

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 27 March 2012

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 27 January 2012

⁴ Elected 19 February 2011

CONTENTS

TUESDAY, 27 MARCH 2012

JAMES 'JIM' STYNES, OAM	1317	<i>Rail: Rowville feasibility study</i>	1335
DISTINGUISHED VISITORS	1321	<i>Police: Rowville</i>	1335
QUESTIONS WITHOUT NOTICE		<i>Jedd O'Sullivan and Louise Brown</i>	1335
<i>GM Holden: government assistance</i>	1322	<i>Angliss Hospital: Ferntree Gully Auxiliary</i>	1335
<i>Rail: Flinders Street station</i>	1322	<i>Ferntree Gully electorate: youth council</i>	1335
<i>Ballarat Health Services: future</i>	1323	<i>Pope Shenouda III</i>	1335
<i>Climate change: legislation review</i>	1323	<i>National Youth Week</i>	1335
<i>Monash Medical Centre: children's centre</i>	1324	<i>Derrimut electorate: cultural diversity</i>	
<i>Geelong: jobs</i>	1324	<i>celebration</i>	1336
<i>Hospitals: elective surgery</i>	1324	<i>Mr Lenders (Southern Metropolitan): electorate</i>	
<i>Carbon tax: local government</i>	1325	<i>office</i>	1336
<i>V/Line: future</i>	1325	<i>Geelong Trades Hall Council: Labour Day</i>	
<i>Productivity: government initiatives</i>	1326	<i>dinner</i>	1337
HEALTH PROFESSIONS REGISTRATION (REPEAL)		<i>Australian Grand Dairy Awards</i>	1337
BILL 2012		<i>Jeanette Severs</i>	1337
<i>Introduction and first reading</i>	1327	<i>Relay for Life: Bairnsdale</i>	1337
NATIONAL ENERGY RETAIL LAW (VICTORIA)		<i>Vic Bream Classics: Metung</i>	1337
BILL 2012		<i>Orbost and West Bairnsdale cricket clubs:</i>	
<i>Introduction and first reading</i>	1327	<i>premierships</i>	1337
ROYAL WOMEN'S HOSPITAL LAND BILL 2012		<i>Suicide prevention: Bendigo walk</i>	1337
<i>Introduction and first reading</i>	1328	<i>Stand Up Paddle Victoria: Mad Paddle</i>	
LAND (REVOCATION OF RESERVATIONS) BILL		<i>fundraiser</i>	1338
2012		<i>Mike O'Meara</i>	1338
<i>Introduction and first reading</i>	1328	<i>Broadmeadows electorate: multicultural affairs</i>	1338
BUSINESS OF THE HOUSE		<i>Euroa Secondary College: Beacon program</i>	1338
<i>Notices of motion: removal</i>	1328	<i>Mental health workers: enterprise bargaining</i>	1339
<i>Program</i>	1330	<i>Parkdale Primary School: Kids Day Out fair</i>	1339
<i>Orders of the day</i>	1346	<i>Mordialloc by the Bay festival</i>	1339
PETITIONS		<i>James 'Jim' Stynes, OAM</i>	1339
<i>Planning: Port Melbourne development</i>	1328	<i>Environment Protection Authority: Mordialloc</i>	
<i>Phillip Island Tourist Road: safety</i>	1328	<i>development</i>	1340
<i>Victorian certificate of applied learning:</i>		<i>Royal Botanic Gardens, Cranbourne: transport</i>	
<i>funding</i>	1328	<i>links</i>	1340
<i>Casey Hospital: funding</i>	1329	<i>Asbestos: removal</i>	1340
REVIEW OF CLIMATE CHANGE ACT 2010		DISABILITY AMENDMENT BILL 2012	
<i>Government response</i>	1329	<i>Second reading</i>	1340, 1354
SCRUTINY OF ACTS AND REGULATIONS		PORT BELLARINE TOURIST RESORT (REPEAL)	
COMMITTEE		BILL 2012	
<i>Statute Law Repeals Bill 2012</i>	1329	<i>Second reading</i>	1346
<i>Statute Law Revision Bill 2012</i>	1329	<i>Third reading</i>	1354
<i>Alert Digest No. 5</i>	1329	ADJOURNMENT	
DOCUMENTS	1329	<i>Manufacturing: jobs</i>	1378
ROYAL ASSENT	1330	<i>Mount Evelyn: youth facilities</i>	1379
APPROPRIATION MESSAGES	1330	<i>Schools: Corio-Norlane education regeneration</i>	
JOINT SITTING OF PARLIAMENT		<i>project</i>	1379
<i>Victorian Responsible Gambling Foundation</i>	1330	<i>Rodney electorate: community development</i>	1380
MEMBERS STATEMENTS		<i>Sunshine Hospital: intensive care unit</i>	1381
<i>Ironman Asia-Pacific Championship</i>	1333, 1336	<i>Sport and recreation: South Barwon electorate</i>	1381
<i>Helen Davis</i>	1333	<i>Victorian certificate of applied learning:</i>	
<i>Anzac Day: commemoration</i>	1333	<i>funding</i>	1382
<i>Somerton Road: safety</i>	1334	<i>Alamein neighbourhood and learning centre:</i>	
<i>Ulysses Club: annual general meeting</i>	1334	<i>men's shed</i>	1382
<i>Relay for Life: Mildura</i>	1334	<i>Country Fire Authority: Mount Clear-Mount</i>	
<i>Lower Eltham Cricket Club: Barclay Shield</i>	1334	<i>Helen station</i>	1383
<i>Clean Up Australia Day: Knoxfield</i>	1334	<i>Ferntree Gully electorate: mobile business</i>	
		<i>centre</i>	1383
		<i>Responses</i>	1384

Tuesday, 27 March 2012

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

JAMES 'JIM' STYNES, OAM

Mr BAILLIEU (Premier) (*By leave*) — Jim Stynes came here as a young man. His game was with the young, and he worked with the young. He stayed young, and in a tragic irony he died too young, but he uplifted us all.

The Jim Stynes story is also the story of Victoria. Like so many others, Jim first came here from the other side of the world. Like others before him, he came with a dream. He came as a teenager. He came with little but his courage, his wit, his energy and his skills, and he came with aspiration and ambition. In the great traditions of this state he was greeted with open arms. In turn Jim embraced and conquered a new culture. He became one of us, but he always retained his Irish pride and pluck. He always remained himself, unpretentious but very, very determined.

Through ups and downs Jim Stynes succeeded beyond anyone's imagination. He won admirers, he charmed, he inspired and he reached out to others. He always had welcoming arms for those who followed in his footsteps, and he won hearts across our nation. Together with one beautiful won heart — his wife, Sam — he raised a beautiful young family with love and passion. Jim's story is in every respect the story of a classic Victorian.

