

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 17 April 2012**

**(Extract from book 5)**

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

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

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**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

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

<sup>2</sup> Elected 24 March 2012

<sup>3</sup> Resigned 27 January 2012

<sup>4</sup> Elected 19 February 2011



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**Tuesday, 17 April 2012**

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

**ABSENCE OF MINISTER**

**The SPEAKER** — Order! I advise the house that the Minister for Corrections will be absent from the house today. Questions on the corrections and crime prevention portfolios and those relating to the establishment of the anticorruption commission will today be addressed to the Attorney-General.

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! I would like to introduce to the house Madame Bai, vice-chairwoman of the Jiangsu Provincial People's Congress. We thank Madame Bai very much for being here. With Madame Bai is Madame Qi Xinhau, who is vice-chairwoman of the Committee of Foreign Affairs at the Jiangsu Provincial People's Congress and a longstanding friend of the people of Victoria and the Parliament of Victoria.

**QUESTIONS WITHOUT NOTICE**

**Child abuse: parliamentary inquiry**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his announcement just a little while ago that the Family and Community Development Committee, made up of six politicians, will investigate the processes used by religious and other organisations in response to allegations of child abuse, and I ask: will the Premier make available to the Victorian community any and all advice to the government that confirms that the Family and Community Development Committee has sufficient power to conduct this inquiry appropriately?

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his question. I did the Leader of the Opposition the courtesy of advising him before the media conference of the government's decision. The Governor in Council has approved terms of reference for this parliamentary committee inquiry into this very important matter. We take this issue very seriously. Any child abuse on any occasion is abhorrent, and we will do whatever we can to stamp it out.

Before the election there was sufficient cause for us to commit to an inquiry into child protection, and the Cummins inquiry ensued. Recommendation 48 of the

Cummins inquiry was for a further inquiry into the conduct of religious organisations. Since those recommendations were handed down, the government has considered the range of options for the conduct of such an inquiry and has concluded that the most appropriate form of an inquiry is a parliamentary inquiry. That has been referred to the Family and Community Development Committee, with terms of reference signed by Governor in Council today.

We believe that the parliamentary committee offers victims — and our interest in particular is to protect the rights of victims — the opportunity to have their say in a less intimidating and less confronting environment. The parliamentary committee has the power to compel witnesses to attend and to compel the delivery of evidence. Indeed we have seen through the Senate processes that parliamentary committees conduct inquiries in a range of areas and do an outstanding job.

**Mr Andrews** interjected.

**Mr BAILLIEU** — The Leader of the Opposition knows that parliamentary committees have those powers. They have the power to compel evidence, and they have the power to call witnesses. They are appropriate powers, and we believe they can be used well and professionally by the parliamentary committee. If the Leader of the Opposition has any doubt about that, he can seek advice; I am sure the Attorney-General would be happy to advise the Leader of the Opposition. The powers of parliamentary committees are well known to members of Parliament, particularly ministers and former ministers.

**Building industry: Productivity Commission review**

**Mr MORRIS** (Mornington) — My question is to the Premier. Can the Premier advise the house of outcomes regarding the building and construction industry arising from the recent COAG (Council of Australian Governments) meeting?

**Mr BAILLIEU** (Premier) — Outside the house there has been concern about escalating construction costs for a number of years. I have spoken on this subject on many occasions both to this house and to the wider community. Escalating construction costs are pricing us out of vital infrastructure, and they are skewing the shape of our cities. I have no doubt about it, and the government has no doubt about it, but there are still some who do have some doubts about it.

Australian building and construction costs have increased by more than 50 per cent over 10 years, and

that is well in excess of other product indicators. Road bridge construction costs have increased by 55 per cent. By comparison the average Australian producer price increased by just under 30 per cent over the same period. The problem is especially clear in the case of medium-rise housing. It costs around \$1500 a square metre to build a townhouse, while unit developments of three levels or more cost nearly \$3000 a square metre.

At COAG last year I twice sought to have this matter placed on the agenda with a view to having a Productivity Commission inquiry. It was blocked twice by the Prime Minister, who retains veto powers. On 13 April I pressed the Prime Minister to refer the issue to the Productivity Commission, and that was the third COAG meeting at which I had made that request. I was supported in that request — indeed, the government was supported in that request — by other state premiers, including Labor premiers, and Labor leaders such as Martin Ferguson, a commonwealth Labor minister. This was reported as being so in the *Australian* on 13 April.

The Australian Business Council president, Tony Shepherd, strongly backed Victoria's push and said:

We share with the Victorian government a concern about productivity in construction, particularly in major projects.

The Australian Chamber of Commerce and Industry chief executive, Peter Anderson, spoke strongly in support of this proposal. The Origin Energy chief executive, Grant King, said:

... 'there was a very genuinely, widely held view' in the business community that governments should act on high construction costs.

An article in today's *Age* by Tim Colebatch states:

We pay for the infrastructure. We suffer if the housing we'd choose is unaffordable ...

The article goes on to say:

We suffer if building costs are out of control. That is why we should welcome the Baillieu government's moves to try to bring them under control.

COAG agreed that within the next months heads of treasuries from the commonwealth and the states would review construction costs with a view to the commonwealth commissioning a Productivity Commission inquiry. As I have said before, some do not get it; some do not want to have anything to do with these issues; some are blind to these issues.

Speaking about the government's new industrial relations guidelines on 13 September, one individual said that under the previous Labor government the risks

associated with union behaviour were the responsibility of the builder. His view is unchanged, and today's *Age* reports:

The state's ALP's industrial relations spokesman, Tim Pallas, says he is not convinced there is a problem with the culture on building sites, and if there were, it should deal with by an industry round table to try to win consensus.

**Mr Merlino** — On a point of order, Speaker, the Premier needs to confine his answer to government business. Referring to an ALP committee is not doing that. I know he loves the sound of his own voice, but it is time you brought him back to order.

**The SPEAKER** — Order! I do not think he is the only one. I do not uphold the point of order.

**Mr BAILLIEU** — Virtually everybody in Australia, except certain members on the other side of the house, realises that this is an important issue. We will continue to prosecute this case, and we will continue to hold the commonwealth to account to take this case to the Productivity Commission.

### **Child abuse: parliamentary inquiry**

**Mr ANDREWS** (Leader of the Opposition) — My question is again to the Premier, and it relates to the government's reference to the Family and Community Development Committee in relation to processes followed by religious and other organisations in dealing with allegations of child abuse. I ask: will the Premier provide a guarantee to all Victorians that the government will provide any and all funding deemed necessary by the committee to conduct this investigation and inquiry appropriately?

**Mr BAILLIEU** (Premier) — Again I thank the Leader of the Opposition for his question. We have already indicated to the media that it will be very much a matter for the committee as to how it wishes to proceed, and any requests it has in regard to resources — we certainly anticipate there will be additional resources required, including the provision of legal advice — will be discussed with the committee and will be provided appropriately.

### **GM Holden: joint venture**

**Mr THOMPSON** (Sandringham) — My question is to the Premier. Can the Premier advise the house of announcements showing confidence in Victoria's important automotive components industry?

**Mr BAILLIEU** (Premier) — As members would know, in recent weeks the commonwealth, South Australian and Victorian governments have indicated

their support for a package for GM Holden (GMH). That is an issue of significant importance to the automotive industry. It is also significant and important to Victoria. In making a contribution, the Victorian government was keen to focus its attention on the design and engineering plant and in particular on the future of the engine plant and on the supply chain. We tailored our contribution to support that.

Yesterday I was pleased to meet with the Minister for Manufacturing, Exports and Trade, GMH and the Pan-Asia Technical Automotive Center, or PATAAC —

**Mr Noonan** interjected.

**The SPEAKER** — Order! The member for Williamstown! That is enough.

**Mr BAILLIEU** — Yesterday afternoon a historic agreement was announced between Holden and the PATAAC. This announcement is a new joint venture between GMH and the Shanghai Automotive Industry Corporation, and part of this partnership —

**The SPEAKER** — Order! On a point of order, the member for —

**Ms Hennessy** — Altona, which is clearly a place the Premier has not heard of, because 350 people lost their jobs there yesterday, and he has not —

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Altona

**The SPEAKER** — Order! I will not tolerate that sort of behaviour. The member for Altona can leave the chamber for half an hour.

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

## QUESTIONS WITHOUT NOTICE

### GM Holden: joint venture

**Questions resumed.**

**Mr Ryan** — On a point of order, Speaker, I ask you to ensure, with due respect, that the points of order that are being mounted by the opposition are dealt with appropriately and, with respect, in the manner that you have just dealt with one. More particularly there is a

constant intent on the part of the opposition, through a barrage of interjections and abuse, to stop the proper and orderly running of the Parliament, and I ask you to ensure that it stops.

**The SPEAKER** — Order! I have heard enough of the point of order. I do not uphold the point of order, and I ask the Deputy Premier to understand that that nearly rates as being a frivolous point of order. It is an important issue but an unnecessary point of order.

**Mr BAILLIEU** (Premier) — Part of the PATAAC partnership will see the development of at least two new vehicles for the world's largest car market at the design and engineering centre at Holden's Port Melbourne base. In anyone's terms that is a boost for the industry here. It is something we have been working on with General Motors and other parties to this support package, and we believe it is a good thing for the Victorian economy, a good thing for the automotive industry and a good thing for workers at the design and engineering plant.

The link reinforces Victoria's reputation as a centre of excellence for automotive design and engineering. As the automotive industry translates to and transforms into a worldwide platform, Victoria, and indeed the GMH plant and other components of the automotive sector here, will have an opportunity to participate in that worldwide platform. This is a capability which makes Victorian industry special, and it is something we need to do whatever we can to support, and that is what we are doing.

It is important that industry and research institutions work closely together, and the government strongly supports this collaboration between GMH and PATAAC. This allows for contract work for the General Motors global supply chain to be up front in terms of the work done here. We in the coalition will never talk down the automotive industry here, unlike some.

The government is focused on ensuring that this sector is as strong and as successful as it possibly can be. Although the sector is facing significant challenges, there are still significant opportunities. We saw that on the trade mission to India, and we have seen it in the trade missions to China and the trade missions to the Middle East. To secure and strengthen Victoria's economy we need an internationally competitive and dynamic manufacturing sector; that is what we intend to work on. We can project Victorian companies confidently into that supply chain. The government believes there will be continuing pressure, but there will also be continuing support.

The industry remains vital to Victoria, and we will continue to talk it up. Some will continue to talk it down. The dark reaper will be there at every opportunity to talk down the industry. That is to no-one's benefit. Workers in Victoria want the support the government can provide, whether it be through the federal government or through the Victorian government — or whether the support is through the employers themselves. It is an important industry, this is an important development and it is good for Victoria.

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

**Mr PALLAS** (Tarnait) — My question is to the Premier. I refer the Premier to comments by the Treasurer last week when he refused to rule out further job cuts in the public service and contemptuously told Victorians to 'stay tuned'. I ask: will the Premier now provide a full breakdown of all front-line positions exempt from these cuts?

**Mr BAILLIEU** (Premier) — We have already announced the sustainable government initiatives; we announced those in December. That work is continuing. We have been through this issue a number of times. With regard to the forthcoming budget, the budget will be presented at the time the budget is presented.

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

**Dr SYKES** (Benalla) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister advise the house how the coalition government is promoting opportunities in regional cities and country communities to encourage greater investment, more jobs and balanced population growth in regional Victoria?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for his question and for the great work he does on behalf of his electorate in regional Victoria. The coalition government is actively promoting regional and rural Victoria and the opportunities it provides for investment, for jobs and for a better quality of life. As a government we are driving economic development and driving the construction of infrastructure and industry investment with a view to creating more jobs right throughout the regions — all of this, of course, is spearheaded by the \$1 billion Regional Growth Fund.

Since coming to office we have facilitated regional projects that are valued at almost \$1 billion. They have resulted in the creation of over 1300 new jobs in the regions. The government believes that regional and

rural Victoria is well placed to share in Victoria's future population growth. In the past Melbourne has been growing faster than the regions, and this has led to a concentration of the state's population in the capital city, placing pressure on Melbourne's infrastructure, its public transport and its road systems. That congestion and the infrastructure costs of accommodating additional people are much higher in Melbourne than they are in the regions, and indeed there are significant environmental and economic advantages to encouraging more Victorians to settle in regional Victoria.

Some of the recent figures around this are very interesting. We know, for example, that to put about another 50 000 people into the regions of Victoria would cost the government of the day about \$1 billion. To put the same 50 000 people into a metropolitan environment would cost the government of the day about \$3.5 billion. There are enormous and obvious opportunities for all of us if we are able to grow the strength of regional Victoria.

A key part of the government's strategy to achieve more balanced population growth is Victoria's inaugural 2012 Regional Victoria Living Expo. We have contributed \$3 million over four years to this initiative, which will be held on 27, 28 and 29 April at the Melbourne Convention and Exhibition Centre. It is a free event, and it will be conducted here in Melbourne. We will bring the regions to Melbourne for the day. This great event will feature over 100 exhibitors. Exhibitions covering about 1500 square metres will highlight jobs, housing, education and lifestyle opportunities throughout regional and rural Victoria. I am delighted to say that all 48 rural councils are going to participate in the expo, which is a great thing. There will not only be those attributes to which I have referred on display, there will also be many arts and sculpture elements for people to come to see.

Importantly we have been able to develop some ambassadors to support this great initiative that is being undertaken. They include Cameron Ling, the former captain of the Geelong Football Club; Margot Spalding from Bendigo, co-owner of Jimmy Possum Furniture; Athol Guy, well known to all of us as a member of The Seekers; and Bronwen Clark, principal of Bronwen Clark Public Relations, based in Horsham.

It is to the benefit of the whole of the state of Victoria if the regions are able to be developed to their capacity, and that is why this event is so important. I invite all members of the Parliament to come along and have a good look at not only how the regions of the state are contributing but also how much better they will be able

to contribute if we are able to attract more people out of Melbourne to come and live with us. We are promoting this very heavily. I invite all members of the house, along with Victorians at large, to come to the expo.

### **Coastcare: coordinator funding**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Environment and Climate Change. Can the minister explain to the house how his government's strategy to combat climate change by 'putting more towards beaches and that sort of thing' is consistent with his decision to cut funding to some very important front-line workers — namely, Coastcare coordinators?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for Bellarine for her question. Let us be very clear: with all its flaws, the federal government's carbon tax — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I am not going to tolerate the behaviour that is directed at the minister when he gets up — every time he gets up. I ask the house to come to order and listen to the answer.

**Mr R. SMITH** — As I was saying, with all its flaws, the federal government's carbon tax is widely judged as the primary way of reducing emissions in this country. The clear role for the state is to assist Victorian businesses and households to adjust to the cost of the carbon tax, and we can do that by encouraging energy efficiency through programs such as the rebates we have given to concession card holders when they purchase energy-efficient whitegoods. There are a number of other programs — —

**Ms Neville** — On a point of order, Speaker, the minister is clearly reading from a document. Can you ask him if he could table that document?

**The SPEAKER** — Order! I ask the minister if he is reading from a document. The minister is just referring to notes.

**Mr R. SMITH** — Other programs we have in place include the rollout of natural gas across regional and rural Victoria, which will assist those communities to reduce their reliance on electricity. We are also looking at a number of other projects in relation to renewable energy. In the south-west we are looking at biowave technology; in the north we are looking at hydroelectricity. We are looking at solar projects, geothermal projects and a number of other issues in that regard.

In relation to the member for Bellarine's question about front-line services, as has been stated in this house on many occasions front-line services will not be affected by the government's sustainability initiatives.

### **Murray-Darling Basin: federal plan**

**Mr McCURDY** (Murray Valley) — My question is to the Minister for Water. Can the minister outline to the house Victoria's response to the Murray-Darling Basin plan?

**Mr WALSH** (Minister for Water) — I thank the member for Murray Valley for his question on what is an absolutely pivotal issue not only for northern Victoria but for the whole of the Victorian economy. Victoria just cannot support the draft plan as it is at the moment. We do not believe it is in the best interests of Victoria. The state government lodged its submission yesterday with the Murray-Darling Basin Authority.

As everyone would know, if it is put in place, the Murray-Darling Basin plan will become a document that is legally binding on the states. It is effectively centralised command and control by Canberra on environmental water issues, but the cost of actually implementing the plan will be borne by the states in the future, so there is a significant cost to the states in whatever may be in a potential future plan. The commonwealth has talked about a commitment to bridge the gap in the amount of water that will be acquired to meet the sustainable diversion limits in the future, but there is no binding agreement that the commonwealth will actually fund that bridging of the gap.

We could find a situation after 2019 in which the states could be left to fund bridging the gap, as it is called, which exposes us to a major budgetary risk. There is no apportionment between the states as to where water may be found in the future to meet the sustainable diversion limits. We could find there is a situation where Victoria, which has a very well recognised secure water system, could be targeted unfairly and could actually lose more water proportionately than other states, which would again disadvantage our northern Victorian communities and the state's economy as a whole.

If you look at some of the modelling that the Department of Primary Industries has done on the draft plan that is currently out for discussion, you see that under that plan the dairy industry in northern Victoria would contract by another 12 per cent, which would result in \$54 million a year in lost economic activity. As members of the house would know, recently the

Murray Goulburn Co-operative put its milk dryer at Rochester into recess. You could find that that is the norm in the future, and you could lose further dairy manufacturing capacity in northern Victoria under the draft plan as it is.

You would see a contraction of the wine industry by 11 per cent, with \$24 million a year of economic activity taken out of the wine industry. You would see a contraction of 31 per cent in what are called the mixed grazing enterprises in agriculture under the draft plan as it is at the moment, with \$38 million of economic activity per year taken out of that sector of the irrigation industry. There would be a substantial loss of jobs, and there would be social dislocation in country towns across northern Victoria.

The modelling that Victoria has done suggests that the environmental outcomes that are being talked about with 2750 gigalitres could be achieved with less water if that water were used in a smarter way. Might I say that this is modelling that we asked the Murray-Darling Basin Authority to do, which it refused to do. We believe that with environmental works and measures and the smart use of environmental water, we could achieve a lot better outcome for the environment in the Murray-Darling Basin with less water.

A number of meetings on the guide to the draft plan were held across northern Victoria, and one of the telling things was that when Rob Freeman was the chief executive officer of the Murray-Darling Basin Authority and at a meeting at Swan Hill was asked by someone from the public about the number of job losses there might be because of the plan, his comment at the time was, 'Don't worry about the job losses in country Victoria, because there'll actually be more jobs created in Canberra'. I put it to this house that creating jobs in Canberra with water taken out of country Victoria is not a good idea. We will be sticking up for our communities in northern Victoria and making sure that they are not disadvantaged by any plan in the future.

### **Employment: government action**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the 2011–12 budget, where some 50 000 to 55 000 jobs were promised each and every year, and I ask: can he update the house on just how many new full-time jobs have been created in the last 10 months here in Victoria?

**Mr BAILLIEU** (Premier) — There are many opportunities —

**Dr Napthine** interjected.

**The SPEAKER** — Order! The Minister for Ports!

**Mr BAILLIEU** — Let me give some examples: Boronia ICT, 58 jobs; IT in Hawthorn East, 60 jobs; Deer Park data centre, 33; there were 500 jobs earlier this year at Bombardier; Tomcar Australia, 350 jobs; Interactive, 450 jobs; Sherrin, 40 jobs; ABB and RMIT, 300 jobs; and Westfield Fountain Gate, 800 jobs. There are many businesses which are committing to further investment in this state.

**Mr Andrews** interjected.

**The SPEAKER** — Order! Leader of the Opposition asked his question; he does not get a second chance.

**Mr BAILLIEU** — Consumer sentiment in Victoria is higher than the average across Australia. We have a diverse economy here, but it may have escaped the Leader of the Opposition's attention that there are international economic challenges and there are challenges in the Australian economy. I am sure it has not escaped the opposition leader's attention that when he was in government he left structural deficits to the effect of \$1 billion for at least two or three years. Labor left unfunded and underfunded projects.

**The SPEAKER** — Order! I ask the Premier to refer to the question before the house.

**Mr BAILLIEU** — I am talking about the economy. We in this government are facing up to challenges that some refuse to face. It is an interesting situation that when it comes to jobs some people have been talking about this and running a line. They have had an opportunity to stand up and speak up. They gave themselves an opportunity, but they missed an opportunity on the Australian building and construction commissioner, they missed an opportunity on the carbon tax, they missed an opportunity on construction costs and they missed an opportunity on occupational health and safety laws, which would have had an impact of more than \$3 billion over five years. Some have stayed silent, but nevertheless those who stayed silent did not miss the opportunity to stand up with their own jobs plan, which was completely and utterly empty.

**Mr Merlino** — On a point of order, Speaker, the Premier was not being relevant to the question. He spoke for 2.5 minutes, and he could not tell us about how many jobs were created over the last 10 months. In 2.5 minutes he failed to answer the question.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier was being extremely relevant to the question that was asked.

**Mr BAILLIEU** — There has been all that rhetoric from members on the other side over recent months. They had an opportunity to stand up and absolutely nothing came of it.

**Mr Andrews** — On a point of order, Speaker, the Premier's answer, such as it is, needs to be relevant to state government business. Running a feeble commentary on me or other members opposite him is not in keeping with standing orders. I ask you, Speaker, to direct him back to doing his job — and that is answering the question.

**The SPEAKER** — Order! I do not uphold the member's point of order. I believe the Premier was answering the question that was asked.

**Mr Andrews** interjected.

**The SPEAKER** — Order! I ask the member not to argue with me.

**Mr BAILLIEU** — I could continue with the companies and government enterprises that have provided additional job support in this state.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will not be warned again.

**Mr BAILLIEU** — We went through it with GMH (GM Holden) in an earlier question. We continue to support industry. We supported — —

**An honourable member** interjected.

**Mr BAILLIEU** — They are not new jobs! It is fantastic. Opposition members should take that down to GMH, to the design and engineering plant, and say to them that the design of two new vehicles into the worldwide platform does not represent new industry and new jobs for Victoria. It does. That is a level of ignorance that is unparalleled. They have had an opportunity to stand up, and they have said nothing.

### **Spring Racing Carnival: economic benefits**

**Ms WREFORD** (Mordialloc) — My question is to the Minister for Racing. Can the minister advise the house of the benefits of the Spring Racing Carnival to the Victorian economy?

**Dr NAPTHINE** (Minister for Racing) — I thank the member for Mordialloc for her question and for her interest in the economic benefits and jobs created through the racing industry right across the length and breadth of Victoria. I was pleased to release, with Racing Victoria, the 2011 Spring Racing Carnival economic impact study. The Spring Racing Carnival ran from 17 September to 30 November in 2011. It included the Melbourne Cup carnival, the Caulfield Cup — —

**An honourable member** — 2012!

**Dr NAPTHINE** — We are talking about the release of this report on last year's Spring Racing Carnival.

**The SPEAKER** — Order! Props are not to be held up.

**Dr NAPTHINE** — It was for 2011, and it includes the Melbourne Cup carnival, the Cox Plate, the Caulfield Cup and the great country cups held at Ballarat, Geelong and Bendigo and the special cups at Dunkeld, Manangatang and Bairnsdale. The report highlights the enormous and widespread economic benefits of our great Spring Racing Carnival to the state of Victoria.

Among the key findings are that the 2011 carnival delivered to Victoria a gross economic benefit of \$579 million — an 8.4 per cent increase on the previous year. Total attendances at Spring Racing Carnival events increased by 4.2 per cent to 692 000 and — —

**Mr Andrews** interjected.

**Dr NAPTHINE** — The Leader of the Opposition might interject, but he does not understand that the racing industry delivers 70 000 jobs and \$3 billion a year in economic benefits to the state. He does not care about those 70 000 jobs, but the people in country Victoria care about those jobs and the people in Melbourne care about those jobs. They care that this report shows that at the last Spring Racing Carnival racegoers spent \$44 million on fashion items, including over 70 000 hats and fascinators, and 60 000 pairs of shoes.

I am sure the Leader of the Opposition was not among the people who spent \$9.4 million on personal grooming, but he might have spent part of the \$37 million that was spent on food and beverages. Visitors to the state spent \$32 million on accommodation. We had 78 000 visitors from interstate and overseas who spent \$113 million in our state. These are terrific, outstanding results in challenging economic

times, at a time when we have a high Australian dollar and it is more difficult to attract visitors from overseas.

Clearly the Spring Racing Carnival was a great winner for the state of Victoria. This report makes it absolutely crystal clear that the carnival delivers real jobs for Victorians, delivers real benefits to our retail sector, delivers real benefits to our hospitality sector and delivers real benefits to regional and rural Victoria. It is something that we on this side of the house are very proud of and that I am very proud of as Minister for Racing. That is why this side of the house stands with the racing industry and is prepared to invest in and grow the racing industry: to grow the economic benefits, to grow jobs and to grow opportunities for people right across regional and rural Victoria and in Melbourne.

We benefit not only from the Spring Racing Carnival but also from 12 months a year of growing our racing industry, growing our breeding industries and growing jobs and opportunities through racing in this state.

## PORT MANAGEMENT FURTHER AMENDMENT BILL 2012

### *Introduction and first reading*

**Dr NAPTHINE** (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Port Management Act 1995 and for other purposes.

**Mr PALLAS** (Tarneit) — I ask the minister to give a brief explanation of the bill.

**Dr NAPTHINE** (Minister for Ports) — The bill makes a number of changes with respect to port management in this state. In relation to the management of planning for the port of Geelong, the port currently has three port managers: GeelongPort, GrainCorp and the Victorian Regional Channels Authority. This bill makes it clear that the Victorian Regional Channels Authority will be the port manager responsible for port development strategy in terms of this bill. In terms of safety and emergency plans, the bill introduces a system that provides that these plans will be more effective but will also cut the red tape involved in their delivery. It corrects a problem we inherited from the previous government with regard to the definition of dealing with hazardous activities in the port of Melbourne.

**Motion agreed to.**

**Read first time.**

## GAMBLING LEGISLATION AMENDMENT (TRANSITION) BILL 2012

### *Introduction and first reading*

**Mr O'BRIEN** (Minister for Gaming) — I move:

That I have leave to bring in a bill for an act to amend the Gambling Regulation Act 2003, the Gambling Regulation Amendment (Licensing) Act 2009, the Casino Control Act 1991 and the Gambling Regulation Further Amendment Act 2009 and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — I request the minister to provide a brief explanation of the bill.

**Mr O'BRIEN** (Minister for Gaming) — This bill will implement the government's policy to extend and make more effective the forthcoming ban on automatic teller machines in gaming venues by extending it to cover alternative cash access facilities. The bill also contains a number of provisions to further facilitate the transition to the new gaming industry arrangements that will be occurring in August this year.

**Motion agreed to.**

**Read first time.**

## PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

### *Introduction and first reading*

**Mr WALSH** (Minister for Agriculture and Food Security) — I move:

That I have leave to bring in a bill for an act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Domestic Animals Act 1994 and the Livestock Management Act 2010 and for other purposes.

**Mr MERLINO** (Monbulk) — I ask the minister for a brief explanation of the bill.

**Mr WALSH** (Minister for Agriculture and Food Security) — The Agriculture and Veterinary Chemicals (Control of Use) Act 1992 will be amended in relation to the declaration of feed to livestock that may have had chemicals used in it and that is not outside the prescribed use dates. The changes to the Domestic Animals Act 1994 concern offences in relation to pet animals whereby the age limit for the responsible ownership of pets will be changed from 17 to 18 years so that all offences in the future will be heard in the Magistrates Court rather than in the Children's Court, as they have been for 17-year-olds.

**Motion agreed to.**

**Read first time.**

**FORESTS AMENDMENT BILL 2012***Introduction and first reading*

**Mr R. SMITH** (Minister for Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the Forests Act 1958 and the Crown Land (Reserves) Act 1978, to make consequential amendments to the Land Act 1958, the National Parks Act 1975 and the Wildlife Act 1975, and for other purposes.

**Ms NEVILLE** (Bellarine) — I ask the minister to provide a brief explanation of the bill.

**Mr R. SMITH** (Minister for Environment and Climate Change) — This bill will provide for a legislative framework around the removal of permits for firewood collection, including establishing a process for designating collection seasons and areas and creating a set of offences aimed at encouraging the appropriate collection of firewood.

**Motion agreed to.**

**Read first time.**

**COURTS AND SENTENCING  
LEGISLATION AMENDMENT BILL 2012***Introduction and first reading*

**Mr CLARK** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Children, Youth and Families Act 2005, the County Court Act 1958, the Criminal Procedure Act 2009, the Infringements Act 2006, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Justice Legislation Amendment (Infringement Offences) Act 2011, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Sentencing Amendment (Community Correction Reform) Act 2011, the Sex Offenders Registration Act 2004, the Summary Offences Act 1966 and the Supreme Court Act 1986 and for other purposes.

**Mr MERLINO** (Monbulk) — I ask the Attorney-General for a brief explanation of the bill.

**Mr CLARK** (Attorney-General) — The bill makes a number of worthwhile although largely technical amendments to various acts in relation to court procedures and sentencing, particularly community correction orders, and also in relation to the sunset period for various infringement offences.

**Motion agreed to.**

**Read first time.**

**BUSINESS OF THE HOUSE****Notices of motion: removal**

**The SPEAKER** — Order! Notices of motion 12 to 21 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

**PETITIONS****Following petitions presented to house:****Public transport: Point Cook**

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the current congestion on arterial roads and inadequate public transport in and around the suburb of Point Cook.

Petitioners are:

concerned at the failure of the government to invest in road infrastructure to support Point Cook residents;

concerned that Point Cook residents are experiencing inadequate public transport access and services;

concerned to ensure that before further development in Point Cook is considered, that the infrastructure and service needs of the current population relating to roads and public transport are addressed.

Petitioners therefore request that the Legislative Assembly implore the Baillieu state government to provide adequate funding in the 2012–13 state budget to ease road congestion and provide sufficient public transport access and services for residents in and around Point Cook.

**By Ms HENNESSY (Altona) (172 signatures).**

**Nelson Park School: senior campus**

The petition of the following residents of Victoria draws to the attention of the house:

1. year 10–12 campus at Nelson Park School, Hendy Street, continues at that location indefinitely;
2. the Baillieu government make further investment into the Hendy Street campus site to expand and accommodate more special need students for the short, medium and long term.

The petitioners therefore request that the Legislative Assembly of Victoria urgently call on the Baillieu government to directly intervene and address the need for the ongoing use of the Hendy Street campus.

**By Mr EREN (Lara) (1118 signatures).**

**Tabled.**

**Ordered that petition presented by member for Altona be considered next day on motion of Ms HENNESSY (Altona).**

**Ordered that petition presented by member for Lara be considered next day on motion of Mr EREN (Lara).**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Review 2011**

**Ms CAMPBELL (Pascoe Vale), by leave, presented report, together with appendices.**

**Tabled.**

**Ordered to be printed.**

*Alert Digest No. 6*

**Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 6 of 2012* on:**

**Health Professions Registration (Repeal) Bill 2012**

**Land (Revocation of Reservations) Bill 2012**

**National Energy Retail Law (Victoria) Bill 2012**

**Royal Women's Hospital Land Bill 2012**

**Transport (Compliance and Miscellaneous)**

**Amendment (Fares) Bill 2012**

**Victorian Inspectorate Amendment Bill 2012**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

**DOCUMENTS**

**Tabled by Clerk:**

Adult Multicultural Education Services — Report 2011 (two documents)

Centre for Adult Education — Report 2011

*Conservation, Forests and Lands Act 1987* — Code of Practice for Bushfire Management on Public Land

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Old Heidelberg Police Residence Reserve

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 17 (*Gazette S107, 28 March 2012*)

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

Alpine — C33

Ballarat — C153

Bayside — C80

Benalla — C22

Brimbank — C151

Buloke — C22

Campaspe — C91

Cardinia — C154

Central Goldfields — C24

Colac Otway — C66

Darebin — C123

East Gippsland — C104

Gannawarra — C31

Glenelg — C34, C56

Greater Bendigo — C176

Greater Dandenong — C131

Greater Geelong — C204, C225

Greater Shepparton — C119, C156, C161

Hepburn — C58

Hume — C122

Indigo — C57

Latrobe — C9, C69, C70

Loddon — C35

Macedon Ranges — C33, C85

Mansfield — C24, C25

Maribymong — C104

Maroondah — C84

Melbourne — C191, C192

Melton — C123

Mildura — C76

Mitchell — C83

Moira — C70

Monash — C98

Moorabool — C63

Mount Alexander — C64

Murrindindi — C29 Part 2, C37, C40

Pyrenees — C33

South Gippsland — C57

Strathbogie — C61

Surf Coast — C75

Swan Hill — C43

Towong — C26

Wangaratta — C40

Warrnambool — C69

Whitehorse — C113

Whittlesea — C160

Wodonga — C95

Yarra — C104

Yarra Ranges — C102

Statutory Rules under the following Acts:

*Infringements Act 2006* — SR 23

*Road Safety Act 1986* — SRs 24, 25

*Transport (Compliance and Miscellaneous) Act 1983* — SR 22

*Transport Integration Act 2010* — SR 21

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rules 21, 22, 23, 24, 25

Documents under s 16B in relation to:

Ministerial Direction to Boards of TAFE Institutes — Non-acquisition of Private Providers under the *Education and Training Reform Act 2006*

Ministerial Order No. 560 under the *Education and Training Reform Act 2006*.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

*Transport Legislation Amendment (Public Transport Development Authority) Act 2011* — section 5(4) to (6) and the remaining provisions of Division 2 of Part 4 and Schedule 1 (except paragraph (b) of item 13.1 and item 13.6) and Schedule 2 — 2 April 2012 (*Gazette S101, 27 March 2012*)

*Victorian Responsible Gambling Foundation Act 2011* — Whole Act except section 6, Divisions 4 and 5 of Part 2, and Part 3 — 27 March 2012 (*Gazette S101, 27 March 2012*).

