficient pipeline systems.

These are huge challenges for our water corporation, and I am sure the three city water corporations also have their challenges in meeting expanding demand for water in Melbourne as driven by population growth. But the supply of urban water in Mildura has challenges not only in delivering water to a growing community

but also in managing the varying quality of water that comes through from the river system. Extensive treatment is required for water from inland rivers before it can be delivered to people's door as potable water. Similarly, sewerage is a challenge, but I give Lower Murray Water credit for the fact that it has a substantial sewerage treatment plant which it has developed at Koorlong, Mildura, and that water is then on sold to a nearby horticulturalist for extensive use in his olive grove. The recycling of that water and the nutrients that come with that water is a vital part of that system. It is also one of the advantages of combining the current city corporations in that way so that they can look with some ease at the whole spectrum of water management from its capture, distribution into the retail system through to moving on and having a mind to where it goes.

It is a straightforward bill, very much an overdue housekeeping bill, and I support the passage of the bill through the house.

**Mr NARDELLA** (Melton) — The opposition supports the Water Amendment (Governance and Other Reforms) Bill 2012 before the house today. It is very interesting that my friend the member for Mildura, a member of The Nationals, spoke a little about the bill but more about irrigation and so forth, because if members look at his party's history, they will see that The Nationals have opposed water from the water corporations coming to Melbourne. They opposed the north–south pipeline, the irrigation projects and the food bowl modernisation project, and they have closed the pipe, yet they want to come here and talk about the great things they are doing with this bill.

The honourable member for Mildura talked about the seepage through the channels, which is a real issue, especially when you are talking about potable water and access to potable water by these soon-to-be water corporations. They opposed those upgrades, and they opposed the north–south pipeline as a way of paying for a fair share of the upgrades. Be that as it may, Nationals members can get up at any stage to talk about these types of things. They opposed the super-pipe to both Bendigo and Ballarat, and failure to build that pipeline would have depopulated those cities. But that is their policy position; that is what they wanted to put forward.

I want to talk about a number of clauses in the bill, particularly clauses 9, 10 and 14 in regard to the non-metropolitan directors, how they are appointed and their remuneration and allowances. I want to say from the outset that Western Water has fantastic leadership in the chair, Terry Larkins, who is also a board member of Melbourne Water; and John Wilkinson, the CEO, who

unfortunately is retiring shortly. Under their stewardship the team, Les and the others, do fantastic work. They are at the cutting edge of the water industry, with 18 kilometres of recycling pipeline extending all the way to Melton from Sunbury and connecting to Galli Estate winery, Witchmount Estate winery, Melton Valley Golf Club and the new suburbs. The pipeline linking Melton and Bacchus Marsh to the Melbourne Water supply was absolutely critical, because Merrimu Reservoir was down to just 6 or 8 per cent of capacity.

I congratulate Western Water on its continuing work and its commitment to my communities. I also congratulate Anne Barker across the border at City West Water on the great work that she and her team do. Ruth Harley, who is the community liaison officer, is involved in the Blue Ribbon Foundation at Melton in the western suburbs. City West Water releases her to do that work, which is just fantastic. Ruth and her team should really be congratulated.

Clause 4 of the bill talks about irrigation districts and desalination, and that is a very important aspect of this bill. In my irrigation district — the Werribee irrigation district, which takes in the Bacchus March irrigation district — desalination and the ability to discharge saline water is very important, especially with new technology coming on stream, particularly during droughts. The connection of the Melbourne Water sewage farm at Werribee to the Werribee irrigation district for the discharge of saline water is also important. Some of the factories around Melton also come under this provision. Regulations in relation to this will be made under clause 4.

Clause 20 relates to the inspection of septic tanks. I remember standing here week after week listening to the harping and carping of then opposition members, who are now in government, about the work that was not being done in regard to how septic tanks were being discharged, especially around Warrandyte and other places. This legislation allows the government to fix up those problems that those members harped and carped about for all that time. I welcome clause 20, which allows inspectors to go in without prior notice. Clause 22 talks about not being able to sell property but being able get back the rates and the money and with the setting of the interest rates by the Essential Services Commission. That is a good development. The changes relating to the ESC under clause 45 are also very important.

On that basis I support the legislation. I would certainly like to have a debate about the desalination plant and how the then opposition wanted to let Melbourne run

dry, but I think that is a topic for another time in the very near future.

**Mr KATOS** (South Barwon) — It is my pleasure to rise this afternoon to speak in the debate on the Water Amendment (Governance and Other Reforms) Bill 2012. The main purpose of this bill is to convert Melbourne's three water retailers, Yarra Valley Water, City West Water and South East Water, to statutory corporations that will be governed by the Water Act 1989. The bill will amend the Water Act 1989 and the Water Industry Act 1994 to convert these Melbourne retailers from corporations and companies to statutory corporations to be governed by the Water Act 1989. It will also transfer the regulation of these retailers to the Water Act 1989. By having all of these statutory corporations and bringing them under the same regime, that being the Water Act 1989, the bill will provide uniform and consistent treatment of all water consumers in Victoria.

That is probably the key message of this bill: it will provide uniformity. All Victorians will have the same rules, rights and regulations under this bill. At present we have different rules for Melbourne water users and country water users. As I said, it is equitable to have the same rules. This bill arrests these discrepancies and provides equity, which is pertinent to my own electorate of South Barwon and indeed to the Geelong region, which is supplied and governed by Barwon Water. Now all water users and water customers in the Geelong region will have the same rights as Melbourne water customers.

The bill makes changes with regard to Victorian Civil and Administrative Tribunal review rights. At present if a water corporation makes a decision, country water users do not have a right of appeal through VCAT on certain decisions, such as whether to connect to that water corporation's assets or discharge a certain substance, such as trade waste, for example. Country residents do not have a right of appeal, but now they will — there will be uniform appeal rights.

This is also the case with regard to compensation relating to sewage discharge, whether it be intentional or negligent. If that damages someone's property, we have a present inequity in Victoria. Basically if that were to occur in the Melbourne area under the Melbourne retailers, there is a low-cost option available for the affected person to go to VCAT and seek compensation or remedy for the damage that was caused to them, but the way the Water Act 1989 is structured, a country person must go to court to seek remedy, which is obviously a lot more expensive.

Again this bill arrests the inequity between metropolitan and country water users.

There is also a change to the Water Act 1989 with regard to tenancy arrangements. The act is amended by this bill so the obligation to notify a water authority of a change in tenant will rest with the landlord. It is the property owner who is ultimately responsible for any unpaid water rates for tenants, so it is logical that if there is a change in tenant, the landlord — the property owner — lets the relevant water authority know. That brings all Victorians under the same regime. Previously that was not the case.

There are also changes with regard to emergency management plans. The Water Act 1989 will be amended to require all water authorities to have these emergency management plans. Under the present act, that is required for the Melbourne water retailers but not the country water retailers. Again it comes back to this situation of inequity.

There are also changes in relation to debt recovery. Under the Water Act 1989 there are different rights for country water users. Country water retailers have much greater rights with regard to the recovery of debt. They can even sell a person's property if there is a debt for more than three years. That is a remedy that is not available to Melbourne retailers. There is a divide, and I believe there was a situation with the member for Morwell where that happened — a water authority was looking to sell a person's house.

**Sitting suspended 1:00 pm until 2:03 pm.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Road safety: government policy

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the fact that Victoria's road toll now stands at 67, some 30 per cent higher than at this time last year. The government has now been in office for 470 days, and I ask the Premier how many more lives need to be lost before this government will produce a genuine road safety plan.

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his question. It is a serious issue.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition has asked his question.

**Mr BAILLIEU** — I would have thought that anybody who had any idea about what the road toll meant in this state would not behave the way the Leader of the Opposition is behaving.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. The question has been asked, and the Premier is answering that question. I want to be able to hear the answer, and I want other members of the house to be able to hear it, so the house will be silent.

**Mr BAILLIEU** — Since the days of the 1034 campaign there has been a bipartisan approach to addressing the road toll. We stand by that approach, and since we came to office we have endeavoured to work with the TAC (Transport Accident Commission) at every opportunity. The tragedy of the road toll is there for Victorians to see, too often. I do not think there is anybody in Victoria who has not at some stage in their lives been touched by the road toll. I trust that that bipartisanship will continue.

Hoon laws were advanced by our side of politics and embraced by the other side of politics in government, and we welcomed that. We have sought to advance hoon laws since then. We have introduced a number of campaigns in conjunction with the TAC since we came to office, including campaigns in all the regional newspapers and the Talk the Toll Down campaign. The response we have had from that has been extraordinary.

**Mr Andrews** interjected.

**Mr BAILLIEU** — Opposition members want to mock these efforts. That is a matter for them. I am disappointed. There was a summer blitz of campaigns in conjunction with Victoria Police and the TAC. There were campaigns with industry groups, including the film industry and new media, so that we could get to young people in particular. We have introduced a road safety camera commissioner. We have had a Christmas campaign. It is truly disappointing. We sought to ban travellers, as they were known, through — —

**Mr Merlino** interjected.

**The SPEAKER** — Order! The Deputy Leader of the Opposition is on a warning. A further warning will not be issued.

**Mr BAILLIEU** — I suspect that there would be people — —

**An honourable member** interjected.

**Mr BAILLIEU** — Right as we speak, there are people who are dealing with a tragedy on their doorstep, and I do not think this is the way the opposition should be conducting itself. We will continue to work with the TAC at every opportunity. We will continue to work with Victoria Police. We have introduced a ban on travellers, and we have introduced a ban on overloading, all directly designed to assist in keeping the road toll down. We will continue to adopt a bipartisan approach to this. We welcome any suggestions that the opposition might have, but I do not think — —

**Mr Andrews** interjected.

**Mr BAILLIEU** — There is already available a document, the opposition knows that.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will put the document down.

**Mr BAILLIEU** — We will work with TAC, Victoria Police and the community, as we would be expected to do.

### **Economy: management**

**Mr ANGUS** (Forest Hill) — My question is to the Premier. I refer to the 2011–12 midyear financial report and ask: will the Premier detail to the house the importance of sound economic management to the economy of Victoria?

**Mr BAILLIEU** (Premier) — Sound economic management is critical to this state. I just want to refer briefly again to the interim report of the independent review of state finances. It said in its key findings:

Victoria's current financial position is unsustainable into the medium term.

It also said:

Trend growth in expenses has outpaced trend revenue growth over the past decade; this has been obscured by the accounting treatment of the significant additional commonwealth-sourced revenue received for specific infrastructure programs.

It further said:

Victoria's finances are at present particularly vulnerable to changes in economic circumstances and are not well placed to absorb another material financial shock.

That was the legacy left to the current government, and we have been seeking to address that. The midyear financial report confirms that the steps we took last year, and the steps we took in December last year in particular, are essential to maintain a responsible budget position in this state. It is critical to the people of Victoria that the Victorian government remain in a sound budget position, a sound fiscal position, so we can invest into the future.

As the independent review said, and this is in April last year:

Victoria's stock of debt has risen markedly over the past three years —

and —

... this will need to be repaid by the current generation.

That was the legacy left to us. On top of that we will continue to advance a responsible budget position in this state, and we will address the issues as we have addressed them. Would it not be wonderful if we were in a position that we were not as a state requiring nearly \$2 million a day out of Victorians for a desalination plant, which was mismanaged by the past — —

*Honourable members interjecting.*

**Mr BAILLIEU** — Would it not be great if \$750 million had not been blown on a pipeline? Would it not be great if \$1 billion-plus had not been blown on myki? Would it not be great in relation to the many reports from the Auditor-General, such as the one on the Melbourne Markets yesterday, if we had that money available to us? We do not. Would it not be fantastic if we had the \$3 billion that would have been available to us if the gaming licences had been properly handled? There is a very long list of problem projects left to us by this government, and a very long list of overdue and overbudget projects.

We will continue to work on a responsible budget position. Some in this community believe there is sufficient capacity to adjust the strategy — that is, to have an extra public holiday, give sunglasses to every kid and — this is the mainstay — audit the tomato sauce bottles in the Parliament House dining room. That is what we get from the other side. We will be responsible.

### **Public sector: job losses**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. Given figures released today showing that some 16 600 full-time jobs have been lost in regional Victoria since he came to office, will the

Premier guarantee for all Victorians that none of the 3600 public sector job cuts his government is delivering will come from Bendigo or Ballarat?

**Mr BAILLIEU** (Premier) — Clearly the Opposition Leader was not listening. Having left an unsustainable budget position to the new government, I would have thought that the opposition would be sufficiently embarrassed to get on board — —

**Mr Holding** interjected.

**Questions interrupted.**

### SUSPENSION OF MEMBER

#### Member for Lyndhurst

**The SPEAKER** — Order! The member for Lyndhurst has not stopped interjecting. He can leave the chamber for half an hour under standing order 124.

**Honourable member for Lyndhurst withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE

#### Public sector: job losses

**Questions resumed.**

**Mr BAILLIEU** (Premier) — I would have thought that the opposition would get on board with a clear strategy to correct its mistakes.

**Mr Andrews** — On a point of order, Speaker, in relation to the Premier's answer — —

**The SPEAKER** — Order! The Premier has now concluded his answer.

**Mr BAILLIEU** — No.

**The SPEAKER** — Order! I am sorry; I thought the Premier had finished.

**Mr Andrews** — I thought you sat the Premier down. Has the Premier finished his answer or not?

**The SPEAKER** — Order! I believed he had, but he has not.

**Mr Andrews** — The Premier seems to be interested in debating the question and attacking the opposition. The question very simply — very simply — related to a guarantee that this government will not sack public servants in Bendigo and Ballarat. That is what those

communities and this house are entitled to get an answer to.