Jim Stynes was an exceptional individual, an exceptional Victorian and a great Australian. He came here as something of an experiment, to play Australian Rules football. We often think footy is tough today, and it is, but as many who attended his funeral today at St Paul's Cathedral could attest from firsthand experience, it was pretty tough in those days, let alone for people who did not know the rules or how to hold the ball properly. As we now know, what followed was nothing short of extraordinary. His was a stunning career matched by numerous honours both on and off the field. He won a Brownlow Medal in 1991, Melbourne Football Club's best and fairest four times and the Leigh Matthews Trophy, awarded by his peers for the most valuable player. He represented Victoria and was an All Australian. These achievements were matched only by numerous civil honours for other work that he undertook: the Australian Sports Medal, the Centenary Medal, the Medal of the Order of Australia and Victorian of the Year twice — in 2001 and 2003.

Today we all mourn the loss of this exceptional individual, who was the embodiment of so many things we admire — humility, grace, selflessness, courage, empathy, perseverance, generosity of spirit and an endearing Irish sense of humour. We all loved the passion and infectious enthusiasm of Jim Stynes. We admired the way he could galvanise people and build bridges between disparate forces. We were moved by the way he handled triumphs and despair, both in equal measure. We loved his dignity, and we admired his bravery during a very difficult, prolonged illness. We were refreshed by his openness in what must have been his darkest moments and by his thoughts for others. Even when he was facing what must have seemed insurmountable challenges, he showed his concern for others in similar circumstances who, he said, 'lived lonely existences'. To quote him, he said, 'It breaks my heart'.

Jim Stynes touched everyone who knew him and touched everything around him. He was to many a beacon of hope and a river of kindness, and he won admiration on the field and supporters off it. He used to say:

Everyone is born with a gift; your journey is to discover it.

He found his and used his talents for the greater good. In that great Victorian tradition, he made a difference. For the vulnerable, for the disadvantaged and for those crying out to be loved, Jim provided hope.

Through the Reach Foundation, of which he was a founder, Jim inspired a generation of young people to fulfil their potential. In building that wonderful organisation Jim and his team attracted the support of all sides of politics. Despite what was at the time a departmental warning against Reach on the basis that it was an untested organisation, the first grant to Reach was made by the Kennett government, and successive governments have continued to support Reach in one way or another.

Jim was a guiding light to many who lived an otherwise fraught existence. He rebuilt shattered lives as well as spirited football clubs, and that is Jim's distinctive and enduring legacy. His extraordinary qualities and an indication of what we have lost were summed up by the *Irish Times* this week, when it named Jim as 'possibly the greatest Irish emigrant of them all' — and that is saying something. There could be no better tribute.

Of course, as a scrawny, untried Irish recruit, Jim arrived here in 1984 to play Aussie Rules. Those with an eye on the red and the blue came to know Jim Stynes before most of us, but I well remember the 1987 preliminary final. After years in the wilderness the

Demons were all but over the line against Hawthorn and set to play in a grand final. I was sitting with two highly decorated former Melbourne players, just a stab pass from where Gary Buckenara took the final mark of the game, too far out to score. Sadly Jim, streaming into defence, ran across the mark and out of Irish luck. The man, then still in white, saw the blue and gave Jim a red. Buckenara got a 15-metre penalty and kicked the goal, and the dream was over. When I turned to leave the ground my two big tough Melbourne mates were still in tears.

Jim went on to play a record 244 consecutive games, despite injuries and despite all the pressure. Towards the end of that amazing run I suspect every fan in Australia was convinced he would never stop. Every fan in Australia wanted him to play forever. After years of working so magnificently with young people, I equally suspect that Australians wanted and willed Jim to have another record run, for we all believed that Jim Stynes was simply unstoppable — that he would go on forever. Jim fought his cancer with his characteristic determination. He did so in the public arena, and he took others along with him. He continued to inspire. We all shared his most private battles. We all willed him to succeed once more, to triumph again over adversity. Sadly it was not to be.

Thousands and thousands gathered today at St Paul's, in Flinders Street and in Federation Square to pay tribute and to fill in some small way what his brother described as the 6-foot-7 gap that Jim left behind. I am sure that today my two big mates were nearby one more time and, like the rest of us, they were shedding tears again — this time for Jim, his family and what he has meant to the wider community. Jim Stynes may have run across the mark in 1987, but he left an indelible mark on the bigger arena — this state and this nation.

The fact that he chose to stay in Victoria when he finished his football career rather than returning home says a lot. There is a great resonance between what Jim stood for and the Victoria he lived in and loved. There are some things we sometimes take for granted, yet they are core strengths: our embrace of diversity, tolerance and a genuine multicultural society, and a willingness to work hard and aspire to be the best. We welcomed Jim, and in turn Jim embraced and enlightened us.

We offer our deepest sympathy to Jim's family, especially his wife, Sam, their daughter, Matisse, and son, Tiernan, and all their friends. They have lost a loving husband and father. We have all lost a great Victorian and a great Australian. When the ball is next

bounced at the G in a couple of days, our hearts will go out to the great no. 11 or no. 37 and his remarkable contribution to our lives.

There have no doubt been many great Victorians — and many of them have left behind extraordinary stories of life and love. I have no doubt at all that the Jim Stynes story is amongst the best and fairest.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I join in offering my condolences on the passing of champion footballer and champion Victorian Jim Stynes. Those of us who shared the moving and quite remarkable celebration of Jim's life at St Paul's Cathedral, and indeed throughout Federation Square and that entire precinct this morning, can be in no doubt at all that this extraordinary person touched the lives of so many.

His impact, his mark, was made not simply on the football field — and what a special story that is — but also and perhaps most importantly in his leadership in promoting youth issues and empowering young people. It is this work and leadership that I think best illustrates Jim Stynes as a person of compassion, decency, integrity and, it is important to note, a person of real vision. Of course I am referring to the formation, mission and work of the Reach Foundation, as the Premier has outlined.

Much can be said about Jim's AFL career, and the Premier has touched on some high points and indeed some low points of that career. It was an AFL career of skill and toughness, stamina and raw competitiveness. It is one that is acclaimed and will be forever so — the Brownlow Medal, the leadership both on field and off, the 264 games, 244 of which were consecutive, the presidency and financial turnaround of the proud Melbourne Football Club, and of course the International Rules campaigns, about which we heard a little bit today in an inspiring tribute by Garry Lyon. There was also the All Australian selection.

If he had stopped there, if the journey all the way from Ireland had ended there, then it would have been a remarkable football story. But it is so much more than that. It is a much deeper human story. It is a story that is perhaps at its most powerful in its last chapter — Jim's cancer, the courage he showed, the support he offered and the profile he lent to a fight that 70 Victorians begin each and every day. Is anything more impressive than Jim Stynes seeing in his own ill health, some would say his misfortune, an opportunity to support others? Can anything be more impressive than that? Today we offer our thanks, and touched by sadness we pause to note

that Jim Stynes lived a life that, despite its premature end, made a real difference for all of us.