## ROYAL ASSENT

Message read advising royal assent on 3 April to:

**Drugs, Poisons and Controlled Substances  
Amendment (Supply by Midwives) Bill 2012**

**Legal Profession and Public Notaries  
Amendment Bill 2012**

**Port Bellarine Tourist Resort (Repeal) Bill 2012**

**Water Amendment (Governance and Other  
Reforms) Bill 2012.**

## BUSINESS OF THE HOUSE

### Standing orders

**Dr NAPHTHINE** (Minister for Ports) — By leave, I move:

That so much of standing orders be suspended on Wednesday, 18 April 2012, to allow the member for Niddrie to make his inaugural speech for a maximum of 15 minutes immediately after the discussion on a matter of public importance under standing order 39.

This motion is being moved to facilitate the first speech of the new member for Niddrie. The coalition government is doing this as a courtesy to the new member to permit him to make his first speech at a time that is known to his family and friends so they can come along and participate and join him for lunch afterwards, as I understand it. This is in sharp contrast to the lack of courtesy and respect shown by the Labor Party to new members on both sides of the house at the start of this parliamentary session. There were members on both sides of the house who were preparing to give their inaugural speech, and they were frustrated by inane, childish, stupid, politically motivated stunts by the opposition. It was absolutely disgraceful.

**Ms Hennessy** — On a point of order, Speaker, I think the minister has had ample opportunity to make his point. He has now navigated into the domain of making attacks on the opposition, and I ask you to bring him back to speak on the motion. We have provided leave for the motion and you should direct him to cease his attacks on the opposition.

**The SPEAKER** — Order! I cannot direct him to cease his attack, but I ask him to think a little bit about what he is saying.

**Dr NAPHTHINE** — As I said, this motion is about providing courtesy to a new member. It is also creating a precedent in this house, because traditionally inaugural speeches are given in debate on a motion, whether it be on the motion for the adoption of the

address-in-reply to the Governor's speech or on the budget, or in discussion on a matter of public importance. In this situation, to accommodate the opposition and the new member for Niddrie, we are extending the member an enormous courtesy which the opposition should be very grateful for. I am sure the member for Niddrie will be very grateful for it and will remember it throughout his parliamentary career, because this is an absolute precedent.

I have been in this house for over 20 years, and I have seen members come in on by-elections. Generally those members have had to wait for an opportunity in the business program of the house to make their inaugural speech, which often made it difficult to have family, friends and supporters present. We think this is an important occasion, and that is why we are providing this opportunity for the member for Niddrie. I say to the members opposite that it is a pity they did not display the same courtesy when the member for Gippsland East had his family and friends come from Bairnsdale to hear him give his inaugural speech, only to be frustrated by the stupidity and tactics of the opposition.

This move being taken by the Leader of the House — and I am representing him here today — is consistent with the coalition government's way of making this Parliament more effective, fairer and reasonable to members of the opposition and members of all parties. We have put in place a sessional order to restrict oral answers to questions to 4 minutes. We have put in place a sessional order to limit the time during which ministers can respond on adjournment matters — and isn't it fantastic to come in during the adjournment and see ministers here, ready to respond on adjournment matters.

**The SPEAKER** — Order! The minister should stick to the motion before the house in regard to allowing the member for Niddrie to make his inaugural speech.

**Dr NAPTHINE** — The point I was making regarding the significance of this motion is the way this coalition government has amended the standing orders of the house to make it fairer for all members of Parliament and particularly for members of the opposition. Whether it comes to answering questions on notice, where we have answered the questions on notice at a higher rate and faster response than previous governments, or — —

**Ms Hennessy** — On a point of order, Speaker, it may be that the minister feels he does not get adequate opportunity to come into this chamber and strut his stuff — and some of us might be grateful for that — but his is now straying completely from — —

**The SPEAKER** — Order! What is the member's point of order?

**Ms Hennessy** — The basis is relevance; that you, Speaker, should bring him back to speaking to the motion at hand. He has now strayed into a mendacious description of the coalition's paltry attempt at parliamentary reform, and you should bring him back to limiting his contribution to speaking only on the motion.

**The SPEAKER** — Order! I ask the minister to debate the motion that is before the house, which he introduced.

**Dr NAPTHINE** — As I said, during the 11 dark years of Labor government we never had any of these fair and reasonable reforms to the Parliament. We are introducing those. The Leader of the House has been at the forefront of introducing fair and reasonable reforms, and this is another step forward. We are providing the member for Niddrie a designated time to make his inaugural speech with his family and friends here. That is what we are doing. We as a government are introducing a broadbased anticorruption commission, and we are introducing an independent FOI commissioner. We are the leaders when it comes to parliamentary process and fairness, and I support the motion.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Program

**Dr NAPTHINE** (Minister for Ports) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 19 April 2012:

Health Professions Registration (Repeal) Bill 2012

Justice Legislation Amendment Bill 2012

Land (Revocation of Reservations) Bill 2012

National Energy Retail Law (Victoria) Bill 2012

Royal Women's Hospital Land Bill 2012

In moving this motion in relation to the government business program, I will say that I believe once again we are seeing that the coalition manages government business in a way that is fair to all members of this house. It is not ramming bills through and not letting bills go to the guillotine without adequate debate. There

are five bills on the program, which provides ample opportunity for members on the other side of the house and those on this side of the house to make a fair and reasonable contribution to the debate on these bills. It also allows for the fact that an inaugural speech is to be made this week and for the fact that time will be taken up with a very important matter of public importance. What we have is a fair and reasonable business program which provides all members of the house, particularly those on the opposite side, ample opportunity to raise their voices on behalf of their community in relation to issues on all of these bills.

This is quite a contrast to what happened during the 11 years under Labor, when bills were rammed through the house time and again. The then Leader of the House, Mr Batchelor, refused to allow the opposition adequate time for debate on important pieces of legislation. This is a fair and reasonable approach, and I congratulate the Leader of the House on the way he manages the government business program in conjunction with the Government Whip, who I think has been meticulously fair and reasonable, particularly to the opposition.

**Ms HENNESSY** (Altona) — We shall be opposing the government business program.

**Mr HODGETT** (Kilsyth) — I rise to make a few brief comments in support of the motion moved by the acting Leader of the House, and I know that opposition members will join me in wishing the Leader of the House a speedy recovery and return to the house.

The motion moved by the acting Leader of the House lists five bills on the government business program, which, as we have seen in previous sitting weeks, is a good, solid business program. It will allow time for adequate debate and scrutiny of those five bills — the Health Professions Registration (Repeal) Bill 2012, the Justice Legislation Amendment Bill 2012, the Land (Revocation of Reservations) Bill 2012, the National Energy Retail Law (Victoria) Bill 2012 and the Royal Women's Hospital Land Bill 2012. There will be plenty of time for keen speakers on both sides of the house to make contributions to the debate on these bills. As I said, there will be adequate time for debate and scrutiny of those bills before the 4.00 p.m. guillotine on Thursday afternoon. I commend the motion to the house.

**Mr CRISP** (Mildura) — I rise to support the motion moved by the acting Leader of the House in relation to the government business program. These bills are important — the Justice Legislation Amendment Bill 2012, the Health Professions Registration (Repeal) Bill

2012, the National Energy Retail Law (Victoria) Bill 2012, the Royal Women's Hospital Land Bill 2012 and the Land (Revocation of Reservations) Bill 2012. These are all matters that we will spend time discussing. We also have a government matter of public importance this week, which I understand will also relate to an important matter.

I also support the motion in relation to the inaugural speech of the member for Niddrie, who has been very dutifully sitting up there waiting for the chance to have his say. Tomorrow his family and friends can join him, he can have his say and he can become a full participant of this Parliament. I think that is something we all look forward to.

I also thank the opposition for providing two pairs for the week for two of our members who are indisposed at the moment. With that, I state that I support the motion moved by the acting Leader of the House.

**Mr ANGUS** (Forest Hill) — It is a pleasure to be able to rise in support of the government business program. As other speakers on our side have mentioned, there is a range of bills that are able to be dealt with in the time allocated for debate during the course of this week. It was interesting to hear the acting Leader of the House speaking in relation to the conduct of the house. There is a substantial contrast, as he has correctly outlined, between the management of this side — that is, the government — and the way the previous regime used to conduct the business.

*Honourable members interjecting.*

**Mr ANGUS** — Members are interjecting, asking how I would know. There are many ways of knowing: through observation, through having listened in the past and through other methods. Despite the fact that I, like many other members, was not in this place, we certainly were well aware of the antics and the tactics that used to go on among those on the other side.

The government business program represents a solid range of bills. There is time allocated as required to deal with those bills — the Health Professions Registration (Repeal) Bill 2012, the Justice Legislation Amendment Bill 2012, the Land (Revocation of Reservations) Bill 2012, the National Energy Retail Law (Victoria) Bill 2012 and the Royal Women's Hospital Land Bill 2012. I certainly support the government business program in relation to the motion that has been moved.

**Mr WATT** (Burwood) — I take great delight in rising to support the government business program. I note that although one member of the opposition got up to mention that opposition members will be opposing

the business program, we have yet to hear why they will be doing so. Clearly it is just because they are lazy and have no idea about what we should be doing. I take great delight getting up and speaking — —

**Mr Merlino** interjected.

**The SPEAKER** — Order! The member for Monbulk's interjection was unparliamentary.

**Mr WATT** — It is great to see such a good suite of bills coming through this house: the Health Professions Registration (Repeal) Bill 2012, the Justice Legislation Amendment Bill 2012, the Land (Revocation of Reservations) Bill 2012, the National Energy Retail Law (Victoria) Bill 2012 and the Royal Women's Hospital Land Bill 2012. This is a good set of bills that we are introducing into the house, and I will take great delight in getting up to speak on some of them.

As I said earlier, I find it extremely interesting to note that of those members opposite, only one has been willing to get up and speak on the government business program, and even she had no idea what was on the program. The member for Altona had no idea what was actually on the business program and would not say why those on her side of the house were not supporting it — —

**Ms Hennessy** interjected.

**The SPEAKER** — Order! The member for Altona had a chance to speak and did not take it up.

**Mr WATT** — The member for Altona and those opposite are showing now, and have shown throughout this debate, that they have no idea about the government business program and no idea about the hard work that it takes to actually get legislation through. I look at those opposite and I reflect on how they talk about members on this side wanting to go home early, but clearly they themselves have no interest in actually getting legislation through this house and doing the real work. I take great delight in supporting the government business program.

**House divided on motion:**

*Ayes, 42*

Angus, Mr	Naphine, Dr
Asher, Ms	Newton-Brown, Mr
Baillieu, Mr	Northe, Mr
Battin, Mr	O'Brien, Mr
Bauer, Mrs	Powell, Mrs
Blackwood, Mr	Ryall, Ms
Bull, Mr	Ryan, Mr
Burgess, Mr	Shaw, Mr
Clark, Mr	Smith, Mr R.
Crisp, Mr	Southwick, Mr

Delahunty, Mr	Sykes, Dr
Dixon, Mr	Thompson, Mr
Fyffe, Mrs	Tilley, Mr
Gidley, Mr	Victoria, Mrs
Hodgett, Mr	Wakeling, Mr
Katos, Mr	Walsh, Mr
Kotsiras, Mr	Watt, Mr
McCurdy, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Morris, Mr	Wooldridge, Ms
Mulder, Mr	Wreford, Ms

*Noes, 41*

Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
Carroll, Mr	Madden, Mr
D'Ambrosio, Ms	Merlino, Mr
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Edwards, Ms	Noonan, Mr
Eren, Mr	Pallas, Mr
Foley, Mr	Pandazopoulos, Mr
Garrett, Ms	Perera, Mr
Graley, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

*Pairs*

McIntosh, Mr	Green, Ms
Miller, Ms	Allan, Ms

**Motion agreed to.**

## MEMBERS STATEMENTS

### Springvale Rise Primary School: centenary

**Mr HOLDING** (Lyndhurst) — I rise to congratulate two schools in my electorate of Lyndhurst that have recently celebrated significant milestones. Springvale Rise Primary School, formerly Springvale Primary School, celebrates its 100th anniversary this year. A wonderful event was held on Saturday, 24 March, and I was delighted to attend it.

Springvale Rise Primary School has seen vast changes: two world wars, a depression, the establishment of the Enterprise Hostel and the arrival of the Springvale language school. For people such as Bill Warner, who attended the school during the Great Depression, and John and Marian Rollings, who attended the primary school together and have been married for 60 years, there was much to celebrate.

Congratulations to principal Annette Hilton, campus principal Drusilla Gonsalvez, school council president Sean O'Reilly and all the teachers, staff, students and parents. Well done on a century of achievements!

### **Hampton Park Primary School: 90th anniversary**

**Mr HOLDING** — Hampton Park Primary School celebrates its 90th anniversary this year. It is a proud school with a long history of delivering high-quality education to local families. It was a great pleasure to join in celebrations with the school community on 26 February in the Christine Wakeling Hall. Congratulations and best wishes to the principal, Leonie King, the school council president, Lynda Carter, and the teachers, staff, students and parents whose hard work has contributed to 90 years of great successes.

### **Film industry: government support**

**Ms ASHER** (Minister for Tourism and Major Events) — I wish to advise the house of the significant government support for the film industry. On Saturday night I attended an industry event that took place prior to the Logies. I announced that two important events have been secured by the government. The first event we have secured is the TV Week Logie Awards for another five years, and Melbourne is of course the rightful home for that event.

The second event we have secured is the annual conference of the Screen Producers Association of Australia. Melbourne has secured it initially for three years with an option to renew for another two. This is the premier business conference in the screen industry, and we will see a lot of key people from the industry coming to Melbourne and, hopefully, yielding strong benefits for that particular industry. This is on top of the Melbourne International Film Festival.

These three events will secure the basis of the screen industry in the future. In terms of the two events just secured, it is estimated that they will yield \$7 million per annum in economic benefit, which is good in itself, but it is also important to secure the film industry given that so many of those businesses that participate in it are small businesses. Access Economics estimates that the value of the screen industry to Victoria is \$1.4 billion per annum, and it is very important to support that. The Baillieu government is showing its ongoing commitment to the screen industry, and I was delighted to be part of that announcement on Saturday night.

### **Toyota Australia: job losses**

**Ms HENNESSY** (Altona) — I rise today to show my support for the 350 workers who have been made redundant this week by Toyota. My heart goes out to these workers, who have dedicated themselves to this company at its Altona plant, which is located in my electorate. A great many of them have done so for many years.

It was only about a year and a half ago that the expansion of the Toyota plant was announced. At that opening I was lucky to meet many workers who advised me that they could go home and feel that they could now, for example, start having babies, expand their families or make important financial decisions, so it was with a great deal of regret that I read reports in this morning's newspaper that some of those who have been made redundant have been in my view unfairly characterised or unfairly selected because they have had union involvement, because they have been on WorkCover claims or because their performance has been seen to be somehow lacking. I hope that those claims are contested in the correct venue and that those people's professional reputations are maintained.

I cannot imagine having worked for a company for 10, 20 or 30 years, giving your life and soul, and then having your livelihood and dignity severely compromised. These are unlucky workers — nothing more. They are victims of circumstance — of an economy dogged by a high Australian dollar and falling local car sales. Now more than ever the Baillieu government needs to invest in job-generating — —

**The SPEAKER** — Time!

### **Roads: Carrum electorate**

**Mrs BAUER** (Carrum) — Members in this place will remember the debacle that occurred under the former government with the rebuilding of the bridge over Mordialloc Creek. Along with major construction delays, major traffic delays impacted motorists, resulting in the bridge finally opening in 2008. Typical of projects managed under the Bracks and Brumby governments, a \$1.4 million dollar blow-out to the project cost resulted.

Labor had 11 years to make improvements to Nepean Highway and surrounding roads. I am pleased to see that in our government's first term, within the context of challenging times after inheriting an unsustainable budget position with underfunded projects, we have made significant investment and progress. Three Transport Accident Commission-funded road safety

projects on Nepean Highway between Moorabbin and Frankston are under way. All those projects are expected to be completed this calendar year and represent an investment of over \$3 475 000.

The scope of road treatments includes road run-off treatments, replacing rigid street lighting poles with frangible poles, undergrounding of power assets, tree removal and landscaping, street lighting work and edge line marking. My constituents are also excited about prospects of easing the long-suffered congestion on local roads and streets, with planning of the Kingston leg of the Dingley bypass progressing along with planning for the grade separation of Springvale Road, which many of my constituents use each day as a continuation of Edithvale Road.

### **Brunswick Secondary College: funding**

**Ms GARRETT** (Brunswick) — I rise on behalf of my community to again call on the government to fund the urgently needed expansion and modernisation of Brunswick Secondary College. In recent years this school has gone from strength to strength, growing in enrolment numbers and achieving some outstanding results. As we know, Brunswick has been the centre of much urban renewal and population expansion. The parent group and the teaching group, under the leadership of the principal, have made extraordinary commitments and improvements to Brunswick Secondary College.

My community is deeply concerned by this government's failure to fund this project, which had achieved master planning approval from the Department of Education and Early Childhood Development. Instead, as we saw last year, the pattern of this government has been to fund schools on the basis of postcodes rather than the basis of need, and what we have seen in the media recently is that the government has not even met those commitments it made last year. I again call on the government to fund schools on the basis of need. Access to quality education is a fundamental value of our society. The opportunity that it gives to every individual to make the most of the life and the opportunities they have been given is critical. In my community that means a proper funding of this most important school, and I call on the government to follow through.

### **Tourism: Mildura**

**Mr CRISP** (Mildura) — Mildura continues to be a popular destination for tourists. The industry has shown remarkable resilience and has recovered from the disastrous floods of February 2011. Mildura Tourism's

Rod Trowbridge has informed me that visitor numbers in 2011 exceeded those of 2010, even after mass cancellations following the disastrous rains and flooding of early 2011. The industry has managed to grow in all sectors, in particular from visiting friends and relatives of residents and in the holiday sector. Mildura has also improved its appeal to the international traveller. Mildura Tourism, the state government, local operators and the many volunteers who make Mildura's special events happen should be proud of their efforts. Well done to all those; 2012 is off to a strong start.

### **Parkinson's disease: Mildura support group**

**Mr CRISP** — On another matter, the Mildura Parkinson's Support Group met last Friday to be addressed by Parkinson's Victoria's Victor McConvey, who is one of three Parkinson's nurses in Victoria. Victor has statewide responsibility, and he addressed those at the meeting on the role of a Parkinson's nurse.

I wish to thank the local Parkinson's group for organising the event, which has led me to a better understanding of Parkinson's disease. Although Parkinson's disease is related to ageing, one in five sufferers will be of working age. I am happy to support the Medicare Locals bid to the commonwealth government to improve services for those with Parkinson's disease.

### **Mildura cemetery: war grave**

**Mr CRISP** — Finally, with Anzac Day approaching, we spent some time at the Mildura cemetery marking the grave of a soldier long passed from the First World War. I commend those at the Commonwealth War Graves Commission for their efforts.

### **Rail: Craigieburn station car park**

**Ms BEATTIE** (Yuroke) — In October 2010 I had the pleasure of announcing that the Brumby Labor government would be extending car parking at the Craigieburn railway station. This fantastic announcement was secured after I worked very closely with the then Minister for Public Transport, the Honourable Martin Pakula, to help resolve the shortage that was so evident to me and my community. After the election of the Liberal government this promise was scrapped.

The electrification of the Craigieburn line, which was funded by the Bracks and Brumby Labor governments and began operation in 2007, has been overwhelmingly

popular and has seen an increase in patronage of more than 200 per cent. Currently there are only 330 car parking spaces at the Craigieburn train station, and all of these are full by 6.30 a.m. This means many commuters are forced to impinge upon and park in spaces designated for local businesses. Understandably these businesses are concerned about the impact that is having on them, and as such the Hume City Council will implement 2-hour parking restrictions in many of the current car parks used as overflow for train travellers.

What are these working men and women of my community supposed to do? Obviously being able to travel to work is fundamental to them being able to make ends meet. After 16 months of those opposite being in government and promising to fix the problems, what are they going to do? It has been almost 12 months since I raised this matter, and the silence has been truly deafening. This government has let my community down, and I just say: show some leadership! Just do something!

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

### **The Man from Snowy River Bush Festival**

**Mr TILLEY** (Benambra) — The 2012 Man from Snowy River Bush Festival was held on the last weekend of March, and having joined the throngs of people who camped out for the duration of the festival, I was delighted to attend a number of events on the program over that weekend. This is the 17th annual Man from Snowy River Bush Festival, and this government's support for Corryong as a whole, for the Man from Snowy River Bush Festival and for other tourism events throughout the state is of huge benefit, especially to regional areas.

Most recently the government has provided funding of \$75 000 for improvements to infrastructure and amenities at the Corryong Recreation Reserve, such as a viewing bank, security fencing and an amenities block. This has added to earlier funding of \$27 500 through Tourism Victoria. The economic benefit to the wider community is evident, with all caravan parks, motels, hotels and even private houses that offered accommodation being sold out. Camping sites overflowed onto the golf course. The event is growing substantially every year, with a 30 per cent increase in attendance this year alone. Organisers have no intention of resting on their laurels and every intention to keep building on the success.

I congratulate the committee on the ongoing success of the festival and the wider Corryong community on its hospitality to all visitors. For the sake of interest, this year's Man from Snowy River stockman's challenge was won by a local, David Mitchell, and I congratulate him on his win.

### **Human Rights Law Centre: funding**

**Mr LANGUILLER** (Derrimut) — I call on the Attorney-General and the government to take immediate steps to ensure that the upcoming state budget contains continued funding for the Human Rights Law Centre. The centre is an independent not-for-profit organisation whose core business is to promote and protect human rights through legal services, education, training, research, policy analysis and advocacy. The Labor government recognised the value of this work and entered into a funding agreement in 2008. This agreement represents the only source of recurrent funding the centre receives, and it runs out at the end of June 2012. If it is not renewed the centre will likely cease operation.

Victorian government funding has meant the centre has been able to protect human dignity, address disadvantage and obtain equality for many Victorians and their families. Importantly the centre has been providing legal advice to vulnerable people and playing a role in securing the benefits of Victoria's human rights laws for disadvantaged Victorians, including those who are homeless, suffer mental illness or have a disability. The centre also provides training to over 15 000 people, including a wide range of government departmental and authority personnel as well as personnel in community and welfare organisations, judicial officers, lawyers and students.

Some notable highlights for the 2010–11 year were that the centre ran 12 major human rights cases in the High Court of Australia and Victorian courts and tribunals and provided non-litigious legal advice and assistance to over 100 disadvantaged Victorians. It is estimated that the value of the centre's pro bono work was more than \$3 million. I commend the centre's work, particularly Phil Lynch and his team, whilst the management — —

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

### **Beaufort Memorial Gardens, Bairnsdale: Path of Remembrance**

**Mr BULL** (Gippsland East) — One hundred and ninety-two Royal Australian Air Force personnel lost

their lives training at RAAF bases in Bairnsdale and Sale in World War II. On Saturday I attended the ceremony to mark the completion of the centrepiece of the Beaufort Memorial Gardens in Bairnsdale, the Path of Remembrance. Its completion was due recognition to Bert Rodd, Alan Martin, Ron Yeates and other hardworking committee members, who received strong support from local business and the community.

### **Maffra Secondary College: Beacon Foundation program**

**Mr BULL** — I wish to acknowledge Maffra Secondary College for being selected to participate in a national program involving 127 schools Australia-wide that is being run by the Beacon Foundation. The foundation's aim is to ensure that all young people experience a positive pathway to further education, training or employment. Maffra Secondary College has always had a strong careers program, and the Beacon Foundation further supports these initiatives.

### **Matthew and Kerstin Smith**

**Mr BULL** — I would like to highlight the battle that one family is bravely facing in my electorate. Matthew Smith and his sister Kerstin from Lakes Entrance have been diagnosed with a rare neurovisceral genetic disorder known as Niemann-Pick disease, type C (NPC). There are only 15 known cases in Australia. NPC affects all the major organs, and in more advanced stages sufferers can do little for themselves, relying totally on carers' support. I acknowledge Matthew and Kerstin and their parents, Stephen and Elizabeth, who together are confronting this illness with love, compassion and dignity.

### **Friends of East Gippsland Rail Trail Association**

**Mr BULL** — I congratulate members of the Friends of East Gippsland Rail Trail Association on the work they have done in creating a series of storyboards featuring the history of the region and profiles of some of the local residents. One of the storyboards recently constructed features 92-year-old Clarrie Stephens, a retired sleeper cutter from Orbost.

### **Budget: Ballarat West electorate**

**Ms KNIGHT** (Ballarat West) — As we approach this government's second budget address I have three hopes. The first is that, unlike his first budget address, the Treasurer will mention the words 'jobs' and 'plan' — and do it in the same sentence. The second is that the promises that were made to the good people of

Ballarat at the last election be fulfilled: for the helipad, the provision of \$2 million; for Phoenix P-12 Community College in Sebastopol, \$18 million; for the Ballarat western link road, \$35.5 million; for the Ballarat base hospital, \$15 million — the capital component of an \$88.4 million commitment; and the extension of all Ballarat train services to Wendouree. The third hope is a vision for Ballarat which includes the retention and creation of jobs.

As a supporter of the Geelong Football Club the Premier can plainly see how building infrastructure that supports Australian Football League games being played in regional areas contributes to the local economy. The Deputy Premier stated during our last sitting week that every AFL game played in Geelong contributes \$3 million to the local economy. It is in that spirit that I call on the government to fund the development of the Eureka sports and entertainment precinct, including a feasibility study.

In the absence of the government having any community engagement around developing the budget, I also call on the government to place security guards at the Little Bridge Street and Curtis Street bus interchanges; to plan for a primary school and emergency services in Lucas; to restore the Victorian certificate of applied learning to local schools; to increase funding to Ballarat Health Services to restore cut elective surgery; to provide funding for public dental services; to purchase more trains for the metropolitan network, enabling local companies to bid for the work; and to purchase more V/Line trains to reduce service cancellations.

### **Highvale retirement village: Parliament visit**

**Mr ANGUS** (Forest Hill) — Last month I was pleased to host a visit to Parliament of residents of the Highvale retirement village in Glen Waverley. The residents were able to enjoy a tour of the Parliament buildings and grounds. Some residents were visiting the Parliament for the first time, despite being long-time Victorian residents.

### **Eastern Football League: volunteers**

**Mr ANGUS** — As the Eastern Football League (EFL) season gets under way I want to congratulate and thank all the volunteers who keep the local football clubs going. These volunteers work tirelessly before, during and after the games to ensure that the players are able to take to the field and compete week in and week out. EFL clubs Forest Hill, Vermont, East Burwood and Glen Waverley are located within the electorate of

Forest Hill, and I wish them and their supporters all the best for the 2012 season.

### **Anzac Day: commemoration**

**Mr ANGUS** — With Anzac Day coming up next week, there will once again be an opportunity for all Victorians to pause and reflect on the great sacrifices made by many Australians in international conflicts and defence services over many years. I encourage all Victorians to find out about the forthcoming Anzac Day commemorations in their local area and attend to support local veterans and their families. I also encourage all Victorians to buy an Anzac Day badge both as a sign of their support and to financially assist the RSL to continue its good work among the veteran community.

### **Carbon tax: economic impact**

**Mr ANGUS** — State Labor Party members continue to remain silent as the negative economic impact on all Victorians of the forthcoming federal Greens-Labor carbon tax becomes increasingly obvious. This deceitful new tax poses a grave threat to the jobs of all Victorians and the economy of this state. I again call on members opposite to lobby their federal counterparts to reconsider their blind fixation on this new tax and instead prevent the carbon tax from being implemented.

### **Country Fire Authority: Dandenong station**

**Mr PANDAZOPOULOS** (Dandenong) — I call on the Minister for Police and Emergency Services to get a move on in building the new Dandenong fire station. This is a project for which the previous Labor government announced funding of \$5.127 million. A needs analysis was done for the Dandenong region that confirmed that the best site on which to rebuild the station was the current site. Noting that the current site is also the location of the Country Fire Authority southern metropolitan regional office, the CFA determined that the Dandenong regional office should be co-located with the new incident control centre for the southern metropolitan region. The relocations were part of the package of recommendations funded as a result of the 2009 Victorian Bushfires Royal Commission findings in relation to increasing the funding for incident control centres.

With the change of government, this project has been bouncing around between the government and the CFA. It is very important that the government move along because any further delays in this project will only add to the costs, and the firefighters at Dandenong

are concerned that any increased costs will mean changes that reduce the scale and scope of the project, which may limit the operational ability of the future fire station.

This is a very important project for the Dandenong region. It is Melbourne's busiest fire station: not only does it service residential areas but it also services a very large industrial area. That is the nature of the dangers and threat of fires in that region. I ask the minister to find out what is going on and get a move on in rebuilding the station.

### **Geoff Earney**

**Mr HODGETT** (Kilsyth) — I wish to congratulate Geoff Earney, managing director of Methven Real Estate, the Professionals, in Mooroolbark, who on 2 February celebrated 40 years in real estate at the Mooroolbark office. To quote Geoff from his March newsletter:

On 2 February I celebrated 40 years in real estate at the Mooroolbark office. To reach a milestone of 40 years can only be achieved with strong family support, a great team and an outstanding business partner in Shane Lowe. A special thanks to John Manning and Sue Akesson, who many of you may know, for their loyalty and friendship. An extra special acknowledgement to my dad, Jim (now deceased), for his encouragement to join him in the business all those years ago.

The team at Methven surprised Geoff by organising a sign to be erected at their Mooroolbark office celebrating his 40 years in real estate. Well done, and congratulations to Geoff and his team.

I should also add that the team from the Mooroolbark office recently picked up several awards at the recent Professionals quarterly awards for Victoria, including the no. 1 office for Victoria, New South Wales and Queensland.

### **Mooroolbark Junior Football Club: clubrooms**

**Mr HODGETT** — On another matter, I officially opened the Mooroolbark Junior Football Club's clubroom extensions and redevelopment on Sunday, 1 April, at Kiloran Park, Mooroolbark. The Mooroolbark Junior Football Club has under 8s through to under 17s playing, and it can now enjoy significantly expanded clubroom facilities for all of its junior players during the season. I congratulate president Colin Reymont and past president Greg Winstanley on their vision, commitment and perseverance in seeing this terrific local project delivered.

### **Buses: Mill Park electorate**

**Ms D'AMBROSIO** (Mill Park) — I draw to the attention of the house the failure of the Baillieu government to provide additional bus services to growing communities in and around my electorate. In particular the failure of this government to invest in new bus services has resulted in cuts to existing services — for example, the 563 bus has been abolished and the 564 has been rerouted, which means that families who relied on the bus travelling along Mill Park Drive will now have to travel further out to access bus services.