**Mr Ryan** — On the point of order, Speaker, there is no point of order. The question clearly went to issues pertinent to the matters which the Premier is now discussing. They in turn relate to the historical events which gave rise to the matters which the Premier is now discussing, and that in turn deals with the very specific issue which the Leader of the Opposition has inquired about, not only insofar as Bendigo and Ballarat are concerned but which other parts of Victoria, including the metropolitan area, have a strong interest in. The point of order should be ruled out of order.

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

**Mr BAILLIEU** — There is only one group in Victoria that is delighting in job losses that have been recently announced.

**Mr Nardella** — On a point of order, Speaker, the Premier is starting to debate the issue. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! I ask the Premier to return to answering the question.

**Mr BAILLIEU** — We introduced a sustainable budget initiative in December, and there will be a reduction in the core public service, as we have indicated many times. That will be undertaken by natural attrition and a freeze on recruitment, and that is the way that this program will continue. That initiative is important to return the budget to a sustainable position. It returns the core public service to 2007–08 levels. Can I make a comment in regard to this. Some people want to talk the economy down. We have — —

*Honourable members interjecting.*

**Mr BAILLIEU** — Some people want to talk the economy down, and if I could quote from somebody who — —

**Ms Hennessy** — On a point of order, Speaker, the Premier is clearly debating the question. He has simply been asked whether he will or will not guarantee jobs in Ballarat and Bendigo. I ask you, Speaker, to redirect him to answering the question.

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

**Mr BAILLIEU** — Someone once said that if anybody wants to trash the reputation of this state and

make unemployment go higher by talking down business and consumer confidence, then be it on the heads of those who are talking down the state and the economy. That was said by John Lenders, a member for Southern Metropolitan Region in the Council.

**Regional and rural Victoria: government initiatives**

**Mr BULL** (Gippsland East) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister advise how decisions taken in regard to regional Victoria have affected Victoria’s financial situation as outlined in the 2011–12 midyear economic report?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for his question; it is a very topical question in the contemporary Victoria in which we all live. We recognise that there are pressures in the regions, as there are across the whole of the state, arising from matters such as the high dollar and the consequent pressure imposed upon our export capacity and the like. Needless to say, country Victorians and those living in the regions, true to form, have been able to muster their respective forces to deal with the issues they have to contend with. Mind you, there is a legacy they are also having to continue to contend with, and that legacy is reflected in substantial part in today’s 2011–12 midyear economic report.

The legacy of the decisions that have been made in the past that affect contemporary Victorians and those in the future are many. We have a wide selection to choose from. The Premier has already made reference to the \$750 million white elephant known as ‘the pipeline’. This is the north–south pipeline that the former government promised it would never build: it promised it would never pipe water from the north of the Great Dividing Range. Rural and regional Victorians and other Victorians are having to pay the \$750 million which has been invested in this white elephant.

Similarly rural and regional Victorians and those who live in the metropolitan area are contributing to the daily loss of almost \$2 million to this state. It is a loss arising out of the construction of the desalination plant that we will see for another 27 years.

**An honourable member** — Who did that?

**Mr RYAN** — That of course is another Labor mess and a disgraceful squandering of money on the part of the Labor Party, which is reflected in this midyear report. It is reflected not only in the sense of what it has

done to us in the past but, very importantly, what it is going to do to us in the future. The pages of that report are replete with many other examples.

The people of Geelong had to fund an \$80 million extension of the pipeline to get water to Geelong, which apparently included water from the desalination plant. That is another \$80 million that has been wasted.

What about the famous aerial baiting program which country Victorians have had to in part pay for? The Labor government of the day loaded up the so-called poison enough to put the dogs to sleep, not to kill them. Otherwise the program absolutely failed. There was the regional blueprint. It has been confirmed by the Auditor-General that it contained 20 per cent of old money as opposed to what was advertised by the then Labor government. These are just some of the sorts of issues that regional Victorians continue to have to contend with.

I am proud to say that all is not lost, because we on this side of house have faith in regional Victoria. We believe regional Victoria contributes way beyond its weight in terms of the fortunes of this great state. Therefore we have implemented a number of initiatives which are making certain we do everything we possibly can to grow employment and grow the future of the state of Victoria. Not the least among those initiatives is the \$1 billion Regional Growth Fund. It has been responsible for a number of initiatives that have occurred over the time of our governance. Here are just some of them: 105 new jobs at Hazeldene’s chicken processing plant near Bendigo, 90 new jobs in Mildura at Olam Australia’s \$60 million almond processing centre, 140 jobs as a result of the expansion of GippsAero, 40 jobs here and 50 jobs there.

**Mr Helper** interjected.

**Mr RYAN** — There are jobs in Maryborough, which is in the member for Ripon’s electorate. He knows all about it. We will continue to support rural and regional Victoria. We will deal with the legacy detailed within the pages of this report tabled today; it is the legacy of Labor.

**Budget: debt**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Treasurer. I note that government debt has increased by \$4.1 billion over the six months to December, and I ask: can the Treasurer detail for the house and all Victorians the projects that have been funded as a result of this increase in state debt? Which projects, Treasurer?

**Mr WELLS** (Treasurer) — Gee, this one is almost a Dorothy Dixier. Why are we in the position we are in with regard to debt? It is solely to do with the previous government.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. I ask the Treasurer not to provoke the members of the opposition.

**Mr WELLS** — When we came into government in December 2010 we had a number of black holes we needed to deal with. Those issues needed to be dealt with. In relation to myki, for example, there is a billion-dollar cost overrun. Where do you get the money from? The Auditor-General brought down a report yesterday about the Melbourne Markets — \$300 million plus six months overdue — —

**An honourable member** interjected.

**Mr WELLS** — It is six years overdue.

Then we have the situation with regional rail. Can you believe that those opposite started putting the bids together and getting ready, and then they realised they forgot to put in the cost of the signals? This mob was going to have a multibillion-dollar train line with no signals. In further discussions with the Minister for Public Transport it came to our attention that they forgot to put the rolling stock in there as well, so we were going to have a train line, no signals and no trains.

HealthSMART is another financial disaster. The LINK project, which was the previous government's — —

**Mr Andrews** interjected.

**Mr WELLS** — That is the problem that they do not get! The mess that the previous Labor government has left behind is up to us to sort out, and it is up to us to find the funds to deliver on these projects. That is what has happened. This government will be a responsible government, and we will bring down another responsible budget to make sure that we get our finances and the economy growing strongly once again after 11 years of gross disappointment.

### **Gaming: auction process**

**Mr GIDLEY** (Mount Waverley) — My question is to the Minister for Gaming. In the light of the Auditor-General's findings about the mismanagement of electronic gaming machine entitlements by the former Labor government, what impact does this have

on the current and future Victorian government finances?

**Mr O'BRIEN** (Minister for Gaming) — I thank the member for Mount Waverley for his question. As a former accountant he is someone who understands finances. It is very important that governments have a charge and a trust in dealing with public assets. The issuing of 27 500 lucrative 10-year gaming entitlements was something in relation to which the former government had an obligation to ensure that the Victorian taxpayer got fair value for money.

Between October 2009 and May 2010 the former government went through a process to issue those 27 500 licences. In June last year the Auditor-General reported on that process, and here is what he said:

We valued the EGM entitlements in the range of \$3.7 billion to \$4.5 billion, with a midpoint of \$4.1 billion.

Let us take the midpoint of \$4.1 billion:

The sale proceeds from the allocation fell significantly short of the fair market value of the entitlements. The industry paid \$980 million ...

The Auditor-General also said:

The revenue obtained from the sale of the entitlements was around \$3 billion less than the assessed fair market value of these assets.

*Honourable members interjecting.*

**Questions interrupted.**

## **SUSPENSION OF MEMBER**

### **Member for Williamstown**

**The SPEAKER** — Order! The member for Williamstown can leave the chamber for half an hour under standing order 124. If the member for Yan Yean wants to go too, I advise her not to say much more, or she will be suspended.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members are volunteering to leave the chamber. I do not even have to ask them to leave!

**Honourable member for Williamstown withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Gaming: auction process**

**Questions resumed.**

**Mr O'BRIEN** (Minister for Gaming) — I can understand why members opposite would not want to hear this, because it gets worse. The Auditor-General said:

Large venue operators, rather than the community, are the beneficiaries of this windfall gain.

He said the factors responsible included:

... a low reserve, inadequate information and training for venue operators, and poor decisions made during the auction.

**Mr Weller** interjected.

**The SPEAKER** — Order! Does the member for Rodney want to go out again?

**Mr Weller** — No.

**The SPEAKER** — Order! I would be quiet if I were him.

**Mr O'BRIEN** — What do those poor decisions mean? This is a great one from the Auditor-General. He says:

The auction was closed while bids were still being placed.

Only a Labor — —

**Ms Green** interjected.

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Yan Yean**

**The SPEAKER** — Order! The member for Yan Yean was leaving before; she can leave now for half an hour.

**Honourable member for Yan Yean withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Gaming: auction process**

**Questions resumed.**

**Mr O'BRIEN** (Minister for Gaming) — It is no wonder that the former Labor government managed to blow \$3 billion of taxpayer money when it ended the auction while people were still bidding.

**Mr Nardella** — On a point of order, Speaker, the minister is debating the question. Questions and answers should refer to government business. The previous Labor government can be referred to, as per the precedents set in this house, in a passing manner but not to provide the whole answer attacking the previous Labor administration. I ask you to bring the minister back to answering the question.

**Mr O'BRIEN** — On the point of order, Speaker, these are the words of the Auditor-General. Any criticisms that I have quoted are criticisms that the current Auditor-General made of the process of the former government, which comes directly to the point of the financial position this state is in today. It is directly relevant to the question asked.

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

**Mr O'BRIEN** — The Auditor-General found \$3 billion was blown by the former government; \$3 billion of taxpayer money went up in smoke. The question is: what does that mean for Victoria's finances today? When you look at what Victorian taxpayers will receive compared to what they should have received if fair market value had been obtained for those lucrative gaming assets, here is the answer: in 2012–13 Victorians would have received an extra \$709 million; in 2013–14 an extra \$623 million; the same again in 2014–15 and 2015–16; and \$293 million in 2016–17.

We have a 10-year nightmare that Victorians cannot wake up from because of the absolute economic incompetence of the former Labor government. That is stopping us. That opportunity cost is safer roads, new hospitals, more schools and more police and police stations. That is the opportunity cost of Labor's economic incompetence. Victorians are sick of it, and they have now elected a government that will actually clean up Labor's mess.

**Employment: government policy**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer to a document

published by members of the government entitled 'Job hunt', which provides contact details for Centrelink and finishes by advising jobless Victorians and those seeking a job, 'Good luck', and I ask: is this the only answer, the only real jobs plan, that Victorians can expect from this government?

**Mr BAILLIEU** (Premier) — As I said in answer to a previous question, some people seek to talk the economy down and some people talk of opportunities. Some people are delighting in job losses being announced. That could not be more disappointing. We have said, and I will say it again, that we will take a responsible approach to budgets in this state.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition has asked his question. He is waving papers around. I ask him not to do that.

**Mr BAILLIEU** — We will take a responsible approach to the budget. We will take a responsible approach to productivity, unlike some. We will seek to grow our economy and grow our markets at every opportunity, and we will assist industries in transition. If it is the case that some people seek to deny information to others who are seeking a job, then that is a very sad prospect.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is on a warning. There will not be another one issued to him.

**Mr BAILLIEU** — I would applaud anybody who sought to provide advice to anybody seeking a job. That advice is being provided by members, and we should support that — unlike those who are revelling in other people's pain, revelling in an announcement about job losses and revelling in the opportunity to politicise this issue.

**Mr Foley** — Good luck!

**The SPEAKER** — Order! It will be bad luck for some in here.

**Mr BAILLIEU** — It is really is disappointing that opposition members would take this approach. But perhaps given the legacy we should not be surprised, because they did not care then, and they do not care now.

## Major projects: management

**Mrs BAUER** (Carrum) — My question is to the Minister for Major Projects. In light of the 2011–12 midyear financial report, can the minister advise the house of the importance of sound management of major projects to current and future budget outcomes?

**Dr NAPHTHINE** (Minister for Major Projects) — I thank the honourable member for Carrum for her question. The midyear financial report released today outlines the challenging economic times being faced by households, businesses and governments across the world, including in Victoria. In these challenging financial circumstances it is vital that major projects are well managed and are delivered on time and on budget.

At a state level blow-outs in major projects have a direct negative effect on the bottom line of the finances, meaning less money for schools, hospitals and law and order services. For example, a relatively small project such as the restoration of Princes Pier was announced in 2006 by the former Labor government. It was announced as a \$14 million project to be completed by 2007. I had the pleasure of opening the project, four years late, in November 2011.

**Mr Foley** — Speaker, my point of order goes to relevance. I have had cause in question time to raise this same issue on exactly the same matter with the minister. The minister knows that the Princes Pier was a two-phase development, but he is only talking about phase 1, not phase 2.

**The SPEAKER** — Order! That was a frivolous point of order from the member for Albert Park. He was debating the issue, and I will not have another point of order like that.

**Dr NAPHTHINE** — This project was four years late and \$20 million over budget — 140 per cent over budget. That \$20 million is \$20 million off the bottom line of delivering health and education services in this state.

What about the State Athletics Centre at Albert Park? Upon coming to government we found a \$15 million black hole in that important \$50 million project — a 30 per cent blow-out. The previous Labor government had forgotten to properly scope the project and forgotten to properly fund the facilities it promised Athletics Australia.

Yesterday the Auditor-General reported on his review of the Melbourne Markets relocation project. He found it was six years late and more than \$300 million over budget — a litany of incompetence, mismanagement

and waste. Indeed the *Australian Financial Review* today reports:

Opposition major projects spokesman Tim Pallas said there were lessons to be learnt from the development. 'We accept this project has errors associated with it ...