On behalf of my colleagues, I offer our deepest sympathies and gratitude to Sam Stynes and the children as well as the broader Stynes family. We are all better for his contribution, saddened and diminished by his loss. If I can finish, Speaker, with your indulgence: Ar dheis Dé go raibh a anam — may his soul be at God's right hand.

Mr RYAN (Minister for Police and Emergency Services) (*By leave*) — Jim Stynes was a hero. He came to Australia when he was 18 years of age, and he has passed from us at the tender age of 45 years. Those of us who had the great honour of listening to Tadhg Kennelly speak at the AFL Grand Final lunch last year were given an insight into what the activities of Jim Stynes and people like him — and Tadhg Kennelly is such a person — have meant to Mr Kennelly as an individual and to his family. Tadhg Kennelly told a lovely story of his parents owning a hotel in Ireland and his family living above the hotel in their own quarters. Regular phone calls used to come in from the Sydney Swans Football Club, which was desperately anxious to lure Tadhg Kennelly to Australia. Mrs Kennelly and the rest of the family were overwrought at the prospect of losing him, and the barman in particular did not like the prospect of seeing that happen, so when the phone calls came in and the barman took them, he would shout up the stairs, 'Mrs Kennelly, it's that man from Australia who wants to steal your son away!'.

Brian Stynes gave us a further insight at the funeral today with his lovely story. He said when Jim came to Australia and was allowed his one phone call a week back to the family, the five siblings and his parents lined up in the hall to have the opportunity to talk to him. Brian described it as the highlight of the week for the family.

As we know, after a temporary setback, Jim Stynes went on to become an absolute champion. He played football for the mighty Demons, the Melbourne Football Club, a club that has a proud history of more than 150 years. He played the game with skill and endurance and not a little bit of the touch of the mongrel when it was called for, and he did so with absolute passion over a period of many years. In practical terms, he started in 1987, and in 1991, as Garry Lyon remarked at the funeral today, he achieved the remarkable outcome of winning the medal for being the best and fairest player within our league, and therefore certainly at that stage within Australia. He played 244 consecutive games. That had never been done before, and I venture to suggest that it will never

be done again. He played nigh on 11½ or 12 seasons of football, never missing a game. That is an absolutely remarkable achievement.

Jim Stynes's involvement with football was not done at the end of his on-field career. After 1996 and the cathartic events of the Melbourne Football Club's attempt to amalgamate with the Hawks, there was terrible division within the club. Jim Stynes brought the club back together again. Football, first and foremost, is about tribalism. At the Melbourne Football Club, the tribe had become terribly disunited. That showed on the field as well as off the field. Jim Stynes brought the same passion for the game that he had brought to it when he wore the jumper for the Demons. He came back and united the team. He did such a wonderful job in ensuring that the Melbourne Football Club was able to continue. Like it or not, football these days is a big business. It does not help you to get a kick, but nevertheless it is a big business. It was Jim Stynes who set about the task of reducing what was then about \$5 million in debt. On one historic night, when the club had a function, through the efforts of Jim Stynes that debt was reduced by \$2 million in one hit. It was an amazing achievement.

It was not only on the field or in off-field administration that Jim proved to be such a remarkable individual. Indeed it could well be argued, as has been discussed by the Premier, the Leader of the Opposition and so many others today, that Jim's achievements off the field were even more remarkable than his achievements when he was playing the game. We are familiar with the work of the Reach Foundation. Seeing the montage that was run this morning at the funeral service and the way in which Jim Stynes literally reached out to people of all sorts, shapes and kinds, but particularly to young people, was utterly inspirational. He saw the goodness in everybody and did everything he possibly could in the work he did through football, in business, with the Reach Foundation and with so many other groups to which he contributed to bring out the very best in the many people with whom he came into contact.

In a sense, this is the answer to the question of why the man had such an aura about him. True it is that he had all these amazing achievements on the field and off the field, but I think in the end, as the Leader of the Opposition mentioned in his contribution, it may have been the way in which he handled the terrible problems and the imminence of his death with such complete courage and dignity over these past few years as he battled against cancer that is the reason for the aura about the man. The people who were there today to witness his funeral were not there because they necessarily knew him personally, but everybody knew

of him. Have you ever met anybody who did not love Jim Stynes? He had a capacity to touch the inner soul of people, and his contribution will be remembered in that sense as a foundation for his great legacy. By any standards Jim Stynes was a great humanitarian, and he and his family can be so proud of what he was able to contribute in his relatively short life.

The last day I spent time with Jim was during last season, on 6 August; I looked it up today. In a football sense it was not a good day. The mighty Demons were playing the Blues, and we got done. That day I went to a lunch held at the MCG, and, as it happened, Jim was there too — he had come out of hospital to be there. Sam was with him. We were sitting at the same table, and he was terribly frail and found it very difficult to concentrate. But as the day wore on he engaged in conversation. We went out to watch the game, and I had the great pleasure and honour of sitting beside him for 2 or 3 hours.

It was interesting to see the transition. He went from a guy who was obviously ailing and suffering considerably and who had found even coming to the ground that day very difficult all the way through to marking every kick; kicking every goal — in the case of the Demons there were not many; admonishing backmen because they would not be body on body, as he put it, as the ball was in the air coming into Carlton's forward line — an all too regular event that day; trying to lecture forwards to lead into open space; and wondering why we could not clear the ball from stoppages. All of it. By the time the game finished he had moved through this phase of resurgence to the point where he was angry and frustrated. He said to me that he was heading straight down to the rooms, and I have no doubt that a number of players in the Melbourne Football Club received an absolute earful that afternoon.

I just want to finish with two matters. The Gary Buckenara incident was just a shocker. I mean, I know there are rules in the game and I know there comes a time when umpires have got to do difficult things, but to give him that extra distance in that circumstance — heavens above. As a bloke who lives and plays by the rules, I say to this day that it was an awful travesty.

The other thing I must say is that Jim Stynes is now, I have no doubt, enjoying eternity. Matters of eternity are beyond the province of all of us in this chamber — even your good self, with respect, Speaker — so I have not quite been able to rationalise in a sense that can be easily understood how one of the greatest ever Demons, perhaps the greatest, is now playing with the Saints. I will leave it to those who are responsible for organising

these matters in that non-earthly environment to resolve that, but to whoever might be the coach of the side up there I do say: play Jim in the ruck and leave him on the ball, because if there is ultimately an end to eternity, then you can bet that Jim Stynes will still be getting a kick.

Jim Stynes was a hero, and I extend my condolences to Sam and to Matisse and Tiernan.

Mr MADDEN (Essendon) (*By leave*) — You learn a lot about someone when you play competitive sport against them, but you learn a lot more about them when you play against them for nearly a decade. I first met Jim Stynes when he was 18 and I was 23. I had been invited to a 21st birthday party for Joe Caddy, who was one of the celebrants at today's church service. Jim was boarding with the Caddy family at the time. He had only been in the country a couple of weeks, and I had been invited by Joe's father, John Caddy, whom I taught with at St Joseph's Technical College in Abbotsford. This was 27 or 28 years ago.