This situation has come about through the notion that robbing Peter to pay Paul will somehow be able to make up for the lack of investment in additional services on the part of this government. It should not be at the expense of other communities. The 571 bus has also been cancelled. As of 22 April these changes will make it harder for families in Epping and Mill Park to get to Mill Park Secondary College, the Stables Shopping Centre, the Norparrin Centre for Children with Special Needs and so on.

The previous Labor government invested millions of dollars in local bus services, rolling out new bus services and extending the operating hours of existing services — not to mention the last of the big infrastructure projects for the north, the South Morang rail project. The Baillieu government, however, is only interested in cutting important public transport services. It just shows that when it comes to the north, Labor stands up for the community and delivers real public transport options while the coalition takes services away.

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

### **Vera Sandstrom**

**Mrs VICTORIA** (Bayswater) — It is with great sadness that I rise to note the passing of Vera Sandstrom, who would have been in 107 in June. Vera was a true lady and will be missed by all at Waldreas Village. I will greatly miss our chats and cuppas.

### **Country Women's Association: Boronia branch**

**Mrs VICTORIA** — Happy 75th birthday and congratulations to all past and present members of the Boronia Country Women's Association. Not only do they provide an invaluable service to the community both in Australia and overseas but these ladies also

make the best passionfruit sponges, chicken sandwiches and scones you could ever imagine.

### **Opera Australia: *Turandot***

**Mrs VICTORIA** — I would like to thank Adrian Collette, Lyndon Terracini and all at Opera Australia for a brilliant opera in *Turandot*. The music by Orchestra Victoria was simply beautiful. This was a sumptuous feast for Puccini lovers and all those who share a love of music and acting. I can now say that I have found my very favourite opera.

### **Melbourne Eastern Healthcare Village: opening**

**Mrs VICTORIA** — I had the honour of attending the opening of the Melbourne Eastern Healthcare Village, an Ekeru medical centre, on 4 April. I would like to thank Dr Gordon Wallace and all those involved for their vision for this Ekeru centre. This facility is a step between a GP and hospital care. It takes the pressure off the hospital system and is a much-needed service within the community. Ekeru gives the public access to GPs, pathology, radiology, pain management, physiotherapy, a pharmacy and a walk-in emergency clinic — all under the one roof.

### **Mandi Hyland**

**Mrs VICTORIA** — I would like to thank Mandi Hyland for her years of dedication as CEO of Bridges Connecting Communities. Bridges is a not-for-profit organisation that provides volunteer services to the elderly, frail and disabled. It is truly wonderful to see an organisation so focused on prolonging and improving the independence of people in our community. It was a delight to see everybody at the recent Bridges Easter party, and I wish Mandi good luck in her new role.

### **Chinese Seniors Healthy Ageing Expo 2012**

**Mr LIM** (Clayton) — Yesterday I attended the Chinese Seniors Healthy Ageing Expo 2012 in Noble Park, organised by the Chinese Community Social Services Centre, which is based in Box Hill. The expo provided Chinese seniors and their carers with accurate and up-to-date information on health and aged-care services. Fifteen organisations participated in the expo, which attracted more than 150 elderly Chinese Australians.

With a vision of being inclusive and caring for the Chinese community, and as an ethnic Chinese community-based, non-profit organisation, the Chinese Community Social Services Centre provides community support services to the aged, children,

young people and families within the Chinese community of Victoria. In the past 20 years it has successfully delivered community services, packaged-care programs and home and community care programs. It also initiated the construction of the only Chinese-specific high-care facility in the state, the On Luck Chinese Nursing Home, which opened in 2007 with a 60-bed capacity and has now expanded to 120 beds.

The expo I attended with 10 staff members and 15 volunteers from the Chinese Community Social Services Centre helped to provide outreach and information delivery to the Chinese community and was the third one organised across the state. I wish to congratulate David Yong, JP, from the Chinese Community Social Services Centre — —

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

### **John Marsden**

**Dr SYKES** (Benalla) — I wish to congratulate Myrtleford resident John Marsden on his initiative of designing, producing and distributing bumper stickers with the words 'Courtesy is Catching'. John did this in response to the discourteous behaviour of some fellow motorists, and the idea has been very well received locally.

### **Weary Dunlop You've Got What It Takes Award**

**Dr SYKES** — During the last parliamentary sitting week I hosted seven young people and their families for morning tea and a tour of Parliament House. These young people are recipients of my Weary Dunlop You've Got What It Takes Award. They have demonstrated the qualities of Weary Dunlop, especially the persistence and resilience to overcome challenges in their lives. I thank the members for Ferntree Gully and Caulfield for helping to make it a great day.

I hosted another 12 award winners and their families at the Brisbane Lions and Melbourne game at the MCG. I thank the Brisbane Lions and the AFL for co-sponsoring this part of the award.

### **Four Wheel Drive Victoria: flood assistance**

**Dr SYKES** — I wish to congratulate groups such as Four Wheel Drive Victoria for their assistance to people affected by floods. Fellows such as Wayne Hevey are only too keen to organise four-wheel drive club members to help farmers clean up flood-damaged

fences et cetera. Well done on these much appreciated examples of helping others in times of need.

### **Bushfires: fuel reduction**

**Dr SYKES** — Well done also to Peter Farrell and his Department of Sustainability and Environment team on the excellent progress with the controlled burns in north-eastern Victoria this autumn. DSE has liaised well with the local community and the burns have progressed well, with minimum inconvenience to locals and visitors alike. Well done to the DSE and to all the people involved for working together to achieve the maximum benefit in reducing the risk of fires in the future.

### **Keilor electorate: storm damage**

**Ms HUTCHINS** (Keilor) — I rise to express my extreme disappointment with the government's lack of commitment to assisting hail storm victims in the electorate of Keilor. Hundreds of residents continue to suffer as a result of the storm that hit on Christmas Day 2011, with more than 300 families remaining displaced from their homes. I wrote to the Minister for Community Services in mid-February calling on the state government to provide urgent ongoing advice and support for those families who are struggling. Six weeks later I received a response, which said that there is no demand for additional services or information sessions.

However, in just the past two weeks 13 families have sought assistance through my office. Many of them are in dire straits. In particular the parents of a family from Loddon Avenue, Keilor, have been struggling to keep not only their marriage together but their whole family together, due to the pressures of being homeless and having to travel an additional 2 hours a day just to get to work and schools. Another family in Taylors Lakes is experiencing extreme pressure. The mother of that family is battling ongoing breast cancer and the eldest son is struggling with his autism, yet they are forced to live in one room with their in-laws whilst they wait another six months for their house to be built.

There are ongoing pressures, and over the entire electorate there are many people in need. Last year more than 50 information and counselling sessions for flood victims were provided by the state government. However, not one session, meeting or ongoing service has been provided to the families in the western suburbs.

**Heatherhill Road, Frankston: drainage works**

**Mr SHAW** (Frankston) — Recently I was approached by representatives from the Heatherhill Road shops in Frankston expressing concerns that proposed drainage works by Melbourne Water will have a significant impact on their businesses. There are 17 shops in that group of businesses, employing approximately 94 staff. On 21 March Melbourne Water advised that drainage works would result in the closure of both lanes of Heatherhill Road for six months. The effect of this on the traders would be devastating, making it difficult for the community to access the shops, reducing the services available and resulting in a significant downturn in trade for those businesses.

Over the course of a number of meetings Melbourne Water has now agreed to keep at least one lane open during construction works, provide historical data on the 1-in-100-year flood impact and investigate alternatives to reduce the impact on local businesses, residents and workers. I commend Chris Simpson from Heatherhill Road Pharmacy, Kim Radenic from Australia Post and Phil Corluka from Melbourne Water on the professional way these negotiations have been undertaken.

**World Autism Awareness Day**

**Mr SHAW** — On Monday, 2 April, the lights in my office were covered with blue cellophane in support of the Light It Up Blue campaign for World Autism Awareness Day. Across the world places such as the Paris stock exchange, the Empire State Building, the pyramids of Giza, the Sydney Opera House and Federation Square all lit up to raise awareness about autism. More children are diagnosed with autism than are diagnosed with AIDS, diabetes and cancer combined. No-one knows the cause and there is no cure, but there is hope.

I congratulate Autism Victoria, now known as Amaze, which does so much to improve the quality of life for people affected by autism and their families and carers. I thank local resident Brenda Lipson, who brought this event to my attention, and Fran Ludgate from Amaze, who helped organise this event.

**JUSTICE LEGISLATION AMENDMENT  
BILL 2012***Second reading***Debate resumed from 1 March; motion of  
Mr CLARK (Attorney-General).**

**Ms HENNESSY** (Altona) — I rise to speak on the Justice Legislation Amendment Bill 2012 and to outline to the house the opposition's position on this bill. The opposition will not oppose the bill.

By way of summary, the bill undertakes five main reforms. Firstly, it empowers the President of the Children's Court of Victoria to appoint dispute resolution convenors in place of the existing power, which is currently vested in the Governor in Council. Secondly, the bill provides the necessary power to enable the Governor in Council to set fees for civil matters heard in the County Court. Thirdly, it makes a slight revision to the Victorian Commission for Gambling and Liquor Regulation Act 2011 to clarify a reference in the act to the director of liquor licensing, due to drafting errors contained in the government's previous legislation. Fourthly, it modifies the way that the procedural framework for the assessment and referral court list in the Magistrates Court will operate. Finally, it removes the requirement that the chairperson of the Victorian Law Reform Commission must be a full-time appointee.

As I said earlier, the opposition will not oppose this reasonably miscellaneous bill. I will now touch briefly on each part of the bill.

In relation to the first reform, currently dispute resolution convenors employed by the Children's Court are appointed by the Governor in Council on the recommendation of the Attorney-General. The bill modifies that appointment process and empowers the President of the Children's Court of Victoria to undertake those appointments, as long as the president is satisfied that the person is of good character and has appropriate qualifications and experience. Dispute resolution conferences are important in this context. They are particularly important in the context of child protection cases before the Children's Court. The aim of those conferences is to provide an opportunity for the parties to agree on what should happen, without resorting to a contested hearing. I think all members would agree that that is a good thing.

What is particularly important in dispute resolution conferences is that parents and children are able to speak for themselves. If parties in the dispute resolution

conference agree about what should happen, the case goes to court, where the judge or magistrate will, if appropriate, make orders in line with the agreement reached in that dispute resolution conference. If the parties are not able to reach an agreement in the conference, the case will go to court and the judge or magistrate will adjourn the case to a date for a contested hearing. Clearly the convenors play an incredibly important role in not just the court system but the community at large. It makes sense to the opposition that the President of the Children's Court, being the closest relevant figure of authority in the court and one who is directly reliant upon the work of those convenors, is empowered to make the appointment of those convenors, so the opposition certainly does not oppose that amendment.

I turn to the second reform, which effectively vests power in the Governor in Council to make regulations with respect to a range of fees payable to the County Court, which are set out in the bill. The amendment replaces the previous method of setting fees in the County Court and brings the court into conformity with other jurisdictions. The opposition does not take issue with any of that and hence does not oppose that particular amendment made by the bill.

The amendments in the third part of the bill allow a statute law revision of the Liquor Control Reform Act 1998. Mainly they substitute the existing references to the director of liquor licensing of the Victorian Commission for Gambling and Liquor Regulation with references to the commission itself.

I make the point — and I do not do so to try to be cute or especially cheeky — that this is no great reform; it essentially fixes mistakes made during the drafting of the government's previous legislation that came into effect on 6 February this year. It provided the commission with all the regulatory powers of the former director of liquor licensing.

I note that this bill has the effect of making those changes retrospective to 6 February. I put on the record that in relation to the retrospective application of any bill, the opposition never approaches a retrospective legal effect lightly. I ask members who make a contribution to the debate on this bill to simply explain and set out on the record the basis upon which they support a retrospective application. Given the subject matter at hand and the reasonably short period to which retrospectivity applies, it is not something we intend to jump up and down about, but I emphasise that any attempt to retrospectively apply any legislation is something we do not come to lightly.

This bill also ensures that the Magistrates Court must have regard to assessments undertaken by any person with an appropriate clinical qualification and experience in relation to a particular disability or principal impairment that an accused might have — this is in relation to the amendment this bill makes regarding the assessment and referral court list in the Magistrates Court. I remind members that the assessment and referral court list was established by the previous government through the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010. It is a specialist court list. It is developed by the Department of Justice and the Magistrates Court of Victoria to meet the needs of accused people who have a mental illness or a cognitive disability.

Sadly we know such people are a growing cohort of those who appear not only before our criminal courts but also before our civil courts. That is a list that works collaboratively with the court integrated services program that provides case management for participants. Case management might include things like referral to psychological assessment and referral to welfare services, health and mental health services, disability services, housing services and drug and alcohol treatment.

The importance of that list is that it aims to reduce the risk of harm to the community by addressing the underlying factors that contribute to offending behaviour. It also seeks to improve the health and wellbeing of an accused person with a mental impairment by facilitating access to appropriate treatment and other support services. Importantly another objective of the list is to improve and increase confidence in the criminal justice system by increasing and improving court processes and trying to expand the options available to courts when they are faced with the really difficult dilemma of responding to accused persons who have mental health-related disabilities, cognitive illnesses and neurological conditions. Importantly, the list seeks to reduce the number of offenders who have a mental illness and other conditions received into the prison system.

I raise the point that I recently put forward some questions on notice to the Department of Justice asking it, and particularly the Minister for Corrections, to advise me of the number of people currently in the corrections system who have been identified as having a mental illness. The response I got was reasonably concerning. It was delivered to me and signed by the Minister for Corrections, and it said the authorities do not actually identify and aggregate the number of current inmates in Victorian prisons in relation to how many of these people have a mental illness. I think that

is reasonably concerning, because if there is one piece of feedback that I constantly receive from those who work in the community corrections system, judges and magistrates and those who work in the parole system is that two of the important drivers of — it has been described to me as this — the crisis within the criminal justice system are drug and alcohol addiction and mental illnesses.

If we are not able to identify those people within the Victorian corrections system who have a mental illness, it is difficult for us to accept with any confidence that we are treating that condition appropriately and, more pertinently, that when we are releasing affected people their mental health condition has been treated or will continue to be treated. Given that that is such a driver in offending behaviour, it fundamentally goes to issues such as community safety and the health and wellbeing of the offender and those they interact with in the community, particularly their families. I place on record my particular concern with that response I received.

It is incredibly important that when we deal with those who have alcohol and drug conditions and mental health challenges within the criminal justice system that we ensure that the services that exist to support them are well funded. I have a concern in relation to the government's austerity program that many of those who work in those programs may be the subject of government cutbacks. The data in respect of managing these sorts of programs is incredibly important. It is important that we ensure that the programs are appropriately resourced. The data gives us an accurate understanding of what is driving offending behaviour and where it is coming from. Even though we often look at who makes it into the headlines and the media in relation to such offences, I can think of nothing more challenging for a judge or magistrate to consider and trying to sentence a person when they can plainly see that that person's offending behaviour has been driven by a drug addiction, an alcohol addiction or mental health condition.

Whilst these are reasonably technical reforms in relation to the court integrated services, it would be opportune for me to emphasise to the government that these sorts of services need to be funded properly. There are hardworking, good people who seek not just to deal with the punishment component of the criminal justice system but also deterrence in relation to crime. An important part of deterrence and rehabilitation is making sure that we address the causes of many offending behaviours.

Finally, I will talk about our concern about the court backlogs and the implications of government cutbacks

on those backlogs. Recently I was told a story by a judge who was without an associate for an extended period of time, as were other senior judges, because the Department of Justice and the government were unable to say whether or not the funding would be made available and whether or not an associate was a front-line or backroom service; hence all the funding decisions flowed from that. These judges were put in the deeply unfortunate situation of having to say, 'We are simply not in a position to hear cases without associates'.

I am advised that through the intervention of the Attorney-General's office and the Department of Justice the matter has now been resolved. It is one thing to engage in minor technical reform — and these are reforms we do not oppose — but if the government is serious about ensuring that we have an effective criminal justice system, one in which offending behaviour is reduced and one in which the community is kept genuinely safe because we commit to driving down recidivism, then services need to be funded appropriately.

Let us not forget that this is a government which, after an eight-year decline in recidivism, in its budget last year forecast an increase in recidivism. That has not happened for eight years. The previous government worked incredibly hard to ensure that serious offenders were the ones spending extended time in prison and those committing less serious offences — whose offending was being driven by the really difficult issues of drug and alcohol dependency and mental health challenges — could have the causes of their offending addressed to ultimately keep Victorians safer. When we lock up those sorts of people and do not address the causes of their offending behaviour, and then we release them without properly funded services, of course they will reoffend.

I do not accept the proposition that this is a government that takes community safety seriously when it has clearly committed to cutting extensive amounts of funding from support services and extensive resourcing from the Department of Justice. One of the figures floating around is that 690 positions are to be cut from the Department of Justice. We say that those cuts and the impact of those cuts sit fairly and squarely on the government's head. The government should be held accountable for the consequences of those sorts of cuts.

To give another example of the incredibly unfair impacts those sorts of cuts can have, the area of family violence is in absolute crisis. It is anecdotally reported to me that that is not driven just by an increase in reporting but that economic stress is certainly driving

an increase in incidence, and I hear some horrific stories from certain justice precincts about people who are seeking the protection of an apprehended violence order (AVO) turning up to court on a Friday afternoon but not making it far enough up the court list. We know that nationally one woman per week dies at the hand of a partner or former partner. When we look at things like the national homicide rate we see the role that family violence plays in some of the horrendous experiences that people have, and it desperately needs to be taken seriously.

When we talk about things like antisocial behaviour we need to broaden our construction of those sorts of offences to make sure that we are including not only child protection issues but family violence generally. At places such as the Werribee court, for example, there are people making applications for AVOs which the court does not have the capacity to hear to finality, and they are being referred across to Sunshine. The person whose life is in absolute chaos as the victim of family violence does not necessarily have the means or capability to travel 20 kilometres to a different court, and many of those AVOs lapse. The offender then comes back, and not only is the person yet again a victim of family violence but also we are utilising precious police resources simply because the courts are not being properly funded.

In conclusion, we do not oppose this bill, but if this government is to take its commitment to community safety seriously, it should not cut back resources and funding for the criminal justice sector. There is a range of emerging data demonstrating that not only do we have unacceptable delays in the courts, unacceptable increases in the levels of family violence and unacceptable delays in the capability of people to access drug, alcohol and mental health services but also it goes fundamentally to how safe we are as a community. I ask the government to take this issue seriously. We do not oppose this bill, and we wish it a speedy passage through the house.

**Mr NORTHE** (Morwell) — It gives me great pleasure to rise this afternoon to speak on the Justice Legislation Amendment Bill 2012. The bill amends a number of acts, including the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000, to improve the operations of those acts and for other purposes.

I wish to refer particularly to clauses 7, 8 and 9 in part 5 of the bill in reference to the amendments to the Magistrates' Court Act 1989 and in particular the

assessment and referral court (ARC) list. There are four amendments proposed in this bill in relation to the ARC list, and it is worth noting what the ARC list is and what it seeks to do. The assessment and referral court list, as it is known, has been established since October 2010. It is a specialist court list that was established in Victoria by the Department of Justice and the Magistrates Court. It seeks to meet the needs of those persons who may have a mental illness or other impairment, whether it be a cognitive impairment, intellectual disability, acquired brain injury or autism spectrum disorder.

The ARC list is meant to work with the program referred to by the member for Altona that is known as the court integrated services program (CISP). The ARC list is located in the Melbourne Magistrates Court and provides, in concert with CISP, a holistic approach and case management for its participants. Those participants may need referral to other services, as referred to by the member for Altona, whether they be welfare, health, mental health, disability or housing services, or drug and alcohol treatment. They are very important parts of the judicial process. I can speak a little bit about the court integrated services program because it operates out of the Latrobe Valley Magistrates Court down in Morwell, and I have seen its good work over a period of time.

It is also important to understand what CISP does. It was established in 2006 in concert with the Department of Justice and the Magistrates Court of Victoria. The CISP program works not only out of the Latrobe Valley Magistrates Court but also at Melbourne and Sunshine. It provides short-term assistance before sentencing to an accused who might have health and social needs. It works on the causes of offending through an individualised case management support program with the aim of trying to reduce the incidence of that particular person's reoffending and it provides outcomes for the health and wellbeing of persons who fall under that category. In terms of eligibility, the CISP program is for those who are the most disadvantaged in our community, who may have a disability, whether physical or mental; issues around drug and alcohol dependency or maybe issues around their social, family and economic environment, so they really need adequate support as they confront the judicial system.

Digressing very slightly, it is worth noting the great work that many of our advocacy groups undertake right across Victoria. I know from a Gippsland perspective that Gippsland Disability Advocacy does a wonderful job in supporting people in our community who need support across those types of environments. The member for Brunswick is in the house today. We are

both members of the Law Reform Committee, and it is interesting to note that the committee is holding an inquiry into access to and interaction with the justice system by people with an intellectual disability, their families and carers. The terms of reference seek to have the committee look at ways in which we can improve conditions for people who confront the justice system who may have an intellectual disability, and for their families and carers, and at the means of achieving that.

It has been interesting to read some of the submissions and listen to evidence we have received. Quite often the assessment and referral court list and the good work generally around the ARC process as well as the CISP program are referred to. This legislation is important, because if we can enhance and improve what is already in place through those two programs, then from my perspective it is a good thing. We await the outcome of our inquiry, but in the main we have heard really good reports about how well ARC and CISP are operating.

Clause 7 makes four amendments which refer to the ARC list and its functions. While the principle of the ARC list is supported by the coalition, in opposition we did raise concerns about some elements of it, and that is what the Attorney-General has sought to deal with through this legislation. One is around the clarification of an individual support plan to make sure that regard is given to the function and diagnostic criteria that apply to an accused. Also we are ensuring that the legislation specifies that the information about the operation of the ARC list is included in the court's annual report. The bill also includes clarification that the Magistrates Court must have regard to any assessment that is undertaken by a person with appropriate clinical qualifications and experience in regard to the principal impairment or a particular impairment that an accused might have, and that is very important.

Fourthly, and lastly, there is an additional power for the Chief Magistrate to create a separate hearing list for such matters. The bill gives greater clarity about the ability of the Chief Magistrate to make other arrangements for the needs of persons with particular impairments. That is a quite critical point in terms of the reference to the Law Reform Committee. One of the things it is seeking to do include looking for those improvements, and I believe this amendment goes some way to addressing that.

The intent of the ARC list is to reduce the number of offenders in the judicial system who might have a mental impairment or disability and improve the core processes. The member for Altona mentioned public confidence, and it is imperative that the public has confidence in the system. The bill also seeks to improve

the health and wellbeing of individuals and also to ensure that there is a reduced risk of harm to the individual and people within the community as well.

In the short time I have available, the other points of note are that the legislation will ensure that we have a streamlining of the appointment processes of the Children's Court, and again the member for Altona referred to that in some detail. The bill provides for a process whereby convenors can be appointed by the President of the Children's Court. At the moment the family division of the Children's Court can refer a matter to a dispute resolution convenor, so the amendment in the bill has regard to greater flexibility and expediting what can be a cumbersome process. The bill also empowers the Governor in Council to make regulations with respect to fees for civil matters within the County Court. That is consistent with what happens in other court jurisdictions and it therefore seems a sensible provision.

There are also some amendments around the Victorian Law Reform Commission to allow a part-time chairperson to be appointed. At the moment we have the scenario where it is mandatory for any person to be appointed full time. The Attorney-General's second-reading speech makes reference to Professor Neil Rees, whose term in office concluded at the end of February, with David Jones acting as chair at the moment. This legislation gives the government flexibility to appoint a part-time chairperson. There are also some small amendments to the Victorian Commission for Liquor Regulation Act 2011, which is just a statute law revision. In summary, this is a very good piece of legislation, and I commend the bill to the house.

**Ms GARRETT** (Brunswick) — It is a pleasure to rise to make a contribution to the debate on the Justice Legislation Amendment Bill 2012. As we have heard from the opposition's lead speaker, the member for Altona, Labor will not be opposing the bill primarily because this is a relatively minor bill that makes a number of small amendments to a range of matters in the justice system. What is worth noting, when you look at the breadth of acts that are touched upon by this bill, is the very important and often complicated work that the justice system engages in on a daily basis. If we look at the bill, we see there are amendments to the Children, Youth and Families Act 2005 and we note that the bill allows the President of the Children's Court to appoint and remove dispute resolution convenors. We know how important dispute resolution is in the justice system generally, and particularly in some of the very difficult issues that the Children's Court faces on a daily basis regarding families and vulnerable youth, and

it will be of assistance to have the president, who is at the coalface of many of these issues, able to appoint and remove dispute resolution convenors.

Similarly the other acts that will be amended by the bill include the Magistrates' Court Act 1989, the Liquor Control Reform Act 1998 and the Victorian Law Reform Commission Act 2000, which I will touch on briefly. But that breadth of work of the justice system and the importance of it really cause me to reiterate the lead speaker's comments regarding the proper funding of services that support that work, particularly in areas such as mental health, children's services and the like. Without that funding much of this work would be unable to be carried out or would suffer severely, and we again call on the government to look at its hardline approach to many of these budget and service cuts, because it will impact directly on the very critical services that the justice system provides.

I would like to echo the comments of the member for Morwell. We are on the Law Reform Committee together, looking at the reference regarding access to justice for those who suffer from an intellectual disability or cognitive impairment. It is a very important reference that we are grappling with, and certainly the changes that this bill makes to the assessment and referral court list are welcome. We know that often with people who have an intellectual or cognitive impairment, and certainly with those who have acquired brain injuries, diagnosis may not even occur until incarceration. The earlier people are diagnosed the better in terms of accessing services, preventing recidivism and dealing with difficult conduct. Extraordinary leaps and bounds have been made in this area. There is clearly a lot more to be done, given the disproportionate number of people in our prison system with acquired brain injuries, intellectual disabilities and and/or mental illness, so this is extremely important work and the changes made by this bill are certainly welcome, although there is a long way to go.

With respect to the amendment to the Victorian Law Reform Commission Act and the fact that the bill now allows the role of chairman to be occupied by someone working on a part-time basis, we would just like to note on the record — or I certainly would — some concern as to whether this represents a downgrading of the position and of the emphasis and importance placed on the law reform commission. It is a most important body that has done an extraordinary amount of very good work. It plays a critical role in our justice system in examining, highlighting and critiquing law and possibilities for law reform. Because of the important role the commission plays within the justice system, we

would not want to see that work lessened or the emphasis on it removed or in any way undermined.

In conclusion, while Labor does not oppose this bill, it points out that that the bill touches on many aspects of fundamental importance within the justice system. These need to be properly funded and properly cared for by this government.

**Mr THOMPSON** (Sandringham) — I am pleased to speak in support of the Justice Legislation Amendment Bill 2012, which traverses a number of different issues in the justice system. On a fairly practical basis it covers the setting of fees in relation to the County Court. There is a prescription now regarding specific fees, maximum fees, minimum fees, fees that vary according to value, time or class of matter and fees by way of a percentage of the demand; the manner of payment of fees; refund or waiver of fees; and the time or times at which fees are to be paid.

One fundamental issue in relation to litigation is the cost of dispute resolution. Sometimes the very cost of a matter can be a deterrent to litigation or can cripple parties part of the way through a proceeding. Clarity regarding the quantum of fees certainly gives stakeholders some ascertainable understanding of what the cost might be in the cause. Oftentimes it is problematical for people who might have just cause but do not have the funds with which to pursue a matter. There are some aspects of litigation which Victoria Legal Aid may not be prepared to fund.

In terms of the general fee structures, I note the outstanding work done by community legal centres in Victoria over four decades or thereabouts. The Fitzroy Legal Service, which some years ago was part of a body submitting to the Victorian Parliament's Law Reform Committee, gave evidence regarding a number of issues in relation to improving access to law and legal services in rural and regional Victoria. As part of the recommendations in the inquiry report, which was prepared between 1999 and 2002, I think it was recommendation 9 that commended to the government the merit of a fee being paid for access to the Fitzroy Legal Service's handbook online. Sales of the handbook enabled the service to recover some of its costs and provided an outstanding mechanism for citizens across Victoria to have current, relevant and well-prepared information on matters such as a fencing dispute, a motor vehicle accident or a tenancy issue. The legal service also provided an outline of a range of consumer complaints that may arise.

As a former practitioner I found that defamation issues would arise from time to time, and I had the ability to

provide a person seeking legal advice with a succinct precis or outline of the law that was relevant in their circumstance and particular context at virtually no cost. Access to law and legal services and an understanding of the cost of litigation and ways in which information on the cost of legal advice can be provided to consumers in an effective manner that enables them to make wise decisions can be a constructive outcome.

There are some amendments to the Children, Youth and Families Act 2005. There is an issue in relation to part 2, clause 3(2), which says:

For section 227(3) of the Children, Youth and Families Act 2005 substitute —

“(3) The President must not appoint a person as a convenor unless the President is satisfied that the person is of good character and has appropriate qualifications and experience.”.

That is a legitimate and reasonable expectation across the board. The good character test was the subject matter of a bill that we discussed in this chamber in the last sitting week in relation to the appointment of notaries public. One issue that was not part of the legal test framework was the requirement that they be of good character. That may be implicit in the appointment of a person to the role, but there were some aspects that were changed in this place in the last sitting week that empower the appointing authority to make further inquiries.

When I was a law student I always regarded it as somewhat intriguing that one of the courses one undertook was on the subject of ethics. I would have thought matters of ethics were self-evident and did not require any specific inculcation or instruction as such. But at the same time the defalcations that occurred in the management of solicitors trust accounts may be evidence enough that what was taught was not necessarily followed or of some of the vagaries of administration in this state. It is disappointing that people in yesteryear lost moneys through the mismanagement of trust funds. The operation of the supervision of trust accounts and the regulatory prospect of there being reimbursement for people who had moneys misappropriated by a solicitor have been an important safety measure, but there remains an issue in relation to the Children, Youth and Families Act 2005.

In my legal career I had finite experience working in the Children’s Court. There was one case where, at reasonably short notice, a practitioner who was also later a mayor of St Kilda asked if I would be the instructing solicitor in a case. The barrister had only picked up the brief the night before, when the

previously appointed barrister had been held over or jammed in another case. We were at the Children’s Court. The file was about a foot thick of court notes; it was quite voluminous. The barrister was still working out where the case was going, and the practitioner who had referred the case to me was then put in the witness box. He articulated the position of what should happen in the case, what his thoughts were and what the recommendation might be, and at lunchtime the barrister said, ‘I think I am starting to understand what this case is about, and in fact the witness who has just been in the witness box is the best witness I have ever seen in a witness box’. That witness later went on to become a municipal mayor and make his mark in wide-ranging areas of public debate in other ways around Australia. I might add that the proposition he had advocated for on behalf of his original client in the Children’s Court was successful, and the welfare of the children in that case was better advanced and protected because of him.

In terms of the role of the Victorian Law Reform Commission, I note that the bill contains an amendment to the Victorian Law Reform Commission Act 2000. Under clause 10, ‘Purpose and outline of Act’, it states:

In section 1(2) of the Victorian Law Reform Commission Act 2000, for “full-time chairperson and full and part-time members” substitute “full-time or part-time chairperson and full-time and part-time members”.

This will obviously provide some flexibility.

When I first entered this place the then Victorian Law Reform Commission that was operating in 1992 was disbanded. There was a significant capital cost in the operational expenses of the commission at that time, and a Victorian parliamentary Law Reform Committee was set up. I note that the then Attorney-General, Jan Wade, when some of these issues arose, commented that there was a prospect of referring matters to the parliamentary all-party Law Reform Committee or, in the absence of the Victorian Law Reform Commission, gaining some advice on law reform issues by engaging in dialogue with the Chief Justice of the Supreme Court, the chair of the Victorian Bar or the president of the Law Institute of Victoria.

I know that on different occasions there was insightful, informed and timely advice provided by one of those people to whom a question was referred, and so it did not necessarily require a three-month juggernaut by way of an inquiry. An adept and insightful answer to a legal question was able to be provided on a highly informed basis by reference to one of those people who may in turn have referred the matter to a legal practitioner who was an expert in their field. I think that

is important in the realm of public debate. A matter has been referred to a parliamentary committee today in this place, and members of Parliament have good background knowledge, good skills and an understanding of community aspirations and horizons upon which they can adjudicate on key matters.