The biggest error was giving it to the Labor Party to try to deal with a major project. The member for Tarneit is — —

**Mr Nardella** — On a point of order, Speaker, question time is not about attacking the opposition. It is a time for ministers to give information in regard to government programs, policies and initiatives, not to attack individuals, former ministers or opposition members. I ask you to bring the minister back to answering the question on government business.

**The SPEAKER** — Order! I believe the minister was in fact answering the question, and I do not uphold the point of order. I ask the minister to return to answering the question.

**Dr NAPTHINE** — Imagine if we had the money that was wasted on that project to help us deal with the challenging times at the moment.

In November last year the Ombudsman reported on major ICT projects across the state and identified over \$1 billion that was wasted due to the incompetence of the former Labor government. Projects that were supposed to cost \$1.3 billion ended up costing \$2.74 million, and they still did not work.

*Honourable members interjecting.*

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Footscray

**The SPEAKER** — Order! Under standing order 124 the member for Footscray can leave the chamber for half an hour.

**Honourable member for Footscray withdrew from the chamber.**

## QUESTIONS WITHOUT NOTICE

### Major projects: management

**Questions resumed.**

**Dr NAPTHINE** (Minister for Major Projects) — Members of this house and indeed all Victorians should ask themselves how much better Victoria would be placed to deal with these tough economic conditions if the previous Labor government had not wasted billions upon billions of dollars on these projects. We know who is the Guilty Party — it is over there.

**Mr Nardella** — On a point of order, Speaker, the minister is now debating the question. He is attacking the opposition forthrightly. It is not about government programs or initiatives or policies, and I ask you to bring him back to answering the question that was asked by one of his own side.

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

**Dr NAPTHINE** — We were elected as a responsible government to do the right thing by Victorians, fix the problems we inherited from the Labor government and provide responsible economic management, and we are getting on with the job of doing exactly that.

### Employment: government policy

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I again refer the Premier to the fact that 12 600 Victorians lost their jobs last month, and I ask: will the Premier now finally deliver a genuine jobs plan or does he think wishing Victorians good luck is good enough?

**Mr BAILLIEU** (Premier) — One thing is clear from the questions today, but I guess it has been clear for a while — the opposition does not get it. Opposition members are living in a dream world where it does not matter how much they blow when they are in government, all they want to do is talk the state down.

**Mr Andrews** — On a point of order, Speaker, I renew the point of order I raised earlier in question time. The Premier is using this excuse for an answer to attack the opposition. The question is: will he produce a jobs plan or is his only answer to wish people good luck? It is not an opportunity to attack me or anyone else. The government won the election, and it should start governing and start answering questions.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier has been going for 23 seconds. He has 4 minutes to answer the question.

**Mr BAILLIEU** — In recent weeks we have announced hundreds of jobs at Bombardier, Tomcar International, Interactive, Sherrin, ABB, the RMIT, Westfield, Digital Realty, Hazeldene's, SilverStripe, GRG International, GlaxoSmithKline and Olam Australia. We will continue to work with businesses to advance their capacity to employ more people and to assist the economy of Victoria.

I say again unashamedly that we will take a responsible approach to budgeting in this state, and we will correct the mistakes left to us by the Labor government. We will focus on productivity issues. Some people are absolutely silent — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I do not know how many times I have to get my feet during question time, but I would like the house to be silent and show some respect to the Parliament and to the Premier. Show some respect!

**Ms Duncan** interjected.

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

**Mr BAILLIEU** — Some people are silent about some of the key issues facing the Australian economy on productivity.

*Honourable members interjecting.*

**The SPEAKER** — Order! The next person who opens their mouth will be out for an hour — apart from the Premier, who is answering the question.

**Mr BAILLIEU** — Speaker, whilst I understand that their silence could be useful from time to time, their silence on other issues is incredibly disappointing.

**Mr Andrews** — On a further point of order, Speaker, the Premier's constant references to everything other than his responsibilities are not in keeping with the standing orders. The question was about his failure to deliver a jobs plan, not lecturing people on 'some people', 'their' and 'those opposite'. It was on government business and his plan beyond just wishing people good luck.

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

**Mr BAILLIEU** — We will continue to focus on important productivity issues which go to the heart of providing the opportunity for businesses to grow and employ, including on occupational health and safety issues, including on construction principles, including on wages policy, including on improving the Fair Work Act 2009 and providing a more flexible industrial relations environment, and including on the impact of the carbon tax.

It is amazing that some people just do not get it, but we will also continue to do whatever we can to advance — —

**Mr Merlino** interjected.

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Monbulk

**The SPEAKER** — Order! Bad luck to the member for Monbulk — he has opened his mouth once too often. Under standing order 124, he is out for an hour. He cannot say he was not warned.

**Honourable member for Monbulk withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

### Employment: government policy

**Questions resumed.**

**Mr BAILLIEU** (Premier) — We will continue to advance opportunities to grow our economy and grow our markets, and that is exactly what we were doing in the Arab Emirates, exactly what we were doing in India, what we will be doing in China and what we were doing in India last year. The businesses and organisations that travelled with us were delighted with those trade missions, and further job opportunities will come from that. We will never talk this economy down, we will never revel in job losses and we will take a responsible approach. Some people in this state are content to be irresponsible and content to delight in job losses. Some people just do not get it, and they are over on the other side.

### Transport: government initiatives

**Mrs VICTORIA** (Bayswater) — My question is to the Minister for Roads. How has Victoria's economic

situation, as outlined in the 2011–12 midyear economic report, affected the delivery of future major roads and transport projects and the management of existing projects?

**Mr MULDER** (Minister for Roads) — I thank the member for Bayswater for her question. There is no doubt that the \$11.9 billion worth of botched projects, a legacy of the Labor government, has played a major part in terms of the current government's ability to move forward with a lot of its commitments and a lot of the major projects it wants to deliver and also its ability to enhance the projects that it was going to deliver for Victoria and add additional capacity on the rail network and the road network.

I will just touch on the issue in relation to myki. The Ombudsman's report confirms the \$352 million cost blow-out. Costs increased by at least 35 per cent after the awarding of the contract, from \$999 million to \$1.35 billion. That is \$352 million wasted on a botched smartcard system by the former Labor government. What could you buy for \$352 million if you were the transport minister and you had the opportunity today? You could buy 17 new six-carriage train sets capable of carrying around 14 000 additional Victorians on a day-to-day basis with that sum. Some 20 kilometres of major suburban road duplications could have been carried out in the west, the south-east or anywhere around the state. Fifty-eight new trams could have been purchased with that \$352 million — 58 trams that are needed on the network.

We are pushing forward an order for new trams, but we could have had those new trams out there today if that project had been managed properly. How many new buses would \$352 million buy? Some 791 new low-floor buses could have been out there on the network if that project had not been botched. With \$352 million we could have upgraded some 600 level crossings and made safety improvements across the network if that project had not been botched.

Some \$721 000 from that project went on a myki discovery van that we found hidden in a regional garage. We took the media out there to embarrass the former government. That van was running when there was not even a single myki card operating, and that cost over \$700 000. It cost \$80 000 to change an 'out of service' message on a myki device to say 'Getting ready for myki' — \$80 000! That is spin, spin, spin and an absolute waste of money.

The allocation for the digital train radio system in Melbourne was \$134.9 million. There was no contingency built into that project at all. It ended up

costing \$166.3 million. How many times have we seen with these projects that they were poorly scoped, over budget and over time? There was completely hopeless management in relation to that project. With \$31.4 million, five new trams could have been purchased if that project had not been botched.

We can have a look at the M1 upgrade project, a \$1 billion project that blew out to \$1.39 billion under the former Minister for Roads and Ports. Where did some of that money go? Why did it cost so much? There was work conducted at night, an improved drainage system, higher environmental standards and \$20 million spent on fairy lights so the minister could have a look from his own electorate, watch those lights flashing on and off and say, 'There is \$20 million well spent!'.

The issue of the regional rail link project has been passed off before onto the Treasurer. There was no money for signalling and no money for trains, but even more importantly two major parts of the Anderson Road grade separation were ripped out of the heart of the western suburbs.

## WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012

### *Second reading*

#### **Debate resumed.**

**Mr KATOS** (South Barwon) — Before the luncheon break I was speaking about the various debt recovery provisions available to water authorities and how they will be changed. Some onerous ones have been removed, but the bill will leave two provisions available to water authorities to collect outstanding debts. They will be able to charge interest on outstanding moneys and place a charge over a property so that in the future when that property is sold they will be able to recoup any debts. Obviously this is not as harsh a measure as forcibly selling a person's property to recover a debt.

As far as hardship provisions go, a person facing hardship who is struggling to pay their water bills will still be protected under the customer service code of the Essential Services Commission. There is no change to these provisions, so anyone who is facing hardship will still be able to go through the normal channels with their local water authority. The regulations governing trade waste, water supply and sewerage services under the Water Act 1989 are at present made by each individual water authority. The bill amends the act so

that we have uniform regulations across the entire state. This is a good thing for business and water rate payers because there will be a set of uniform water regulations. You would not want to have, for example, Barwon Water with one set of water regulations and then go to another water authority which has different rules and regulations. It is a good thing to reduce red tape, and this provision will remove around 15 by-laws affecting water authorities in the state.

The bill arrests inequalities that have been in place for some time between Melbourne water customers and rural water customers. It will provide uniformity across the state; it is a good thing for all Victorians to be under the same regime. The previous Labor government treated its water customers differently depending on where they lived. As the Deputy Premier mentioned at question time, the \$83 million impost for the Melbourne–Geelong interconnection was put onto Barwon Water customers to make sure they could take the desalinated water, and that pipe is now sitting idle. This is another impost that was forced on the Geelong region by the member for Lyndhurst. I recall that he, along with so many of his Labor colleagues, kept telling us it would never rain again. Perhaps when he was ejected from the house earlier he went out and had a look at whether or not it was raining; I believe it was.

Let us not forget the appalling treatment of water users north of the Great Dividing Range in the Goulburn region, who were going to have their water stolen by the former Labor government, with the \$750 million — —

**Ms Campbell** — On a point of order, Speaker, this contribution is not on the bill. I raise the issue of relevance and ask that the member be asked to speak on the bill.

**The SPEAKER** — Order! I ask the member to return to debating the bill.

**Mr KATOS** — I was speaking about inequalities between Melbourne water users and country water users. This is good legislation. It provides equality for all Victorians with respect to water rules and regulations. Saying that, I commend the bill to the house.

**Mr EREN (Lara)** — It is absolutely appalling for a member from the Geelong region to be talking down water projects he knows were critical at the relevant time. I suppose he was one of those members who prayed for rain. In Geelong we could not afford to do that. Geelong is the second-largest city in Victoria. Can I just say, too, that of course the bill before the house is

a good one, because it is one of ours. Yet again the government has produced some legislation that it has copied from us. And now government members are talking down all the water projects of Labor's 11 years of government.

The member for South Barwon knows that with the growth of Geelong's population, with its industry growth and with the economic boost Geelong experienced in our 11 years of government, we needed water security. The member knows that, but now he is talking down the water pipe, which was constructed to make sure that we had enough water to survive for the next 50 years and to give confidence to the business community in continuing to invest. I find the member's talking down of these projects absolutely atrocious, and I hope the Geelong media pick up on some of the speeches he makes in this place.

All the communities out there, which were very appreciative of the Geelong water projects — along with the think tanks — were urging us to — —

**Mr Southwick** — On a point of order, Speaker, I ask if you could draw the member back to the bill. He has been talking now for 2 minutes and has not mentioned the bill once.

**The SPEAKER** — Order! In fact I was about to ask — —

**Mr EREN** — Oh, you were going to do the point of order, Speaker? Okay.

**The SPEAKER** — Order! No, I was going to direct the member back to talking about the bill.

**Mr EREN** — I too want to speak on this bill, because it is an important one. This bill will convert the three Melbourne water retailers — Yarra Valley Water, City West Water and South East Water — into statutory corporations that will operate under the Water Act 1989. I have been pointing out the importance of Barwon Water, which does a tremendous job in its servicing. Do you know what? That period of drought was a really tough time, and obviously an organisation such as Barwon Water to a certain extent survives on selling water, and there is a certain expectation on the part of such an organisation to receive income from that water. When there were water restrictions, Barwon Water's base in terms of capital was shrinking, and at the same time there were many pressures to ensure that water projects happened. It was a dilemma through those years. It is fine for government members to jump up and down and say we did not need the pipeline — now that we have had some rain.

Everybody knows water is the most important commodity — the most important natural resource of humans, upon which we depend very much. Over the course of the drought we made sure that we were a lot smarter in how we used our water. At the same time, at one point over \$550 million would have been spent on water infrastructure in Geelong. I suspect that with the new government some of those infrastructure spends will decrease markedly.

The bill before the house is very much to do with improving services, for consumers particularly, so I want to talk about the population growth happening in Geelong at the moment and the pressures that come to bear with that population growth. In some of the areas in my electorate of Lara, for example, the Minister for Planning has been ticking off on a lot of land that has been released for development. Some of that was released just recently: some 4500 lots of land were ticked off by the planning minister. It is intended that there be other projects too. In Lovely Banks, for example, there is the possibility of about 8000 lots. In association with the release of land for development such as that released by the planning minister, the minister must communicate with other ministers around the cabinet table, particularly the Minister for Water: 'By the way, I'm about to release 8000 lots of land. How do you think you will go with the infrastructure spending to accommodate that growth?' But no, I do not think that communication happens. I do not think they talk to each other.