I think really I had been invited to meet Jim rather than to celebrate Joe's 21st birthday. Jim had been in Melbourne for only a few weeks, as I said, and he explained to me how he had had his first run with the Melbourne under 19s, as they were then known. The system has changed a bit since then. The coach of the Melbourne thirds in those days was a gentleman by the name of Slug Jordon. I will be as diplomatic as I possibly can be and say that Slug Jordon was an old-time coach, even by the standards of those days, mind you. Jim told me this story. They had placed Jim in the goal square in the under 19s on this occasion, which was only a few days before my meeting with him, and they had told him to stay there and if the ball came to him to 'Just put it through the goals'. The ball eventually came to him. He turned around with the ball in his hand and proceeded to handball it through the goals, which you are allowed to do in Gaelic football but which unfortunately does not get you much of a score in AFL football.

I understand that Slug Jordon took Jim off the ground. Slug tended to call a spade a shovel and to literally bludgeon you with it. After he had given Jim, I understand, the greatest bake of all time — a berating — Jim was able to cop it on the chin, and as a young bloke he quickly picked up the rules of this new and, to him, foreign game. But when he told this story to me on that occasion — and I had been playing for a handful of years — I thought, 'Well, this bloke's got a long way to go, and he'll be lucky to play one game for Melbourne', let alone 244 consecutive games.

Over the course of a decade I met Jim on the footy field and off the footy field on many occasions, even when I was youth minister. Jim had a build that I think would have suited almost any sport that he put his hand to. He had the strength of a heavyweight boxer, he could run like a greyhound, he had a heart as big as Phar Lap's and he had the motor of a diesel tractor. He could run all day. There was no stopping him. In a sense he was the unstoppable force.

To put it into context, when he had matured as a footballer and when he was at his best — and I am going to sound like Bruce McAvaney here for a moment — he was able to pick up on average somewhere in the order of 30 to 38 possessions a game, and that is leaving aside ruck contests. Most ruckmen on any given day would be pretty happy with 20 possessions in a game. In this day's modern game they are lucky to get about 15 possessions, and they are normally pretty satisfied with that. But this is before you contest the ruck about 50 times a game, so if you put together the fact that Jim was picking up 38 possessions a game and facing of the order of 50 ruck contests, you realise he was involved in close to 90 to 100 contests a game — and when you understand that a game lasts for only 100 minutes, it means that basically he contested the ball on average almost every minute of the game.

The fact that this continued for almost 10 years says an enormous amount about the character of the man. He was an unstoppable, athletic ruckman, but some suspected he might have been a midfielder as well or, in today's language, an on-baller. But how do you stop the unstoppable force, if you, as I did, had all the athleticism of a glacier? What do you do? Well, firstly, you try as hard as you can; secondly, you hope that because he is playing consecutive games, he might be injured; and thirdly, of course you play to your strengths, if you have any. I played to my strength. He was the unstoppable force, so I decided to make myself the immovable object.

When we tackled in the ruck we were like two old goats; locking horns we tangled and we tangoed. Because he was such a focused bloke, on a few occasions I would go to great lengths to try to frustrate and distract him from that focus as much as I could, with limited degrees of success. On occasion I would lean into him and get in his way, which frustrated him. I made a bit of an art form of this to the point where I was actually leaning on him with my head against his chest. We were like two giraffes involved in a bit of a courtship ritual.

On one particular day at the Carlton ground when Jim was getting very close to breaking the consecutive games record — and I think he was carrying an injury on this day — he got particularly frustrated with me and pushed me very hard in the stomach with the butt of his hand, which is legal. Of course I took a bit of a dive in an attempt to get a free kick. He was reported, and I did not want to be the one who undermined his consecutive game status and his record. However, I knew I did not have to convince the tribunal members of the fact that he had not really struck me when they saw the videotape and realised I had actually fallen backwards rather than forward; they all realised how theatrical I had been.

What I knew then, and what I know even better now, is how strong Jim was, not just physically but emotionally. How do you get to be that successful — from being a novice to the game's best player? You do it with persistence, focus, courage and determination, and in particular by not conceding to the expectations of others but establishing your own expectations and exceeding them. That is what Jim was able to bring to every part of his life, and that is his really great legacy, whether it was in his role as a novice footballer who rose to the pinnacle of the AFL by winning the Brownlow Medal, whether it was playing 244 consecutive games — when today's players fall like ninepins — whether it was in supporting and teaching others to defy expectations, whether it was as president of the Melbourne Football Club, when he again exceeded those expectations in his fundraising efforts or whether it was by confronting the greatest immovable object, in a sense, his illness, and again defying expectations.

Jim's life is testimony to a great man, to a great city and a great game, but most of all it is testimony to what can be done. His life is a great lesson for all of us here today and for tomorrow. On all fronts, through his actions, his words, his deeds and the body of work that was his life, Jim implores us not to concede to the expectations of others but to establish our own and exceed them.

The SPEAKER — Order! I ask all members to stand in silence as a mark of respect to the memory of the late Jim Stynes.

Honourable members stood in their places.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for questions, I welcome a number of distinguished guests to the gallery today. I welcome a former Premier of

Tasmania, Mr Ray Groom. It is also nice to see a former minister and member for St Kilda in this place, Brian Dixon. We also have the Consul-General of the Republic of Chile, Mr Diego Velasco-von Pilgrimm. We thank him for coming along. We also have the Consul-General for Greece in Melbourne, Eleni Lianidou. We thank her for visiting. Importantly, we also have a member of the Greek Parliament from Florina, Mr Konstantinidis. We welcome you all here to the chamber, and we thank you.

QUESTIONS WITHOUT NOTICE

GM Holden: government assistance

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the commonwealth government's \$275 million rescue package for Holden, announced on March 22, and I ask: at what time on the night of 21 March did the Premier's office finally confirm with the Prime Minister's office that Victoria would contribute to this package?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. It is an important issue. The Victorian government committed long before that time to contribute to the Holden package. What the Victorian government did was to continue to advance the case for Victorian industry at every single opportunity — and we make no apology for it. We made a commitment to support the design and engineering component of General Motors Holden.

We expressed our interest in the engine plant, and we particularly expressed our interest in the supply chain. We continued to argue for those components, and indeed we would have liked to have had a greater commitment from the commonwealth to the supply chain. If the opposition would like us to put that aside and not continue to argue for support for the supply chain, then let the Leader of the Opposition say so. We made our commitments long before that, and we continued to argue for the key interests of Victorian industry in this state.

Rail: Flinders Street station

Mr NEWTON-BROWN (Prahran) — My question is to the Premier. Can the Premier update the house on the government's commitment to restore and develop the iconic Flinders Street railway station?