The Victorian Law Reform Commission, by enabling part-time appointments, may be able to draw upon a wider range of relevant expertise from people who are working in the field and who can still make a worthy contribution to the operational work of the commission.

**Ms DUNCAN** (Macedon) — I am pleased to rise in support of the Justice Legislation Amendment Bill 2012. As has been said previously, the opposition will support the bill, which makes minor but important changes to a range of matters within the justice system.

I will briefly go through the changes the bill makes. In the Children, Youth and Families Act 2005 the bill changes the way in which dispute resolution convenors are appointed within the Children's Court. This will allow for the President of the Children's Court to appoint and remove dispute resolution conference convenors, therefore transferring the onus for satisfaction with issues around character, qualifications and experience from the Governor in Council on the recommendation of the Attorney-General to the President of the Children's Court. This is appropriate, and it brings those decisions back to the people at the coalface, who are best able to make those judgements.

The bill also makes amendments to the County Court Act 1958. It replaces the previous method of setting fees under section 28(2) of the County Court Act and gives the Governor in Council the power to make regulations with respect to fees for civil court matters, which is consistent with other jurisdictions. There are also amendments to the Liquor Control Reform Act 1998 which I think clarify matters and make some changes that needed to be made.

It may be said that this bill is making amendments to acts that have recently been passed through Parliament hurriedly. I regard that with some amusement, given some of the comments that have been made by new government members in this place being critical of us when we were in government because we would occasionally revisit a bill and make further amendments. The new members would make those comments in a way that was derogatory of us in government. I guess that shows that these things do happen. Legislation is evolving, and changes are made frequently. When legislation has been in place for a while and has been through several court processes or

appeals and additional amendments are then made further down the track, that is really what is called the business of this Parliament. We should not be overly critical, as these things can happen. As the legislation is put into practice, you see these changes.

The bill also makes amendments to the Magistrates' Court Act 1989 in regard to the assessment and referral court (ARC) list. I would like to say a few things about that list. Many people would not know that such a list exists. We rarely hear about it, yet the work done there is critical to the criminal justice system and to people who are accused of crimes. It ensures that justice is actually just to all the people who appear before our courts.

Sadly, we often read, particularly in the newspapers, about court cases involving people who are accused and who have no doubt been through the ARC process, yet in the retelling of the stories, and particularly when the judge is about to bring down a sentence, the assessment these offenders have been through is rarely mentioned. One case comes to mind — I will not mention it by name because it has been in the press recently — in which an accused person has been said to not be showing any remorse. There have been a few comments made about this person, yet this person has a fairly severe intellectual disability and therefore probably does not have a lot of insight into a whole range of things. That is never mentioned when that particular case is referred to in our papers.

This court does good work. It is appropriate that the Chief Magistrate be able to separate the ARC list into sublists, which then allows the magistrates to exercise some discretion in their referral to different lists for different types of impairments.

I would also like to briefly make the point that some of these changes give power and discretion back to those who are working in our court system. This is in contrast to some of the changes the government has already made — and also some changes it is proposing which would remove discretion from the courts — with the introduction of minimum mandatory sentences, for example, and the removal of suspended sentences for particular offences.

As I said, I think some of these are fairly minor amendments, but they support the trend in thinking that the people best placed to make these decisions are those in the courts who are hearing all the evidence, who are seeing the accused, who are seeing the witnesses and who understand the full details of the particular cases. I support those amendments and I support the principle

of giving courts the discretion to make these sorts of judgements.

I will just quickly state that this bill also makes changes to the Victorian Law Reform Commission Act 2000 in relation to allowing the appointment of a part-time chairperson to the Victorian Law Reform Commission. As has been said by others, this is a cause for some concern. I am worried that the government has in mind an appointee who has said they will only take the position if it is part-time. I do not know if this is true, but it does concern me somewhat. This is an important role. The work that the law reform commission does is critical, and I would hate to see it being downgraded by the appointment of a part-time chair. With those comments, I commend the bill to the house.

**Mr McCURDY** (Murray Valley) — I am delighted to rise to speak on the Justice Legislation Amendment Bill 2012. It covers reforms to a variety of acts. It will make changes to the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000 to improve the operation of all these acts. It will strengthen the justice system through these amendments, which will clarify the procedural framework for the assessment and referral court (ARC) list of the Magistrates Court, empower the Governor in Council to make regulations with respect to fees for civil matters in the County Court, streamline the appointment processes in the Children's Court and allow a part-time chairperson to be appointed to the Victorian Law Reform Commission if need be. The bill will also make a statute law revision to correct a reference to the director of liquor licensing in the Victorian Commission for Gambling and Liquor Regulation Act 2011.

In terms of clarifying the procedural framework for the assessment and referral court list jurisdiction in the Magistrates Court, the ARC list is designed to better achieve just, fair and effective outcomes for people with an impairment who come before the criminal justice system. The bill provides for procedural improvements in and reporting on the operations of the ARC list. The assessment and referral court list was established in 2010. It is a criminal procedure framework in the Magistrates Court available for offenders who have impairments, including a mental illness, an intellectual disability, an acquired brain injury, an autism spectrum disorder or a neurological impairment such as dementia.

The bill introduces four amendments that will improve upon the existing framework of the ARC list by

clarifying that the Magistrates Court must also have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have. It will also insert an additional power which will allow the Chief Magistrate to create separate hearing lists and hear matters that relate to particular impairments where this may be required. The amendment will clarify that the Chief Magistrate can make any other arrangement for the needs or requirements of persons with particular impairments. It will also specify information about the operation of the ARC list to be included in the court's annual report.

Similar changes were proposed by the then opposition when legislation to establish the ARC list was brought before the Parliament under the previous government, but they were not accepted by the then government. These amendments will give explicit recognition to the fact that offenders with different forms of impairment may have different needs and circumstances that need to be taken into account, and they will provide for Parliament and the community to be kept informed about the operation of this list.

Moving on to the issue of the empowerment of the Governor in Council to make regulations with respect to the fees for civil matters in the County Court, the bill will amend the County Court Act 1958 to provide a regulation-making power to the Governor in Council with respect to those fees in the court and the fees payable regarding the bailiffs or the execution of a warrant or other process. This replaces the current outdated procedure for setting fees, particularly in the County Court.

The power provided to the Governor in Council for the imposition of fees may be exercised in relation to specific fees, maximum fees, minimum fees and fees that vary according to value, time or class of matter, and the times when fees are to be paid as well. This amendment will make the County Court provisions consistent with all other court jurisdictions in relation to the manner of making regulations for court fees. We know on this side of the house that consistency is imperative across the judicial system to make sure that it is fair.

I move on to the issue of Children, Youth and Families Act 2005 dispute resolution convenors, which is another important part of this bill. That act allows the family division of the Children's Court to refer a matter to a dispute resolution conference. The bill will remove the requirement that dispute resolution convenors be appointed by the Governor in Council, and instead it

will provide a process for convenors to be appointed by the President of the Children's Court. The current process presents significant hurdles for the efficient allocation of resources in the Children's Court, and we always need to be mindful that legal processes, particularly in the Children's Court, need to be as seamless as possible. That is what we are trying to achieve with this bill.

The streamlining of the appointment of conference convenors will also allow the court more flexibility in recruiting convenors at times when and in locations where they are required. It is a further instance of common sense in this bill. Most convenors are registrars already employed full time to work in the court. Sessional convenors may be appointed as appropriate from time to time, particularly in the regions, to meet the court's dispute resolution conference requirements.

I move now to the Victorian Law Reform Commission Act 2000. The bill amends this act in order to remove the mandatory requirement for the chairperson of the commission to be a full-time appointee and to allow the option of appointing a part-time chairperson — only where it is deemed necessary or suitable, of course. It will remain open to the government to appoint a full-time chairperson, and the government will continue to be able to appoint full-time commissioners to work on specific references from time to time if it sees that as most suitable.

In seeking a new chairperson the government wishes to be able to consider appointees from the widest possible range of backgrounds rather than its choice being narrowed to just those who want to take on the position full time. We in government want to be able to look at all the skills and experience that are out there and select the right person for the job. This amendment in the bill will also create the potential for suitably qualified academic and expert candidates to contribute to the important task of law reform without having to sacrifice their existing careers, which is what they have to do at the moment.

The final part of this bill is about a statute law revision to the Victorian Commission for Gambling and Liquor Regulation Act 2011, which commenced on 6 February this year. The act established a new integrated regulator for both liquor control and gambling in Victoria. As a result the Liquor Control Reform Act 1998 was amended to give the new commission all the powers of the former director of liquor licensing. This bill allows a statute law revision to that act to clarify a reference to the director of liquor licensing.

Victoria's justice system is something we should be proud of, and it should not be taken for granted by anyone in our community. Thankfully most people have little experience of our court system. For those who find themselves or a family member before the courts for anything from a drink-driving infringement through to more serious cases the court process can be an overwhelming and frightening experience. It is important that our courts are more streamlined to handle these processes.

Unfortunately people with a mental illness are overrepresented in our court system. This bill acknowledges that people in such circumstances need to have that issue taken into account when navigating through the court system. Changes to the assessment and referral court list as part of these amendments will reflect just that. The court integrated services program, currently funded to the tune of \$22 million over four years by the coalition government, aims to help the Magistrates Court reduce reoffending by those with mental health and other problems. This program gives the Magistrates Court the scope to arrange drug and alcohol treatment, crisis accommodation and disability, mental health and other services where the court considers they would help defendants overcome problems and get their lives back on track.

In conclusion I state that this is an important part of the bill and makes sure that our court systems are streamlined and operate via a consistent process that everybody understands. The commencement date is set down for 30 June 2012, and that is what we aim for. I commend this bill to the house.

**Mr NARDELLA** (Melton) — Reforms are always happening within the court system, and they are necessary to keep up with developments and the needs of the community. That is what this legislation is about. This legislation changes provisions so that the President of the Children's Court is able to appoint dispute resolution convenors instead of the Governor in Council doing so on the recommendation of the Attorney-General. It is one way of streamlining the court system and of getting rid of the extra burden on the Governor in Council in making these types of appointments. Certainly the President of the Children's Court is able to make such appointments. I had reason to be involved in the Children's Court many years ago, and I know it has a large responsibility in trying to make sure that young people do not reoffend and that they are rehabilitated. The Children's Court plays a very important role in that.

The other area of the legislation before the house that I want to comment on is part 6 of the bill, which deals

with the amendments to the Victorian Law Reform Commission Act 2000. This legislation enables the government to appoint a part-time chairperson to the Victorian Law Reform Commission. Over the many years it has been in existence the commission has performed some extremely important work and produced major reports including those on assisted reproduction, sex offender registration, guardianship, child protection, abortion — and we had major debates in the last session of Parliament in regard to that — and civil justice and bail, among many others.

My concern, and it has been expressed here today, is to ensure that the appointment of a part-time chairperson in order to achieve certain objectives does not lessen the ability of the Victorian Law Reform Commission to undertake its important work for the community in trying to do things other than maintaining the professionalism and integrity of the commission. The commission has a reputation second to none in regard to undertaking these investigations and providing these reports not only to the Parliament but also to the community. Leadership provided by members in that position full time has been critical to the operation of the commission and the quality and professionalism of the reports that are provided to the Parliament and the community.

It is my concern to ensure that the Victorian Law Reform Commission, and this position specifically, not be downgraded by this government. All too often we see that these important institutions that provide advice, investigate and research issues and provide options and alternatives for the Parliament and the community are watered down or dismantled in some way, shape or form by conservative governments. That is a concern that I and others have had for a long time, because we have been around for a while.

**An honourable member** interjected.

**Mr NARDELLA** — Yes, that is right. Along with the Deputy Leader of the Liberal Party. We have been here for the same amount of time. We have seen how these conservative governments attack the institutions of the state and the way we operate within our society, and that is a major concern. We will certainly be looking at this, making sure that the law reform commission is not downgraded and looking at the important work that it does. On that basis we will not be opposing the legislation before the house.

**Mr ANGUS** (Forest Hill) — I am very pleased to rise this afternoon to speak in support of the Justice Legislation Amendment Bill 2012. I note that clause 1 contains the purpose of the bill, and it is a purpose that

covers five different areas I want to refer to in summary and then go back and look at in some more detail. This bill amends a range of acts. They are firstly, the Children, Youth and Families Act 2005; secondly, the County Court Act 1958; thirdly, the Liquor Control Reform Act 1998, fourthly, the Magistrates' Court Act 1989; and fifthly, the Victorian Law Reform Commission Act 2000.

Let me turn in detail to the provisions within this bill amending each one of those five acts. I will look firstly at the provisions in the bill in relation to the Magistrates' Court Act 1989. They cover the assessment and referral court (ARC) list of the Magistrates Court of Victoria and clarify the procedural framework surrounding that. The bill does that in a number of ways. Firstly, it notes that the courts must have regard to any assessment undertaken by a person who has appropriate clinical qualifications and experience in relation to the particular impairment or alternatively the principal impairment that an accused may have. Such an impairment could result from something like a mental illness of some description, dementia or a range of other conditions.

The bill inserts an additional power which allows the Chief Magistrate to create separate hearing lists and hear matters that relate to a particular impairment where that is required. It also goes on to clarify that the Chief Magistrate can make any other arrangement for the needs or requirements of people with a particular impairment. That is a very appropriate course of action, because people who come before these aspects of the court — the specialised court lists — obviously have some significant challenges and need to be dealt with before the court system in an appropriate way. This provision enables that to take place.

The bill goes on to talk about introducing mandatory reporting requirements for information that has to be included in the court's annual report. I want to touch on that for a moment because that is a very important aspect of this bill. I want to refer to some of the issues that will have to be reported on on a regular basis, because as with a range of other matters that are contained in legislation that we have put up in this new Parliament, the fact is that we want to improve reporting. We want to increase transparency and we want to improve the reporting process so that we are able to learn from that and render improvements to the various systems and mechanisms of government.

If we look at what is required in relation to reporting, we see a number of things. Firstly, we have the source of referral to the assessment and referral court itself — how did the matter get on the list? That is an important

aspect. The number of persons in each diagnostic category is again a very important aspect. Then there are the number of persons who do not complete an individual support plan which results in their removal from the ARC list and the reasons for the removal. All that enables fulsome reporting and understanding in relation to those matters to be gleaned from the material contained in the report.

Importantly, the bill goes on to note that the reporting will include outcomes of criminal proceedings referred to the ARC list. That includes the number of referrals to the list, the matters finalised in the list and the matters transferred out of the list. Again those are very important aspects. It sounds simple, but they are very important because they enable the figures and the material contained in that report to be interpreted and trends and other matters to be addressed with a view to improving governance. The ability of the government to address and deal with the matters that are raised in that way will be improved.

The bill goes on to talk about how the reporting will contain a summary of how the list is functioning and, where practical, the extent to which the ARC list is reducing reoffending. As I have said, these reporting requirements enable some analysis to be undertaken, and that is an important thing. We do not want to just see a process happening; we want to be able to analyse what is going on and look to improve and address matters that need addressing and improvement.

Turning back to what the bill also requires in relation to this matter, the bill clarifies that an individual support plan must have regard to the functional and diagnostic criteria that apply to the accused as well as any other relevant facts. It might be considered to be stating the obvious to some extent, but it just shows the fact that we are trying to drill down and individualise, if you like, this particular component. It is a very important aspect.

The bill also deals with the setting of civil matter fees for the County Court. The relevant provision replaces the current outdated procedure for setting fees in the County Court, which is by order, and modernises the legislation by making the County Court consistent with some of the other jurisdictions — the Supreme and Magistrates courts — in the way that it sets and addresses its fees. As I said, the provision replaces outdated provisions. There are no changes to the fees themselves; it is just bringing into the modern era the requirements surrounding them.

The third part I want to touch on is the improvement in the Children's Court appointment process. There are

other contributors on our side who have well articulated the point in relation to the appointment of the dispute resolution convenors. They are going to be able to be appointed by the President of the Children's Court. The current process presents significant hurdles for both the appointment and the efficient allocation of resources in the Children's Court. This provision will streamline those matters. Currently the appointment is made by the Governor in Council on the Attorney-General's recommendation. As I said, this provision will make this component more efficient in relation to the Children's Court administration. It clearly does not depart in any way from the requirements for those appointees to be of good character and to have appropriate experience, qualifications and so on. It will just streamline these matters.

Fourthly, there is clarification of the requirements for the Victorian Law Reform Commission chair. Again others have well articulated this; I will just touch on it. This essentially allows for a part-time chairperson to be appointed. That is an appropriate way to address this particular area. This enables the government to still have the option to appoint a full-time chair, but it also enables a part-time chairperson to be appointed. That can obviously broaden the horizons in relation to the potential candidates for such a position, and that is a good thing. It will provide greater flexibility for the commission's governing arrangements. It will help enhance that whole process.

In relation to the fifth item, the statute law revision to the Liquor Control Reform Act 1998, I note that the Victorian Commission for Gambling and Liquor Regulation Act 2011 commenced on 6 February 2012 and established a new integrated regulator for both liquor and gambling in Victoria. That is one of the matters we had said to the Victorian people we would address, and we certainly have done that in the most comprehensive way. This is really a minor correction — a revision that just corrects a reference to the director which should be a reference to the commission because of the retrospective commencement date of 6 February 2012.

In conclusion, I am pleased to have risen to support this bill. I am also very pleased that the opposition is supporting this bill, and I commend it to the house.

**Mr LANGUILLER** (Derrimut) — I rise today to speak on the Justice Legislation Amendment Bill 2012. From the outset I too wish to put on record that Labor will not be opposing the bill. It is one of a number of minor amendments that are important but not necessarily critical to a range of matters in the justice system. It includes amendments to the Children, Youth

and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000.

In the very few minutes available to me I wish to make some remarks in relation to the amendments concerning two acts. The reform regarding the dispute resolution convenors provided for by the Children, Youth and Families Act 2005 is a good one. I speak from a personal and practical point of view, being a person who is not legally trained but who deals with constituents who have gone through the Children's Court. I think it is important that we be practical about matters on the ground as they happen. I think we ought to make this amendment, which facilitates the appointment of dispute resolution convenors, who by and large are registered and who can be full time or part time. I think we ought to act expeditiously, and this will facilitate that. I welcome that, and I think it will be a very good and practical provision.

There is another important matter in relation to this, which follows on from it in some respects. It relates — and certainly the opposition will be vigilant about this — to the funding of those programs that are associated with the Children's Court and that emerge and arise out of the court's activities. It is important to recognise that unless we have that holistic approach where we are able to quickly refer individuals — mums, dads, children and so on — to the services required, ultimately things will not quite work. I therefore think we need to continue to take that approach.

Another important matter — and I think debate on this bill gives us a good opportunity to speak about this — relates to the Victorian Law Reform Commission. As you know, Acting Speaker, the Victorian Law Reform Commission is a publicly funded statutory authority, and my experience of it has shown me that it is very much committed to good law reform independent of the political process. That applies to the commissions both in Victoria and at a national level. I think the Victorian Law Reform Commission does well because it consults with communities, particularly those communities that do not often have the opportunity to access legislators or those bodies in the community that engage in a practical sense in developing the law. The commission does it well, as I say. It consults with such communities and seeks comments on the potential proposals that need to be made to the government of the day. I wish to place on the record that typically the commission consults well with those communities that are traditionally marginalised for a variety of reasons, whether it is because they are regional, rural or remote

communities or because they are communities of indigenous people or people from non-English-speaking backgrounds.

The member for Sandringham also referred to the law reform commission in his contribution. He and I acted in cooperation with the commission as members of the parliamentary Law Reform Committee. Along with the commission, the committee engaged in very broad consultation around Victoria about access-to-justice issues and how new technologies — the internet, teleconferencing and so on — could facilitate access to justice for remote and rural communities. We found that people of all backgrounds could benefit from that. The commission did a wonderful job in relation to that. Law reform commissions make recommendations that are practical in terms of implementation and that improve the law at a state level — in this case I am referring to the Victorian Law Reform Commission — and at a national level. The Victorian Law Reform Commission also draws on the initiatives and experiences of other states.

In conclusion, I wish to commend the work of the commission and the commissioners. I understand that provisions are now being made — and I will conclude with these remarks — to allow the appointment of a part-time commissioner. I and the opposition accept that; however, we caution the government not to use that as an opportunity to detract from the very important work the Victorian Law Reform Commission undertakes on behalf of all Victorians.

**Mr BATTIN** (Gembrook) — I rise today to support the Justice Legislation Amendment Bill 2012. The bill will strengthen the court system by amending five separate acts: the Children, Youth and Families Act 2005; the County Court Act 1958; the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000. The bill is aimed at strengthening the court system, and it will do so in many different ways.

As the Attorney-General said in his second-reading speech, the bill will:

clarify the procedural framework for the assessment and referral court (ARC) list of the Magistrates Court;

empower the Governor in Council to make regulations with respect to fees for civil matters in the County Court;

streamline appointment processes in the Children's Court; and

allow a part-time chairperson to be appointed to the Victorian Law Reform Commission.

The coalition came into government with a commitment to work to improve the court and justice systems currently in place, and we will be working hard to ensure that many of these reforms do come about. They are reforms that were originally put through as amendments when a lot of these bills first came through the Parliament.

It is important that we start off by understanding what the ARC list is. As I said, the government raised concerns in relation to the ARC list when it originally came to office in November 2010. The amendments we are putting forward in this bill were put forward back in November 2010, and they are amendments that we can now ensure take effect to streamline the work of the courts. Again, as the second-reading speech states, the bill will do this by:

clarifying that the Magistrates Court must also have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that the accused may have;

inserting an additional power which would allow the Chief Magistrate to create separate hearing lists and hear matters that relate to particular impairments where this may be required. The amendment will also clarify that the Chief Magistrate can make any other arrangement for the needs or requirements of persons with particular impairments;

specifying information about the operation of the ARC list to be included in the court's annual report; and

clarifying that an individual support plan must have regard to the particular functional and diagnostic criteria that apply to the accused, as well as other relevant facts.

The ARC list applies to people who have a mental illness, an autism spectrum disorder, a neurological impairment such as dementia, an intellectual disability or an acquired brain injury. The court system has many functions, and it has referral systems and makes allowances for people coming into the system who have different impairments. Having worked for Victoria Police and having had to operate within those systems, I think it is important to have referral systems and facilities for families and young people coming into the justice system, particularly for those who have a mental illness or any other impairment that can reduce their understanding of how the procedure is going to work for them, and to try to take away the unknown. People who have one or more of these disorders find going into a court system very confronting. It is hard enough for any person who is charged with an offence to go through the court system, because the system is very difficult to understand.

When a person has an impairment it is vital that the court system understand and work with that person to

make it the best process it can be and give them the opportunity to understand what is going on. The justice system is not just about the court, the punishment and the penalty; it is about making sure the person understands what is happening and can at least feel comfortable with the process that is taking place. Obviously there are still nerves as they face a particular charge, but understanding the process of what is going on is important. Making the court experience harder for offenders by taking away knowledge and not giving them an understanding as they go through the system goes no way towards helping to stop repeat offending, because offenders do not get the opportunity to understand the whole process.

As I was saying before in relation to referral systems, and this has been raised by many members, at the moment the courts referral system gives referrals to local community groups — I worked as a policeman mainly in Dandenong, but I also saw this a lot in the Melbourne courts — and it is those community groups that make the real difference in stopping repeat offending. A lot of the time stopping repeat offending is not about the sentence imposed by the court or the way the court deals with an offender; it is the referral that puts them in contact with someone, whether it is for drug rehabilitation or something to do with a mental illness. Many people who come before our courts are not aware they have a mental illness prior to getting there; that is something that then becomes relevant as they go through the particular process.

The importance of strengthening the court system and the flow and effectiveness of our court system is twofold. It not only assists the person there; it also assists in reducing the need for police to be standing around waiting in the court system. If the courts had a better system to get people through them, members of the police would no longer be required to be in as many contested hearings as currently go through. We could free up more hours for our police and get them out doing the things we expect them to do — that is, front-line policing, crime prevention, working with communities and working with other people. This government is very keen to see more Victoria Police officers on the street. We are going to increase police numbers by 1700, which is a fantastic result for Victoria. At the same time we are reducing the need for police to be standing in courts waiting around all day for some things that may take 5 minutes. That is a positive result for all Victorians, and it will ensure that we can get more police doing front-line activities and being back out where we would prefer them to be.

The current referral system is the court integrated services program. This program is operational at the

Melbourne and Sunshine magistrates courts and, as mentioned before, at the Latrobe Valley Magistrates Court. The program has been in place for some time. It allows the courts to use a court-assisted program to get offenders back to community programs that give them the opportunity to understand why they ended up in court in the first place and to work on the offending behaviour to ensure that they do not repeat offend.

The amendments put forward in the bill today will go a long way towards strengthening the court system we have at the moment. There is possibly still more work to be done, but I support anything that moves towards referral systems. I support anything that gives someone with a mental illness or someone who does not genuinely understand what they are going through as they go through the court system the opportunity to go back out into the community for some rehabilitation or some genuine assistance that they or their families may need. I am especially referring to young people, as covered by the Children and Young Persons Act 1989. We have to give young people every chance we can to get their lives back on track. It can be a significant burden if they end up in and out of a court and justice system because nobody listened to them in the first place or gave them assistance or advice on the way through.

With that short contribution, I would like to wish the Justice Legislation Amendment Bill 2012 a speedy passage.

**Mr FOLEY** (Albert Park) — I rise to make a few brief comments on the Justice Legislation Amendment Bill 2012, which is a very important bill of an omnibus nature. It makes amendments to a large number of acts that other honourable members have referred to. I reiterate the position of the opposition as indicated by our lead speaker, the honourable member for Altona, that we will not oppose the bill.

I will confine my comments to the amendments to one particular act — that is, the Liquor Control Reform Act 1998. By the government's own admission and as we were told in briefings provided to the opposition, the bill rectifies a small but significant error in the original bill which the government brought to this Parliament in recent times and which gave effect to the Victorian Commission for Gambling and Liquor Regulation through an act of that same name. That act is a very important piece of public policy for many communities, but particularly my community. That is so for areas such as Southbank, which has a large number of facilities in the entertainment and alcohol-related areas, and for South Melbourne and Port Melbourne, but especially for St Kilda. For a number of years the many

attempts particularly by Victoria Police to get alcohol-related violence under control have been a significant community safety issue for the people of St Kilda.

Members should remember that St Kilda is one of the most densely populated parts of Melbourne and in the centre, around Fitzroy Street and Acland Street, it is a significant entertainment and cultural venue. Suggestions were made in the briefing that perhaps some issues around the act and its regulatory arms have been questioned in recent times. That is a matter of some significant concern to the opposition, as indicated by our lead speaker. It is a pity that the government was not able to be forthcoming with the opposition, with an independent authority providing the briefing, but rode shotgun through the briefing. It did not provide an opportunity for full and frank provision of information about what might be some of the apparent problems with regulation and enforcement in more recent times, since the government's act came into force.

This is a significant issue because operators of venues in my electorate go to considerable effort to make sure that through their liquor accord and their relationships with a number of different agencies that regulate this area they achieve best practice — and overwhelmingly they do so. However, from time to time there continue to be a number of backward performers in this area who drag down the rest of the precinct. It does not take much on a hot summer's night for someone who is tanked up a bit to bring down the reputation of the area. Sadly that happens from time to time. It creates all sorts of issues for Victoria Police officers who, as I said, continue to do an outstanding job in the area.

Just to diverge for a minute, it was with great pride that I recently attended an award ceremony for Victoria Police officers in the police service areas of Stonnington and Port Phillip. Some of the achievements of VicPol were recognised, particularly in relation to the community safety aspects around this entertainment precinct.

It is no light matter when there are people whose livelihoods are dependent on the reputation of St Kilda as an entertainment and cultural hub. Being able to attract people to a safe and well-regulated series of venues is strategically important to all stakeholders in that sector — whether it is the venue operators, the police, the regulatory agencies, the tourists and other visitors or the thousands of people who call that area home. That is why I was especially pleased to see the efforts in recent times to achieve the formation of the St Kilda Live Music Community. Importantly, its members seek to engage with the variety of

stakeholders to achieve a balance between those people who complain and raise concerns about venues — particularly regarding alcohol-related activities — the regulators and the venues. Their efforts to have an accord-based process with all the stakeholders in that sector to achieve an outcome that highlights, promotes and advances St Kilda as a centre for popular culture and music have resulted in an outcome that many in the community, including me, support. Their job is made all the more difficult if the regulatory environment that they operate in is not clear. We rely on the good advice of the independent regulator in this area and hope that through the amendments made by the bill it will be clear.

As I said, it is particularly disappointing that through his office the minister saw the need to ride shotgun through that briefing and was not in a position to allow the independent regulator the opportunity to make clear whether there were any examples where the effect of the apparent error in the government's initial legislation has been to put regulatory efforts at risk. I acknowledge that the revision will be retrospective. The opposition hopes that will fix the issue. We have to take the government at face value on its advice that that will be the case, but it should rest assured that should circumstances arise in my own community in which the efforts of people, whether they are members of the St Kilda Live Music Community, the local police, the local accord partners or the operators of the local venues, are somehow or other brought into doubt through any error of the government's own making, we will certainly be holding the government to account.

With those few brief comments on this particular aspect of a broad-ranging bill, I end my contribution.

**Mr CRISP** (Mildura) — I rise to make a contribution to the debate on the Justice Legislation Amendment Bill 2012. The purpose of the bill is to amend a number of acts to improve their operation. They are the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000.

The various reforms can initially be headlined as clarifying the procedural framework of the assessment and referral court (ARC) list of the Magistrates Court, empowering the Governor in Council to make regulations with respect to court fees for civil matters in the County Court, streamlining appointments of dispute resolution convenors in the Children's Court, clarifying the requirements of the chair of the law reform commission and making a statute law revision of the Liquor Control Reform Act.

The bill engages section 8 of the Charter of Human Rights and Responsibilities Act 2006, which in subsection (3) provides:

Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

This is reasonably important, and the bill has been carefully crafted to meet the requirements to amend legislation while not impinging on the charter act.

The bill clarifies the procedural framework for the assessment and referral court list in the Magistrates Court. The ARC list was designed to achieve better and effective outcomes for people with an impairment who come before the criminal justice system. I can remember when similar legislation was before this house and how important and sensitive that issue was. The bill also provides for procedural improvements in regard to reporting on the operations of the ARC list.

The assessment and referral court list was established in 2010, and its criminal procedure framework in the Magistrates Court is available for offenders who have impairments, including a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment such as dementia. They are important reforms. All of us are sensitive to the needs of those people. I will talk more about how they interact with the courts a little later.

The next part of the bill is to empower the Governor in Council to make regulations with respect to fees regarding civil matters in the County Court. The bill amends the County Court Act 1958 to provide a regulation-making power to the Governor in Council with respect to fees payable for any matter in the court and fees payable regarding bailiffs or the execution of a warrant or other process. This replaces the current outdated procedure for setting fees in the County Court. The power granted to the Governor in Council providing for the imposition of fees may be exercised by providing specific fees, maximum fees, minimum fees and fees that vary according to value or time or to class of matter. It also stipulates the times when fees are to be paid. This amendment will also make the County Court provisions consistent with those affecting all other court jurisdictions in relation to the manner of making regulations for court fees.

Amendments to the Children, Youth and Families Act 2005 are about dispute resolution conference convenors. The Children, Youth and Families Act 2005 allows for a division of the Children's Court to refer a matter to a dispute resolution conference. The bill will remove the requirement that dispute resolution

conference convenors be appointed by the Governor in Council and instead provides a process for convenors to be appointed by the President of the Children's Court. This is a simplification of some of the process that is involved, and it will hopefully save people's time, effort and money. The current process presents significant hurdles for the effective allocation of resources in the Children's Court. The streamlining of the appointment of conference convenors will allow the court more flexibility in recruiting convenors at times and in locations where they are required. Most convenors are registrars who are already employed full-time to work in the court. Sessional convenors may be appointed as appropriate from time to time, particularly in the regions, to meet the court's dispute resolution conference requirements.