Recently a briefing was given by Barwon Water. The minister was there. Some of the pressure on Barwon Water was highlighted — for example, the need to spend \$476 million on water infrastructure to accommodate growth. I am not sure whether the minister is going to accommodate that wish of Barwon Water, and I am not sure whether he is going to ask his ministerial colleague the Minister for Planning not to proceed with land developments unless the associated money is secured. There are other forms of infrastructure needed as a result of population growth; water infrastructure is just one form of infrastructure that is needed. As I just highlighted, Barwon Water has identified the need for \$476 million to accommodate population growth in one part of the Geelong area.

This bill is very important, and I am proud of it. Yet again, it is a bill that came from the previous government, though some minor tweaking has been done by the current government. It obviously gives more rights to consumers. Regional Victorians will now have access to review by the Victorian Civil and Administrative Tribunal of a water corporation's

decision on connections and discharges to its works and maintenance of connections.

Before I wrap up, I urge the government, before it ticks off on large developments such as those in my electorate, to consider the infrastructure spend it needs to make to accommodate the associated growth and not just wish for the best, hope for more rain and take the attitude of 'It'll be right, mate'. We need some planning, which is what we did when in government. That is what the desalination plant and the pipeline were about.

**Mr Katos** interjected.

**Mr EREN** — That is what all the infrastructure spend that we were intending to make was about, because we could not just hope for rain. What if it had not rained? The member for South Barwon would know. He would have followed the water levels in Geelong. At one point it was 16 per cent. Ballarat was out of water, and water needed to be trucked in. There were so many pressures. As a government you cannot just pray for rain; you need to take action. That is what we did, and we are proud of our intended water infrastructure spend. Of course we are not opposing this bill — because it is one of ours.

**Mr BULL** (Gippsland East) — I am pleased to speak in support of the Water Amendment (Governance and Other Reforms) Bill 2012. As members have heard in previous contributions to the debate, the bill creates a uniform set of much fairer arrangements for the provision of water supply and sewerage services to customers right across the great state of Victoria. Most importantly, it reinforces the government's commitment to keep Victoria's water utilities in public ownership. We know, and we also heard from the previous speaker, that water is the lifeblood of this country, this state and most of all, rural communities. It is the most important factor in rurally based food producing industries and in sustaining rural communities that support those very important industries that feed us all. The move to create a more uniform set of operational arrangements for water supply across the state and to improve arrangements for customers in country areas is certainly very much welcomed.

As has been outlined, the purpose of the bill is to convert the three Melbourne water retailers from Corporations Act 2001 companies regulated under the Water Industry Act 1994 into statutory corporations regulated under the Water Act 1989. One of the strengths of the Victorian system for water management is the model for the provision of essential

water services by state-owned water corporations, not the mishmash that exists in some other states that have local bodies and state government and private operators.

In the government's plan for water, it made a commitment to keep Victoria's water utilities in public ownership. Unlike Victoria's rural and regional water corporations, which are statutory corporations, the three Melbourne water retailers were established as three special-purpose Corporations Act 2001 companies. The bill converts them into statutory corporations and brings them under the Water Act 1989. The provision of retail water and sewerage services is currently regulated under two acts, and the distribution of the legislative arrangements under those two acts has resulted in discrepancies in the provision of services between metropolitan and rural areas. The bill simplifies the current arrangements by unifying the different parts of this structure. Governance and regulatory arrangements that apply to the state's 19 water corporations will be the same across the board.

The government recognises that water is the most crucial of the essential services for human needs — that is, for families and other people right across the state. The bill removes the power of a water corporation to cut off a person's supply of drinking water because that person has not paid their bill.

The bill also removes two outdated debt recovery provisions from the Water Act 1989. In regional Victoria, where a person has been in debt to a water corporation for more than three years, the water corporation could forcibly sell that person's land and use the proceeds to pay off the debt, which seems a fairly heavy-handed sort of measure. Further, if a landlord owed money to a regional water corporation, that water corporation could require the tenant to pay its rent to the water corporation to satisfy the landlord's debts. Both of those debt recovery powers will be removed from the act because they no longer represent what the community and community standards deem to be a reasonable and proportionate response to recovering moneys owed to water corporations.

Having said that, the government also acknowledges that a small number of people avoid paying for the water services they receive. The cost of their avoidance, if not properly managed, falls upon all those others who are doing the right thing, so it is unfairly borne by the whole community. The Water Act 1989 will retain two debt management powers to keep that under control. They are the ability to charge interest on unpaid moneys and the provision that debts owed to a water corporation form a charge on the land to which they

relate. It is appropriate to leave those debt recovery powers in the Water Act 1989 to assist the water corporations in recovering what can at times amount to fairly significant debts. Hundreds of thousands of dollars are accrued by some commercial water users, and the water corporations need to have the power to recoup those debts. It is simply not fair that those water customers who are doing the right thing are forced to subsidise the cost of those debts through the price of their water.

Another important point is that currently there are fewer rights of review to the Victorian Civil and Administrative Tribunal (VCAT) for customers under the Water Act 1989 than there are for those under the Water Industry Act 1994. That has effectively resulted in our having two sets of rights for people in Victoria, depending on where they live. The bill removes that anomaly. It has been more costly and difficult for country Victorians to claim compensation in the past; whereas our city-based counterparts have been able to appeal to VCAT, country Victorians have often been forced to go through the court system which, as we know, can be much more expensive.

The bill replicates the provisions of the Water Industry Act 1994 in the Water Act 1989. The procedure for altering water and sewerage districts under the Water Act 1989 currently involves an enormous amount of unnecessary red tape. The bill gives the minister the power to establish new districts with much less red tape, so that all such districts become contiguous, which is a very important and worthwhile step.

In finishing I would like to make some comments on how this bill cuts red tape. We came into government with a commitment to cut red tape, and this bill is a perfect example of us delivering on that commitment. The bill further reduces the administrative burden for the government in the appointment of board directors. It reduces red tape for metropolitan water corporations in relation to the preparation of emergency management plans. It reduces red tape for regional water corporations and their customers in relation to the determination of their water and sewerage boundaries. It also facilitates the replacement of at least 15 by-laws for trade waste, water supply and sewerage services with two sets of regulations. That will reduce the administrative burden for water corporations, which would otherwise have to make individual by-laws.

This bill delivers a whole raft of improvements and positive outcomes for water corporations across the board. It will be particularly welcomed by people in rural and regional Victoria. It gives them more rights and brings them under a system in which they will be

dealing with the same set of rules and regulations as our city counterparts. This is a common-sense bill. It will achieve good outcomes, and I wish it a speedy passage through the house.

**Ms BEATTIE** (Yuroke) — I rise to make a brief contribution in the debate on the Water Amendment (Governance and Other Reforms) Bill 2012. I will provide just a brief overview of the bill and then touch on a couple of local matters. From the outset, I indicate that Labor does not oppose this bill because it comes at the end of a journey that began under the Labor government.

The bill does several things. It moves the Melbourne water retailers from a company law structure to a statutory structure of the character of those of other Victorian water authorities. It also brings a similar regime of consumer protection to all Victorian water authorities. That change, which will be achieved by the simplifying of a number of administrative processes, will essentially improve the position of regional customers and reduce red tape.

The bill is quite detailed but essentially it makes changes to both the Water Act 1989 and the Water Industry Act 1994 to create consistency for customers no matter where they live in Victoria. The three water authorities affected by the changes are City West Water, South East Water and Yarra Valley Water. There is a project going on at the moment in my electorate concerning Greenvale, and Yarra Valley Water is in charge of that work. It is known as an upgrade to the Greenvale sewer system. I commend Yarra Valley Water, which has done a marvellous job of keeping local people informed about what is going on with the project. It has also taken the trouble to inform me at every step along the way. It has been a model in providing community information.

I also want to touch on another aspect of water in Victoria. When I was first elected I represented the area of Sunbury, which drew its water from Rosslynne Reservoir. At that stage we were at the beginning of what turned out to be — and nobody could have foreseen it — a 10-year drought. Rosslynne Reservoir at that time went down to about 8 per cent; it was running dry. I took a flight with the then opposition leader and later Premier, John Brumby, over the reservoir to look at it. When Labor came into government we set up a process whereby each Friday night a working group would meet under the chairmanship of Kingsley Culley and the chief executive officer of Western Water at that time, Geoff Mabbett. That working group had Sunbury connected to pipe water from the Greenvale Reservoir, thereby

ensuring that Sunbury had a water supply equal to that of the rest of Melbourne.

Recently the City of Hume celebrated 175 years and honoured 175 citizens, and I was disappointed that unfortunately — although I am a great supporter of the City of Hume, it got that wrong — it did not acknowledge one person on that working group. It should have acknowledged the work of Geoff Mabbett as chief executive officer of Western Water. He should have been acknowledged for his contribution to the future of Sunbury because that group connected Sunbury to the Greenvale Reservoir and ensured security of the water supply.

Nobody was to know that there would be a 10-year drought. Members could say that we did not need this project, and I heard the member for South Barwon say that he did not need this project or that project, but none of us had a crystal ball at the time. We all wish we had a crystal ball, but none of us did. With that small contribution, I wish the bill a speedy passage.

**Mr SHAW** (Frankston) — I rise to talk about the Water Amendment (Governance and Other Reforms) Bill 2012. It has been said a person can last a few weeks without food, a few days without water, a few minutes without air and not at all without God, but what we are talking about is the water situation and we could only last a few days without water. This government recognises that water is essential for our survival as humans, for our food, for animals and for where we live in this country. Water is a basic human need; we cannot live without it. The purpose of the bill is to amend the Water Act 1989 to provide for the metropolitan water corporations and to make consequential and other amendments to that act. The bill also amends the Water Industry Act 1994 to repeal certain parts of that act relating to the licensing system and to make consequential and other amendments to that act.

As I mentioned, water is exceptionally important, but I return to what was said by the member for Lara when he said that there is nearly \$500 million worth of infrastructure projects around Geelong and that he doubted that would be the case with this government. I certainly hope so because we are the money people on this side, we know how to run a dollar, and in what is \$500 million to the opposition, even without all its other budget blow-outs, we may be able to knock off a few million. But not the opposition. In numerous contributions and on the numerous occasions he has yelled out, even before he was a shadow minister, in response to the government saying it was putting X amount of dollars into a project, the member for Lara would say, 'Is that all?'. Thank goodness the member

for Lara is not the Treasurer of this state, because he thinks that money solves everything.

Money does not solve anything. In an interesting — I use that word lightly — contribution during the last sitting week the member for Lara said, with the Treasurer present, that the government should have said, for example, that it was going to provide X amount of dollars. Everything is about dollars for the opposition, but it is not about dollars, it is about results. The member for Lara said that if the Treasurer had allocated some money towards a certain bill, the bill would have some substance. We do not need to allocate money for every bill to make a difference. Labor, with its typical attitude, with its money-wasting, credit card and debt mentality, thinks that if we throw money at it, it will make a difference, but it does not.

If I can localise that aspect, before question time the member for Melton said at the end of his contribution that he wished to have a debate on desalination to stop Melbourne running dry. But it has been raining today and our dams are 64.8 per cent full. The global warming alarmists on the other side said it would never rain again.

*Honourable members interjecting.*

**Mr SHAW** — Can I have some protection, please, Acting Speaker! I don't need it. If I can go back to a poem that was written over 100 years ago by Dorothea Mackellar — —

*Honourable members interjecting.*

**Mr SHAW** — If members opposite know the poem, that is because it has no doubt been read to them many times. The global warming alarmists over there have heard it. It is over 100 years old. Dorothea, in her poem — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Morris)** — Order! It would assist the debate if the member for Frankston ceased to antagonise the opposition, but I do ask the opposition to give the member for Frankston a fair go.

**Mr SHAW** — My apologies, Acting Speaker; those opposite are very soft. Members opposite know how the poem goes; they know what line I am going to say. Can we say it together?

I love a sunburnt country,  
A land of sweeping plains,  
Of ragged mountain ranges —

and —

Of droughts and flooding rains.

It is amazing to me that the global warming alarmists on the other side suggest that it is not going to rain again. Maybe Dorothea thought that back then when she penned this poem. I do not think so. Droughts and flooding rains have happened before.

In saying that, what is happening in Frankston is interesting. We had, of course, the Melbourne and Metropolitan Board of Works at Frankston Reservoir. Actually, we recently passed a bill to make Frankston Reservoir a conservation reserve in a fantastic win for the people of Frankston that had huge community support. The metropolitan board of works was our local water supplier for a number of years when construction first started in 1916. I am sure there were droughts and flooding rains back then too, but the board had the foresight to build a dam. That was fantastic because it has supplied our needs there. In the late 1990s Melbourne Water took over. It closed down the offices, sold off some of the land and moved on. It left the reservoir there, and that is now a conservation reserve. That is fantastic.

Melbourne Water is currently putting in bigger drainage pipes for flood mitigation. It is putting in \$73 million. These guys were spouting about jobs before, but Melbourne Water has put in \$73 million just in Frankston for larger pipes for flood mitigation. On the other side, though, the council is crying out for pipes from Robinsons Reserve to the Frankston Golf Club. It wants pipes there for water recycling to drought proof Frankston. So here we go — one side is drought proofing, one side is flood proofing. It is quite amazing. Regardless of that, no doubt some of these things may pay off in the future.

We are talking about the merger of a number of different water boards under this act, and South East Water is one of them. South East Water is currently looking at where it can relocate, and Frankston is on the short list. Amazingly enough, that will bring 700 or so jobs to Frankston. I encourage South East Water to really look at Frankston. We are on the short list; we are the jewel on the peninsula, with the cleanest and friendliest beach, in Frankston. I encourage South East Water to look seriously at coming to Frankston. It has great infrastructure and is a great city to be in.