Mr BAILLIEU (Premier) — Flinders Street station is an architectural icon in this state; it is also a public icon and a symbol of so much that represents Victoria. I

think we saw that today outside St Paul's Cathedral, where thousands and thousands of people were gathered for Jim Stynes's funeral. There, watching over St Paul's, and watching over Flinders Street and Federation Square, was Flinders Street station yet again. It is a Victorian icon and an important part of our history and culture. It is one of the busiest commuter stations in the world. That is why the coalition government wants to attract the best and brightest from around the globe to participate in an ideas and design competition to upgrade and redevelop the station.

The station has served as our main passenger railway station for more than 100 years, and it is well described in a book by Jenny Davies about its centenary. However, as the state has grown a number of new challenges have emerged for the station and its surrounds. At the election we committed to provide \$1 million for an international design competition to gain the world's best ideas for upgrading, restoring and reinvigorating the Flinders Street station precinct.

Honourable members interjecting.

Mr BAILLIEU — What we have from the other side of the chamber once again is mirth. Labor left this alone; it left the station to degrade over 11 years. There is no interest.

The government has further identified the vision for a potential revamp of the station with the release of the competition's statement of key objectives. That statement gives prospective entrants in the competition a better understanding of what the coalition wants to address through the design process. We are already aware of many individuals and architectural firms who are following this competition with keen interest.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition may have his back to me, but I can still hear him.

Mr BAILLIEU — That invites a comment I will not make. These challenges include addressing the expected doubling of transport patronage, poor integration with surrounding precincts such as Federation Square and the south bank of the river, and the urgent need to restore areas of the heritage-listed building, including the grand ballroom. We were, after 11 years, able to take the media through to show them what has been left behind after 11 years of Labor. The underutilisation of the western end of the site and the potential for new buildings and spaces are challenges for this competition. When entries open we expect the prize pool to attract the very best ideas from across the

globe to fully explore the potential of this Melbourne landmark and its precinct.

We welcome the ideas of the Victorian architectural community and the wider architectural community, and we welcome the opportunity to be party to an upgrade of Flinders Street station and to return the station to its former glory so it can watch over Melbourne, the Yarra and the precinct for another 100 years.

Ballarat Health Services: future

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his statement that he is ‘not shy’ about the prospect of privatising Victoria’s public assets, and I ask very simply: will the Premier categorically rule out the privatisation of Ballarat Health Services?

Mr BAILLIEU (Premier) — The government has no such plans, and I am not going to get into the business of ruling things in and out.

Honourable members interjecting.

Mr BAILLIEU — I have just said we have no such plans on the basis that — —

Honourable members interjecting.

Mr BAILLIEU — We have no such plans, and I can only conclude that perhaps the Leader of the Opposition did have some plans. If he wants to fess up to it, by all means. They are buried. The remarks I made about asset sales in this state I have made before. When it comes to infrastructure funding, as previous governments have done, we have indicated quite clearly that there is a range of methods to fund those. Firstly, through the accumulation of surpluses; secondly, through the involvement of the private sector; and thirdly, through the accumulation of additional debt — which is the way the previous government proceeded and is why debt has accumulated dramatically in recent years —

Mr Eren interjected.

The SPEAKER — Order! The member for Lara — once more and he is out.

Mr BAILLIEU — and also through the wise transfer of assets. That is what has occurred under previous governments, including the previous government in Victoria. We will make our judgements on the basis of considered views. In response to the opposition leader’s question, I say again: we have no such plans. No-one has approached us about such plans,

but I suspect the Leader of the Opposition might have been thinking about it when he was minister.

Climate change: legislation review

Mrs FYFFE (Evelyn) — My question is to the Minister for Environment and Climate Change. Can the minister outline to the house the government’s response to the findings of the independent review into Victoria’s Climate Change Act 2010, and is he aware of any alternative policy positions?

Ms Hennessy — On a point of order, Speaker, the report to which the member refers has not yet actually been tabled in this Parliament, and I put it to you that it would be a deep discourtesy for a minister to be able to speak to a report that is not in the public domain.

The SPEAKER — Order! I will allow the question to be asked. I suggest to the minister that the report is to be tabled at some stage today, and he should just be very careful in the way he answers the question.

Mr R. SMITH (Minister for Environment and Climate Change) — I thank the member for her question. In September last year the Gillard government brought legislation into the federal Parliament foreshadowing the introduction of a national carbon tax. The introduction of this legislation triggered a provision in the Victorian Climate Change Act 2010, which required that I commission a review into the act. This afternoon I will be tabling both the review and the government’s response to that review. Of the 16 recommendations that members of the house will see when it is tabled, arguably the most significant — —

Honourable members interjecting.

Ms Hennessy — On a point of order, Speaker, this goes to my earlier point of order, and this is the reason it is a deep discourtesy to this Parliament that the minister be allowed to continue to canvass issues in a report that are not in the public domain. This is a report that has not yet been tabled in the Parliament. The minister can go on and give all the press conferences he likes, but we are unable to substantiate any of the assertions he makes, and it is a deep discourtesy to this Parliament. I ask you to rule that the minister be sat down.

The SPEAKER — Order! I am inclined to support the member for Altona. This is a question that could be asked tomorrow.

Monash Medical Centre: children's centre

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I ask the Premier: will he deliver on his election promise and commit to the Monash Children's hospital at Clayton opening and treating patients by the end of November 2014?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. He has asked questions about this subject before, and the answer that I have given in the past stands.

Geelong: jobs

Mr KATOS (South Barwon) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister update the house on action the coalition government is taking in the Geelong region to secure new prosperity, more job opportunities and a better quality of life for local communities?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his question and for the great job he continues to do on behalf of the people of Geelong. The coalition government is absolutely committed to delivering on its promises to the people of Geelong and the region, and particularly to responding to the somewhat difficult economic times with a view to ensuring that the city continues to grow and is able to create more jobs. The Geelong region is a very important player in the state's fortunes, and we want to ensure that everything possible is done to build and strengthen the economic base not only of the regions generally but of the Geelong area in particular.

I had that in mind last week when I had the great pleasure to be in the company of the Premier to announce \$15 million for a new library and heritage centre as part of the Geelong cultural precinct. This funding is being provided through our \$1 billion Regional Growth Fund. The great thing about this project is that not only will the centre bring benefits to the region but it will also create in excess of 200 jobs during construction, and when finished it will be a world-class facility which is expected to attract over a million visitors each year.

The government is also providing \$26.5 million towards the \$48 million southern stand redevelopment at Geelong's Simonds Stadium. This development will not only see an increase in the stadium capacity and improved amenities but will also provide the opportunity for extra AFL games, bearing in mind that each game at the cattery puts about \$3 million into the

local economy. This project will create another 100-plus jobs during construction. I was pleased to see firsthand the work that has been done and to note the anticipation of the Geelong Football Club, other community users and fans of the finalisation of this great project in the 2013 season.