The bill amends the Victorian Law Reform Commission Act 2000 to remove the mandatory requirement for the chairperson of the commission to be a full-time employee and allows the option of appointing a part-time chairperson. It will remain open to the government to appoint a full-time chairperson, and the government will continue to be able to appoint full-time commissioners to work on specific references from time to time. In seeking a new chairperson the government wishes to be able to consider possible appointees with the widest possible range of backgrounds, skills and experience. The amendment will create the potential for suitably qualified expert candidates to make a contribution.

The final part of the bill involves a statute law revision to the Victorian Commission for Gambling and Liquor Regulation Act 2011, which commenced on 6 February 2012. The Liquor Control Reform Act 1998 was amended to give the commission all the regulatory powers of the former director of liquor licensing. This bill allows a statute law revision to that act to clarify a reference to the director of liquor licensing. This is a fairly busy bill in relation to all the things it is designed to do. In general we are looking at the Victorian justice system as a whole. Most people have little experience in our justice system. I believe the system is good; however, it can be overwhelming when you first encounter it.

I want to pay tribute to what is called a court network in Mildura. I am sure many other places have one. The court network is staffed by people who understand the system. They offer advice and help to people who are navigating it. Members of the group are volunteers, but like members of other volunteer groups, they need extensive training. Some of the difficult cases that the network deals with involve people who have a mental illness or mental impairment of some nature.

The court integrated services program is a good government program that is funded for four years for a considerable amount. It tries to help the Magistrates Court reduce reoffending by people with mental illnesses and other problems. So many of our people are under enormous stress in relation to mental illness that they will no doubt encounter the courts. They are probably the people who are least able to manage the legal system. Any help they can get, even from someone who is essentially a layperson in the court who has a friendly face and is relaxed, is good.

The program gives the Magistrates Court the scope to arrange drug and alcohol treatment, crisis accommodation, disability and mental health services and other services where the court considers it would help defendants overcome their problems and get their lives back together. But people have to front up to court; they have to get through the front door of the court, get themselves seated in court and go through the process. For that reason I would again like to pay tribute to people involved in the court network who do that work. The program recognises the problems that exist in our society in addressing these issues. I am hoping the changes will help people deal with that.

As I said, this bill is extensive. We have particular concerns about those people who land in court who not only do not understand or cope with the system at all — as so many people do not — but also have an impairment or disability. We hope that in relation to all the programs we have that this achieves the overall aim of those people not ending up in court again. I again pay tribute to the people involved in the court network who help to guide affected people through the system. I wish the bill a speedy passage.

**Ms HALFPENNY** (Thomastown) — I rise to speak on the Justice Legislation Amendment Bill 2012 and to state that the Labor opposition does not oppose this bill. This legislation shows that it is also necessary that laws, including laws pertaining to the operation and regulation of the justice system itself, often need to be amended in order to remain relevant to changes in society. A number of the amendments we are discussing this afternoon relate to changes or amendments in the justice system itself. I will not go into long details because previous speakers have already given great detail about the amendments proposed by this bill, but I will make a few comments on each amendment and a few other points.

There are five reforms encompassed within the bill we are discussing this afternoon. The first is an amendment to the Children, Youth and Families Act 2005, which will grant the President of the Children's Court the

power to appoint dispute resolution convenors as opposed to the Governor in Council. As I understand it, this should make the process simpler and easier and free up resources within the court so that people have access to those dispute resolution convenors earlier and in a more efficient manner.

The second amendment is to the County Court Act 1958, and it will empower the Governor in Council to set fees for civil cases heard in the County Court and align the County Court with other jurisdictions. It is a fairly mechanical amendment.

There is also an amendment to the Victorian Commission for Gambling and Liquor Regulation Act 2011 to clarify the reference to the director of liquor licensing so that the new legislation will give the Victorian Commission for Gambling and Liquor Regulation all the regulatory powers previously held by the director of liquor licensing.

Then there is the amendment to the Magistrates' Court Act 1989, which will change the method of assessing whether an accused person is eligible for referral to the assessment and referral court list. This is a compassionate amendment whereby those with a cognitive impairment, a mental illness or an intellectual disability who find themselves within the justice system can hopefully get proper assessment and improved justice when they have to deal with that situation.

Finally, there is the amendment to the Victorian Law Reform Commission Act 2000, which will remove the requirement for the chairperson of the commission to hold the position on a full-time basis.

Whilst there are a number of small changes or amendments put forward in the legislation we are talking about this afternoon, they also have big impacts on those people affected by them, and the last amendment I have just raised, which is to remove the requirement for the chairperson of the commission to hold that position on a full-time basis, really says a lot about this government and puts into perspective its actions up to date. It seems that if you are not going to do anything, if you do not want to make reforms or if you are not going to act to make changes to better people's lives, then of course you do not need a full-time chairperson of the Victorian Law Reform Commission.

I believe it is vital for the law to be reviewed constantly and for reform recommendations to be made if necessary. The law reform commission has made a great contribution to this state with its recommendations about things such as law reform and

child protection, and it does a lot in terms of community education. It is concerning that this government has continued on its course in line with the accusations being made about it, which are that it is doing nothing to help the people of Victoria. This is another step in that direction when it is trying to reduce the amount of time spent on looking at good and positive things such as reforms to the law to make justice better and to make people's lives better. We have a situation where the government is in fact going in the wrong direction by reducing resources that help to make reforms and changes for the better.

When we talk about going in the wrong direction it reminds me of the cartoon by Mark Knight that well captured the sentiments of many people when it said that this government is going in one direction, and that is a downward direction, when you look at things like increasing unemployment rates and the fact that there is no policy or plan to create jobs and support Victorians who are losing their jobs — —

**The ACTING SPEAKER (Mr Northe)** — Order! I ask the member to come back to the bill.

**Ms HALFPENNY** — As I was saying, this bill will amend all sorts of different areas of legislation, and some of it is good, but it is very disappointing to see legislation that talks about reducing the full-time position of the chairperson of the Victorian Law Reform Commission. In the end when we are talking about the justice system, if we want to keep people out of the justice system — and we are talking about the criminal part of the justice system — people need hope, they need jobs and they do not need poverty. Those are the things that jobs provide for people, and we need to see more from this government in terms of getting those jobs so that people can have good living standards and have a better future to look forward to.

**Mr KATOS (South Barwon)** — It is my pleasure to rise to make a contribution to the Justice Legislation Amendment Bill 2012. This bill seeks to strengthen the court system. The court system is always in a state of change and flux, and it is important that we as legislators keep up with those changes and act appropriately, hence the bill before the house today. This bill makes amendments to the Victorian Law Reform Commission Act 2000, the Magistrates' Court Act 1989, the Liquor Control Reform Act 1998, the County Court Act 1958 and the Children, Youth and Families Act 2005.

I will give a brief overview of the bill and go into more detail on certain clauses. One thing the bill does is clarify the procedural framework of the assessment and

referral court list of the Magistrates Court of Victoria. It clarifies that the court must have regard to any assessment made by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that an accused may have. This is very important with regard to specific disorders in the autism spectrum, acquired brain injury, dementia and forms of intellectual disability or incapacity.

The bill inserts an additional power which allows the Chief Magistrate to create a separate hearing list for matters that relate to a particular impairment. This is actually a very important part of the bill. It allows for the Magistrates Court to have a separate list for each of the disorders I mentioned earlier, such as autism and acquired brain injury. This is a common sense and very streamlined approach. For example, on Wednesdays the court list has matters concerning dementia sufferers. Therefore all the relevant experts and legal counsel expert in those areas can be in the court, and that is more efficient for the operation of the court and for the medical experts and witnesses. The bill also introduces mandatory reporting requirements for information that must be included in the court's annual report, and it clarifies that an individual support plan must have regard to the particular functional and diagnostic criteria that apply to an accused.

The bill empowers the Governor in Council to make regulations with respect to fees for civil matters in the County Court. This brings it into line with the supreme and magistrates courts, as this is the procedure that is used there. It does not change the fee; it just reflects the manner in which the regulations are made, which is sensible and brings it into line with the other two jurisdictions. The bill will improve the Children's Court appointment processes by providing a process for dispute resolution convenors to be appointed by the President of the Children's Court. The bill clarifies the requirements for the Victorian Law Reform Commission chair and makes a statute law revision to the Liquor Control Reform Act.

Clause 3 is in regard to dispute resolution convenors. The bill before us today amends the Children, Youth and Families Act, providing a process for the dispute resolution conference convenors to be appointed by the President of the Children's Court. At present the requirement is that the dispute resolution convenors in the Children's Court be appointed by the Governor in Council on the recommendation of the Attorney-General. This is a somewhat cumbersome process. The bill removes that cumbersome process and allows the President of the Children's Court to do this. It is a sensible amendment and it is a more efficient use

of resources, and the Children's Court has expressed strong support for this amendment relating to the dispute resolution convenors. It will give more flexibility to the court in recruiting convenors at times and in locations where they are required. For example, in your electorate in country Victoria, Acting Speaker, I do not believe a pilot study has been done.

This is sensible legislation. With regard to the court fees that I mentioned earlier, in relation to civil proceedings they will be brought into line with the magistrates and supreme courts. That is a sensible procedure.

The Victorian Commission for Gambling and Liquor Regulation Act 2011 came into being on 6 February. It made some amendments to the Liquor Control Reform Act 1998 and the Gambling Regulation Act 2003 and consequential amendments to other acts. It also provided for the abolition of the director of Liquor Licensing Victoria and the Victorian Commissioner for Gambling Regulation upon establishment of the commission. But in the Liquor Control Reform Act 1998 there is still a reference to 'director' where it should read 'commission'. One act refers to a commission and the other to a director, so there is a bit of confusion there — hence the amendment to 'commission'. We introduced the bill as part of the commitment to have one body responsible for gaming and liquor in the state of Victoria. The member for Altona asked why it has become retrospective. It gives effect to the starting date of the act, which is 6 February 2012, and to Parliament's intention that that be the commencement date for the act. It clearly removes doubt. Obviously you cannot have one act referring to a commissioner and another referring to a director. It is common sense to remove any doubt there.

The purpose of the amendment proposed to the Victorian Law Reform Commission Act 2000 is to allow for a part-time chairperson to be appointed. This is a similar process to that used in the Sentencing Advisory Council, and it has worked successfully there. Basically it allows for a part-time chairperson to be appointed. A full-time chairperson can still be appointed, but the amendment gives the government flexibility to appoint a part-time chairperson. This provision widens the pool of people who are available — for example, there might be people in academia or practising barristers who could do it in a part-time capacity but would be unwilling to give up their full-time employment to become the chairperson of the Victorian Law Reform Commission. It is a sensible amendment as it increases the talent pool from which we can choose the chairperson.

The act provides sensible reforms. The law is fluid; it is in a constant state of flux. There are always changes with regard to the law, and it is important that we as legislators recognise where reform is needed or where there are loopholes or inefficiencies — as highlighted in some of the cases here. This is a sensible bill, and I am happy to commend it to the house.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a few comments with regard to the Justice Legislation Amendment Bill 2012. I will keep my comments relatively brief to allow other speakers an opportunity to make a contribution to the debate on the bill. In particular I note that Labor is not opposing the amendments proposed by the government.

I would like to spend some time particularly focusing on the Victorian Law Reform Commission amendments that have been proposed. I will touch on a couple of the other matters, particularly around the amendments to the Children, Youth and Families Act 2005 and some changes that will make the appointment of dispute resolution convenors not so cumbersome in the future by allowing those appointments that are currently the subject of Governor in Council decisions to be made by the President of the Children's Court, who will now have those powers under these amendments, which is a positive change that provides greater flexibility to our courts. We want courts to be able to deal with a range of matters without delay, and this will streamline the opportunities for them to appoint people with the relevant qualifications to provide support to people in the justice system.

I note that there are also some subsequent amendments whereby attorneys-general will not need to satisfy themselves as to the character of those appointments; that role will then fall to the President of the Children's Court. There are also some amendments proposed with regard to the fee-setting structures which bring the County Court into line with other jurisdictions, and they are pretty straightforward. There are also some changes with regard to liquor control reforms and sundry amendments to the Magistrates' Court Act 1989.

The aspect that particularly interests me in relation to this suite of amendments relates to the Victorian Law Reform Commission Act 2000, in particular the capacity of the government to appoint subsequent chairpersons of the law reform commission in a part-time capacity. It is disappointing that that is being pursued. I am a member of the Law Reform Committee and have a keen interest in law reform matters, and I note the contribution made to the Victorian Law Reform Commission by Professor Neil Rees, whose term ended in February. He made a significant

contribution over a long time, and his leadership has been acknowledged by members on both sides of the house.

However, I will touch briefly on a couple of comments made in the second-reading speech, in which the Attorney-General said:

In seeking a new chairperson, the government wishes to be able to consider possible appointees with the widest possible range of backgrounds, skills and experience.

That is what I would hope always applies whenever we are seeking to appoint a person to a role such as the Victorian Law Reform Commission chairperson. He went on to say:

The amendment will create the potential for suitably qualified academic and expert candidates to contribute to the important task of law reform without having to sacrifice their existing careers.

I would respectfully suggest that it is not beyond the realms of possibility to expect that people who are expert candidates and who make substantial contributions — whether they are academics or whether they contribute to reform of the law in some other way — still have the opportunity to make those contributions either as members of the Victorian Law Reform Commission or as people who might make submissions to it. They are not precluded from doing that now, and I do not see that suddenly making the role a potentially part-time one provides a greater level of contribution to the work of the commission than is already made by members of the legal profession or others with appropriate skills.

Given that this means the government can still appoint a full-time committee chairperson, it is important that I advocate for it to continue to advertise for a full-time commission chairperson. We need someone full time who is dedicating themselves 24/7 to the role of law reform and lobbying governments and other organisations in the justice system around law reform issues. It is important, as law-makers, that we have a law reform commission led by a chairperson who is appointed in a full-time capacity to advocate and present those views and positions. Personally I do not want someone who will only devote themselves part time to those deliberations and to that advocacy, lobbying and consultation. People who are not prepared to devote themselves full time to that role should make their contribution to the work of the Victorian Law Reform Commission in other ways. That is something I would ask the government to reflect on, and I would also hope that moving down the path of a part-time law reform commission chairperson is not a reflection on the government's agenda in the area of law reform.

I hope the government will be putting forward law reform matters and issues for consideration that will require the full-time attention and commitment of a full-time law reform commission chairperson. I hope this is not about limiting the resources, the time or the capacity of people to make that contribution or about limiting the Victorian Law Reform Commission to fulfil its role. They are matters that need to be considered, and I suggest that there are plenty of eminent people in the justice system or who analyse, assess, comment on and study the justice system here in Victoria who can make a contribution on a full-time basis and are willing to do so. The suggestion that it somehow limits the contributions of people to law reform in Victoria because we have a full-time person committed to chairing and leading the Victorian Law Reform Commission does not stand up to scrutiny and is not an argument I would support.

With those comments, I commend this broad range of amendments to the house, but I note that they are things we will consider further when the government seeks to make future appointments to this position. I ask the government to give consideration to these matters so that we are not lessening the resources and advocacy needed to ensure that we maintain our commitment to law reform in Victoria.

**Mr SOUTHWICK** (Caulfield) — I rise to make a contribution to the Justice Legislation Amendment Bill 2012. The bill will strengthen the court system by amending five key acts — the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates Court Act 1989 and the Victorian Law Reform Commission Act 2000. The coalition came into power with a clear mandate to ensure that we restored law and order in Victoria. We have heard on many occasions members of the government talking about law and order as a key platform, and lots of legislation has passed through the house in relation to law and order.

Reform of the justice system is a very important part of that mandate and those building blocks. I begin by commending the Attorney-General on the work he has done on law and order, particularly with the bill in front of us. Many of the issues that we are presenting in this bill are issues that the Attorney-General raised when he was in opposition. They were things he fought for in opposition but which were not passed by the government of the day. Therefore it is with great joy that we can talk about them now that we are in government and can ensure that we achieve reform in this area.

I would like to make a contribution in relation to a number of areas. Firstly, I would like to touch on the change to the procedural framework of the assessment and referral court — or ARC — list for the Magistrates Court of Victoria. This list is something that has been around since 2010, when it was established to ensure that we had a framework for dealing with offenders with various impairments. The list of impairments includes cognitive impairment, mental illness, intellectual disability, acquired brain injury, autism spectrum disorder and neurological impairments such as dementia. There are a number of different areas, and although the list was well intentioned, it is very general. What that meant was that a magistrate would effectively have to be an expert in a whole range of different areas, and thus it was difficult to ensure that those people who presented in front of the magistrate would be clearly understood in terms of the issues they confronted.

This amendment allows the list to be streamlined, allows magistrates to take on specific expertise and allows magistrates to ensure that appropriate clinicians are available to support them when people present with these particular illnesses — which will ensure that we have proper justice. This is a way of ensuring that we have a streamlined, fairer and better system of justice. It has certainly been a long time coming. These are the sorts of reforms that governments and oppositions — all of us — should be proud of, because they are ensuring that justice is done. As to equity, it is important that members of the community who are suffering from various illnesses get their share of justice as well. The changes made by the bill will ensure that all members of the community, including those with a mental impairment, get that justice.

The second part of the bill allows the Governor in Council to make regulations with respect to fees for civil matters in the County Court. This will bring the County Court into line with the Supreme Court and the Magistrates Court and will ensure that there is consistency in terms of maximum and minimum fees that are charged. It also makes the manner of setting these court fees quite explicit, and it is very important in the judicial system that people know exactly what the fees are and how they are charged.

The third element of the bill will improve the working of the Children's Court by providing a process for dispute resolution convenors to be appointed by the president of the court. The current process creates significant hurdles to the efficient allocation of resources of the Children's Court by creating time delays when these convenors are appointed. What we are trying to do is ensure that we have speedy dispute

resolution. We appoint these counsellors and have them there ultimately to ensure that a dispute can be resolved, if it can be resolved, before it goes through the process of the court. Again, what this bill is doing is streamlining that process, unclogging the courts and ensuring intervention at the earliest stage possible.

What is important in relation to this aspect of the bill is that when it comes to the Children's Court and dispute resolution convenors, we are dealing with very sensitive matters. We are talking specifically about child protection matters, which are very sensitive. If we can ensure that dispute resolution takes place at the earliest possible time and is handled in the most sensitive way possible by people who are accredited, and if we have experts in place to deal with this resolution, then that will lead to better outcomes for everybody. So improving the Children's Court by having such a process is really important and is something that is long overdue. It is another example of how we can streamline the system and make justice work more equitably.

The fourth area of the bill I would like to look at is the Victorian Law Reform Commission chair. I note that members of the opposition have been making a point about being concerned about a part-time chairperson being appointed to the law reform commission and have been making all sorts of sweeping allegations and statements in relation to that, including suggesting that it was an attempt to reduce costs and all sorts of ridiculous claims. Effectively what we are doing here is creating the widest possible opportunity to appoint the best possible candidate for the job. If that means that somebody works part-time because they have another area of expertise in which they will be undertaking work, then so be it. If the best person happens to be a full-time person, then so be it as well. We have this happening in many areas of our community. If you look at the education system, you will see that the best professors and the best lecturers in universities are those who have expertise that they can contribute, and many of them work on a part-time basis within and outside of the education system. We see that in health, and we see it in business as well.

We are all about appointing the best person for the job. If they are only available to work part time, so be it; if they are available to work full time, so be it. There are many people who have the expertise and superior abilities who we should not discount just because they are only available part-time, and that is why this amendment has been put in place.

The last point I wanted to make is in relation to the statute law revision to the Liquor Control Reform Act

1998, which was amended by the Victorian Commission for Gambling and Liquor Regulation Act 2011. That is another thing we have put in place since being in government. It is very important to ensure independence for an independent commission that has been appointed by the Governor in Council and to get the best possible outcome in terms of liquor and gambling control here in Victoria. To ensure that we have proper flow-through we need to make sure that various parts of legislation are covered, as we are doing here. We need to ensure that all areas are covered by the provisions of the bill.

This is an important bill, and as I said earlier, the Attorney-General has continued his great work in a very important part of law reform. I note the important work he has done. Justice and law and order are cornerstones of our society, and this government will continue to deliver in this area something that the community has been calling out for for 11 years. We are now delivering it. I am very proud to be part of the government that is delivering on law and order. I commend the bill to the house.

**Mr MORRIS** (Mornington) — I am pleased to rise this afternoon to support the Justice Legislation Amendment Bill 2012. I note that while the opposition's stance has varied between support and non-opposition the bill will not be opposed by either side of the house no matter what expression is used. The bill is omnibus bill in the sense that it amends a series of acts: the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000. It is also an omnibus bill in the sense that it addresses a series of related matters. Through the amendments to those acts the bill deals with the assessment and referral court list of the Magistrates Court, addresses the setting of regulations for civil matters in the County Court by the Governor in Council, seeks to improve the appointment processes in respect of some offices in the Children's Court, makes some changes to the Victorian Law Reform Commission and deals with a matter arising from the implementation of the Liquor Control Reform Act. The bill deals with a broad range of issues in terms of outcomes, and amends the relevant acts.

None of these matters is particularly momentous, and that has been noted by some speakers in the debate this afternoon. That is often the nature of the legislation we deal with in this place. Every so often we deal with a major reform, a brand-new bill or a rewrite, as we did with the Associations Incorporation Act 1981 in the last sitting week. Less frequently we deal with a major reform that requires a series of bills, such as the

establishment of the Independent Broad-based Anti-corruption Commission has done, where it is an appropriate approach to provide a series of building blocks to get the legislative solution that is required. The bill we are dealing with this afternoon is a microcosm of the breadth of issues that we as members of Parliament need to be across. When people think about what we do as members of Parliament, acting as legislators is often well down the list, but it is an important part of our task. The breadth of issues covered in this bill, including those pertaining to courts and liquor, while all within the Attorney-General's portfolio and effectively related to justice, cover myriad sections of Victorian society.

That leads me to comment on how we deal with legislation. It is one thing to be briefed, but it is quite another thing to be in a position to form some judgement on the impact that the legislation is likely to have. We are fortunate in the 21st century to enjoy a high standard of parliamentary drafting. Occasionally it is not perfect but 99 times out of 100 it is. Our standard of drafting is excellent, so we do not necessarily need to become involved in all the detail or to go into a consideration-in-detail stage to work our way through the bill line by line and word by word. However, we as legislators certainly do need to be aware of the impact of the legislation we are passing. The longer you are in this place the more experience you have and the more effective you become in doing that.

My five and a bit years here have included work on the Drugs and Crime Prevention Committee, which had cause to contact and deal with all the organisations that are affected by the legislation we are dealing with this afternoon. Dealing with people running programs in those organisations gives one a better perspective on legislation. Having been in both government and opposition I have also had the privilege of standing on both sides of the house — something that offers a very different perspective on legislation.

It is important when we are debating legislation that, whether it be a relatively straightforward bill like this one — a bill that is supported by both sides — or more detailed and contentious legislation, we do not simply come in with a prepared position, stick our hands up and vote, which is often the perception of the way modern parliaments work, but that, in the words of Edmund Burke, we bring our judgement also.

We are not ciphers, and we should not become or allow ourselves to become ciphers. That is one of the great strengths of the Westminster system in its current form: that we have checks and balances. We have checks to make sure that legislation is scrutinised. It is not simply

pushed through the executive council and then the flaws are found outside. It is held up to the light. Sure, there are often differing views — or perhaps it is more accurate to say that there are occasionally differing views across the chamber — on what constitutes the public interest, but the legislation we get and the legislation we have had is generally good.

As I said before, the bill before the house this afternoon is a relatively straightforward bill that amends five acts. It clarifies the procedural framework of the assessment and referral court list of the Magistrates Court of Victoria and in particular clarifies that the court must have regard to any assessment undertaken by a person with appropriate clinical qualifications; grants additional powers to the Chief Magistrate; introduces mandatory reporting requirements; clarifies that an individual support plan must have regard to particular functional and diagnostic criteria; empowers the Governor in Council to make regulations with respect to fees for civil matters in the County Court; and allows for a process or legislative framework to improve the Children's Court appointment processes, in particular through the provision of a process for dispute resolution convenors to be appointed by the President of the Children's Court. The current process, I understand, contains some significant hurdles.

The bill also clarifies requirements for the Victorian law reform commission chair, and I know there has been some discussion this afternoon about whether it is appropriate to have a part-time appointment. I note that it is simply an option, and a part-time appointment may be appropriate for a particular individual whereas a full-time appointment may be appropriate for another depending on who is available and what other interests they might have. There is also the capacity for greater flexibility there in terms of the governance arrangements.

The final point is the statute law revision relating to the Victorian Commission for Gambling and Liquor Regulation and the retrospective nature of the clause. I note that in its *Alert Digest* reports the Scrutiny of Acts and Regulations Committee accepts that the retrospective amendments do not directly trespass unduly on rights and freedoms and that the amendments seek to remedy legislative oversights in giving effect to a new regulatory regime for liquor and gambling in Victoria. Retrospectivity is therefore appropriate. As I said, occasionally there is the occasional 'i' not dotted or 't' not crossed in terms of the parliamentary drafting, but we have the opportunity to fix it. I commend the bill to the house.

**Mr HERBERT** (Eltham) — It is a pleasure to say a few words about the bill, and I note the time. Many members want to make a contribution to the debate on this bill, the Justice Legislation Amendment Bill 2012. I want to comment on it briefly. Many members have noted that Labor is not opposing this bill. We note that it is a relatively minor bill which makes a range of non-critical amendments to a whole range of matters in the justice system, and as such it has become typical of what we have seen with this government and its approach to the legislative process and reform.

Nowadays it is rare that this chamber gets to debate an issue that is a bit meaty — a bit controversial, perhaps — or something that is genuine about major reform in areas where there clearly needs to be a continuous look at what happens in legislation and reform to make it absolutely relevant to the lives of people that the legislation seeks to have an impact on. In this bill we see a whole range of amendments — some minor amendments — in terms of Governor in Council appointments and the Children's Court. In the Children's Court lately there have been many issues that affect children in this society. There needs to be a complete overhaul — or at least a complete look at it. There are issues to be dealt with in terms of child protection, and there are a whole range of questions out there in the community.

I note that this bill does make some changes. We do not have any great problems in terms of the character, qualifications and experience of those who appoint people to be basic dispute resolution convenors or with those processes, but it would be good to see the government looking at some of the major issues that face it. As some of my colleagues, particularly the member for Ivanhoe, pointed out, when we have a look at the issue of the Victorian Law Reform Commission changes in terms of the capacity to appoint a part-time chairperson. We say, 'Why? Why would we downgrade such an important position?'

**Mr Carbines** — Part-time government

**Mr HERBERT** — As my colleague from Ivanhoe points out, it is a part-time government, and it is keen on putting in part-time people — part-time workloads, part-time government and part-time legislation. Now we have the Victorian Law Reform Commission chaired by a person employed part time. I guess if all you have to do and all you are interested in doing is tweaking little bits of law — tweaking reform — then maybe a part-time chairperson is all you need. They can rock up for a couple of hours a week, have a look at what is happening there, have a coffee and then go home, but it is not our view of how the Victorian Law

Reform Commission should operate, and it is not our view of how Victorian law should operate.

I note that this comes at a time when public service staff numbers are being slashed left, right and centre, and the Treasurer is saying, 'Wait and see how many more are going to be slashed'.

**Mr Watt** — On a point of order, Acting Speaker, the member for Eltham seems to be straying quite far from the bill, and I ask you to bring him back to the bill.

**The ACTING SPEAKER (Mr Northe)** — Order! I do not quite uphold the point of order at this point in time. I have allowed a little bit of latitude, but I am acutely aware of the bill before us. I ask the member for Eltham not to stray.

**Mr HERBERT** — I was simply making the point, in relation to the people who advise the government on these matters — who go about the process of reviewing legislation and who come and work hard in this chamber advising the government — that with the way we are going in our legislative program we may not need as many public servants to advise the government on minor legislation that comes to this place. That is a sad state of affairs.

I do not intend to say any more. As I said, Labor is not opposing the bill, but I welcome the day when we start seeing some major legislation and major reform coming into this chamber.

**Ms MILLER** (Bentleigh) — I am delighted to contribute to the debate on the Justice Legislation Amendment Bill 2012. The Attorney-General has done a very good job in introducing this bill to the house early this year. It is a very complex bill, and as a result of that we have been required to make a few amendments. That is what we are debating here tonight.

This bill will strengthen the court in five different areas. I will outline the five different acts amended. One is the Children, Youth and Families Act 2005. The second is the County Court Act 1958. The third is the Liquor Control Reform Act 1998. The fourth is the Magistrates' Court Act 1989, and the last is the Victorian Law Reform Commission Act 2000.

If we look at the amendments to the Children, Youth and Families Act 2005, essentially what we are going to be doing here is speeding up the approval process. It will give the President of the Children's Court greater control of their court, and when we look at the amount of time and money that is spent in the court on a daily basis — in fact on an hourly basis — it can be quite expensive. Making this amendment will improve that

process, with the consequence of making it more cost efficient.

I turn to what the amendments to the County Court Act 1958 are going to do. We currently have an older, antiquated process for collecting fees, and the bill will modernise the collection of those fees. Leading into the future, that modernisation will bring the fee collection process more in line and make it consistent with other court fee-collecting processes. This is also an important matter to consider.

I will look now at the amendments to the Liquor Control Reform Act 1998, which is an act that was also looked at earlier this year. That was a complex bill — there is no question about that — and given that, there were some oversights. We have acknowledged those oversights, and we are here to make those changes and rectify them. That is also an important point.

I turn now to the amendments to the Magistrates' Court Act 1989. Essentially — just simplifying things — these amendments will give the Chief Magistrate the power to segment a list of hearings on a given day so that it groups together all the people in similar situations — for example, a list grouping mental illness issues could involve people who have acquired brain syndrome, dementia and autism. Having such a list on a given day will mean that the court can have all the experts and expertise required for those individuals to have their cases heard appropriately at that time, which will prove to be more cost effective. Those people will all be there on one day, and, as I said, this will enhance the process and make it more efficient. From an individual's point of view, that is important. As the process stands today, as I understand it, a multitude of cases, often of different natures, can be heard on any given day. I am sure this current case-by-case process increases delays, because some experts come in for one case and different experts come in for another. Streamlining or segmenting the lists to have more consistent types of cases on a given day makes sense.

The other act being amended that I wanted to touch on is the Victorian Law Reform Commission Act 2000. These amendments, again putting it simply, will mean a part-time or full-time chair can be appointed to the commission. The member for Ivanhoe said earlier that a person appointed in a part-time capacity would not be committed. I do not think that is so, because people work part-time for many reasons, including family situations and financial situations. It may be that they work two or three part-time jobs, equating to a full-time position. That is one part of the argument.

The other part of the argument — and the member for Eltham also touched on this — is that you may not get the expertise with a full-time chair either. Having someone appointed full time does not necessarily mean that their expertise will be of value in that role. A person appointed in a full-time capacity may or may not be committed to that role. When you are looking to get the best of the best, whether in a part-time or full-time role, at the end of the day you are looking for the right person for the appointment. If it is in a part-time capacity, so be it. That is a choice made by both parties; it is not just a one-sided appointment. On the other hand, if there is a person available to work full time and that person clearly has the expertise and the correct background for the appointment, equally they can be appointed on a full-time basis.

I turn back to the amendments to the Children, Youth and Families Act 2005. What exactly are they going to achieve? The current process for relevant appointments through the Governor in Council requires significant monitoring of the appointments and an onerous and time-consuming exercise for the Attorney-General and the court. That is quite an important point to make.

#### **Sitting suspended 6.30 p.m. until 8.01 p.m.**

**Ms MILLER** — I am delighted to continue my contribution to the debate here tonight on the Justice Legislation Amendment Bill 2012. As I stated earlier in my contribution, the Attorney-General put a lot of work into the original bill, which was clearly a comprehensive document. We are making some amendments to that very complicated bill. As I said earlier also, five acts required consideration and one of them required a revision.

I want to talk about the amendments that were made to the Liquor Control Reform Act 1998, which is also a very complex bill. There were some oversights, and so what we are doing here tonight is rectifying those oversights.