**Mr Gidley** — And it has a great member.

**Mr SHAW** — Thank you very much. The provision of retail water and sewerage services currently comes under two acts: the Water Industry Act 1994 for Melbourne and the Water Act 1989 for regional Victoria. This has led to two different frameworks that

currently operate under the two acts. We are looking at rationalising this and streamlining them under the one act. In addition, the customers of our water businesses should not be subject to different laws. We want to be able to provide water supply and sewerage services to Victoria, and there should not be any differences whether customers live in regional areas or in the city.

The bill will amend the two acts mentioned earlier, so that City West Water, Yarra Valley Water and South East Water, which I mentioned before — and once again I encourage South East Water to come to Frankston with the 700 jobs — will all become statutory corporations under the water act. The bill will also transfer the regulation of their businesses to that act.

The bill demonstrates the five pillars that the coalition came into government with. The fourth one —

**Mr Foley** interjected.

**Mr SHAW** — No, when we came into the campaign —

**Mr Foley** interjected.

**The ACTING SPEAKER (Mr Morris)** — Order! The member for Albert Park will desist.

**Mr SHAW** — Our first pillar during the campaign was to have strong growth in the economy. The second was to fix the fundamentals; the next one was to have strong and vibrant families and communities; the fourth one was to have a sensible water policy; and the fifth — if these guys can count: one, two, three, four, five — was to have a government we can trust. At least the members on the other side who yell out, 'It's four' are listening, but they are not listening correctly. I am talking about the five pillars of our election campaign, and we are talking about the one relating to water here. This bill demonstrates our support for government ownership of the water corporations to deliver effective services to the people of Victoria. I commend the bill to the house. And may I say, just for the opposition, that five comes after four.

**Mr LANGUILLER (Derrimut)** — There is something about the member for Frankston, and it has nothing to do with *There's Something About Mary*.

I am happy to rise to speak on this bill, the Water Amendment (Governance and Other Reforms) Bill 2012. I am happy because it is one of those bills and one of those reforms that, of course, Labor would have brought in and in fact had every intention of bringing in. The main purpose of the bill, as members have

explained, is to convert the three Melbourne water retailers — Yarra Valley Water, City West Water and South East Water — into statutory corporations that will operate under the Water Act 1989.

That purpose will be achieved, firstly, by establishing the three Melbourne water retailers as statutory corporations under the act and transferring the regulation of their businesses to that act; secondly, by creating under the act a uniform and improved set of operating arrangements — that is also very important for water supply and sewerage services across Victoria, thereby improving arrangements and services for customers in regional and rural Victoria; and finally, by making consequential and technical amendments to the Water Act 1989.

We support the inclusion of these licensees. It will remove the discrepancies between regional and metropolitan Victoria, and although I am a member representing an area of metropolitan Melbourne, I recognise and am fully cognisant of how important this is for regional and rural areas. This bill will allow regional Victorians to enjoy the same consumer protections as people in Melbourne, which will essentially improve the position of regional water customers.

Another important aspect which is worth recognising is that regional Victorians will have access to review by the Victorian Civil and Administrative Tribunal in relation to a water corporation's decisions regarding connections, discharges and maintenance works on connections. Customers in regional Victoria will be given a broader range of review rights before the Victorian Civil and Administrative Tribunal, just as customers in Melbourne have, and that is welcomed.

The other brief comment I wish to place on the record relates to the liability of residential tenants for certain water bills. It is important to say that the obligation to advise a water corporation of a new residential tenant moving into a property will be moved from the tenant to the property owner for the purposes of making the tenant liable for water usage charges and, where applicable, sewage disposal charges. A tenant is already required to advise a water corporation that he or she is vacating a property, but it is important that this additional provision be put into the act.

With those very few remarks, I think it is important that we introduce that level of uniformity and harmonisation between Melbourne and rural and regional areas. I know this will be welcomed by everybody. I repeat that this is one of those bills and amendments that Labor was due to introduce, so I am very happy with it. It is a

good bill, because it could almost be described as a Labor bill.

**Mr BATTIN** (Gembrook) — Another interesting contribution there — Labor was ‘due to introduce’ it. That is another thing Labor was due to do after 11 years in government. That was a very interesting contribution to the debate.

I rise to support the Water Amendment (Governance and Other Reforms) Bill 2012, a bill for an act to repeal the provisions relating to the licensing system in the Water Industry Act 1994, to make consequential and other amendments to that act, to provide for metropolitan water corporations under the Water Act 1989 and to make consequential and other amendments to that act and other acts and for other purposes.

Many members from the other side have contributed to the debate on this bill in relation to water and the combining of regulations under one act and how far that goes, but the reality is its purpose is to cut red tape. We came into government to cut red tape. We came into government to make it easier for businesses and for residents and taxpayers of Victoria, and the purpose of this bill is to do that. We are going to be cutting red tape, and whilst cutting that red tape we will also be reducing the number of by-laws by 15 — there will be 15 fewer by-laws in relation to water regulations throughout Victoria as a consequence of combining the three water authorities.

We have also heard a lot about different water projects around the state and what has been happening. I will give some examples that have happened in making sure that we are prepared for events like the droughts that have happened. There is the ‘no crystal ball’ theory that there is never going to be rain. There are also theories about droughts; we are not sure what is going to happen with them. However, if you go back and look at the history of Victoria and Australia, you see that there have been droughts, floods and the entire lot. You do not really need a crystal ball; you just have to go back over history and see what has happened and make sure you are prepared.

In 2006 the current government made a commitment to build a desalination plant to ensure that we were prepared should such things happen. Because the government of the day refused to do that and said it would never build a desalination plant, it then had to react very quickly.

**Dr Napthine** — It said it was a hoax!

**Mr BATTIN** — It did say it was a hoax, and it had to react very quickly. It had to come out and try to

convince Victoria that it was doing something. Instead of building the plant that was originally put up as an offer from the then opposition, it came up with something that was three times the size and cost a lot more. The cost of that plant is roughly just under \$2 million per day to the taxpayer for the next 27 years, and \$2 million a day would buy many things throughout the state.

Other projects that have come forward include the recycling of water at the eastern treatment plant. Fantastic! I am all for recycled water. I think it is a great idea, and I think we should be doing a lot more with recycled water throughout Australia, as is done in other parts of the world. However, what counts is what you are going to do with the recycled water. The plan that was put in place for the eastern treatment plant was to recycle water, get it up to near class A drinking water, flush it out to the ocean, send it back around the corner, take it in through the desalination plant, take the salt out of it and then use it. You could have used it straight from the eastern treatment plant, but there were no plans in place to use the water from there.

Currently in Victoria our water storage capacity is 64 to 65 per cent full — I think it is 64.8 per cent. In the Gembrook electorate we have two dams: O’Shaughnessy Dam and the Upper Yarra Reservoir. I recently visited the Upper Yarra Reservoir and had a look around. I was meeting some constituents up that way, and we were talking about different water projects, including a hydro-electricity project, which is obviously about not just water but using water to produce electricity. We were talking about a hydro-electricity project up in Wesburn and having a look at the dams up there as research, going through to ensure that the Yarra would have the continuous flow it would need to produce electricity for the hydro-electric plant in Wesburn. It was actually 100 per cent full. At the moment there is no capacity for any further water up there.

One of the things we also talked about was desalination. We have the \$750 million north–south pipeline, and the member for South Barwon mentioned before the \$83 million for the Geelong–Melbourne pipeline. There was a lot of money spent on projects that will most likely never be used. The whole point of the north–south pipeline was to take water from the north and feed it down to the south. If you go through the history of Victoria and look at floods and droughts, you see that the north and the south tend to be in flood or drought at very similar times. The water pattern is very similar in both areas. Whilst the farmers up there who produce our food are struggling, the former government had a plan to take water from them and

bring it down to Melbourne. That is not something we could have supported at all.

As I said, this bill is about streamlining the regulations, cutting the red tape, removing those by-laws and making sure that we assist businesses in Victoria and give them the best opportunities. It is good for customers, and customers will still be protected under the customer service code to ensure that every Victorian has the opportunity of access to water in the best possible system available. With that, I commend the bill to the house.

**Mr DONNELLAN** (Narre Warren North) — It is an honour to speak on the Water Amendment (Governance and Other Reforms) Bill 2012. I note the debate is raging far and wide. I always enjoy that. What I did not enjoy earlier this year was to see the level of water being released from Lake Eildon and the like. I think close to 10 gegalitres was released out of the dam and was flowing down the Goulburn River.

At the time there were issues in relation to our reservoirs not all being full, but there was a level of reluctance on the part of the government to look at using that water to fill reservoirs in other parts of the system we already had. As we know, the previous government built a network of systems around the state to deliver water from one end of the state to the other, whether it be the north or the south that requires water. That is a legacy we can be proud of, even though others suggest otherwise. The north–south pipeline is currently closed, but I very much look forward to the day it will be open again.

**Dr Napthine** — No!

**Mr DONNELLAN** — Others may say no, but I expect one day it will be opened again. It will be required to deliver water from one end of this state to the other.

I find it difficult to understand how someone could suggest that providing monstrous amounts of infrastructure to the northern irrigation district and other water projects, including expenditure of about \$1 billion, is stealing from people. That is actually improving the delivery of water systems throughout the northern irrigation zone.

**Dr Napthine** — They did not want it.

**Mr DONNELLAN** — I know that many people in the irrigation zone did want that.

**Dr Napthine** — They did not want the pipeline.

**Mr DONNELLAN** — They certainly wanted the improvement.

**Dr Napthine** — Stop misleading the house. They did not want the pipeline, and you know it.

**Mr DONNELLAN** — I think the minister should concentrate on some of the — —

**The ACTING SPEAKER (Mr Morris)** — Order! Exchanges should be through the Chair.

**Mr DONNELLAN** — At the end of the day there is no suggestion that the north–south pipeline is it. What I am saying is that substantial sums were invested in infrastructure in places like the northern irrigation district to improve delivery of water across that region and across the rest of the state.

The goldfields super-pipe and other projects funded by the former Labor government were not supported by the opposition at the time. However, if we had not invested in these projects, many people would not have had water. It is amusing to hear government members suggesting that they have anything but a water policy driven by small interests who seem to believe that if there is a stream in a backyard that they own, that water is theirs forever and they have no requirement to provide efficiency in the use of that water.

This bill does some things in relation to corporations, but it does not actually cut red tape. It continues the trend of a head-in-the-sand policy on water. We delivered the infrastructure required. When the next drought comes along, I have no doubt we will be opening the north–south pipeline, and I have no doubt that the desalination plant will be required. Hopefully I will be here to calmly remind members on the other side of the house about the carry-on and the drivel they produced when they were in government. I hope to be here — the public will decide that. The voters might tell me that I am a ratbag and get rid of me, but I would very much hope to be here. I do not hope for the next drought, but I have no doubt there will be one. At that time I will remind the people on the other side of the house of the statements they made — that they said they could foresee the future and the desalination plant, the Wimmera–Mallee pipeline and other irrigation projects would never be needed. All of the projects that we built will come into use. Obviously the Wimmera–Mallee pipeline is being used at the moment, but the north–south pipeline will be in use then, so I look forward to that.

I was disappointed with the stubbornness of the current government earlier this year when it allowed so much water to be wasted, because realistically next year we

could be going into another drought. Who knows? I certainly hope not. However, if we are, the 10 gegalitres that was released earlier this year will be considered absolutely disgraceful. To be pouring water that could have been used to fill reservoirs across the state down the Goulburn River, because we have linkages there, is a crime against urban water users. With that small but vital contribution, I commend the bill to the house.

**Mr ANGUS** (Forest Hill) — I am pleased to rise this afternoon to speak in relation to the Water Amendment (Governance and Other Reforms) Bill 2012. Clause 1 of the bill clearly articulates its purposes. It is a straightforward bill, as a number of contributors on both sides have already noted. I will go through the bill and outline its purposes. The first purpose of the bill is:

to amend the Water Act 1989 to provide for metropolitan water corporations and to make consequential and other amendments to that act ...

The second purpose is:

to amend the Water Industry Act 1994 to repeal certain parts of that act relating to the licensing system and to make consequential and other amendments to that act ...

The third purpose is:

to make consequential and other amendments to those acts and other acts.

If we turn our attention to specific requirements, it is probably best to start by looking at the background of the bill and provide a summary of the current situation. Currently the provision of retail water and sewerage services is regulated under the two acts that I previously referred to: the Water Act 1989 for regional Victoria and the Water Industry Act 1994 for Melbourne. That has led to two different legislative frameworks for water supply and sewerage services across the two acts, which has resulted in a range of discrepancies between Melbourne and regional Victoria in the provision of these services. That is something that we on this side of the chamber do not want to perpetuate, and we will be remedying that through this particular bill.

Customers of water businesses should not be subject to different laws depending on their geographic location. As I said, that is what will be fixed here. The bill will amend the Water Act 1989 and the Water Industry Act 1994 to convert the three Melbourne Water retailers — City West Water, Yarra Valley Water and South East Water — from Corporations Act companies into statutory corporations under the Water Act 1989. The bill will also transfer the regulation of those businesses to that act. This bill demonstrates the Liberal-Nationals

coalition government's support for government ownership of water corporations, which is reflected in the coalition's plan for water. As a number of contributors have clearly articulated, water is an aspect vital to our very existence, and the good management of water throughout the state is something that needs to be well managed for generations to come.

The bill under consideration here creates a more uniform and improved set of operating arrangements for water supply and sewerage services throughout Victoria. It will be fairer for regional customers and, as I said, ensure consistency across the state. That is something we feel very concerned about. Customers in regional Victoria will be given a broad range of review rights which can be heard at VCAT (Victorian Civil and Administrative Tribunal) and which customers in Melbourne, including those in the suburbs, already have in relation to any decisions regarding connections, discharges to works and maintenance. This will streamline procedures for rural folk and enable them to avail themselves of the same systems that the suburban or metropolitan customers currently have.