While I was there I was able to have a kick with Cameron Ling and Billy Brownless; Cameron Ling and I have played three AFL premierships between us. We have recruited Cameron Ling and Billy Brownless and a number of other people as ambassadors for our regional living project, which will occur in the form of an expo on 27, 28 and 29 April. I am sure all members look forward to being part of that great occasion.

There are many other things we are delivering on in relation to Geelong and the region. We are delivering \$50 million for the design, planning, land acquisition and preliminary construction works for the rail link to Avalon Airport. This will be a great initiative for the region. We have contributed \$800 000 to the Leaders for Geelong program, which is being funded as part of the coalition's \$6 million commitment to the regional community leadership program. We have provided for the direct election of the mayor of the City of Greater Geelong as part of the council elections in October 2012.

While in Geelong I was also very pleased to be able to visit the site of the new multidisciplinary centre, which will provide a multi-agency facility for Victoria Police, for child protection authorities and for specialised counselling services, particularly for the victims of sexual crimes of different sorts. We are looking to have that open in about July this year. I note that the member for South Barwon will be attending a meeting with community representatives and police command regarding police resourcing in early April. I also had the opportunity to hold discussions with senior business leaders in Geelong.

Geelong is certainly one of the great regional centres of the state. Geelong was of course the last premiership side, but it had better look out: the mighty Demons are on the march.

Hospitals: elective surgery

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier, and I ask: will the Premier commit to publishing as part of the forthcoming budget the number of patients who will receive elective surgery in 2012–13, or will Victorians again have to wait until Christmas Eve to get this vital information?

Mr BAILLIEU (Premier) — I again thank the Leader of the Opposition for his question. I simply say: the budget papers will be published in the ordinary way.

Carbon tax: local government

Mr NORTHE (Morwell) — My question is to the Minister for Local Government. Can the minister advise the house as to the likely impact of federal Labor's carbon tax on local councils in Victoria?

Mrs POWELL (Minister for Local Government) — I would like to thank the member for Morwell for his question. I understand that he knows firsthand the impacts the federal government's carbon tax will have on communities. The federal government's carbon tax is going to drive up costs for local government — for councils — and for communities. It is going to have a huge impact on councils' bottom lines and budgets. Councils tell me that as I travel around the state. Councils have told me that it may increase their costs by many millions of dollars. These costs will be borne by the 79 local councils and their communities right across Victoria. In particular the increased cost of electricity will impact on council budgets and will drive up costs right across Victoria for those 79 councils and local communities. It will impact on all of those communities.

It has been reported that the carbon tax will add somewhere between 0.7 per cent and 3 per cent to the total cost of council rates in Victoria.

Ms D'Ambrosio interjected.

The SPEAKER — Order! The member for Mill Park!

Mrs POWELL — Households are already under enormous cost of living pressures. They will not welcome increases caused by the federal government's carbon tax, particularly coming from a federal government that has been steadily reducing the percentage of funding to local government. In 1996–97 the commonwealth's contribution to local government through financial assistance grants amounted to 1.2 per cent of total commonwealth taxation revenue. By 2012–13, the first year of the carbon tax, it is predicted that the commonwealth's contribution to local government through federal assistance grants will be just 0.57 per cent of taxation revenue — a huge reduction in assistance from the federal government to local councils.

The fact is that many Australian households are already struggling to make ends meet. Unfortunately Victoria

already has some of the highest electricity costs in the world. A recent Carbon Market Economics report found Australians pay 130 per cent more for electricity than Canadians do. In fact Australian households pay 70 per cent more than the US average.

The Energy Users Association of Australia found from a comparison of electricity prices in 92 jurisdictions that Victoria had the fifth-highest prices. Only Denmark, Germany, South Australia and New South Wales were more expensive. It is little wonder that Victorian households are concerned about the federal government's carbon tax. They understand that it will increase costs in every household.

This government supports measures to improve environmental outcomes. However, we know that we need to be aware of the impact on local council budgets, which then impact on households, on communities, on residents and on ratepayers. The real question is: do those opposite support an increase in rates for Victorian households and businesses, and do they support the federal government's carbon tax?

V/Line: future

Ms RICHARDSON (Northcote) — My question is to the Minister for Public Transport. I refer him to the Premier's statement that he is 'not shy' about the prospect of privatising Victoria's public assets, and I ask: will the minister categorically rule out the privatisation, or the 'wise transfer', of the V/Line passenger rail service?

Mr MULDER (Minister for Public Transport) — I thank the member for Northcote for her question in relation to V/Line. No doubt the member for Northcote would be aware that V/Line is the fastest growing railway in Australia, with massive patronage growth. There is no doubt that V/Line faces some significant challenges going forward. One has only to look at the issues surrounding the regional rail link project, which was announced by the former government without any trains to carry the passengers that were going to travel on that major rail project. How on earth could you possibly announce a \$5 billion rail project and fail to include any trains in it? But that is exactly what the former government did.

V/Line has become extremely popular throughout regional Victoria. People have been flocking to that service, and we have been doing all we can to support it in the maintenance of the network. It is a maintenance regime that the Labor government turned its back on. We recently made a major announcement in the theatre at the Department of Transport. The Premier

attended that event along with Rob Barnett from V/Line, Andrew Lezala from Metro and representatives from Yarra Trams. Corey Hannett, CEO of the Regional Rail Link Authority, came along to explain very carefully to the media and to the broader Victorian public what we are doing in relation to a major maintenance blitz across the network. This also includes the V/Line services and work on the V/Line tracks.

We think it is important that we add as much value to that network as we possibly can, that we make it as reliable as we possibly can and that V/Line is continually supported, given that it faces the challenges it does with its massive patronage growth. V/Line has promoted regional Victoria. It is involved in a lot of significant promotions in terms of getting people out to the regions — we understand how important that is — supporting regional tourism, supporting football clubs through people coming from the regions into Melbourne and out again.

An honourable member interjected.

Mr MULDER — That applies to netball as well. People come into Melbourne to watch their teams play at the MCG and Etihad Stadium before going back out again, and V/Line plays a very important role. Not only that, but V/Line plays a critical role in getting people from country areas down to Melbourne for vital medical appointments and to attend the major shows that are on.

We will continue to support V/Line in its day-to-day operations, and as is the case across all of our agencies, we will look very closely at its operational costs. We want to make sure we are getting absolute value for money. We will work with V/Line and the V/Line staff and executive to make sure we get the best possible outcome going forward. There has been absolutely no decision made in relation to V/Line. I do not know where the member has dragged these issues up from, but there has not been a position put forward in relation to the privatisation of V/Line. Once again it has been dragged up from nowhere, and we will continue to support V/Line all the way through.