Another point I want to raise is the amendment to the Magistrates' Court Act 1989. Essentially the bill gives the Chief Magistrate the power to segment the assessment and referral court list, so that people with a mental illness — which could be autism or dementia — or acquired brain injury syndrome can have their cases heard in one list. That means we will be very economic with our resources and our expertise. As I understand it, as it stands today the order of cases on lists can be quite varied. That of course requires a lot of expertise to be available and there would be costs for the resources associated with that. The amendment makes good sense, in that segmenting the lists in the court on any

given day will allow for productivity in the process of the cases being heard, which will be a good thing. I know that if any people from my electorate of Bentleigh were involved they would definitely welcome this piece of legislation.

A further point I want to touch on quickly is the amendment to the Victorian Law Reform Commission Act 2000, which allows for the appointment of a part-time or full-time chairperson. Earlier in my contribution I said it is all about getting the correct person for that particular appointment and it does not matter if it is in a part-time or full-time capacity. The members for Eltham and Ivanhoe said that that was essentially a lot of nonsense. I think that today a lot of people work part time. That could be for many reasons — for family or financial reasons or whatever. They might work in a few part-time jobs, and they could equate to a full-time job. It is all about getting the right person in the right appointment, whether it be in a part-time or full-time capacity. I commend the bill to the house.

**Mr WATT** (Burwood) — I take pleasure in rising to speak in the debate on the Justice Legislation Amendment Bill 2012. I commend the Attorney-General, who is at the table and who introduced the bill into the house.

The bill amends a number of acts. They are the Magistrates' Court Act 1989, the County Court Act 1958, the Children, Youth and Families Act 2005, the Victorian Law Reform Commission Act 2000 and the Liquor Control Reform Act 1998. I will go through each of those.

The bill amends the Magistrates' Court Act 1989 to clarify the procedural framework for the assessment and referral court list of the Magistrates Court. The bill amends the County Court Act 1958 to empower the Governor in Council to make regulations with respect to fees for civil matters in the County Court and fees payable regarding bailiffs or the execution of a warrant or other process. The amendment replaces the current outdated procedure for setting fees in the County Court.

The amendment to the Children, Youth and Families Act 2005 streamlines the process of the appointment of dispute resolution convenors in the Children's Court. The act allows the family division of the Children's Court to refer a matter to a dispute resolution conference. The bill removes the requirement that dispute resolution conference convenors be appointed by Governor in Council and instead provides a process for convenors to be appointed by the President of the Children's Court.

The bill amends the Victorian Law Reform Commission Act 2000 to allow for the appointment of a part-time chairperson. While I am on that, I want to make the point that I listened to the contribution by the member for Ivanhoe, who talked at length about this amendment being a downgrading of the position and said that it is a bad thing. Subsequently he said that he would not oppose the bill, which is interesting. I want to allay the fears of the member for Ivanhoe. The bill allows for the appointment of a part-time chairperson of the Victorian Law Reform Commission. If the best person for the job happens to be someone who can do the job part time — that is, if the person who can do the job part time is better than any person who can do it full time — there is no reason why that should not be the case. The bill allows for the appointment of a part-time chairperson. The appointment will not necessarily be part time; it could be part time or full time. I just want to allay the fears of the member for Ivanhoe and tell him that he should not be too alarmed. Obviously he is not all that alarmed, because I believe that he will probably support the bill, unless I am — —

**Mr Eren** — He won't oppose it.

**Mr WATT** — He will not be opposing the bill. Thank you very much. The member for Lara tells me he will not be opposing it, and I kind of figure that means that he supports it. Those who do not oppose a bill and sit in their seats obviously support it. I thank the member for Lara very much for clearing that up.

The Liquor Control Reform Act 1998 is amended to make a statute law revision to correct a reference to the director of liquor licensing in the Victorian Commission for Gambling and Liquor Regulation Act 2011. This particular part of the bill is something that I want to spend a little bit of time on. There is some retrospectivity in what the bill does with that act. Suffice it to say that I think that most members of Parliament are actually quite reluctant about passing retrospective legislation and they need a good reason for doing it.

I would like to quote from the last part of the report in *Alert Digest* No. 4 of 2012 of the Scrutiny of Acts and Regulations Committee — and I have to say I am a member of that committee. The report states:

The committee accepts that the retrospective amendments do not directly trespass unduly on rights or freedoms. The amendments seek to remedy legislative oversights in giving effect to a new regulatory regime for liquor and gambling in Victoria and retrospectivity is therefore appropriate given the circumstances.

Having regard to that report, the reason for the retrospectivity is that it gives effect to Parliament's

intention. It was always Parliament's intention that this act would take effect from 6 February. The retrospective provision gives effect to Parliament's intention that the new regulatory scheme in its entirety should commence on 6 February 2012. When the legislation was originally passed, that was the intention.

The amendments in this bill effect necessary statute law revisions to remove any doubt regarding the operation of provisions of the Liquor Control Reform Act 1998, which is being amended by this bill and to ensure that they operate as Parliament intended. Clause 3 in part 2 of the bill amends the Children, Youth and Families Act 2005. The current process of appointing convenors has presented significant hurdles in relation to the sufficient allocation of resources in the family division of the Children's Court. It is quite onerous and time consuming for that division. The Children's Court has expressed strong support for the changes we are making, as they will provide more flexibility when recruiting convenors.

Part 3 of the bill amends the County Court Act 1958 to bring the County Court into line with the Magistrates and Supreme courts in relation to certain fees for civil matters. It amends the County Court Act to provide regulation-making powers to the Governor in Council with respect to fees in the County Court. Regulations fix fees in respect of the Magistrates Court and Supreme Court, so it is quite reasonable to amend the County Court Act in that way.

As many members of this house have said, the bill is not all that sexy, but it achieves certain things. It helps the government to go along with a fledgling program. It brings a number of recent reforms up to date in relation to what was intended. I commend the bill to the house.

**Mr BULL** (Gippsland East) — I am pleased to rise to speak in the debate on the Justice Legislation Amendment Bill 2012. The bill improves the operation of various acts including the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000. The state justice system is very effective; it is something that all Victorians should be proud of. This bill will improve that system by introducing a number of amendments to legislation. I will mention a couple. Firstly, it clarifies the framework of the assessment and referral court (ARC) list of the Magistrates Court. It empowers the Governor in Council to make regulations with respect to fees for civil matters in the County Court, which is a very important measure. It streamlines the appointment processes in the Children's Court and allows a

part-time chairperson to be appointed to the Victorian Law Reform Commission.

I will talk about the first point, which relates to the assessment and referral court list in the Magistrates Court, which was established in 2010 and which is a framework in the Magistrates Court in Victoria that is available to offenders who have various cognitive issues that may involve a disability, including an intellectual disability or autism; a mental health issue; or an acquired brain injury. In many cases offenders have a dual diagnosis in relation to some of these areas. It allows for the system to better consider those situations and circumstances.

The ARC list is designed to achieve a fairer and better outcome for people with an impairment who come before the criminal justice system. Unfortunately we find ourselves in a situation or circumstance where people who either suffer from a mental illness or diagnosed illness are overrepresented in our legal and justice systems. This bill introduces four amendments that will improve the existing framework of the ARC list include clarifying that the Magistrates Court have regard to any assessment undertaken by a person with appropriate clinical qualifications and experience in relation to the particular impairment or principal impairment that an accused may have. Provisions in the bill ensure that the diagnosis of an acquired brain injury or autism spectrum disorder of a defendant in a case will be taken into account by the system. The bill inserts an additional power into the Magistrates' Court Act to allow the Chief Magistrate to create separate hearing lists and hear matters that relate to particular impairments where required. That is another a very important step and measure in those considerations.

The amendments in the bill clarify that the Chief Magistrate can make other arrangements for the needs or requirements of persons with a particular impairment. Once again this is a very common-sense step and process. The bill specifies information about the operation of the ARC list to be included in the court's annual report. The bill also clarifies that an individual support plan for a person must have regard to the particular functional and diagnostic criteria that apply to the accused as well as other relevant facts that may be included in that plan.

These amendments explicitly recognise that offenders with different forms of impairment may have different needs and circumstances that need to be taken into account by our legal system. As we know, people in our society who suffer from these types of afflictions, whether it is an acquired brain injury, a mental health issue, a diagnosis of an autism spectrum disorder or

something else along those lines, generally need a higher level of support and understanding. This bill provides for that to occur within our justice system.

Another aspect of the bill that I would like to talk about is that it streamlines various aspects of the Children's Court. The Children, Youth and Families Act 2005 allows the family division of the Children's Court to refer a matter to a dispute resolution conference. This bill will remove the requirement that dispute resolution conference convenors be appointed by the Governor in Council and instead provide a process for convenors to be appointed by the President of the Children's Court. The current process presents hurdles in certain areas for the efficient allocation of resources in the Children's Court. The streamlining of the appointment of conference convenors will allow the court more flexibility in recruiting convenors at the times and in the locations they are required. That is often a very strong consideration in rural and regional areas. Most of the convenors in these instances are registrars who are already employed to work within the court system. Sessional convenors may be appointed from time to time as appropriate, particularly in rural and regional areas, to meet the court's dispute resolution conference requirements.

It has been said by previous speakers in this debate that these amendments are relatively minor and straightforward, but I again focus on the ARC list and the changes that makes in providing better recognition for people with various afflictions, whether they be mental health issues, an acquired brain injury, an intellectual disability or a diagnosis in a certain area. This is not just a formality or a run-of-the-mill situation. It is very important that these people be recognised in legislation and strongly supported within our legal system. This is a very important step, and I commend the bill to the house and wish it a speedy passage.

**Mr CLARK** (Attorney-General) — I thank honourable members for their contributions to the debate on this bill. It has been a generally constructive and wide-ranging debate, and members have made a number of valuable observations about the range of measures the bill contains. I commend the bill to the house.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012

*Second reading*

**Debate resumed from 28 March; motion of  
Dr NAPHTHINE (Minister for Ports).**

**Mr NOONAN** (Williamstown) — In the absence of the member for Yan Yean, who is unfortunately unwell and away from the Parliament today, it is my pleasure to lead the opposition's response to the Health Professions Registration (Repeal) Bill 2012 and say from the outset that Labor will not be opposing this legislation.

This bill fundamentally seeks to do three things. The first is obviously to repeal the Victorian Health Professions Registration Act 2005. The second is to abolish the remaining boards operating under that act, although two boards will continue to operate to meet their financial reporting requirements — that is, to produce their 2011–12 annual reports as required by the Financial Management Act 1994. The third aspect of this bill is that it replaces references to the repealed act in other Victorian acts with references to the national law and the boards formed under it.

This is a straightforward and common-sense bill that follows many years of discussion and agreement between the commonwealth, state and territory governments. These changes were really driven by the Victorian Labor government in about 2005 when the original Victorian act was debated in the Victorian Parliament, so we are really seeing the completion of a process that commenced in Victoria. I might also say that the member for Melbourne, who is in the chamber, was very much the architect of consolidating the various health professions, bringing them together and cutting the red tape involved in accreditation and registration arrangements. Not everyone supported that reform process at the time in the Victorian context, and I am reliably informed that the member for Melbourne, who I am sure will make a contribution to this debate, will place on record some of the things that were said at that time.

Of course this reform stands in contrast to the Baillieu government, which continues to demonstrate it has no clear policy agenda on health or health-related matters. The national regulation of health professions was a key achievement of the Bracks and Brumby Labor governments. Whilst this is a repeal bill it is absolutely appropriate — and I am sure other speakers will do this — to go through some background and create some

context and reasoning as to why we are now debating a repeal bill in this Parliament.

It was back in 2008 that the Council of Australian Governments decided to approve and implement a national registration and accreditation scheme with national boards to oversee the various health professions. It was also agreed that this new scheme would take effect from 1 July 2010, and this was very much a momentous agreement that heralded a new era of health practitioner regulation and accreditation in Australia. Up until that point there had been as many as 66 acts of Parliament and 88 separate health practitioner registration boards operating right across Australia, so the desire for change and simplification of registration arrangements was absolutely clear, and all governments accepted this basic proposition.

Hence the decision was made to create a national scheme under a national law to provide greater protection for the public. This national scheme was also a common-sense approach to cut red tape. As we know, the national scheme has operated since 1 July 2010, and it initially covered 10 health professions. The scheme initially included chiropractors, dental care practitioners, medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists. From 1 July the professions of Chinese medicine and medical radiation practice, along with their boards, will also be regulated under the national law and national scheme. Occupational therapy and Aboriginal and Torres Strait Islander health practice will also be added to the national scheme on 1 July this year, although neither of these professions has had a Victorian-based registration board in the past or has indeed required registration for practice in Victoria. The addition of these four health professions from 1 July this year will take the total number of health professions under this national scheme from 10 to 14.

The transition of state-based registration schemes to the commonwealth means that such registrations will now be subject to the provisions of the Health Practitioner Regulation National Law Act 2009. This national law and scheme is underpinned by a strong governance framework, and that framework is headed by a ministerial council and supported by a range of advisory committees, including state, territory and regional boards. As I understand it, medicine, nursing, midwifery and physiotherapy have all engaged state and territory boards under the new scheme, while dental care and psychology will have multijurisdictional boards. These state and region-based boards will primarily manage local registration and also complaints as they arise.

The national boards will develop registration standards, codes and guidelines for the relevant health professions, approve and accredit programs for study and also investigate complaints, where appropriate. There has been some substantial work done in relation to establishing national registration arrangements and accreditation standards. In fact a series of consultation papers were released back in 2008, and a number of forums were also held in 2009. In all, more than 1000 people, including practitioners and representatives of regulatory bodies, were consulted during this process. In addition, as I understand it, 550 submissions were received by the national registration and accreditation implementation project team. These discussions and consultations have led to the establishment of different types of registration and endorsement categories for the various practitioners in each profession.

On 1 April 2010 the health ministers also approved a range of mandatory registration standards across all 10 health professions, and according to information from the Victorian Department of Health's website:

There are five mandatory registration standards required by health practitioners by the national boards. These are: criminal history; English language; professional indemnity insurance; continuing professional development; and recency of practice.

Obviously to gain registration as a health practitioner in Australia health professionals are also required to hold a qualification that is recognised by the relevant health practitioner board. We know that in recent years there has been a growing shortage of health professionals available to meet a constantly growing demand. As a result we have seen internationally trained health professionals entering Australia and taking up positions in our health system. This creates both challenges and opportunities for our health system. Under the national scheme internationally trained professionals are required to complete an examination or assessment administered by a professional body or hold a qualification equivalent to the Australian standard.

It is worth noting that there are more than 136 000 Victorian health practitioners registered and regulated now under the national law. Our health professionals, as we all know and appreciate, are the cornerstone of our health system, and our health system constantly delivers world-leading results and outcomes for patients which are in many cases the envy of many countries across the world. But as good as our system is, it can always be better, and Labor in government understood this, which is why it boosted recurrent funding for our health services by 153 per cent and

employed an additional 11 000 nurses and 3500 extra doctors to service that ever-growing system.

That is why Labor also made record capital investments in hospitals and delivered funding for projects like the Royal Children's Hospital, the Royal Women's Hospital and the Casey, Austin, Mercy, Bendigo and Box Hill hospitals. We also delivered funding for the Victorian Comprehensive Cancer Centre which is currently going through the construction phase, the Olivia Newton-John Cancer and Wellness Centre and other hospitals like the Maroondah, Angliss, Northern, Sunshine, Williamstown, Dandenong, Kyneton, Stawell, Ararat, Frankston, Geelong and Ballarat hospitals. I could keep going, as these are very much the workplaces of the many health professionals across Victoria.

Those hospitals and health-care networks are the workplaces that the many health professionals impacted by this national scheme and law are working in today and will be going forward with into the future. Unlike those opposite, Labor certainly will not rip \$500 million away from our health system at the first opportunity. We all know that the Baillieu government has already established a pretty abysmal record on health. About the only thing it is doing currently is rushing around the state cutting ribbons and taking credit for Labor's investments in government. To borrow a line from the Leader of The Nationals, he would say in that scenario, 'It's shameful!'. But we can be proud of our achievements in government in relation to health.

Whilst it is very tempting to continue to attack the Baillieu government's appalling record on health, I will stop there, notwithstanding the fact that I have a full 18 minutes in which I could keep going. Instead I will return to the bill briefly. Creating a national system of registration for health professionals is clearly a common-sense reform. It will cut red tape and provide better protections for our community generally. For our health professionals this will mean one national fee, one set of registration and professional standards and one registration process for each profession across Australia. I think it is important to thank the former Victorian practitioner registration boards that ceased operation back in July 2010. Those boards collectively made a very important contribution to our health system — a contribution that now continues as part of a new national scheme.

Finally, I want to congratulate the now Leader of the Opposition on the role he played as the former Minister for Health in delivering this particular reform. As I mentioned earlier, I also want to congratulate the member for Melbourne on the early work she did to

help shape this reform in the time that she was the Minister for Health. The member for Melbourne was really the architect of this national reform process. As I said from the outset, Labor will not oppose this bill.

**Mr WAKELING** (Ferntree Gully) — It gives me great pleasure to rise to lead this important debate on the Health Professions Registration (Repeal) Bill 2012. As the member for Williamstown indicated, the opposition will not be opposing the bill, and that is certainly pleasing.

The bill before the house is a straightforward piece of legislation that repeals the Health Professions Registration Act 2005 and makes minor consequential amendments to other acts. This bill seeks to repeal the 2005 act on the basis that from 1 July this year its functions are to be assumed by regulatory bodies which have now been established under the Health Practitioner Regulation National Law (Victoria) Act 2009. That piece of legislation has been developed nationally, and we are now, as the member for Williamstown has indicated, repealing a number of boards that have operated in various states. The professions they represented will be regulated by a national system which is managed by the various state and territory governments. This piece of legislation is known as the national law.

On 1 July 2010 the national registration and accreditation scheme for the health professions commenced, and the national scheme was implemented in Victoria following the signing of the intergovernmental agreement in March 2008 by COAG (Council of Australian Governments). I acknowledge in the house the member for Melbourne, who in her previous capacity as the Minister for Health was involved, I am advised, in the development of this process.

**An honourable member** — She was the architect.

**Mr WAKELING** — I do not know if she herself would actually say she was the architect of the process, but I think the house would duly note that she clearly led Victoria's representation in that process.

As a consequence of the establishment of that process, two acts were passed: the Health Practitioner Regulation National Law (Victoria) Act 2009 and the Statute Law Amendment (National Health Practitioner Regulation) Act 2010. These acts removed the regulation of 10 professions from the 2005 act, which were nursing and midwifery, dentistry, medicine, optometry, physiotherapy, pharmacy, podiatry, psychology, osteopathy and chiropractics. Ten national

boards were then established — obviously one for each of these first 10 nationally registered professions — as well as a national agency, the Australian Health Practitioner Regulation Agency, which now provides administrative support to the national boards. As the member for Williamstown indicated, over 136 000 Victorian health practitioners are now registered and regulated under the national scheme.

The national law made provision for four additional professions to enter the national scheme from 1 July 2012, and that is obviously the significance of the legislation we see before the house. Those professions are Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice and occupational therapy. They operate in various states and territories, and only two of the four boards of health practitioners operate within Victoria — those being for the professions of Chinese medicine and medical radiation practice. Since July 2010 these two Victorian registered professions have continued to be regulated under the Health Professions Registration Act 2005.

The implementation of the national law from 1 July this year will result in the transfer of responsibility for the registration and regulation of these remaining two professions to the national boards system. They will be covered by the Chinese Medicine Board of Australia and the Medical Radiation Practice Board of Australia. As a consequence, and given the fact that 12 boards will be operating under the national law, there is clearly no ongoing role for the 2005 legislation, which will in effect become redundant.

The bill before the house also makes a number of minor consequential amendments to other Victorian legislation that references the Health Professions Registration Act 2005 or the old registration boards. These include the Health Services (Conciliation and Review) Act 1987, the Drugs, Poisons and Controlled Substances Act 1981, the Transport Accident Act 1986 and various other pieces of legislation as identified within the bill.

Interestingly, the operation of the COAG reforms was reviewed in December 2011 by the Productivity Commission. In its draft document that was presented in December 2011, in the chapter headed 'Health workforce', the commission identified that:

The requirements for accreditation and professional registration are key regulatory devices underpinning the quality and the efficient deployment of the health workforce.

However, the commission stated:

Until recently, registration occurred on a state-by-state and profession-by-profession basis, with an array of government bodies and specific legislation. While accreditation was mainly undertaken on a national basis, there were still over 20 different bodies, with considerable differences in approaches across professions. Some were established in cooperation with peak professional associations while others had explicit statutory functions or had responsibilities delegated from registering authorities.

In its findings the commission determined:

... this approach resulted in duplication and higher administrative costs (in terms of the various organisations processing the registrations, and the practitioners who often had to register in multiple jurisdictions), undermined geographical mobility of practitioners and resulted in inconsistencies in the standards of registration and accreditation that practitioners were subject to.

The text I just read from the report provides a good snapshot to explain why the national scheme was developed. More importantly it confirms that the consequence of going down this path has to date proven successful as there was a need to overcome not only inconsistencies but also a clearly unnecessary range of higher administrative costs and duplication in the health profession.

In the time remaining to me I take the opportunity to thank those covered by the previous boards for the operation of those boards. I acknowledge and thank the two boards in question, which will now be covered by the national law. The member for Williamstown gave credit to those board members on behalf of the opposition. I think the Parliament stands as one in commending the members of those boards on their work. As a government we recognise the significance of the work that has been undertaken by everyone in the health profession. We stand proud in this house to support the work they do. I wish the bill a speedy passage through the house.

**Ms PIKE** (Melbourne) — The opposition supports the Health Professions Registration (Repeal) Bill 2012, and why would we not? This is an important and significant reform. As we have heard this evening, this reform goes back many years, and in fact it was commenced with the Health Professions Registration Act 2005. There is now a national consensus that having common governance arrangements for the medical professions is in the best interests of the professions themselves and certainly in the best interests of people who use the health system. What we have tonight is the final piece in the puzzle of the move towards national consistency and a national framework for the governance of the health professions. With

medical radiation and the Chinese medical practice areas now being included in the national framework, we see the culmination of what has been many years of work. As an aside, I want to say that it was John Thwaites, when he was health minister from 1999 to 2002, who actually spearheaded the development of the Chinese medical practice board. That was the first time that traditional Chinese medicine had come under the framework of health profession registration.

When we introduced the groundbreaking health professions registration framework in 2005, it came about as the result of extensive consultation. We formed a single act — the Health Professions Registration Act 2005 — out of the very complex multiple acts that covered each of the different health professions. We did this because we believed that this framework would better balance the rights of practitioners and consumers and, in particular, would streamline and make more transparent the complaints process. Prior to that, individual practices governed their own complaints processes; there was not consistency across the professions. Many consumers felt they were unable to have a voice in the way the professions were governed and thus were unable to have a voice in the determination of their own health outcomes.

Because I have a reasonably long memory for these things, I well recall the doomsayers of the time — those sitting on the other side of the house — saying we could not have a single framework for health professions because it would lower registration standards and create excessively cumbersome and legalistic structures and culture. They said the new legislation would push up the cost of practitioner registration and subsequently drive up health costs. They claimed that the professional framework would have an impact on women and part-time workers, that it would lead to the exacerbation of critical workforce shortages and, finally, that it would drive up the cost of medical indemnity insurance. Members of the then opposition opposed the bill, or at least sought to amend it significantly. The one issue they were most adamant about was that they wanted to limit the power of the minister to approve codes of practice, qualifications for registration and scope of practice. All of these things eventuated, because the bill was successful in its passage, and now all these things are considered to be best practice. Victoria's legislation became best practice, and that legislation is the framework for the very bill that we are now debating this evening.

Earlier today I was looking through *Hansard*, and I was particularly amused to be reminded of what the member for South-West Coast said at the time. In his

typical boundlessly generous style, he said the reason the legislation was being introduced was:

The minister will seek to protect her interests rather than the interests of the public of Victoria in terms of health standards.

Of course it was rubbish. It was rubbish then, and it is rubbish now. I am very grateful that time has helped the member see the error of his ways and that he now wholeheartedly supports the framework, which began, as I said, with Victoria bringing all the health professions together. That was then the model for the national framework of health professional registration, which we are actually concluding today. Despite all those accusations then and all those people who said we were trying to lower professional standards, the new approach has been enormously successful, because in the end it is in the public interest. It is in the public interest for there to be consistency of governments and standards, it is in the public interest for there to be transparency and it is in the public interest for there to be oversight of the health professions. Here we are seven years later.

I have to say it was actually the former Minister for Health, the member for Mulgrave, who introduced the first piece of legislation for the national framework in 2009. Then at the time it was —

**Mr Newton-Brown** interjected.

**The ACTING SPEAKER (Mr Morris)** — Order! I ask for some courtesy to be shown to the member on her feet.

**Ms PIKE** — I was pleased that by 2009 —

**Mr Newton-Brown** interjected.

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

**Ms PIKE** — In 2009 in fact it was the member for Lowan, who was representing the then separate National Party as the opposition's second party spokesperson on health, who said, 'Victoria has high standards and we don't want them brought down by a national scheme'. He acknowledged the good work that was done in 2005, he wanted to protect Victoria's interests and he made that comment, which of course formed part of the debate around the introduction of the national scheme.

The journey, as I said, towards national registration started in 2005. It has been good legislation for the health system, and it is good legislation now. I think it is very heartening to see the way our health system in Australia has really matured over many years. If you

think about the days of Florence Nightingale, the only health practitioners then were nurses and doctors, whereas what we have now in 2012 is a range of different health professions. They are specialised people who work in partnership for the best interests of the consumer — the people who need health care.

It is something I am very proud of that we in Australia have been able to develop our health system in this way to allow people to really drill deep into their profession and improve the quality of what is offered to the Australian public through the diverse professional groupings that are represented overall in this national framework. For all of those reasons the public is well served. I certainly believe that this national framework will be in the best interests of people right across the country. I am very pleased, with my colleagues, to have been part of this journey, and I am very pleased that the government is now seeing fit to be supportive and move forward with this legislation so we can bring this to fruition.

**Mrs VICTORIA** (Bayswater) — It gives me great pleasure to rise in the house tonight to speak on the Health Professions Registration (Repeal) Bill 2012, and it gives me even more pleasure to know that this bill has full bipartisan support. Of course this is not the first piece of legislation we have passed in order to bring about an outcome, which is to bring 12 different practising bodies together under one national regulation scheme — they each have their own boards — but these are the final two practitioner groups to come in. Certainly I have contributed to debate in this house on other bills over the few years during which we have brought different practitioners into line.

This legislation in particular repeals the Health Professions Registration Act 2005. That is now no longer needed, because each of these professions will come under the national scheme. The last two professions which are going to be included are medical radiation practitioners and Chinese medical practitioners, and I will come back to both of those in a minute. The ones we have already put under the national scheme are chiropractors, dental care practitioners — including everything from dentists to dental hygienists and all the people we would see when we go to the dentist, such as dental therapists — medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, podiatrists and also psychologists. The governing body of the national scheme is the Australian Health Practitioner Regulation Agency, and on 1 July this scheme will, if you like, go live, bringing everybody into line. With the bringing in of these other two professional bodies we now have the overarching body as a whole.

I want to go back to the two newbies who are joining the scheme and completing it. Medical radiation practitioners are a big part of the lives of so many people. Anyone who has gone to hospital and had a computerised tomography (CT) scan or magnetic resonance imaging (MRI) scan will have come into contact with them, and those people who have suffered from cancer will have come into contact with radiation therapists or radiotherapists. Radiotherapy is the high-energy treatment which aims to stop cancer cells from dividing and to damage the cancer cells, so it is a highly specialised area of medicine. The other health practitioners I am sure we will all see at some time in our lives from the time we are kids right through to old age are radiographers, who do X-rays. You may even have dental X-rays.

Then there are also nuclear medicine technologists. They use radioactive technology to go in and have a look at what might be wrong with a patient; they use it for diagnosis and to have a look at any physiological changes in patients. Again that comes back to the CT scans, MRI scans and that sort of thing.

The other area that is coming on board is Chinese medical practitioners. This is something that I am very passionate about and that my family has believed in for a long time. In fact I remember my mother and I traipsing out to what was then a very long way, Cockatoo, back in the mid-1980s. My mother was not well, and we would go out every Sunday morning and have acupuncture on our feet — and let me tell you, it hurt! When Chinese medical practitioners discover something that needs treatment, this is a wonderful way to be able to do it. Chinese medicine, through acupuncture and acupressure, works on the notion of balance: of the qi, the flow of life through the veins. I will get into that a bit more in a moment. There are not only acupuncturists and acupressurists, but there are those who specialise in Chinese herbal medicine and also Chinese herbal dispensers. They will all be covered by this.

I want to go back to the principle behind Chinese medicine. It is important for us to understand this is complementary medicine to what is known as Western medicine, because for so many people it is a viable alternative that helps them get through a lot of pain. In fact Chinese medicine has been used for many thousands of years to combat not only sickness but also to help with pain. Qi is the vital energy that flows through the body, and it goes through what are known as a series of invisible pathways. The idea behind acupressure particularly is to make sure that those pathways are clear, or if they are not clear to help clear them so that the channels are free for that energy to

flow. The meridian theory, which Chinese acupuncture is predominantly based on, says that as long as qi flows freely through the meridians and the organs work in harmony the body can avoid disease. It is a wonderfully holistic way of looking at the body, very preventive in its approach to medicine but also of course very good for treatment. They also believe in the aligning of body, mind, spirit and emotions and that all of these are interlinked.

It is wonderful that we are getting this registered now, but Chinese medicine first came to Australia in the goldfields days. In 1867 there were 50 traditional Chinese medical practitioners in Australia. In the 1970s the Australian government actually sponsored the cover of acupuncture through health insurance. It was first recognised as something that the government would cover as long as it was adopted through Western medical practitioners. The Chinese medical practitioners had to be registered Western medical practitioners. In fact we have several like that in my electorate and nearby. I can think of one in particular, Dr Ka Sing Chua, who is in Mitcham and whom I have gone to for shoulder seizures and that sort of thing. When I was a photographer I did a lot of mouse work and Ka Sing helped work on my shoulder and free up my arms so that using a computer was far more comfortable. He is also a registered Western medical practitioner and uses both types of medicine in a complementary manner for the best outcome for his patients.

In the 1990s we could have accredited university degrees here in Australia. I know that before that people had to travel to China. I remember going to a chiropractor, again with my mum, who was a great believer in alternative medicines and complementary medicines. We went to a Dr Nick D'Amico. He was in St Kilda, so we had a fair way to travel. Nick was a chiropractor by profession who went to China to study Chinese medicine and actually went on to lecture in Chinese medicine. Nick did some amazing things to help heal not only people in our family but also people we referred to him.

In my electorate of Bayswater we also have Professor Yoland Lim, who so many of you would be familiar with. Professor Lim is probably known as one of the higher profile Chinese practitioners in Australia and is well renowned for his appearances on television, but he is also a respected herbal medicine practitioner so he also prescribes herbs and that type of thing. He has a very large, modern clinic in my electorate. Back in the 1980s Dr Lim's laboratories were the first to be licensed by the Therapeutic Goods Administration to manufacture Chinese medicine here in Australia, so he

was certainly groundbreaking from that point of view. The types of things that can be treated with Chinese medicine and Chinese methodology include arthritis, impotence, loss of libido, high blood pressure, asthma and lots of other conditions. Professor Lim was one of the first to use acupuncture during childbirth and also during surgical procedures to alleviate pain.

It is in everybody's best interests when we are dealing with circumstances that are so personal and also so in depth from a medical point of view that the practitioners be registered, that there be a national accreditation for them and that there be a national standard. This is good not only from a practitioner's point of view, as far as being able to say that they accord with a national standard, but also from the point of view of the patient, who when having this type of complementary medicine can feel safe that what they are getting is above board. We know that a lot of Chinese herbs can be quite toxic if used in the wrong combinations or used at a very potent strength.

Knowing what people are doing is certainly a very good thing. It is interesting to see that, according to the University of Sydney, 3.2 per cent of total use of voluntary medicine in Australia is Chinese medicine. This is a fantastic piece of legislation. I wish it a speedy passage through the house.

**Mr TREZISE** (Geelong) — I am pleased to speak briefly on this bill, which is about tidying up the remnants of a Brumby government initiative from 2009. Before that, people like the current Leader of the Opposition and the member for Melbourne led the way in this area as ministers for health going back through the duration of the Bracks and Brumby governments.