Regional Victorians will also be given the statutory right to claim compensation at VCAT for damages in relation to the works of water corporations. The power of water corporations to require a property owner to connect to any works will be confined to sewerage works. That is going to tighten up the very broad current arrangement. That will ensure that the mandatory component of that issue is limited to that particular aspect. Overall the bill modernises powers in relation to a range of areas, including the power to enter residential land for certain purposes. As an aside, it is interesting to note that the current powers of water corporations to enter residential land exceed police powers. That is quite an extraordinary situation. This bill, as I said a moment ago, will modernise these powers and make them much more applicable. The governance arrangements in relation to water corporations have been improved in relation to planning for emergencies, the appointment of directors to boards and the determination of water supplies and sewerage districts.

Here we are: this is the coalition government's second year. We are dealing again with governance arrangements and with very important management and governance requirements in relation to water corporations, because that is something which we take very seriously and we are keen to put this in place in all relevant legislation that we deal with. We also aim to put in place transparent and robust governance arrangements.

I specifically want to mention debt recovery powers. Other speakers have noted that there are what could arguably be called outdated methods in relation to some debt recovery powers involving dealing with customers who have not paid their bills. Those powers include being able to sell land when the non-paying of bills spans a duration of three years or more and garnishing the rent of tenants to pay landlords' bills. This bill repeals these powers. It leaves in place relevant and appropriate debt recovery provisions that exist in relation to some current customers. Interest will still accrue on outstanding payments. A charge will be applied to a property on which services were provided. That obviously protects providers of the services which collect the debt. That is a fairly appropriate course of action. There are appropriate reasons for leaving those provisions in the principal act and making the changes that I have outlined, because there will be a reduction in the costs incurred by paying customers, who have to subsidise the bad debts of customers who refuse to pay. It provides a more efficient means by which the water corporations can recover smaller debts. It will tighten up that whole area and make it more consistent.

I will recap the overall objectives of this bill. This bill will convert the three Melbourne Water retailers — Yarra Valley Water, City West Water and South East Water — from their status as companies that fall under the Corporations Act 2001 — into statutory corporations that will operate under the Water Act 1989. It will create a uniform and improved set of operating arrangements and services to customers in Victoria under the one act and unify incorporating, governance and regulatory arrangements that apply to the state's 19 water corporations under the same act. It will provide a uniform and improved set of operating arrangements for water supply and sewerage services across Victoria. It will deal with consequential and technical amendments to the Water Act 1989 and other acts that will support the transition proposed in this bill.

In summary, this bill is very precise and deals with a number of problems that have been identified. It streamlines processes; it makes regulation more efficient. A number of contributors from both sides of the house have referred to more general water matters. One matter that springs to my mind is the desalination plant. That was a coalition policy at the 2006 election. It was roundly castigated by the then government, which pooh-poohed it in 2006. Then a few months later the idea was reborn, and it was claimed as that government's great big new idea. The size of the desalination plant is grossly in excess of what was required even then. Rather than the modest, sensible approach that the coalition adopted, it was an extraordinarily excessive installation that we will be

paying for at the rate of \$2 million a day for approximately the next 27 years. In conclusion I commend the bill to the house.

**Ms D'AMBROSIO** (Mill Park) — I rise to speak on the Water Amendment (Governance and Other Reforms) Bill 2012. As previous speakers on this side of the house have indicated, we will not be opposing the bill. The objectives of the bill are quite perfunctory, but nevertheless the debate on the bill warrants some considered contributions. Whilst my contribution to the debate will be short, it will be considered.

There are three main objectives of this bill. The bill involves continuing to complete a process that was begun under the previous government to streamline the bureaucracy surrounding various government instrumentalities. This was one of a number of such efforts on the part of the previous government. I am pleased to note that this government has decided to see this particular effort through.

The three objectives, as I touched on earlier, are to convert the three metropolitan water and sewerage service retailers into statutory corporations so that all water authorities across Victoria will fall under the one act, the Water Act 1989. The bill will also provide for a uniform framework to be established for the supply of sewerage and water services across Victoria so that there is a streamlining effect and consistency regardless of where people live in Victoria or the water authority that is servicing them.

The bill delivers several technical changes for the purposes of transitioning to these new arrangements, but it also does some tidying up with respect to the removal of some anachronistic provisions that are no longer desirable. The bill will continue to provide for the protection of consumers through regulation and oversight by the Essential Services Commission of a customer service code. This is to ensure that debt recovery powers are reasonable, fair and responsive to customers who may be facing financial hardship. Two debt recovery provisions will be removed, as they currently apply to regional Victoria. Those two powers are about the sale of land of a debtor with outstanding debt of at least three years standing and the power to require a tenant to pay their rent to the water authority instead of the landowner as substitution for the payment of the landowner's debt to the water authority. The bill removes the power for an authority to disconnect a drinking water supply to someone who has an outstanding debt, and that is certainly a positive.

What remains are the powers of the Essential Services Commission to regulate debt recovery from landowners

only. Authorities can place a charge on the property of the debt-holder and charge interest accruable on any debt owed. The Essential Services Commission can require further protections to be added to the customer service code.

With those few comments, I wish to indicate that the bill will not be opposed. It is one that will tidy up on a number of fronts and streamline the bureaucracy around the governance arrangements of water authorities across Victoria.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to this important debate on the Water Amendment (Governance and Other Reforms) Bill 2012. As has been mentioned by colleagues before me, the main objective of this bill is to convert Melbourne's three water retailers — Yarra Valley Water, City West Water and South East Water — from Corporations Act companies into statutory corporations that will be governed by the Water Act 1989. The bill will transfer the regulation of these retailers to that same act.

Making all water retailers statutory corporations and bringing them under the same regime will provide for uniform and consistent treatment of all water consumers in Victoria. At present we have different rules for Melbourne residents and country residents. It is an equitable solution for all Victorians to be governed by the same rules with regard to water and sewerage. This bill seeks to arrest discrepancies and provide equity to all Victorians, no matter where they live. The coalition certainly wants to ensure that country Victorians are treated the same as those who live in the metropolitan parts of Victoria.

The bill will also make a number of important changes to harmonise and improve water regulation across Victoria. I am pleased to see strong support for this bill across the chamber. The Victorian Civil and Administrative Tribunal review rights are at present different in the Water Industry Act 1994 to what they are in the Water Act 1989. There are less rights for VCAT review under the Water Act 1989. This bill will insert into the Water Act 1989 the ability for VCAT to review water corporation decisions under a number of circumstances.

It is significant that we are discussing water in this house because, as we know, many problems have beset this state with respect to the way water was handled by those opposite when they were in government. We only need to look at the desalination plant and the north-south pipeline to know that much more needs to

be done with respect to the governing of water in this state.

**The SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## AUSTRALIAN CONSUMER LAW AND FAIR TRADING BILL 2011

*Second reading*

**Debate resumed from 13 March; motion of Mr O'BRIEN (Minister for Consumer Affairs).**

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows agreed to:**

1. Clause 240, line 2, omit "2011" and insert "2012".

### AMENDMENT TO SCHEDULES

2. Schedule 6, page 228, line 15, omit "211" and insert "221".
3. Schedule 6, page 243, line 2, after 'for "' insert "Part 2 of the".
4. Schedule 6, page 243, line 3, after 'substitute "' insert "Chapter 2 of the".
5. Schedule 6, page 247, line 1, after 'for "' insert "section 103(4) of the".
6. Schedule 6, page 247, line 2, after 'substitute "' insert "section 113(4) of the".
7. Schedule 6, page 258, after line 17 insert —  
 '42.5 In section 61X, for "Part 10" substitute "Part 6.4".'.
8. Schedule 7, page 267, line 4, omit "2011" and insert "2012".

9. Schedule 7, page 267, line 7, omit "2011" and insert "2012".
10. Schedule 7, page 267, line 13, omit "2011" and insert "2012".
11. Schedule 7, page 269, line 5, omit "2011" and insert "2012".

*Third reading*

**The SPEAKER** — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of this bill must be passed with an absolute majority. I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

## **WILLS AMENDMENT (INTERNATIONAL WILLS) BILL 2011**

*Second reading*

**Debate resumed from 13 March; motion of Mr CLARK (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## **LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from 14 March; motion of Mr CLARK (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of Dr NAPHTHINE (Minister for Ports).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted pursuant to sessional orders.**

## **ADJOURNMENT**

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

That the house now adjourns.

## **Western suburbs: trucks**

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Roads. I am very pleased that he is in the house, and I look forward to hearing his response. The action I seek is for the minister to conduct a review of the truck curfew arrangements across the inner west. The previous Labor government introduced truck curfew arrangements on Somerville Road and Francis Street back in 2002 to limit the number of trucks using these local roads during overnight and weekend periods. Under Labor's curfew arrangements all trucks with 4.5 tonnes gross vehicle mass and over are prohibited from using Francis Street and Somerville Road between the hours of 8.00 p.m. and 6.00 a.m. from Monday to Saturday and 1.00 p.m. to 6 a.m. from Saturday to Monday.

Trucks with a local origin or destination along Francis Street, Somerville Road or any road adjoining these two roads have been exempt from these curfew arrangements. VicRoads also has some other definitions for what might be considered a local truck for the purposes of the curfew exemption. Together with Maribyrnong City Council, VicRoads has been conducting annual truck counts since 2002 to monitor the effectiveness of the truck curfews. These counts have shown that the truck curfews were relatively successful in reducing truck movements during the curfew hours in the early to mid-2000s, but the

numbers have remained reasonably steady over the last five years or so. I am aware that VicRoads conducts many hours of patrols along these roads. Its compliance and enforcement work is about the only real deterrent to keep drivers and operators in check.

With truck volumes expected to grow in line with the port's growth, it is time to have a closer look at the future operation of the curfews. We need to be sure that the curfews as they currently exist and are enforced are up to the task of keeping trucks off the streets after hours and protecting the amenity of local residents.

The review should consider the appropriateness of curfew hours and the level of penalty for infringing drivers; examine whether VicRoads has the appropriate resources to police the curfews; determine whether Victoria Police should have a role in policing the curfews; and consider whether other local roads should be included in the curfew arrangements, including Moore and Buckley streets in Footscray, whether the local truck exemption arrangements are fair and whether new numberplate recognition technology could be used to improve compliance. Any review should seek input from a broad range of stakeholders, including freight operators, drivers, local residents, local councils, VicRoads, the police, the Port of Melbourne Authority and local businesses.

I note for the minister's interest that I have spoken to the Victorian Transport Association and the Transport Workers Union in the past about this particular issue. Both are supportive of the truck curfew arrangements, and they agree that only trucks with a local origin or destination should use Francis Street or Somerville Road. But 10 years on I think it is reasonable for these truck curfew arrangements to undergo a thorough review, and I urge the minister to do it.

### **Mornington Racecourse: drainage**

**Mr MORRIS** (Mornington) — I raise a matter with the Minister for Racing, and I ask him to take action to assist in resolving drainage issues at Mornington Racecourse. Racing on the Mornington Peninsula is a critical part of the local economy. Many hundreds of people are employed directly or indirectly in the thoroughbred racing and breeding industries. Mornington Racecourse is one of Victoria's premier country racecourses. Last year it hosted some 24 race meetings, including the Mornington Cup, held in February, which is a qualifier for the Caulfield Cup. This year close to 10 000 people attended that meeting. In addition to holding race meetings, it is a major training base, with hundreds of horses trained there on a regular basis. The early morning lights are certainly a

signal to us all that it is a very well utilised facility. Leading trainers include Tony Noonan, Jason Warren, Mark Riley, Matt Laurie and David Brideoake, and the Freedmans also train a little bit further down the peninsula, at Rye.

In 2010 the Mornington club agreed to merge with the Melbourne Racing Club, which conducts meetings at the Caulfield and Sandown tracks. The merger has led to the transfer of metropolitan midweek meetings to Mornington and the ability to upgrade the status of the Mornington Cup to a Caulfield Cup qualifier. Also in 2010 the track was closed for a complete resurfacing, adding to the quality of the facility.

In July last year the government provided funding to Racing Victoria to carry out drainage investigations at a number of country racecourses, including Mornington, following a series of severe weather events. Following the cup meeting in February an investigation was carried out at Mornington. The results of that investigation indicated that parts of the underground drainage system were either faulty or broken. As a result of this, precautions have been taken and both racing and training have been suspended until remedial works can be undertaken. There are currently race meetings scheduled for 30 March and on Easter Sunday, 8 April.

The action I seek is for the minister to indicate to the house what reports he has received about this important matter and, more importantly, if he can provide support to the club to undertake remedial works.

### **Housing: Port Melbourne units**

**Mr FOLEY** (Albert Park) — The matter I wish to raise is for the attention of the Minister for Housing. Before doing so, I indicate that I support the proposition of the member for Mornington, because Mornington Racecourse was designed by no other than my late father, W. E. Foley.

The specific action that I am seeking from Minister Lovell is that she ensure that the rebuilding of Office of Housing units at 482 Williamstown Road, Port Melbourne, is undertaken in the 2012 state budget period. The reason I do so is that this 62-year-old block of 24 single units is beyond its usable life. In recent times there have been unfortunate incidents in this block that have brought into question its ongoing viability. I illustrate my point by relating the circumstances of one particular constituent. Let us call him John. He is a polite, quietly spoken gentleman who is a long-term resident of Port Melbourne and of this particular block. In recent times he has been forced to

take the minister and the department to the Victorian Civil and Administrative Tribunal on six separate occasions, mostly as a result of the sad circumstance of the neighbour above him having left the tap on in his unit and caused damage to the building and great cost to John due to water overflow. As I said, this has happened on six separate occasions.