Productivity: government initiatives

Mr BURGESS (Hastings) — My question is to the Treasurer, and I ask: can the Treasurer outline to the house measures the government is taking to support productivity in Victoria, and is he aware of any risks to the state in this regard?

Mr WELLS (Treasurer) — I thank the member for Hastings for his great interest in productivity. Productivity is absolutely crucial for the growth of this state. This point was reinforced just recently by the Governor of the Reserve Bank of Australia, who said:

Monetary policy can play a role in supporting demand, to the extent that inflation performance provides scope to do so. But monetary policy cannot raise the economy's trend rate of growth. That lies in the realm of productivity-increasing behaviour at the enterprise, governmental and inter-governmental levels. Improving productivity growth is just about the sole source of improving living standards, once the terms of trade gain has been absorbed. This is increasingly being recognised in public discussion, but it is important we do more than just debate it.

The Baillieu government is very committed to increasing productivity in this state. It is worth remembering that in the 1990s, under the Kennett government, Victoria was well above the national average when it came to productivity. However, in the last 10 years, under the previous Labor government, we fell below the national average when it came to productivity. On this side of the house we are committed to cutting red tape by 25 per cent — it is absolutely crucial — and we have had a couple of examples of that. The Minister for Planning has announced a red tape cut to free up the retail sector for bulk goods products. We have also reinstated the major cases list at the Victorian Civil and Administrative Tribunal to move that forward. We are spending a record amount of money — —

Honourable members interjecting.

The SPEAKER — Order! Or I will set a record, and I will chuck you all out.

Mr WELLS — We are spending a record amount on skills. In the area of schools, my colleague the Minister for Education made the decision to devolve more decision making to schools, and I think that has been well received by the schools and their communities.

Honourable members interjecting.

Mr WELLS — The Minister for Public Transport just happened to mention regional rail. When it comes to building productivity, that is one of the great projects that we can use. The Minister for Public Transport has also announced the cutting of red tape in regard to improving the taxi industry, and that will be well received.

We can say that as part of the four pillars, productivity is one of those top priorities. But it was interesting just recently to see how other people see productivity. It is

very interesting to read what other people say. It may be that the Labor definition of boosting productivity is actually — —

Mr Nardella — On a point of order, Speaker, the honourable minister is supposed to answering a question on government business. I ask you to bring him back to government business.

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

Mr WELLS — It is interesting to note that not once did the Labor government focus on productivity, because it was held captive by its union mates. For 10 years Labor members were held captive by their union mates.

Mr Nardella — On a point of order, Speaker, the minister is now debating the question. The question is about government business, not previous governments, not the previous 10 years; it is about government business. I ask you to bring him back to answering the question.

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

Mr WELLS — The issue has been that on this side of the house we are committed to boosting productivity, something that we had not seen for the last 10 years under the previous regime. It is interesting to note that the member for Broadmeadows wants to talk down the economy and wants to talk down any effort to boost productivity.

Mr Nardella — On a point of order, Speaker, the minister is again debating the question. The question is about government business, and I ask you to bring him back to government business.

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

Mr WELLS — Productivity is about boosting competition, cutting red tape, investing in infrastructure, enhancing skills and supporting business to compete on a world stage, and this government is committed to achieving those results.

HEALTH PROFESSIONS REGISTRATION (REPEAL) 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 repeal the Health Professions Registration Act 2005, to make related and consequential amendments to other acts and for other purposes.

Ms GREEN (Yan Yean) — I ask for a brief explanation of the bill.

Dr NAPTHINE (Minister for Ports) — As members would be aware, we as a Parliament and a community have moved by agreement to a national registration system for health professionals. This has taken place over a period of time, and most health professions have moved to that national registration system. There are a couple of health professions that remain to be transferred to the national system. In particular this relates to the transfer by July this year of Chinese medical practitioners and medical radiation practitioners to the national registration system.

Motion agreed to.

Read first time.

NATIONAL ENERGY RETAIL LAW (VICTORIA) BILL 2012

Introduction and first reading

Mr O'BRIEN (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to provide for the establishment of a national energy customer framework for the regulation of the retail supply of energy to customers, to make provision for the relationship between the distributors of energy and the consumers of energy, to make consequential amendments to certain acts, to repeal the electricity and gas industry cross-ownership restrictions, and for other purposes.

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

Mr O'BRIEN (Minister for Energy and Resources) — The bill provides for the transition of some Victorian-based regulation of retail energy matters to the commonwealth through the Australian Energy Regulator while importantly maintaining Victorian iconic consumer protections. It also provides for the repeal of some redundant cross-ownership

provisions which are now dealt with under trade practices law federally.

Motion agreed to.

Read first time.

ROYAL WOMEN'S HOSPITAL LAND BILL 2012

Introduction and first reading

Mr R. SMITH (Minister for Environment and Climate Change) introduced a bill for an act to revoke a reservation over land previously occupied by the Royal Women's Hospital and for other purposes.

Read first time.

LAND (REVOCATION OF RESERVATIONS) BILL 2012

Introduction and first reading

Mr R. SMITH (Minister for Environment and Climate Change) introduced a bill for an act to revoke certain reservations of land and related Crown grants in relation to two of those parcels of land and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that notices of motion 4 to 24 will be removed from the notice paper unless members wishing their notice to remain on the paper advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: Port Melbourne development

To the Legislative Assembly of Victoria:

The City of Port Phillip draft urban design framework for Port Melbourne waterfront includes two high-rise towers at 1–11 Waterfront Place. These would demolish community sports and childminding facilities that were integral to the medium density development under act no. 67/1988. They

would magnify existing traffic gridlock and dominate the beachfront, open community space and heritage station, blocking gateway views to city and bay for tourists and local citizens alike.

We, the undersigned concerned citizens of Port Melbourne and Victoria, ask the Victorian Parliament and the ministers for local government and for planning to request the City of Port Phillip to remove towers from the draft urban design framework, and we ask the city to so do.

By Mr FOLEY (Albert Park) (1313 signatures).

Phillip Island Tourist Road: safety

To the Legislative Assembly of Victoria:

Many visitors travel to Phillip Island to visit the nature parks, enjoy beach holidays and visit major events. During the peak holiday period the population swells from 9000 to 60 000 people with associated very heavy traffic. The local residents have identified dangerous sections of the Phillip Island tourist road, namely the Woolamai Beach Road and Back Beach Road intersections and the 2.5 kilometre section through Surf Beach.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Roads to support our petition to request that VicRoads implement immediate road safety improvements on the Phillip Island tourist road already advised to VicRoads by the Southern Communities Planning Group.

By Mr MULDER (Polwarth) (4910 signatures).

Victorian certificate of applied learning: funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's axing of \$48 million funding for the Victorian certificate of applied learning program.

In particular, we note:

1. VCAL provides an important learning alternative to the VCE for students across Victoria.
2. secondary schools stand to lose up to \$125 000 in funding which will impact heavily on teachers expected to deliver the support and services despite having inadequate time and resources to do so.
3. funding has been axed despite strong objections from principals, teachers, parents and students across Victoria.