As previous speakers have noted, this bill essentially repeals the Health Professions Registration Act 2005, which has been replaced by the Health Practitioner Regulation National Law (Victoria) Act 2009. The Health Practitioner Regulation National Law (Victoria) Act facilitates the operation of the national registration and accreditation scheme for health professionals across this nation. As a result of this, 9 of the 12 health registration boards were abolished and replaced with 10 national boards. From July this year, four new boards will be established: the Aboriginal and Torres Strait Islander Health Practice Board, the Chinese Medicine Board, the Medical Radiation Practice Board of Australia and the Occupational Therapy Board.

Currently there are 10 professions regulated through the national scheme: chiropractors, dentists, medical doctors, nurses and midwives, optometrists, psychologists — and the list goes on. In mentioning

these professions one cannot help but think of the situation of nurses and midwives. As the Acting Speaker is well aware, members on this side of the house appreciate nurses. We appreciate that they are very much an integral and respected profession within the health system. As we all know, it took months of industrial disputation, including nurses walking off the job and walking out of wards, before this government relented and provided them with a decent wage rise and, more importantly, recognised the importance of nurse-patient ratios. This year has seen a disgraceful debacle in the area of health with the Baillieu government's industrial disputation with our nurses.

The national boards will play an integral role in our health system, ensuring that our health professionals, including our nurses, are suitably qualified to practise. In the 17 months that the Baillieu government has been in power, this is one of the very few health-related bills that has come before this Parliament. There has been even less movement out in the regions, like in my electorate of Geelong. This bill is a step forward, but, unlike this bill, nothing has happened in this sector in the regions, including my electorate of Geelong, except the debacle we have had with the nurses. When in opposition this government promised the people of Geelong, especially those south of the Barwon, a new community hospital, but no action has occurred.

**Dr Naphthine** — On a point of order, Acting Speaker, the member has been given a fair degree of leeway. He is now straying well and truly from the bill before the house, which is the Health Professions Registration (Repeal) Bill 2012. I ask you to bring him back to debating the bill before the house and not a broad range of health issues.

**Mr TREZISE** — On the point of order, Acting Speaker, we have had a wide-ranging debate on this bill. I just listened to the member for Bayswater talking about having had Chinese medicine performed on her feet in 1990. This bill is about nurses and health delivery in Victoria and across the region. I would suggest that my contribution is very much in line with the bill.

**The ACTING SPEAKER**  
(**Mr Pandazopoulos**) — Order! We have had a broad-ranging debate. I do not uphold the point of order, but I ask the member to try to be a bit more specific about the details of the bill.

**Mr TREZISE** — This bill relates to a broad spectrum of health professions. Ten boards have been established nationally. The Brumby and Bracks governments initiated this bill with the Council of

Australian Governments back in 2009, and it has delivered across the spectrum of health professions. It had its genesis under the Brumby government, when Mr Andrews, the current Leader of the Opposition, was the Minister for Health and also when the member for Melbourne was the Minister for Health. It also has to be said that in Geelong it was the Bracks and Brumby governments that delivered in health — for example, we saw the retention of the Grace McKellar Centre and the upgrade of the Andrew Love Cancer Centre.

**Dr Naphthine** — On a point of order, Acting Speaker, once again the speaker is straying far and wide from the bill before the house. This debate is about the Health Professions Registration (Repeal) Bill 2012, which is a bill that relates specifically to the regulation of Chinese medical practitioners and medical radiation practitioners. It does not provide the member with an opportunity to have a broad-ranging debate on health issues. That could be accommodated by other forms of the house but certainly not in the debate on the Health Professions Registration (Repeal) Bill. I ask you to bring the member back to the bill.

**Mr Herbert** — On the point of order, Acting Speaker, I fail to see how you could divorce the work of medical radiation practitioners, occupational therapists and a whole range of other professions from hospitals and the other facilities they work in. I would suggest that the registration of the medical profession and where its members actually practise are two interrelated issues. The member is certainly speaking on the bill.

**The ACTING SPEAKER**  
(**Mr Pandazopoulos**) — Order! I will not uphold the point of order, but I take it that the member for Geelong was winding up.

**Mr TREZISE** — In winding up, I say that this bill is a step forward. Members of the opposition note that, and therefore we are not opposing the bill. In supporting this bill, I urge this government to do something in Geelong and deliver on its promises.

**Mr CRISP** (Mildura) — I rise to make a contribution to the Health Professions Registration (Repeal) Bill 2012. The purpose of this bill is to repeal the Health Professions Registration Act 2005. This is required because the regulation of Chinese medicine practitioners and medical radiation practitioners now falls under the Health Practitioner Regulation National Law (Victoria) Act 2009. The bill also makes minor and consequential amendments to other acts.

This is a straightforward repeal bill, and we note that the bill essentially came into being on 1 July 2010 as part of the national registration scheme. We have been transitioning various tranches of health professionals for almost two years, and in Victoria we have 12 Victorian boards that are covered under the act. As the second-reading speech states:

Ten national boards were established, one for each of the first 10 nationally registered professions. A national agency, the Australian Health Practitioner Regulation Agency, now provides administrative support to the national boards. Over 136 000 Victorian health practitioners are now registered and regulated under the national scheme.

Therefore the Health Professions Registration Act 2005 can be retired. There are some consequential amendments that come about from this, and the Health Services (Conciliation and Review) Act 1987, the Drugs, Poisons and Controlled Substances Act 1981, the Transport Accident Act 1986 and the Wrongs Act 1958 can now have their consequential amendments.

I will talk a little bit about the Australian Health Practitioner Regulation Agency (AHPRA), which is the federal body that provides support for the health professions. That agency indicated in its annual report that:

Implementing the national scheme has meant significant upheaval and no part of Australia's health system has been untouched. However, while many features of the national scheme are new and different, the core focus of practitioner regulation on patient and public safety remains unchanged.

AHPRA exists to implement the national scheme in partnership with 10 national boards. This means that we administer registration standards set by these boards, which health practitioners must meet.

That is how it sees its role. It is worth going back a little bit and thinking about how the regulation of health practitioners was historically undertaken by states and territories, as the agency comments further in its annual report, without a consistent approach across Australia.

In July 2006 the Council of Australian Governments agreed to implement a national registration and accreditation scheme for health professionals, beginning with those professionals currently registered in all jurisdictions. In March 2008 COAG signed an intergovernmental agreement on the national registration and accreditation scheme. As I said earlier, from July 2010 that started to come into effect as the states introduced legislation into their parliaments to move things along.

I will mention some of the key benefits in the national scheme. It aims to strike a careful balance between public safety and the supply of a flexible and qualified

health workforce, and it brings substantial benefits to individual community practitioners and health professionals, including mobility, which is an issue I am going to talk about extensively a little later. It also brings in uniformity and some efficiency, particularly with respect to red tape, which is something this government has been very dedicated to dealing with. It also brings in collaboration and some transparency.

Let us look at the mobility issue. There is a need to attract health practitioners particularly to country areas across rural and regional Victoria. Recruiting and retaining a regional workforce is very important, and that is done by the Rural Workforce Agency Victoria, which works with 'districts of workforce shortage' or, as some would remember them, 'areas of need'. The old board system was definitely an impediment to moving health practitioners around Australia and getting them through the process of having their registration organised in various states. We have workforce shortages; all of us, I am sure, have received letters like the one that arrived on my desk today from Dr Dyson-Berry in Mildura, who wrote about some of the difficulties he has been having in his practice in attracting GPs. He currently has two GP vacancies. I also recently had a briefing from Dr Terry Cook, a very prominent physician in Mildura.

**Dr Sykes** interjected.

**Mr CRISP** — The member for Benalla interjects to the effect that Dr Cook is someone whom Dr Sykes has known quite well in the past. He represents the medical staff council in Mildura. It too has some concerns about recruitment, retention and in some cases replacement of our skilled medical staff. At least now we do not have to sort out that state registration issue. The challenge with respect to the workforce is everywhere. It is in hospitals, it is in health services and it is in busy practices. I welcome the work done by Monash University's training centre in Mildura as part of the recruitment and retention strategy that we need. I think we have all learnt that if we can get some part of a student's training done in the country, we have the best chance of retaining that student, particularly if a positive experience is delivered.

Good work has been done by Ramsay Health Care at Mildura Base Hospital in attracting some federal government funding for accommodation. Medical residents and other health professionals come to Mildura, and their accommodation experience is part of that professional experience. In a similar vein there are proposals by the government to expand the Mildura Base Hospital in the accident and emergency, maternity and mental health areas. This is important, too, because

it is not just the patient experience that matters. That is the experience of primary importance, but the experience of those professionals is also important. We have to give those young professionals who are training and others who are visiting a positive professional experience in a good working environment. Again, this is a key to the recruitment and retention scenarios we are looking for.

Robinvale District Health Services is another health service that has been innovative in the way it has approached the recruitment and retention of its staff, and it welcomes the mobility that this legislative change offers. I recently had a long discussion with Laurence Burt, the Robinvale chief executive officer. He is working with a new doctor who has come to Manangatang, which is part of the cooperative health services arrangement with Robinvale, but to make up an attractive practice package, the doctor will also practise in Robinvale. This is the sort of innovation that is needed. Again, it comes about because bodies can freely recruit from anywhere in Australia or, if the right support mechanisms can be accessed, in many cases from overseas.

The Mallee Track Health and Community Service has a similar issue. John Senior and his team there have responsibilities from Sea Lake through Ouyen to Murrayville — that is over 200 kilometres of Mallee country to provide a service to. They also have to look at how they get professionals into that area — and it is more than just doctors; it is nurses and a whole lot of other health professionals — and then at moving them around those population centres or moving people to where the health services are. This needs to be as simple as possible, and red tape needs to be kept down to make the experiences positive for both patients and health professionals.

It is a very competitive environment out there in terms of attracting all types of professionals, and it is particularly challenging in rural and regional areas. This bill concludes a major reform, and it will tidy up some red tape in that vital recruitment and retention program. I wish the bill a speedy passage.

**Mr HERBERT** (Eltham) — It is a pleasure to speak on the Health Professions Registration (Repeal) Bill 2012, because this is a bill of substance. On this side of the house we have been complaining that all we get from this government is bits and pieces of bills that do not have any great substance but that instead change a few minor parts of their principal acts — that is, they embody no reform. This, however, is a bill that introduces significant reform, and of course the reason for that is that in terms of its genesis this bill comes

from the former Labor government's work. It is not a credit to this government at all. Its members have not changed their spots. They continue to have the weakest legislative program anyone could ever imagine would come through a parliament — excluding the enactment of Labor reforms.

This bill represents one of those reforms. It had its genesis in COAG (Council of Australian Governments) meetings in 2008, and major parts of the reform were delivered in 2009 when 10 health professions moved to a new national scheme. This year another four will transfer to the national scheme, including medical radiation practitioners, occupational therapists, Aboriginal and Torres Strait Islander practitioners and Chinese medicine practitioners.

In speaking on this bill I would like, as other members in this chamber have done before me, to pay tribute and give credit to those members of the state boards who have done an exemplary job in regulating their profession and ensuring that there are high-quality practitioners across a whole range of health professions in Victoria. They have done a great job. It is often a thankless job that does not get a lot of attention, but I think it is appropriate that now when we are repealing these roles and moving across to a national system we pay due credit to the work that has been done in the past by many board members across the range of health professions in Victoria to make sure that the modern and effective health services that we have in this state are properly regulated and that only the best quality practitioners operate here.

As I say, it was the Victorian and federal Labor governments who were at the forefront of these changes, as Victorian Labor was at the forefront of recognising the contributions of Chinese medicine in this state. This national scheme will continue that recognition of Chinese medicine. The opposition welcomes the completion of the transition to the national scheme. The establishment of the Australian Health Practitioner Regulation Agency will ensure consistency in the regulation of the health professions between states, and national registration will allow practitioners to practice seamlessly across all jurisdictions. This is an important thing.

One of the flow-on effects of this national registration for these four less established health professions is that it elevates the role of those professions in the community. It gives them greater prominence in the community and will hopefully lead to greater take-up and enrolment of people who want to qualify as practitioners in these areas. Another possible flow-on effect, particularly for Chinese medicine practitioners,

given the commencement of regulation of these professions under the national scheme, will be that outside Victoria there will now be proper registration of Chinese medicine practitioners. It remains the case that Victoria has been the only state that has had proper registration procedures and criteria for Chinese medicine practitioners.

This achievement has not just come from government; it has been welcomed by peak groups such as the Federation of Chinese Medicine and Acupuncture Societies of Australia. Its national president, Professor Tzi Chiang Lin, who is well known to a number of members in this place, has long been active in advocating for proper national registration of his industry as a means of improving the status of Chinese medicine within the Australian health industry. I mention Professor Lin deliberately because not only is he a person who has an impressive record of being instrumental in establishing RMIT's Chinese course, contributing to Monash's efforts in Chinese medicine and being a nationally and internationally acknowledged expert, but he is the practitioner who converted me to the value of the science of Chinese medicine and the need for reform in this area.

Like many Victorians I did not have a lot of knowledge of Chinese medicine, and I was also a little bit sceptical of how it compared to modern medical practices and Western medicines. I was sceptical until I attended Dr Lin for a complaint I had with my foot. I had a spur on my heel that could not be fixed by Western medicine, and so it was recommended that I go to him for acupuncture. Despite my never thinking that it would actually solve my problem, I went for an 8-kilometre walk on the weekend directly due to his treatment. It was not so much the treatment that impressed me but the professionalism of the diagnosis and the explanation and talking through of the treatment. That is part of a properly regulated profession. It is part of the professionalism we all expect and hope to get from any medical practitioner, and it is certainly one that is practised by many Chinese medical practitioners.

To qualify as a practitioner of Chinese medicine you must pass a rigorous five-year degree course. People who undertake that course can pretty much be assured that whether they study Chinese medicine at Nanjing University, with its thousands of years of experience, or here at RMIT, they are principally going to be following the same course. That is important, because our own knowledge does not have centuries of knowledge behind it — knowledge which comes from all that work that has gone on for centuries in China in

terms of traditional Chinese medicine and in the honing of skills, courses and treatments practised there.

I would say one other thing. In supporting this bill it should be pointed out that there are still issues with the registration process, and to my mind they are genuine issues. One of the issues that we need to be mindful of — and a comment was made to me a bit earlier in private — is that when the commonwealth regulates these things it can be overly bureaucratic, administrative and academic. We need to make sure that in the shift to the national system it is the practitioners who have a real say in the registration and the way the Chinese medicine industry is regulated and handled.

There is one issue right now that is at the forefront of the minds of many Chinese medical practitioners, and that is the grandparenting clause in the new system, whereby practitioners who may have practised in their profession, spoken English, run successful businesses and provided successful treatment for decades are required, if they have been practising for more than five years, to undertake an English proficiency test to continue plying their trade. It seems to me that this is a requirement you would not see in other professions. It is unusual that people who are experts, who are registered and qualified and who have been doing an exemplary job should be made to jump that hurdle. I am sure that if he were here, the Minister for Multicultural Affairs and Citizenship, the member for Bulleen, would agree that in a multicultural state like Victoria with its long history of Chinese participation across our society such a requirement could seem insulting to many of the long-established, highly expert people who operate in Victoria in Chinese medicine.

I hope that in its deliberations with the commonwealth the government will not just wipe its hands of this issue and say, as it were, 'Oh well, this is now a national issue', and just fob off its responsibilities in the nitty-gritty area of the industry, but that it will talk the issues through by speaking to practitioners and take up on their behalf advocacy in the national system to make sure that we continue to have high-calibre and fair procedures in Victoria.

The only other issue I would like to raise very briefly is that we need to make sure that, given the quality arrangements that are slipping out the door in TAFEs, the same does not happen with the national registration of Chinese medicine practitioners.

**Mr BURGESS** (Hastings) — It is a great pleasure to rise to speak on this bill. In 2008 the Council of Australian Governments (COAG) signed an

intergovernmental agreement to establish a national registration and accreditation scheme for health professions, commencing on 1 July 2010. The 10 health professions included in the new scheme were chiropractors, dental practitioners, medical practitioners, nurses and midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists. From 1 July 2012, Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners, medical radiation practitioners and occupational therapists will also be included in the scheme. Fundamentally the scheme was designed to provide a nationally consistent system of registration and accreditation for health professionals. The underlying goals included reducing the administrative burden of registration and accreditation, improving labour mobility of health professionals — and I will say a little bit more about that later — and increasing the consistency and quality of their training and in turn the quality of health services generally.

It is worth reflecting on the process by which we have arrived at debating this bill tonight — that is, the COAG process. As members are aware, when the founding fathers were putting together the constitution for a federation they obviously had in contemplation that there would be a different set of laws in each of the states as well as a set of laws that were meant to be complementary, that would be an overarching set of laws with specific qualifications for the federal sphere. It is doubtful that the founding fathers had in their contemplation a Labor Party that was prepared to be as obstructive, deceitful and misleading as the federal Labor Party certainly is at this time under the current Prime Minister.

Certainly a lot of reasonable moves were made by the previous Prime Minister, Mr Rudd, in trying to push a reform agenda through COAG. At that time it was intended that COAG would have four meetings a year. I think it is reasonable to say that the then Prime Minister had great ambition for the reform agenda. There were two problems with that. One was that not only was the reform agenda large and naive but also it assumed that all laws should be the same across all jurisdictions. When a particular law in a particular jurisdiction is of better quality, it is no use aligning all laws down to a lower base, which has been attempted recently by the federal government. The other folly in the previous Prime Minister's approach was that he was not to know that another person who wanted to be Prime Minister was going to remove him and then use all the powers of the federal government to be disruptive and misleading rather than to try to reform the process. In fact, the recent COAG meeting was the first one held in the past eight months, so that process

was certainly stopped in its tracks by the current Prime Minister and federal government.

One of the features of the new system under a single nationally consistent law and one national agency is that it replaces 8 separate regulatory systems, 65 pieces of legislation, 85 health practitioner registration boards and 38 regulatory organisations. The 1.2 million data items held by the 85 boards were consolidated into a single national registry and a single national fee structure was adopted for each profession. As can be seen, the COAG process certainly has a lot of benefits when it is used appropriately. Unfortunately, as I have already said, the current federal government is making a shambles of that process.

The changes enabled under that legislation were Australia-wide registration for all practitioners covered by the new scheme; one annual renewal date for each profession, which replaced different renewal dates between jurisdictions; national consistency, as registration conditions and types are standardised within and across professions; uniform registration standards within professions and broad consistency across professions, which replaced different requirements for eligibility; nationally consistent data on the regulated professions — the national data was limited prior to the new scheme; and digitisation of registration processes, expanded online services and improved community accessibility.

Given the quantity of health services provided, there is reduced duplication of administrative effort. Generally all registration boards across the various jurisdictions performed similar functions such as processing registrations, collecting data, maintaining registries and administering disciplinary effort. Obviously having those things nationalised offers a potential to reduce costs in the end. There are economies of scale. For example, as a single national purchaser, the new body is able to negotiate substantial savings in areas where it procures services or goods. Online registration can reduce administrative burden. For instance, the Australia Health Practitioner Registration Agency is now achieving around 85 per cent uptake of online registration renewals. As the system becomes more established, that process should become more efficient.

There are reduced barriers to workforce mobility. This is a very important aspect, because there were a range of effects from the restriction that was in place before. Now that there is a requirement for a professional to pay registration only once and then be able to operate across jurisdictions, more practitioners are encouraged to operate in multiple jurisdictions. There had been quite an impediment where professionals had been

operating close to jurisdictional borders. The change also eliminates the interjurisdictional differences in recognition or categorisation of specialties. The flexibility also enhances the potential benefits of developments in e-health and telehealth.

Greater transparency and accountability also enhances governance incentives and creates an ongoing impetus to improve performance. More thorough and consistent registration requirements, providing the ability to check criminal histories, and reporting requirements for practitioners with an impairment, will certainly work towards reducing the occurrence of errors and patients receiving inappropriate treatment. Having one combined registration process enables those things to be weeded out a lot more quickly. Continuing professional development is also something that should be emphasised, because it allows all jurisdictions and all professions throughout the jurisdictions to combine their knowledge and their ongoing education to get to world best practice, and that is obviously where we would like to go with all our health professionals.

Consistent registration requirements enhance safeguards, even in jurisdictions where public protection measures are already strong. That is because under the previous arrangements practitioners could seek registration in the lowest denominator jurisdiction. In other words, a practitioner could register where the eligibility requirements were the lowest of any of the jurisdictions and then practise in any jurisdiction, regardless of the requirements there, because of the mutual recognition laws that were in place. A national administrative approach to accreditation also provides a platform for greater collaboration and learning between health professions. It may also improve curriculums, teaching practices and transmission of international best practice, as I have already said.

From July 2012 four previously unregulated professions — that is, Aboriginal and Torres Strait Islander health practitioners, Chinese medical practitioners, medical radiation practitioners and occupational health therapists — will be included in the new scheme. The regulation of these professions is likely to improve the consistency, effectiveness and safety for consumers of these health services. The culmination of joining professions across borders and the ability for them to get together and have a common denominator in relation to requirements and registration have got to be good things for the community. Therefore I commend the bill to the house.

**Mr LIM** (Clayton) — I am pleased to speak on the Health Professions Registration (Repeal) Bill 2012. This bill completes the transfer of the registration of

various health professions from a state-based system to one national system. Over the last few years I have spoken on a number of bills about health registration, and I welcome the opportunity to again contribute to this important area. I have spoken on several occasions about the registration of practitioners of traditional Chinese medicine, and it is fitting that the transfer of the registration of health professions is concluded with the transfer of the registration of Chinese medicine practitioners.

This bill is not a new initiative of the Baillieu government. There are not many initiatives to speak of in relation to this government. Rather the bill finalises the transfer of the registration of health professions and completes important work undertaken by the previous Labor government. In the lead-up to the transfer the previous Labor government ensured that Victoria had the strongest and most modern health registration system of all states.

We commenced the process by introducing the Health Professions Registration Act 2005, which brought 12 health professions under uniform legislation. Amending bills in 2007 and 2008 took into account the discussion of the Council of Australian Governments (COAG) on a national scheme. Pending the introduction of this scheme, these bills ensured that Victoria had modern and up-to-date legislation, including strong and effective disciplinary provisions. The former Labor government introduced in 2009 the Health Practitioner Regulation National Law (Victoria) Bill 2009 for the purpose of implementing the 2008 COAG agreement to bring the registration of health practitioners into a national scheme by 1 July 2010.

We know two health professions, however, did not transfer at the commencement of the introduction of national registration in 2010 — namely Chinese medicine and medical radiation practice. In the case of Chinese medicine, Victoria was the first state to register Chinese medicine practitioners. I was heavily involved when the bill was introduced in this Parliament. We take pride in the fact that Victoria is the only jurisdiction outside of mainland China and Hong Kong to introduce relevant registration. The introduction of that bill was an incredible achievement at the time.

This was a result of not just lobbying from a whole range of Chinese traditional medicine practitioners — I am not going to name many of them — but also the growing Chinese population of Victoria. According to the latest census figures of last year the Chinese population is something like 300 000. The range of practitioners in Melbourne and Victoria are catering for this growing need not just within the Chinese

community but within other communities as well who have incredibly benefited from Chinese medicine. I have seen firsthand and with my own eyes how many ailments cannot be cured by traditional Western medicine and have been effectively cured by Chinese traditional medicine. I have seen grateful patients who felt their lives were saved by traditional Chinese medicine. It is with a sense of pride that I take part in this debate knowing that Chinese medicine has contributed significantly to the health and welfare of many people in this state.

The passage of this bill, which will transfer the registration of Chinese medicine practitioners to a national uniform level, has not been as smooth as we expected. I hope the minister, when making remarks at the conclusion of this debate on the bill, will pay attention to these concerns. We in Victoria have had relevant registration going back 15 years — to 1996 — yet now, because of the introduction of the national uniform registration scheme, there have been some new professional requirements and a querying of the capability of some professionals to deliver their services. Some of these issues are to do with their language and ability to speak English. That has created some angst, concern and unhappiness amongst the ranks of these professionals, because for 15 years they have been recognised, registered and allowed to practise and there has not been any incident because the registration requirements are so strict. The requirements enabling them to practise in Victoria have been most rigorous. To now suggest that they should be put through the ringer and have to pass certain tests is a mockery and insults their profession. There are a whole range of other concerns that Chinese medicine practitioners have brought to my attention. I hope the minister will take that into consideration.

Having said all that, it is appropriate to mention that it is important that in the 21st century Australia have one national system for the registration of health professionals. Health professionals should be able to practise unencumbered across state borders. Most important of all, Australians, wherever they live, are entitled to be confident they are obtaining the services of well-qualified, competent and properly regulated health practitioners. The previous government is to be commended for its work which led to the bill now before the house.

**Mr NEWTON-BROWN** (Pahran) — This bill facilitates a national registration scheme to cover traditional Chinese medicine practitioners and radiologists. The history of traditional Chinese medicine in Victoria is quite fascinating, because it dates back to our early roots as a society in Melbourne.

Almost a century and a half ago many Chinese migrated to Melbourne as a result of the gold rush, and with them came traditional Chinese medicine practitioners. Incredibly in 1867 there were already 50 traditional Chinese medicine practitioners in Melbourne. Given the very small population we would have had at that time that was a very positive start to traditional Chinese medicine in Victoria, and over the years the numbers have grown.

I move forward to the 1970s, which was when the Australian government-sponsored health insurance system first provided cover for acupuncture patients — but interestingly only patients of registered Western medical practitioners who practised the art of Chinese medicine were able to be covered by the scheme. In the 1980s alternative therapies such as traditional Chinese medicine and others such as naturopathy, homoeopathy, chiropractic and osteopathy developed alongside contemporary orthodox medicine. We now have a situation in Victoria and in Australia where those non-traditional forms of medicine are treated as complementary to the traditional medicines we are all used to. Indeed, some people prefer to use those non-orthodox medical practitioners rather than orthodox western treatments. Since the 1990s accredited university degrees in traditional Chinese medicine have been offered at Melbourne University, Monash University and the universities of Sydney and Western Sydney.

It was in 1992 that practitioners of traditional Chinese medicine first initiated collective action to have some type of regulation, with the first Australian conference on Chinese medicine and acupuncture. This was a significant event, because it was the first time that representatives and practitioners of traditional Chinese medicine had come together to discuss the issues facing Chinese medicine practitioners in Australia. Arising from that conference was a general consensus that there was a need to foster a dialogue and cohesion, and as a result the National Traditional Chinese Medicine Liaison Committee was formed. This liaison committee lobbied long and hard for years to be included in the group of nationally registered professions. However, that came much later, and as has already been detailed in the house, later this year that wish will be granted. It has been a bit of a long road, and Victoria went it alone to some extent in registering traditional Chinese medicine practitioners.

It is an interesting story, and some members on the other side of the house detailed a somewhat incomplete history of Victorian support for Chinese medicine. The former Minister for Health, the member for Melbourne, would have us believe that it was the Labor government

that first instigated any interest in regulating and promoting traditional Chinese medicine. However, it is a matter of historical fact that it was a Liberal contribution that started the ball rolling back in 1996, when a former health minister, Rob Knowles, announced the formation of the Ministerial Advisory Committee on Traditional Chinese Medicine. One of the terms of reference of the committee was to examine options for the regulation of the profession. This was really the genesis of the regulation of traditional Chinese medicine in Victoria and indeed in Australia, because we were the first state to regulate traditional Chinese medicine.

At the launch of the committee's report in 1996, then Premier Kennett said:

I am very pleased to launch this historic report of the Victorian Health Minister's Advisory Committee on traditional Chinese medicine. The report recommends significant reforms to the regulation of this profession.

Traditional Chinese medicine has been practised in Australia since the first Chinese migrants came to Australia in the gold rush of the early 19th century. By 1911, Chinese herbal remedies were readily available with English labels and directions. Today it is estimated that nationally there are at least 2.8 million consultations in Chinese medicine each year, representing an annual turnover of over \$84 million.

The popularity of this traditional medicine is growing strongly, as reflected in the rapid growth in importation of Chinese herbal medicines and the proliferation of traditional Chinese medicine practitioners, training courses and professional associations during the last decade.

Victoria was the first jurisdiction to register practitioners of traditional Chinese medicine, and despite what the member for Melbourne stated in the house, it was a Liberal government that started things off by forming a very close working relationship with the Chinese medical profession, with community groups and with consumer associations as well as with other mainstream medical groups. It was the report of the previous Victorian Liberal government's committee that concluded that the most effective method of protecting the public was to apply the same rules and regulations that applied to other health-care practices.

The committee found that traditional Chinese medicine also has the capacity to be damaging if practised by unskilled practitioners. If people are not properly trained or regulated there is a significant risk to public health. Without regulation these risks are likely to increase, so the unanimous decision of the committee was that it would support the application of a standard Victorian model of health practitioner registration for traditional Chinese medicine, and this came long before the national scheme.

The Chinese Medicine Registration Act 2000 was a significant milestone in the development of traditional Chinese medicine in Australia. That act put in place the recommendation of the Liberal-dominated committee, which reported to the then Minister for Health, Robert Knowles.

Victoria was the first jurisdiction outside China to introduce statutory registration to protect the use of titles such as acupuncturist, Chinese medicine practitioner, Chinese herbal medicine practitioner and other titles that could convey the impression of a person being registered as a traditional Chinese medicine practitioner. The primary purpose of the registration was to protect the public from unsafe practitioners, and the Chinese Medicine Registration Board of Victoria has done a great job in regulating the profession. It has registered suitably qualified practitioners, it has approved Chinese medicine courses, it has regulated advertising and a set of practice standards and it has dealt with complaints, so it really has performed a great service in Victoria.

In 2005 the Health Professions Registration Act came into being. This act became redundant due to the operation of the federal legislation governing registration, which was the Health Practitioner Regulation National Law (Victoria) Act 2009. This federal act established 10 boards of nationally registered professions and made provisions for four additional professions to enter the national scheme. Included in those four were the two previously covered under Victorian legislation — the Chinese Medicine Board of Australia and the Medical Radiation Practice Board of Australia — so that is the framework.

I do not have experience with traditional Chinese medicine, but I have done research on it and apparently it has grown out of 5000 years of knowledge that has been built up within China and is now disseminated throughout the world. Although the practices in traditional Chinese medicine are considered 'alternative' in the Western world, they are the most common form of medical care throughout Asia, representing 40 per cent of all health-care delivery in China. Chinese traditional medicine uses herbs, acupuncture and various other non-traditional forms of treatment to provide a different style of care which certainly suits some people, sometimes as the sole treatment they seek out and sometimes in consultation with Western doctors as well.

This has been a long time coming, but it is now moving to a national scheme. I commend the bill to the house.

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to speak on this important bill, one that makes all of us very proud because when it comes to recognising Chinese medicine in particular, we are second to none in the world. Indeed it was the former Labor government that recognised that fact for the first time. The bill before the house seeks to repeal the Health Professions Registration Act 2005, and it abolishes the boards operating under the act — although it allows the boards to continue operating to meet the requirement of producing their 2011–12 annual reports.

I am mindful of the limited amount of time that I have, but it is important to place on record that we have come a long way in recognising Chinese medicine. I was reminded by my parliamentary colleague the member for Doncaster, with whom I was just recently having a discussion, of an incident that occurred when we were part of a parliamentary deputation to Chengdu. We said to a Chinese friend, ‘Oh my God!’ if I may use that language, and our Chinese friend said, ‘Well, we do not use “Oh my God!” any more in Chengdu; we now use “Oh Lady Gaga!”’, which shows how we have come a long way in terms of recognising the Chinese and how the Chinese have come to grips with some of our cultural contributions.

**The SPEAKER** — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is next before the house.

**Business interrupted pursuant to sessional orders.**

## RULINGS BY THE CHAIR

### Adjournment

**The SPEAKER** — Order! I have two issues from 29 March on which I need to provide clarification. Firstly, the Minister for Innovation, Services and Small Business raised in the house the issue of when points of order should be taken during the adjournment debate. I would like to remind members of a ruling by Speaker Andrianopoulos, made on 1 December 1999, which reads:

I remind honourable members that they should not take points of order during the adjournment debate where doing so obviously deprives another member of valuable time.

He advised members of the house that:

... points of order of a general nature can be taken at the end of the debate.

I reiterate this ruling, and I ask members to follow this in the future.