John's neighbours have multiple and complex needs that make John and their living in close proximity to one another problematic at best. When his ground floor neighbours recently had the sewage back up through their showers and then flow into the units, the discomfort and stench was overpowering. On hot days in recent times the units, especially those on the top floor, have become unbearable, mostly due to the poor siting of this block, which did not consider alignment with the elements. Sadly, one of John's neighbours recently died on such a day of heatwave. That is not to say that the Office of Housing or the minister contributed to the death of the resident, but the conditions certainly did not assist her in her suffering. John and his fellow residents' lives in this block were made worse when a car drove through the wall of the flat below his, forcing his neighbour out and cracking the unit's walls.

In calling for the minister to take this action, I ask that she ensure that she does so in a manner that includes consultation with the tenants committee and support agencies on how to deal with such an upgrade while keeping this tightly knit group of residents in the inner southern region of the Office of Housing where they have lived and built support networks over many years. I look forward to the minister's support for this project, which would be the first investment by this government in new public or social housing in the community and in the district of Albert Park.

### **Mental health: women's facilities**

**Mr SHAW** (Frankston) — I wish to raise a matter for the Minister for Mental Health, who is also the Minister for Women's Affairs. The action I seek is for the minister to consider mental health services in Frankston as part of the \$4 million in capital funding for modification works to improve conditions for women in mental health care, as allocated within the 2011–12 state budget.

I expect many members of the house are well aware of the unique challenges that mental illness presents in our community. It is a very complex problem. It has been great to see the raising of awareness about mental health issues in Victoria and across Australia over the last 5 to 10 years by prominent Victorians, including

former Premier Kennett and the organisation beyondblue.

The need for particular action in supporting women in inpatient care has been brought directly to my attention by Victorians who have had friends or family members exposed to extremely difficult and stressful situations within mental health inpatient facilities which might have been avoided were there a gender-specific space available. Women should have the right to receive treatment and care free from the fear of victimisation, violence, sexual assault and retraumatisation.

I commend the minister on this policy, which seeks to see those rights realised and strengthened through material support. Last year when launching a women's only mental health unit at the Alfred hospital the minister rightly pointed out that:

Women can feel vulnerable in mixed-gender areas, where there are typically more males than females, an inability to lock rooms or protect belongings, and limited privacy.

Research undertaken by the Victorian Women and Mental Health Network in 2006 found that more than 60 per cent of women in inpatient units experienced harassment or abuse.

Considering all this it is no wonder that the safety of women in inpatient mental health care has been a persistent concern of people with a mental illness, their carers and their families, communities and health services. Accordingly, ensuring that services respect women and are sensitive to their needs and safety is a real concern for the coalition government. This funding initiative will go towards improving the safety, security and comfort of women in mental health inpatient facilities. The material benefits in terms of safety are directly apparent, as well as those of providing a more stable environment for recovery and treatment.

I thank the minister for her consideration of and commitment to the issues of both mental health and women's affairs. I seek that the minister consider mental health services in Frankston as part of the \$4 million in capital funding for modification works to improve conditions for women in mental health care, as allocated within the state budget.

### **Mount Cole and the Pyrenees: rehabilitation works**

**Mr HELPER** (Ripon) — The matter I wish to raise is for the Minister for Environment and Climate Change. It relates to a very special place in my electorate, and indeed a very special place in Victoria, Mount Cole and the Pyrenees Ranges. This is an area which is enjoyed by many different users — motorcycle riders, four-wheel drivers, walkers,

bushwalkers and birdwatchers. A whole variety of different users have made use of this area over a long period of time and have fallen in love with it.

Unfortunately this beautiful area was not immune to the ravages of the disasters that affected Victoria in recent years. In 2010 the area was affected by fire. In August that year windstorms renewed damage throughout the state forest and park. Just to top it off, in 2011 and 2012 floods also played havoc. Camping and picnic areas and walking and four-wheel drive tracks were closed, and access for visitors and locals alike was severely restricted.

Locals showed a great deal of patience and understanding, given that DSE (Department of Sustainability and Environment) and Parks Victoria had a number of areas throughout the state to rehabilitate. There was the Grampians, Wilsons Promontory and areas suffering from the aftermath of Black Saturday. We knew that everything could not be done at once and that we would have to wait until it became possible for repair works to be undertaken. To be fair to DSE and Parks Victoria, some works have been undertaken, but they are a long way short of making it possible to open this area up for visitors and locals.

Recently it appears that the frustration at seemingly being overlooked for further reconstruction works has worn out the patience of the local community. Ian Crick, president of the Friends of Mount Cole and the Pyrenees Ranges, is quoted in the *Pyrenees Advocate* of 2 March 2012 as having said:

Last year, Donna Petrovich (Parliamentary Secretary for Sustainability and Environment) visited the park and she was very positive about fixing some of the problems. Since then we've heard nothing.

That comment from somebody as patient as Ian should indicate the high level of frustration the local community is experiencing.

The action I seek is for the minister to take personal charge of this issue and ensure that rehabilitation works are undertaken as a matter of priority. So frustrated is the local community that it has arranged a working bee to support the rehabilitation of the park and forest on 26 May. If I may ask for a second action from the minister, he may like to join us at that working bee.

**Dr Napthine** — I'm sure he will.

**Mr HELPER** — I am sure he will, too, and I would be happy to lend him my steel-capped boots.

**Mr R. Smith** — Are you going to be there?

**Mr HELPER** — I certainly will be. The community has been extraordinarily patient on this matter. It is now up to the government to do something.

### **Consumer affairs: door-to-door marketing**

**Mr TILLEY** (Benambra) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is for the minister to once again come back to the Benambra electorate, and I promise this place that I will never again grow another one of those damn things under my nose, unless of course there are exceptional circumstances.

**Mr McIntosh** — Could you repeat the action you are seeking?

**Mr TILLEY** — Certainly. The action I seek is for the minister to once again come back to the electorate of Benambra to inform people of what the coalition government is doing to protect consumers from the door-to-door commission sales practice of 'slamming'.

For most of us the arrival of a door-to-door salesman representing a supplier of an essential service such as electricity is merely a nuisance. For the elderly or more vulnerable members of our community it is a stressful experience. Electricity company salespeople operating on a commission basis employ a wide range of pressure sales tactics that cause the resident to sign paperwork which, whether they are aware of it or not, changes their electricity supplier. I have received complaints in my office of salesmen using lines ranging from, 'I represent the government and am doing a survey', to, 'You can save hundreds of dollars on your electricity bills'.

A particular example is a block of public housing units in central Wodonga which houses elderly residents. Often individuals who are unwell are visited every three to four months by aggressive commission sellers representing many of the regulator-approved energy retailers. The result is that some of the residents are changing their retailer every four months because they either do not understand what they are signing or are misled by the salesperson. Currently retailers and distributors self-regulate to conform to their stated policies for consumer fairness, which is obviously ineffective for the more vulnerable amongst us.

I ask the minister to ensure that protections are in place to ensure that elderly, sick and other more vulnerable people in the community, and indeed the broader community, are protected from these practices and their financial impacts.

### **Charles La Trobe College: Heidelberg West campus fire damage**

**Mr CARBINES** (Ivanhoe) — I rise to raise a matter for the attention of the Minister for Education, and the action I seek is the provision of temporary toilets and relocatable classrooms for students at the Olympic Village campus of Charles La Trobe College in Heidelberg West in my electorate of Ivanhoe. The fire that destroyed much of the school last night caused over \$1 million damage and was quite distressing to the school community. I have had some discussions with the minister, and he indicated that the Department of Education and Early Childhood Development would send representatives out to the school this morning to assess the damage to the school, which they have done.

Unfortunately at this point in time the department has indicated that temporary toilets will not be provided for the 100 students at the school. The education department said these students will have to use the staff facilities, where supervision is not adequate. Three cubicles for 100 students, the teachers and volunteer parents is not acceptable. The department of education also indicated that temporary classrooms will not be made available, that there will no replacement art room and that students will have to make do with the facilities they have. That is not appropriate, and I ask the minister to intervene in this matter as soon as possible. He has much discretion in relation to these matters and can provide temporary toilets and temporary classrooms for the Heidelberg West campus. This is something of great importance to my community at this time. It would also go a long way towards demonstrating the government's commitment to public education in Heidelberg West.

During the last election the Labor Party made a commitment to rebuild the Olympic Village campus of Charles La Trobe College. To this point in time the government has not affirmed that commitment. While these immediate temporary measures are critical to the school community, what is particularly important is to make sure that in the long term there is a commitment to rebuild the school. The Victorian Managed Insurance Authority would have provided insurance cover for the school, so money would be available to fund the rebuilding of the school, and a commitment from the government to do that would be most appropriate. It would demonstrate confidence in the school community and allow it to look to the future with a positive view on how it is going to deal with these issues in the coming months.

However, as I said, the most critical issue that can be resolved at this time is for the education department to

reverse its decision not to provide temporary toilet facilities and relocatable classrooms to the Olympic Village campus of Charles La Trobe College. Again I ask the Minister for Education to step in and resolve these matters as soon as possible for the school community, and I commend these matters to him.

### **Toorloo Arm Primary School: rebuilding**

**Mr BULL** (Gippsland East) — I too raise a matter for the attention of the Minister for Education, and the action I seek is for the minister to visit the Gippsland East electorate and meet with local school communities, including that of Toorloo Arm, where construction of a new school recently commenced. As the minister would be well aware, this school was a pre-election commitment from the then opposition, which responded to the school community's request for a new facility to remove a number of safety issues that existed with the previous school. I add that the commitment for a new school at Toorloo Arm was not one that received bipartisan support, so that community in particular was very pleased to see the coalition get over the line.

Toorloo Arm is one of the fastest growing areas in my electorate and consequently has one of the fastest growing schools, with enrolments having increased from 50 to 150 students in recent years. It was clear that the current mishmash of portables placed on the site to keep pace with this growth was less than ideal. We recognised this fact, and the commitment for a new school was part of a significant investment that the now Minister for Education made to education within my electorate. Prior to the election in 2010, as shadow Minister for Education he came and met with the school community and saw firsthand the need for an upgrade. There were a number of issues for the school community surrounding fire risk and children's safety in the pick-up and drop-off areas of the school.

Toorloo Arm has a terrific culture and, as I said, as a fast-growing area it is important that educational facilities stay in step with this growth. To have a school delivered in the first budget of this government was very well received, and construction is now under way. It is very pertinent that the minister again visit the electorate to view the progress. If he can find the time, I also encourage the minister on his trip to visit Bairnsdale Secondary College because that school was another pre-election commitment to be delivered —

**The SPEAKER** — Order! The member can raise one issue. He is asking the minister to visit the school under construction. He should not bother about any other schools.

**Mr BULL** — Thank you, Speaker. It would be great to have the minister visit Toorloo Arm Primary School. In finishing up, I reiterate that this was a great commitment, the school is under construction and it is an opportune time for the minister to come and see the fruits of his election commitment with the school under construction.

### **Community services: foster care investigation**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the Minister for Community Services, and the action I seek is for her to direct her department to adhere to a ruling made by the Children's Court in relation to a group of children, a ruling that I have raised in this place on a number of occasions — and I am very sad, because I did not think I was going to have to raise it again. This matter has been reported in the *Age* on numerous occasions, and Derryn Hinch has certainly taken up this case on 3AW. The media reports have included quite damning commentary from the magistrate about the behaviour of the Department of Human Services in removing a group of siblings from the loving care of a foster carer who had previously been lauded by the department for her wonderful work in improving the circumstances of these children.

Out of the blue, in March last year the siblings, who are aged from 7 to 11, were taken from school under police guard and driven to departmental accommodation around 200 kilometres away. They were kept away, and the matter was the subject of a number of court hearings. About a month ago the children were returned to that loving situation. I know the family was overjoyed at having the children returned and was getting back to normal life. It is simply unconscionable and cruel conduct for the department to be flouting the decision of the Children's Court. For that loving foster carer, who has spent an enormous amount of her own money — because she loves these children, who call her Mum; and she really is the only mother they have known — to get a notice today, a month after the children's return and as they are settling back into school, informing her that this matter is being appealed to the County Court tomorrow is cruel and unconscionable conduct on the part of the Department of Human Services.

I ask the minister to adhere to the decisions that have been made by the Children's Court in relation to these children and to have her department desist from the harassment and cease the constant merry-go-round this family has been put through. I urge the minister to change the department's intention and to do the right thing by this family, as was ordered by the court.

### **Mental health: women's facilities**

**Ms RYALL** (Mitcham) — I wish to raise a matter for the Minister for Mental Health, who is also the Minister for Women's Affairs and the Minister for Community Services. The action I seek is the consideration of funding to deal with the gender concerns at Upton House, which is part of Box Hill Hospital. Upton House services the electorate of Mitcham and is a very important service in our community. It provides both voluntary and involuntary inpatient services for people who are in an acute phase of a mental illness. Upton House provides these services until the person has recovered to the extent of being able to move into a community-based setting. Sometimes people need to be cared for in hospital, and acute inpatient units such as Upton House provide such treatment on a short-term basis. Many of these units are located with acute general hospitals.

The safety of women in inpatient mental health care has been a longstanding, persistent concern of people with a mental illness. However, it is not just the concern of those with a mental illness but also of their carers, their families and so forth. These sensitivities are absolutely important and are being respected by the Baillieu government for the long term. They have been a source of concern. Women who enter mental health services are often in a very vulnerable state. This is a time when they need to feel safe, secure and comfortable, particularly in mixed gender company.

What we would generally consider expected and sensible security provisions in normal circumstances, such as being able to lock one's room, protect one's belongings and having privacy, are not taken for granted in these services. At all times, regardless of where they are, women have the right to feel safe and be free of the fear of victimisation, violence, sexual assault and further traumatising. There is no time at which they need that protection more than when they are in a mental health unit. I would appreciate the minister's consideration of this important issue for Upton House, which is absolutely integral to the Mitcham electorate community.