Secondly, I remind members that when raising adjournment matters they must clearly state the minister to whom they are directing their request and the action they require, up front. The adjournment debate was covered in the members procedural seminar on 26 May 2011, and it was suggested to members that they begin their contributions to the adjournment with the words:

I direct the matter to the minister for ...

And:

The action that I seek is ...

I urge members to use this suggested wording, which will reduce the need for points of order to be raised.

## ADJOURNMENT

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

That the house now adjourns.

### Budget: Macedon electorate

**Ms DUNCAN** (Macedon) — The adjournment matter I raise is for the attention of the Treasurer. I ask the Treasurer to ensure that there is funding in this year’s state budget to complete the fourth and final stage of the redevelopment of Gisborne Secondary College, including an indoor sports stadium at that site. Before the last election the Liberal candidate for Macedon, Tristan Weston, promised \$3.5 million towards the \$6.3 million stadium. This is a much-needed stadium for Gisborne and would form part of the final stage of the redevelopment of the college, which includes a new gym and a music and drama centre.

The community has pledged approximately \$95 000 for this project and the Shire of Macedon Ranges has committed \$2.3 million, and we need this government to fulfil its election commitment and fund the project. In addition to students at Gisborne Secondary College using this facility the Gisborne Bulldogs Basketball Club, which has over 210 junior players and 75 senior players, would also use this facility. Other clubs have been restricted by the lack of indoor facilities at Gisborne, and this facility would meet a growing need.

Stage 4 was committed to under the previous government, and I ask the minister to fund the redevelopment of this college — the largest secondary college in the Macedon Ranges — in this year’s budget.

This project will take time to build and my community has every reason to expect this facility to be completed by the next election, so the funding for the project needs to be allocated now.

In addition, the coalition promised \$250 000 towards a feasibility study to establish a secondary college in Romsey, and in December 2010 the Minister for Education said:

Our members and our candidates came up with fantastic projects that are worthy and I will fulfil those promises. We will then look at all of the other schools.

I ask the education minister, in conjunction with the Treasurer, to do just that.

In addition I call on the Treasurer to fund the passing lanes along the Melbourne-Lancefield Road that were promised in the election campaign, and I ask the Treasurer — —

**The DEPUTY SPEAKER** — Order! I ask the member to restrict her request to one matter. She has raised several matters in the one adjournment item.

**Ms DUNCAN** — I am asking the Treasurer to commit funding for the promises that his government made prior to the election, so my request is directed to the Treasurer for three projects that were committed to prior to the election. I ask that those projects, including the passing lanes for the Melbourne-Lancefield Road, be funded in this year's budget. I think something like five passing lanes were to be constructed, and I ask the Treasurer to ensure that funding is allocated for that project as well.

### Schools: principals networks

**Mr NEWTON-BROWN** (Prahran) — My adjournment matter is directed to the Minister for Education, and the action I seek is that the minister participate in a school principals network session in Prahran.

Over the last 12 months the minister has met with over three-quarters of the principal networks in the state, including those in both metropolitan and country Victoria. The meetings have, I understand, been driven very much by the principals. They bring the agenda to the table; the minister is there to listen, to provide feedback and to act on their suggestions. I understand this has been a great opportunity for principals across the state, many of whom, as I understand it, had never met an education minister before. So it is a revelation to many in our state schools in Victoria when the Minister for Education actually turns up, listens, provides feedback and takes on the advice given at these

meetings. Certainly he has been to the Prahran electorate on a number of occasions to individually visit the state schools in my area, but we have not had him attend a principals network session before.

As far as how the sessions go, Minister Dixon said in this house on 29 March this year:

One recurring theme has been the gratitude of principals for the growing level of autonomy they feel and the professional trust placed in them by government. I have also heard practical ideas on ways in which we can even further reduce the red-tape burden on principals.

The principals of the Toorak, Stonnington and South Yarra state primary schools would like to meet with the minister as a group. They have many and varied possible agenda items; they have had over 10 years of Labor government in this state and certainly there is a long list of concerns and items that need addressing in these schools.

Probably very high on the list of things that they would like to speak to the minister about is where their children will go after grade 6. Prahran, I think, is the only seat in the state that does not have its own state high school. Melbourne High School is a selective high school, and while we are well serviced by private schools in Prahran we do not have a non-selective state high school for our kids to go to. So that is certainly very high on the agenda, and I understand that the principals at those schools would greatly appreciate the opportunity to sit down with Minister Dixon to discuss this and other issues. I seek that the minister make himself available to participate in one of these principals network sessions in Prahran.

### Schools: Albert Park electorate

**Mr FOLEY** (Albert Park) — I direct this matter to the attention of the Minister for Education. The action I seek is that the minister ensures that the 2012 state budget addresses the looming educational infrastructure crisis in the inner south of Melbourne and that he does this by ensuring that his government funds and delivers on the community's education needs — specifically, one new primary school, the promised Prahran college and the delivery of the scrapped Elwood College rebuilding program. A community without a local school at its heart is really a community without a heart. This heartless government has refused to invest one new dollar in education infrastructure in the electoral district of Albert Park and surrounds so far. Indeed to rip money away from the well-advanced renewal and expansion programs at Elwood College is the most heartless act of all.

The minister would have been aware when he opened the Labor-funded new college in Albert Park of the success of that school. Closed as a failed college in 2006 with barely 5 per cent of its catchment enrolled, it reopened in 2011 with a full year 7 entitlement of 150. This year 350 students sought to land one of its 150 places; next year the projections are for even more again. With an enrolment ratio from feeder primary schools now of around 70 per cent after only two years, this school has succeeded by being well resourced and engaged with its community, reflecting the values of excellence and achievement, and being particularly well led. It is well on the way to becoming one of Melbourne's best public schools.

It has been reported in the local media that the school is set to announce a new boundary for its enrolment as it seeks to manage growth pressures. This is not surprising, but the rumoured boundary and its consequences are surprising. To cut out South Melbourne and Southbank is to cut out families from their own local education community. Sadly, some of these will be amongst the most needy families in public housing estates in my community. To then cut out St Kilda West is to cut out community schools that have been involved since the foundation of the Albert Park College.

But indeed the same also applies to primary schools. The feeder primary schools to Albert Park College are facing similar pressures. All of them are full and all of them manage their arrangements through boundaries, and it is rumoured that Port Melbourne Primary School will be changing its boundaries to also exclude Southbank and South Melbourne. In each of the 11 years under the former Labor government all of those schools were variously funded and rebuilt. This is what happens when you have a two-year holiday from investment in public education infrastructure by the government that now occupies the Treasury benches.

I call upon the minister to take the action that I strongly recommend.

### **Mildura Country Music Festival: funding**

**Mr CRISP** (Mildura) — The matter I raise is for the attention of the Minister for Tourism and Major Events. The action I seek is financial support for the 2012 Mildura Country Music Festival. The festival in 2012 will start on Friday, 28 September, and run until Sunday, 7 October. It will include the Australian Independent Country Music Awards in Mildura. The Mildura Country Music Festival is Australia's only fully independent music festival. It runs over 10 days in Mildura. The 2012 festival will take place in multiple

venues in Mildura and surrounding towns. Its primary and non-ticket event appeals to country music lovers Australia-wide. The festival also includes the Southern Stars, the Australian Independent Country Music Awards, which is considered by many in the industry to be the most influential country music awards in Australia for independent artists.

The festival is managed by the Mildura Country Music Festival, a not-for-profit incorporated association, and Mr John Arnold, who is currently the mayor of Mildura, is the festival coordinator. He is well supported by a team and a committee, which includes Toni Mottram, whom I have worked with in the past and who is a very good operator.

Some of the essential data is that the 2011 festival attracted 11 000 people. This year marks the 26th year of the festival. In 2011 the festival injected about \$4.2 million into the local economy over the 10 days. Seventy-seven per cent of the attendees are visitors to the region, and visitors create jobs in Mildura. Ninety-five per cent of the visitors are highly satisfied, while 64 per cent have been more than twice. The diversified marketing strategy will ensure that 22 per cent of the visitors are first-timers to the festival, demonstrating how successful the strategy is in attracting new visitors. On average the visitors stay nine nights. Virtually all the entertainment is free. In 2012 there will be 100 artists performing over 20 venues.

The Mildura Country Music Festival is a substantial economic and musical event. When country music people talk about the various country music festivals, the big ones are Mildura, Tamworth and the Gympie Music Muster. In its 27th year Mildura has made it to the big three. I say well done to all those who have been involved. It is a big event. It involves \$4.2 million, nine nights and many jobs for local people, whether they be serving visitors in supermarkets, in accommodation venues or at petrol stations. It is all about jobs and supporting the jobs those visitors will bring. I urge the minister to support the 2012 Mildura Country Music Festival.

### **Castlemaine Secondary College and Golden Square Primary School: funding**

**Ms EDWARDS** (Bendigo West) — The matter I raise is for the Minister for Education. The action I seek is that he commit to funding two schools in my electorate of Bendigo West in the budget this year. The two schools I refer to are Castlemaine Secondary College and Golden Square Primary School. Each school is currently operating from two campuses, adding to running costs, and each was neglected in last

year's coalition budget. This is despite a promise made by the coalition before the 2010 election to commit \$7 million to Castlemaine Secondary College. Both schools have had extensive planning done, including schematic planning, and both schools are ready to get on with building their new schools.

The Castlemaine Secondary College council chose a site for its new school last year. The planning has been done, and the amalgamation of the junior and secondary campuses is now a priority for both the school community and the broader Castlemaine community. The \$7 million promised by the coalition will see only one of the five planned new buildings built, and the school needs around \$28 million to complete the new school at the Blakeley Road campus. It is imperative that funding be allocated in this year's budget so that the school community and the students do not have to wait for years before they see the completion of their new school. The principal, Mary McPherson, has worked extremely hard with the school council and the Castlemaine community to ensure the completion of planning. There is nothing now to stop the building of this new school except the government failing to come good with the money needed.

Golden Square Primary School amalgamated with Violet Street Primary School some years ago, and a new school has been planned at the Violet Street site. While this school has been on a drip-feed from the government for well over a year now, it is ready to get on with the new buildings if the coalition gives it funding. Operating from two campuses has been an enormous financial burden on the school and has been extremely difficult for the staff and the students. Principal Barry Goode has been gagged from mentioning publicly the desperate need for this school to get going, yet his commitment to keeping the school operating despite extreme financial hardship is a credit to his passion for seeing a new school come to fruition. Both of these schools were on Labor's priority list for funding and part of Labor's school rebuilding and upgrade program, which the coalition abandoned when it came into office. Labor's priority list was not a pork-barrel list to shore up government seats, as is the current coalition government's list. Labor's priority list was a systematic approach to school maintenance and upgrades that provided funding to schools based on their needs and urgency, not electorate location or political clout.

The Liberal-Nationals coalition government must now stop its disjointed, erratic and cynical funding practices and reinstate needs-based priority funding for schools in this state, and these two schools must be at the top of the list. I call on the minister to fully fund the building

of these schools — not \$7 million for one building for Castlemaine Secondary College and not a continuing drip-feed process for Golden Square Primary School but a fully funded solution for both. The hard work has already been done by these schools, so there could not be an easier decision for the government to make.

### **Caulfield Primary School: ministerial visit**

**Mr SOUTHWICK** (Caulfield) — The matter I wish to raise on the adjournment tonight is for the Minister for Education. The action I seek is for the minister to visit Caulfield Primary School to see the much-needed maintenance that is occurring as a result of a \$47 000 grant made by the Department of Education and Early Childhood Development and the coalition government. This maintenance is needed because of a decade of neglect under Labor.

Caulfield Primary School is a fantastic school in my electorate led by Peter Gray and an enthusiastic teaching team. It is also symbolic of the 11 years of neglect under Labor which saw schools begin to rot and crumble because the previous government saw fit to blow money on spin, desalination plants and waste in each and every portfolio. Caulfield Primary School is an innovative school with a strong focus on language education, specifically Japanese. The Japanese program, which sees students immersed in the language and using it across all disciplines, is an excellent initiative which helps the school differentiate itself and provide students with a unique educational experience.

While the school is fantastic, its buildings are in dire need of repair. It has had difficulty attracting new students as it was left to fall apart by the former education minister and government. It is amazing what a coat of paint and new carpet can do to make the buildings as attractive as the curriculum. The \$47 000 will be spent on internal painting upstairs and new carpet upstairs, including in four classrooms, the upstairs staffroom and a stairway in one of the school buildings. I am pleased to have been informed by the principal that the process for this to occur is under way and that the money has been credited to the school's account. This is a great example of the way this government delivers — unlike the previous government, which dithered.

In its first budget delivered last May the Baillieu government announced \$208 million for school capital projects in Victoria over the next four years. This was on top of the \$100 million commitment already made for school maintenance. Victorian teachers do a fantastic job, but under Labor they were not afforded the right to work in safe and modern facilities. As usual

it has been left to a coalition government to do the hard yards and address more than a decade of Labor neglect. Caulfield Primary School's \$47 000 grant also shows the difference between the coalition and Labor in the provision of school funding. Victorian and Australian taxpayers will never forget the federal Labor government's school hall fiasco, which has wasted billions of dollars on cost blow-outs and dodgy management. I can only assume that if Labor were in charge of this project, the \$47 000 would barely buy a carpet sample from the store.

Once again, the action I seek from the Minister for Education is for him to visit Caulfield Primary School to hear directly from the principal and the team about the benefits of these funds and the innovative language programs being run by this fantastic school. This is a great example of a school that is delivering and will continue to deliver with the support of the government. It shows that we are delivering on our election promises. It is ironic that the opposition has called for new schools that it did not deliver in its 11 years in government.

### **Wedge–Dandenong–Frankston roads, Carrum Downs: traffic lights**

**Mr PERERA** (Cranbourne) — I raise a matter for the attention of the Minister for Roads. The action I seek is for the minister to fund the construction of traffic lights at the intersection of Wedge Road and Dandenong-Frankston Road, Carrum Downs, in the upcoming state budget. In the lead-up to the 2010 election the then Labor government pledged \$6.6 million for the installation of traffic lights at this notorious intersection. Many residents living in Carrum Downs and its surrounds have contacted my office to advise me that they find it very difficult, especially during peak periods, to turn right from Wedge Road into Dandenong-Frankston Road to travel towards Dandenong or the city.

I recently held a mobile office in the local area and undertook a survey that showed that this intersection was frequently raised as a matter that needed to be actioned as soon as possible. The use of Wedge Road has certainly increased with the increase of residential development over the years. Unfortunately recently we have seen crashes resulting in casualties at this intersection which could have been avoided if there had been traffic lights installed. Many residents have also advised my office that they use Wedge Road for many day-to-day needs, including travelling to the Shri Shiva Vishnu temple, which is located along Boundary Road directly across the intersection of Dandenong-Frankston and Wedge roads. I am sure that on 5 May there will be

a government representative attending the ceremonial opening of the cultural centre next to the temple — which was partially funded by the previous Labor government. I ask that that representative assess the situation at this intersection.

The intersection is also used by residents to travel to and from the Carrum Downs Cricket Club, the Carrum Downs Tennis Club and the scout hall, all of which are actually located along Wedge Road, to travel to and from McCormicks Road, which is home to the new Carrum Downs Plaza shopping centre, Oak Tree Retirement Village and Carrum Downs Secondary College, and to get to and from their place of residence. Bus services also use Wedge Road, including the 832 and 833 services, which were introduced by the Labor government. Both of these routes also connect with the 901 SmartBus service — which was a Labor initiative.

I commend the residents of Carrum Downs and its surrounds for putting this request to me with passion, determination and energy. I urge the minister to fund the installation of traffic lights at this notorious intersection in the upcoming state budget.

### **Rail: Cheltenham and Highett stations**

**Ms WREFORD** (Mordialloc) — I wish to raise a matter for the Minister for Public Transport, who is also the Minister for Roads. The action I seek is for the minister to confirm that the Cheltenham and Highett railway stations will remain open and will retain or expand their current services, contrary to the fanciful allegations of the sad excuse for the state opposition.

In recent times the Labor Party has been running around making things up in order to unsettle the community. There has been no better example than the pitiful scare campaign about the future of the Highett and Cheltenham stations. For 11 dark years Labor abjectly failed on and totally neglected the Frankston line. It did a disgracefully bad job. It managed to have punctuality statistics as bad as 65.5 per cent on the line. A figure of 65.5 per cent means that less than two out of three trains ran within an acceptable margin of their designated times. There were breakdowns and track failures — all these things came with Labor's neglect of the system.

Since the dark years ended and the Baillieu government started, we have started fixing the problems and seeing punctuality figures regularly in the 90s — the range that they should be in — and we are working to improve them further. We have shown genuine interest in fixing problems and have had other good ideas, like building a railway station at Southland. After 11 years of Labor

inaction we promised to build the Southland station and started the planning process immediately, in our first budget.

While the state opposition is wallowing in its failure, opposition members are running around telling the community that when Southland station is built the community will lose Highett and Cheltenham stations, or that if those stations survive there will be reduced services. That is absolutely wrong, and to say that is disgraceful. Labor may have a record of failure on railway stations, but that does not mean that we will.

It was Labor that planned new stations without provisions for electricity — which is unbelievable. It was the Baillieu coalition government that immediately fixed that costly oversight. We will be opening three railway stations this weekend, and each will have electricity. Highett and Cheltenham stations will remain open and will see an expansion of services. However, I ask the minister to confirm those statements, and I look forward to his positive response.

### **Housing: first home owner bonuses**

**Mr HOLDING** (Lyndhurst) — The matter I wish to raise tonight is a matter for the attention of the Treasurer. The action I seek is that he commit to re-funding the first home buyer bonus, which is set to expire on 1 July 2012. As honourable members would be aware, the first home buyer bonus was established by the former government. Eligible applicants receive a base grant of \$7000 when purchasing their first home valued at up to \$750 000. Furthermore, first home buyers can receive an additional bonus of \$13 000 if purchasing or constructing a new home worth up to \$600 000 in metropolitan Melbourne or an additional \$19 500 if the new home is in a regional area.

Refocusing these grants and bonuses to particularly target new housing construction was a decision taken by the former government during the global financial crisis. We did this to protect jobs and activity in the construction industry. We know that thousands of Victorians depend on the construction industry for their livelihoods. So as well as supporting those jobs we used the first home bonus grant to make sure that Victorians, particularly young Victorians and Victorian families, had support to purchase their first home.

The government may argue that stamp duty tax cuts for first home buyers coming into force in coming years will replace this bonus, but the truth is that buyers of a newly constructed home in metropolitan Melbourne or regional Victoria will be worse off if this bonus is abolished. We all know that Victoria faces a jobs crisis

and we know that the current housing and construction industry faces particular challenges. I refer to the performance of construction index which is released by the Australian Industry Group and the Housing Industry Association, and the latest construction index released, for February, shows that house building activity was weaker in that month. The sector's subindex fell by 3.2 percentage points to 37.9, signalling a sharper pace of declining activity.

Clearly there are challenges facing employment here in Victoria. There are particular challenges facing the construction industry. The first home bonus scheme, providing as it does a boost that is focused on newly constructed homes, is a particular tool available to the government to underpin confidence and investment in the housing construction industry. Therefore it is vital that this program continue to be funded through this budget and into the future. It is vital not just for regional Victoria and metropolitan Melbourne but also in my electorate of Lyndhurst, where people in new housing estates in Lynbrook and Lyndhurst desperately want this bonus to be re-funded so that housing construction, employment and new homebuyers can be supported.

### **Monash Medical Centre: funding**

**Mr GIDLEY** (Mount Waverley) — Tonight I raise a matter for the Minister for Health and Minister for Ageing. The action I seek from the minister is that he provide funding to Monash Medical Centre and Southern Health to purchase much-needed medical equipment for health services. Having access to localised and specialised health treatment services in the Waverley area and the city of Monash is of particular importance, as is the issue of health generally, because we know that it does not matter how old or young you are, it does not matter whether it is day or night, you never know when you will need access to health services. With this in mind I have taken a strong interest in ensuring that Waverley and Monash have access to the best available specialised health services and that they are local and accessible for residents.

In recognition of the importance of health for Waverley and Monash, the state Liberal-Nationals coalition government is embarking on some of the largest health service improvement projects these areas have ever seen. Just to name a few of these health service initiatives, they include the \$17.3 million MonashLink Community Health Service redevelopment project in Glen Waverley and the \$250 million Monash Children's hospital. Let there be no mistake: after 11 years of lost opportunities for Victorian Labor to deliver just one room of the Monash Children's

hospital, the Liberal-Nationals coalition government will deliver it, consistent with our election commitment. The government is also supporting the \$71 million extension of Monash Health Translation Precinct, which is being undertaken by Southern Health, the commonwealth and other partners. Also, as I have spoken about in this house on other occasions, we are improving the range of access to health and community care services.

In planning and advocating for the future of the Waverley and Monash areas, as I have stated, I seek funding for the Monash Medical Centre and Southern Health to provide this much-needed medical equipment. These funds may provide the opportunity to buy state-of-the-art replacement medical equipment and the newest diagnostic and interventional medical equipment for surgical and medical procedures and also to ensure that our patients have access to the highest quality and safest care equipment for them and their families. The funds may also deliver a range of medical equipment which may be required, such as larger cardiac catheter laboratories, new ergonomic hospital beds, sterilising equipment, X-ray units or patient monitors.

I note that last Sunday the Victorian Minister for Health announced funding for MonashHeart. It was very pleasing to have him out at Monash Medical Centre. However, I now seek further commitments from the minister to detail funds available for Monash Medical Centre and Southern Health generally.

### Responses

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Mildura raised with me the issue of assisting the 2012 Mildura Country Music Festival. He has been a very strong supporter of tourism in his area and has been most keen to ensure that events in his electorate, and indeed the tourism industry overall in his electorate, recover after the impact of the floods. After all, tourism is a very important regional industry.

The member for Mildura has been an outstanding advocate in seeking support for tourism over a long time. I am delighted to inform him that following a visit last year to Mildura, where I spoke with councillors and a range of tourism industry representatives he had assembled for me to meet, I am completely convinced that this event is a very important part of the Mildura events calendar. I am delighted to announce that \$27 500 will be made available by the government through Tourism Victoria's flood recovery program to help promote the upcoming Mildura Country Music Festival.

The member went through in considerable detail the strong features of that particular festival. It will run from 28 September until 7 October 2012. It is now in its 26th year, and it showcases the region with performances taking place in and around Mildura. Those promotional moneys will be used for radio and print promotion and also for promotion at the Tamworth Country Music Festival to try to get people who are attending that festival to attend the Mildura festival as well.

Funding from Victoria's flood recovery program has also been provided to other regions, including Gippsland, the Grampians and other areas within the Murray region. It is an overall program, and the Deputy Speaker would be familiar with it. In terms of the member for Mildura's request tonight, I am delighted to say that there will be marketing funds made available, and I look forward to hearing of the success of that event.

**Mr MULDER** (Minister for Public Transport) — The member for Cranbourne raised with me as Minister for Roads an issue in relation to the Frankston-Dandenong and Wedge roads intersection. He called for the installation of traffic lights at this particular location. The member for Cranbourne pointed out the difficulty of negotiating this intersection, particularly in peak periods, and also the fact that there has been considerable residential development in that location. He pointed to the fact that there have been a number of crashes involving casualties at that location as well. The member for Cranbourne further pointed out the fact that Wedge Road services the local cricket club, a scout hall and other community organisations. I will raise this issue with VicRoads on behalf of the member for Cranbourne, and I will get back to him once I have received a response in relation to that matter.

The member for Mordialloc raised with me as Minister for Public Transport a very important issue in relation to Highett and Cheltenham railway stations. It appears that some utterly false and misleading statements have been put out by Lee Tarlamis, a member for South Eastern Metropolitan Region in the other place, in relation to the future of the Highett and Cheltenham stations. It is very important for the people of Highett and Cheltenham that I set the record straight in relation to the future of these two stations. I point out that the government will keep Highett and Cheltenham stations open indefinitely. There has never been any suggestion to the contrary; any suggestions to the contrary are false and are misleading in every way.

In fact from this Sunday, 22 April, passengers at both of these stations will benefit from the introduction of 10-minute train frequencies between Frankston and Flinders Street stations on weekends. That means there will be double the number of trains — a train every 10 minutes instead of every 20 minutes for most of the weekend. It means there will be double the number of services the previous Labor government provided. A total of 52 extra train trips will operate on Saturdays and 54 extra train trips on Sundays between Frankston and Flinders Street stations. AFL patrons are going to love this service that will be provided to the people of Highett and Cheltenham. Going to Flinders Street station, the 10-minute train frequency on both Saturdays and Sundays commences at 9.52 a.m. from Cheltenham and 9.54 a.m. from Highett. Coming home there will be a train every 10 minutes from Flinders Street station, from 10.38 a.m. until 7.08 p.m.

Both Cheltenham and Highett stations will be painted in 2012. You would not paint a station unless you were going to keep it open. Mr Tarlamis needs to get his facts right. We are doing the stations up. We are not closing these stations; we are actually doing them up. Concrete re-sleeper through Cheltenham station was completed in June 2011, while renewal of the contact wire, part of the overhead power system, was completed in July 2011. In March 2011 work on the track circuits at Highett station was completed. Electrical circuit breakers were also replaced by February 2012, while at both stations maintenance of the gardens has continued to make sure the stations are presented in an acceptable manner for people who use them.

The government is spending \$25 million more per annum on rail maintenance and renewals than the previous Labor government. I want to assure the member for Mordialloc that keeping Highett and Cheltenham stations open is very much a part of the government's plans. I also assure the member for Mordialloc that both of those stations are going to be scoped to ensure that they have protective services officers operating at night so they are safe for the patrons who use them. There is a commitment by the government not only to keep the stations open but also to beautify them, to provide additional services and to provide protection for people late at night. As the member for Mordialloc has pointed out, we have already improved punctuality on the line.

I congratulate the member for Mordialloc on the work she has done in her community and her electorate in fighting to make sure that these vital services are provided. There is no doubt that since the member for Mordialloc has been the local member, punctuality in

that area has improved. We are spending more money on these stations; we are going to upgrade them and we are going to make them safer. Again I say well done to the member for Mordialloc for bringing this important issue to the Parliament.

**Mr DIXON** (Minister for Education) — The member for Prahran asked me to go out and meet with a principals network in his area. As he pointed out, I have met with over 55 of the 71 principals networks around the state in the last 12 months, which has been a very worthwhile exercise. These meetings are arranged for and by the principals. They bring the agenda, and sometimes they want answers to questions or they just want to talk to me about issues. I bounce ideas off them, and the meetings have been very productive. I really look forward to going out to Prahran in the very near future to talk with the principals out there. The member knows his schools very well and the issues in his electorate, and he was able to point out some of the issues out there. I look forward not only to hearing those issues firsthand from principals but also to hearing about possible solutions to them. I look forward to that visit in the near future.

The member for Caulfield has asked me to go out to Caulfield Primary School. Having been a principal in the Caulfield area myself, it is always good to go back to Caulfield. It will be good to visit that school and look at the work that needs to be done with the \$47 000 special maintenance payment that it has received. That school is very well known for its language program, which is a major component of this government's education agenda.

In terms of maintenance, the conditions we inherited in a number of schools across Victoria really are incredible. The audit we have conducted so far looks like it is showing that the state has a \$300 million maintenance backlog that has accumulated, and we have inherited it. When you look at the figures for what the previous government spent on maintenance, you see that it actually cut maintenance funding by 20 per cent between the years 2000 and 2010. You would think that at a time when there was plenty of money around, with GST revenue and money coming into the state and a buoyant economy right throughout the nation and around the world, maintenance would have been a priority, but maintenance money was actually cut during that time. I know schools like Caulfield and many others welcome not only the extra ongoing money we are putting into maintenance but also the special grants we have given to schools that are in such a condition that that sort of money just has to be spent.

The member for Bendigo West put a case forward regarding this year's budget. Obviously I will not talk about what is in this year's budget. She will find out soon enough — in a few weeks time — but she made the case for both Castlemaine Secondary College and Golden Square Primary School. I am well aware of that case, and in fact I visited Golden Square Primary School last year. Barry Goode, the principal, is in constant contact with my office personally. That is the sort of relationship we have with our schools, where they certainly feel they have a relationship with my advisers, and two-way communication is just part of the deal when my office works with schools. Barry is a great advocate for his school. He is certainly not gagged. He has put his case forward, and we have been talking to him about that. I look forward to continuing to work with him. As I said, the outcome of the deliberations will be known very soon.

Castlemaine Secondary College was one of our election commitments, and it was interesting to read an article in the *Herald Sun* in which it was intimated by the spokesperson for education on the other side that we were not delivering on our election commitments. In fact we are well ahead. We delivered almost 40 per cent of our election commitments in last year's budget, so we are well ahead of our schedule to deliver.

Governments in Victoria have a four-year term, and where we have commitments to meet in our first term in government, they will be delivered over the four years. We will certainly do that. It has been far from a pork-barrelling exercise when you look at some of the schools in areas that we have delivered funding to, in some cases for the very first time. For example, there is the Hume Valley special school out at Broadmeadows, the brand-new Rosamond Special School that we will be rebuilding out in Footscray, the northern and western autistic schools, new schools at Tarneit and Point Cook and land at Melton and Cranbourne. These are areas that are hardly blue-ribbon Liberal seats. These are Labor seats, and we are delivering for all Victorians, both regionally and also around Melbourne.

The member for Albert Park also raised an issue about the needs of schools in his electorate. Obviously he was asking for consideration in this year's budget. All schools that have needs will be considered in this year's budget. Obviously we cannot complete and rebuild every single school or deliver on every single project that every member wants, because there is just not the money to do it.

**An honourable member** interjected.

**Mr DIXON** — The minister has asked why. Members can look at a range of projects that have blown out. They can look at the GST revenue that has been stripped from the state by the federal government. They can look at the pokies revenue of \$3 billion that was forgone by the previous government — and imagine how many schools we could have delivered with \$3 billion! Members can consider the \$1.8 million a day for the desal plant; I could employ a teacher an hour if we were not laden with that sort of debt, and we could build hundreds of schools with that sort of money. There is the overrun of projects that we have inherited, the lapsing programs — it is just incredible. There is the IT matter. These are all things we have had to fund out of our budget and our declining income from the federal government, and it is very hard to do all the things all the members want. We are doing the very best we can, however, with the funds we have. We are taking responsible decisions, and we will certainly be delivering on our election commitments.

There is a specific issue around Albert Park College. I know the college well; the member was there when I opened it. It is a great school. With respect to the future boundaries for schools in that area, I understand the population issues there, and we are doing a major study of the need for government school education in that area. That work is being done, but decisions regarding the boundaries, especially around Albert Park College, have not been made. We are consulting with the school and the community. It is an ongoing issue.

The member compared our record with that of the previous government, and he talked about the Victorian schools plan. The Victorian schools plan was actually a bit of a farce. What we found once we came into government and delved into the records was that schools that had had a lick of paint and a minor piece of work worth, say, \$300 000 in 2002 had, according to the previous government, been rebuilt or modernised. That just does not add up. There are hundreds of schools out there that the members of the previous government — the members of this opposition — say have been modernised or rebuilt that just have not been. In fact in some schools we have had to spend more on maintenance than the amount of money the previous government put into them in its so-called rebuilding. You just cannot trust what members of the previous government say about these sorts of figures. If you go out and have a look at the schools out there, you see reality speaking for itself in terms of the waste and mismanagement in education in the past 11 years.

Going back to the requests of the members for Bendigo West and Albert Park, I note we are finalising our

budget considerations, and they will be revealed in the next few weeks — on 1 May, actually.

**Mr R. SMITH** (Minister for Environment and Climate Change) — I am delighted to see no less than six ministers in this house waiting to respond on issues raised by members of the Parliament. It is a far cry from the situation under the previous government when we would be lucky to have more than one minister in here. There are still some issues on my desk back in my electorate office waiting for responses from Labor ministers which never came. Anyway, I digress.

The members for Macedon and Lyndhurst raised issues for the Treasurer, and I will ensure that they are passed on to him.

The member for Mount Waverley raised a matter for the Minister for Health about funding for medical equipment at Monash Medical Centre and Southern Health, and I will ensure that that matter is passed on to the Minister for Health.

**The DEPUTY SPEAKER** — Order! The house stands adjourned until tomorrow.

**House adjourned 10.48 p.m.**