### **Responses**

**Mr MULDER** (Minister for Roads) — The member for Williamstown raised an issue with me in relation to a review of the truck curfew, particularly as it applies to Somerville Road and Francis Street. He raised concerns also in relation to the impact on other local streets. He is right that there is continual monitoring of truck movements through the area by VicRoads, and as the member pointed out to me, he has actually been along

with VicRoads on occasion to see the work it does. He is happy with the way VicRoads staff patrol the area and issue infringement notices to truck drivers who break the curfew.

There is going to be an increase in the number of trucks; there is no doubt about that. To see that we have only to have a look at some of the predictions out in relation to the port of Melbourne. There will be an increase in truck volumes. I understand that VicRoads will provide information in relation to the accounts of truck movements in those areas sometime over the next couple of months. I should have that information at hand, and once I do I will be in a better position to work out whether or not we can conduct a review or whether or not there is anything else we can do in that regard.

I would say to the member for Williamstown that, as he is no doubt aware, the coalition has made an application to Infrastructure Australia for the east-west connection. We are seeking \$30 million from the federal government so that we can connect the Eastern Freeway with the Tullamarine Freeway, the Western Ring Road and connections to ports.

**An honourable member** interjected.

**Mr MULDER** — Yes, we are planning that. We are going to push that project forward, and I would suggest that the member for Williamstown and all his colleagues get behind the government on that project, which would make an enormous difference to people who live in the west. I look forward to contributions by the member for Williamstown — —

**An honourable member** — Talk to Julia Gillard!

**Mr MULDER** — Yes, talk to the Prime Minister! Get the support of Bill Shorten, the federal member for Maribyrnong! Get the support of all those federal members out in the western suburbs so they get behind the Baillieu government on this very important project! I look forward to all these commitments, understandings and statements by those opposite to the Parliament about how well they are supporting this project, which the Baillieu government is pushing forward with.

**Dr NAPHTHINE** (Minister for Racing) — I would like to thank the member for Mornington for raising an important issue. As the member for Mornington said, the Mornington Racing Club has been a great club that has had a terrific history. It recently merged with the Melbourne Racing Club, but the Mornington track is still a great race venue, with 24 meetings a year, and the Mornington Cup is a magnificent meeting on that picturesque track which attracts a crowd of 10 000 or

more. The track is also an important training facility which creates jobs in the local area and provides trainers and owners with every opportunity to produce winners at Mornington and at tracks across Victoria.

In recent months we have had significant rains across Victoria, leading, unfortunately, to flooding in many areas and at many racetracks. After 10 dry years, the recent heavy rains and flooding have brought to the fore a number of drainage issues at racetracks. In conjunction with the racing industry, the government has already funded drainage works at Benalla, Moe, Kyneton and Kilmore, to name a few.

The member for Mornington has raised concerns about drainage issues at the Mornington racetrack. Clearly if those issues are not addressed quickly, they could result in an unsafe racing and training surface, which nobody would benefit from. Therefore I am pleased to advise the member that because of his strong representations on this issue and the racing industry generally in Mornington the Baillieu government will be providing \$75 000. That sum will be matched by another \$75 000, which will come jointly from the Melbourne Racing Club, Racing Victoria and Country Racing Victoria, making a total of \$150 000, to allow the necessary drainage works on that track to be undertaken.

I understand that the remedial track works will be undertaken between the 1400-metre mark and the winning post. They will involve pre-existing agricultural drains being examined around the entire course and repairs being done in certain targeted areas. There will also be the evacuation of longitudinal drains located at the 1-metre and 18-metre rail positions. Subject to good weather over the next few weeks, we expect that those works will be able to be completed in time for the Mornington Racing Club to have a very successful Easter race meeting.

This again highlights the importance of racing to local economies and for local jobs and communities. It also demonstrates how the Baillieu government is able to work in conjunction with the racing industry to fix problems and make sure that we have safe racetracks and a growing racing industry. I thank the member for Mornington for his strong advocacy for his race club and his community. He does a terrific job as a local member, and the people in his electorate can be very proud of him.

**Mr R. SMITH** (Minister for Environment and Climate Change) — I am very happy to rise to respond to the member for Ripon, who raised an issue about works that need to be done in the Mount Cole State Forest. He is right in saying that over the past few years

the Mount Cole State Forest has been subject to a number of natural crises involving flood and fire. Certainly the volunteers who are involved in the upkeep of that area need to be congratulated: the Friends of Mount Cole, Conservation Volunteers Australia and other organisations. I recognise, as the member for Ripon did, the work that has been done by Parks Victoria and the Department of Sustainability and Environment in rehabilitating parks following the recent natural disasters and making sure that those parks and gardens are open for Victorians and other visitors to enjoy.

My office has spoken to the local ranger today. I thank the member for raising the issue with me earlier, because I have been able to take a personal interest in it, as the member asked me to do. I am informed that the required work will be done in coming months; hopefully that will be enough to get it to an acceptable standard for locals to enjoy. As for the working bee on 26 May, I will undertake to check my diary to see if I am available.

**Mr O'BRIEN** (Minister for Consumer Affairs) — I am very grateful to the member for Benambra for raising an important matter. I note that he has raised it on World Consumer Rights Day, so it is very timely that he has raised this issue about adequate and appropriate protection for consumers dealing with door-to-door salespeople in the energy market.

Victoria has the most competitive energy market in the world. I acknowledge that that is because of the work of successive governments. It started under the Kennett government and, to be fair, it was continued under successive Labor governments. It was a Labor government that completely deregulated retail pricing, which I am sure is an economic reform all members opposite are very proud of. It means that in many ways Victoria has the most competitive market in the world.

On average, 28 per cent of Victorians change their electricity provider every year. This means that Victorians are on the whole quite savvy; they are very keen, and they are able to shop around for a better deal and get a lower price. We encourage proper competition in the market because competition means better service and lower prices for consumers than were provided in the old days when there was one provider, being the old State Electricity Commission. With that competition — in fact in some ways it is cutthroat competition between retailers — there is a need to make sure that consumers are protected from people who may try to push competition too far and do it unfairly. The practice that the member for Benambra referred to, known as slamming, is one of door-to-door

salespeople trying to sign people up to change electricity retailer without properly informed consent. That is absolutely unacceptable in this government's view. We will not accept it, and we have put in place measures to try to better protect consumers against the nefarious practice of slamming.

I make the point that under Victorian consumer protections any consumer has up to 10-business days to change their mind; there is a 10 business day cooling-off period for an electricity retail agreement. Salespeople must have identification, and they must leave your premises immediately when you ask them to. It is important that consumers know that. If a door-to-door salesperson asks to see your energy bill, you certainly do not have to provide it to them. It is important to note also that the government does not own any energy service providers, so claims by salespeople that they represent the government are misleading. There are also 'Do not knock' stickers available through [donotcall.gov.au](http://donotcall.gov.au) or by calling 1300 792 958 or [donotknock.org.au](http://donotknock.org.au).

**The SPEAKER** — Or from my office.

**Mr O'BRIEN** — Or from the Speaker's office — a great community service from a great local member.

The other point is that the Victorian government, through the Essential Services Commission, offers an honest broker power site. It is called [yourchoice.vic.gov.au](http://yourchoice.vic.gov.au). There is no commercial profit gained through that site, and people can and in fact are encouraged to go to that site and compare their current offer with what may be available elsewhere in the market to ensure that they are getting proper information and are adequately informed.

I will be delighted to again visit the member for Benambra in his beautiful electorate and speak with his constituents about the measures the Victorian government is putting in place to ensure that we have proper competition. Proper competition means fair competition with an informed customer base — customers who understand their protections and know that this government will not condone unacceptable conduct by rogue retailers.

**Ms WOOLDRIDGE** (Minister for Mental Health) — I am very pleased to have the opportunity to respond to three adjournment matters this evening. I really appreciate the issue raised by the members for Frankston and Mitcham, because the safety of women in inpatient mental health units is such a critical issue. It is fundamental to women recovering well — being able to address their illness and to engage in treatment to be

able to recover. Feeling safe while they are in hospital receiving that treatment is absolutely fundamental to being able to engage in the treatment process. This coalition government has taken this issue on board wholeheartedly, with a significant commitment of \$4 million in the last budget to adjust existing facilities. With new facilities we are building gender-specific areas, but with existing facilities the infrastructure is there. There are ways to make improvements that can make a significant difference to the experience of women in inpatient units without having to rebuild them. That is exactly what we are investing in.

The member for Frankston raised the issue around Frankston and Peninsula Health and the inpatient units for his constituents. He has been a strong advocate on this issue, making excellent representations. That is because the Peninsula Health Mental Health Service acute inpatient unit is a mixed-sex unit. Based on the recommendations — and I commend the hospital because it has actually engaged with its female consumers — the hospital has developed a female comfort area and quiet space, along with dividing the unit by gender. The hospital has put forward a proposal that it can go further on these issues. The hospital is obviously very engaged and has the support of the local member in trying to do more to ensure that women feel safe within the unit.

I thank the member for Frankston for his excellent representations on this issue, and we will certainly be taking that into consideration in the process of looking at what opportunities there are to fund further development.

In terms of the adjournment matter raised by the member for Mitcham, once again these are issues that are close to her heart, and she has made strong representations on them. I thank her for her advocacy this evening. Eastern Health at Upton House has taken on board the issue of gender safety for women in inpatient units, but it wants to go further as well. It is great to see that with funding on the table so many health services, including Eastern Health, which has been doing some work already, are coming forward and saying, 'There is more we can do, and we appreciate the support of the state government to drive these changes further'. I thank the member for Mitcham for her representations on behalf of the people of Mitcham, of the city of Manningham in my electorate and of the whole of the eastern region, for the women who are accessing the services at Upton House. I will take those representations on board in relation to the decision making about that important capital funding to keep women safe.

In relation to the adjournment matter raised by the member for Yan Yean, it is obviously a challenging situation and one that child protection workers face every day. It was not clear to me exactly what action the member was seeking, but I understand that the request was to comply with the orders of the court, and the Department of Human Services (DHS) is doing exactly that. There are restrictions in place in relation to the children, so I am very restricted in what I can say on this matter.

On 13 February Judge Grant issued an interim accommodation order in the Children's Court in relation to returning these children to the carer, subject to certain conditions requested by DHS. Those conditions include close supervision and ongoing support, returning the children to education and engaging with health services. That has happened over the last month. I believe there has been a constructive relationship, and DHS in returning the children to the carer has been allowed to closely monitor and support the placement to ensure that the children are receiving appropriate care, schooling and health management, which is an important part of the process. The fact about the making of an interim accommodation order is that it is interim. Everyone knew that there would be ongoing consideration for a final order that needs to be made by the court, and that is the court process. We could not stop now, because the interim accommodation order is for a limited period of time, and without a final order there would be no conclusion to this matter. It is illogical to say that we should stop now — —

**Ms Green** interjected.

**The SPEAKER** — Order! The member for Yan Yean!

**Ms WOOLDRIDGE** — If the member for Yan Yean will listen, I will go into the detail in relation to the situation with the court. This is about getting the facts right. In child protection you cannot let loose at the lip and be loose with the facts; this is a very important matter about children's lives, parents' lives and keeping children safe. It is absolutely critical that we do not get loose with the truth in relation to the facts. We have to treat all these situations very sensitively. The fact is that there is an interim accommodation order and there needs to be a final accommodation order. Everyone has very clearly been part of that process, and at the moment we have a settled situation, with the children with their carer and with ongoing monitoring and support.

**Ms Green** interjected.

**The SPEAKER** — Order! The member for Yan Yean!

**Ms WOOLDRIDGE** — There is a hearing scheduled in the County Court tomorrow to change the date of the final hearing. That has been discussed in detail with all parties, and all parties, I understand, are agreeable to that decision. Changing the date may enable this matter to be mediated, rather than its ending up in another extended court hearing, which is what we have experienced in the past. We are not sure that that is the outcome, but this makes it an option — and it would be a preferred solution to trying to meet a court date which has been set and is too close. We need to go to court to have that court date extended. It is a very simple matter of legal process. Everyone has been involved in making that decision. Everyone has supported that it is the right way to go, and we believe this will potentially lead to a better outcome than perhaps having to go back through the court process.

If court is where it ends up, that is what it will be, but we are working in the best interests of the children so they can be settled in a caring, loving relationship with oversight to make sure they are safe. That is our objective, that is what we will always work towards and that is exactly what is happening in this case. I support the process that has been managed to date. It has obviously been difficult for everyone involved, but our priority is the safety of children, and we will continue to work towards that outcome.

**The SPEAKER** — Order! I thank the minister, and I appreciate the efforts of all the ministers who have been here to give answers.

**Mr McINTOSH** (Minister for Corrections) — It is a matter of some note that there were 10 matters raised, 7 of which were responded to by five ministers who attended. As you have just indicated, Speaker, that is a significant change from my experience in former Parliaments.

The member for Albert Park raised a matter for the Minister for Housing in relation to rebuilding the units at 482 Williamstown Road, Port Melbourne. I will ensure that that matter is passed on to the minister.

The member for Ivanhoe raised a matter for the Minister for Education relating to the provision of temporary toilets and classrooms at the Olympic Village campus of Charles La Trobe College. I will ensure that the minister deals with that issue.

The member for Gippsland East raised a matter requesting the Minister for Education to visit the Toorloo Arm Primary School, East Gippsland, to

inspect the new facilities and see how a number of safety concerns are being addressed. I will ensure that is passed on to the minister for his response.

**The SPEAKER** — Order! I declare the house adjourned.

**House adjourned 4.52 p.m. until Tuesday, 27 March.**