The petitioners therefore request that the Baillieu government immediately reverse its decision and restore funding to this vital program as a matter of urgency.

**By Ms GRALEY (Narre Warren South)
(34 signatures).**

Casey Hospital: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's election promise to fix Victoria's health system.

In particular we note:

growing demand on Casey Hospital's services is straining resources yet no additional funding was allocated in the state budget;

the Baillieu government is delaying and abandoning hospital projects across Victoria.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to properly fund Victoria's hospitals, including the Casey Hospital.

**By Ms GRALEY (Narre Warren South)
(14 signatures).**

Tabled.

Ordered that petition presented by honourable member for Albert Park be considered next day on motion of Mr FOLEY (Albert Park).

REVIEW OF CLIMATE CHANGE ACT 2010**Government response**

Mr R. SMITH (Minister for Environment and Climate Change), by leave, presented report.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**Statute Law Repeals Bill 2012**

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

Tabled.

Ordered to be printed.

Statute Law Revision Bill 2012

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

Tabled.

Ordered to be printed.

Alert Digest No. 5

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 5 of 2012* on:

**Accident Compensation Amendment
(Repayments and Dividends) Bill 2012
Port Bellarine Tourist Resort (Repeal) Bill 2012
Victorian Inspectorate Amendment Bill 2012
Disability Amendment Bill 2012
Water Amendment (Governance and Other
Reforms) Bill 2012
Water Legislation Amendment (Water
Infrastructure Charges) Bill 2011**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Australian Crime Commission — Report 2010–11

Climate Change Act 2010:

Report on Climate Change and Greenhouse Gas Emissions in Victoria

Review of the *Climate Change Act 2010*

Commissioner for Environmental Sustainability Act 2003 — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Maldon Historic Area

Gambling Regulation Act 2003 — Fixed term ban order on Moneyless Gaming Machines under s 2.5A.9 (*Gazette S82, 14 March 2012*)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 6/2012 (*Gazette G12, 22 March 2012*)

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2011

Municipal Association of Victoria — Report 2010–11

National Environment Protection Council — Report 2010–11

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

Glenelg — C65

Greater Bendigo — C120, C150

Loddon — C27

Melton — C118

Mount Alexander — C45

Swan Hill — C33

Wyndham — C158

Prevention of Cruelty to Animals Act 1986 — Revocation of the Code for the Accepted Farming Practice for the Welfare of Pigs (Revision 2)

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2010–11

Statutory Rule under the *Legal Profession Act 2004* — SR 19

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 14, 18, 19

Documents under s 16B in relation to a Contaminated Stock Order under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

Resources Legislation Amendment Act 2011 — Whole Act (except Part 3 and Part 6) — 20 March 2012 (*Gazette S91, 20 March 2012*).

ROYAL ASSENT

Message read advising royal assent on 20 March to:

Building Amendment Bill 2012
Carers Recognition Bill 2012
City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012
Control of Weapons and Firearms Acts Amendment Bill 2011
Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011.

APPROPRIATION MESSAGES

Message read recommending appropriation for **Victorian Inspectorate Amendment Bill 2012.**

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

The SPEAKER — Order! I have received the following communication from the Minister for Gaming:

As you would be aware, the Victorian Responsible Gambling Foundation Act 2011 contains, at section 9, a provision for three members of the board of the foundation to be elected jointly by the Legislative Council and the Legislative Assembly from members of those houses.

His Excellency the Governor in Council is scheduled to commence the relevant provisions of the act on 27 March 2012 to allow members of the board to be elected. In order to elect the parliamentary members of the board, it is proposed to hold a joint sitting on Wednesday, 28 March 2012. I understand that it may suit the convenience of your chamber if that takes place at approximately 6.15 p.m.

I would be grateful if arrangements could be made for this joint sitting to occur. I am writing similarly to the President and will send a copy of this letter to the clerks of each house.

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the board of the Victorian Responsible Gambling Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 28 March 2012, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Council informing them of resolution.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

That under standing order 94(2):

- (1) the order of the day, government business, relating to the Port Bellarine Tourist Resort (Repeal) Bill 2012 be considered and completed by 6.10 p.m. on Wednesday, 28 March 2012; and
- (2) the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 29 March 2012 —

Accident Compensation Amendment (Repayments and Dividends) Bill 2012

Associations Incorporation Reform Bill 2011

Disability Amendment Bill 2012

Victorian Inspectorate Amendment Bill 2012.

There are effectively five bills on the government business program for this week. There is some urgency in relation to the Port Bellarine Tourist Resort (Repeal) Bill 2012, so the government is proposing that it be

considered and completed by the earlier than usual time of 6.10 p.m. tomorrow night. That bill cannot come on for debate until tomorrow, but I hope there will be ample time for members to make their contributions on that bill by 6.10 p.m. That time has been set because the joint sitting, which has just been agreed to by the house, is set to take place at 6.15 p.m.; it will enable a division or otherwise to be completed if necessary. I hope that will not be necessary and that we can move immediately to the joint sitting.

There are other matters I should draw to the attention of the house. There is a motion on the notice paper to be moved by me. I will be seeking the leave of the house to again postpone the moving of that motion until tomorrow. I inform the house that the government proposes to deal with that motion as the first item on the government business program tomorrow, which will enable members to prepare to speak to it. There are five bills on the government business program. We think that there will be ample time for members to make contributions on both the bills and the planning motion in relation to Cardinia shire.

It is a matter of public knowledge that there is a new member for Niddrie. The writs are likely to be returned by and the new member may be eligible to be sworn in on Thursday morning. I understand that that matter will take up some of the chamber's time. Apart from that, I think there is ample time to complete the government business program.

Ms HENNESSY (Altona) — The opposition will be opposing the government business program.

Honourable members interjecting.

Ms HENNESSY — I hear sounds of excitement coming from the other side of the chamber. Yet again, we have no particular objection to any particular bill that has been itemised on the government business program, but we maintain our very fierce objection to the use of Wednesday afternoons to do second-reading speeches. We think that the appropriate time for ministers to do their second-reading speeches is following the 4.00 p.m. completion of the government business program on Thursdays. We object to substantive time being set aside from the time allowed for the government business program to enable those who live in regional areas to leave early of a Thursday, when members could be using that time to debate and consider bills.

I am not necessarily unsympathetic to the desire of members to return to their electorates and families of a Thursday, but I object to the paucity of this government

business program. We are in the middle of a jobs crisis, but do we see anything that remotely reflects any of the issues the Premier and the Treasurer have spoken about quite embarrassingly today during question time? No. Do we see any acts of Parliament listed here that are aimed at stimulating jobs and generating greater activity and confidence in the Victorian economy? No.

When we look at the program we see a number of bills that are in the main routine, machinery of government bills. To cite two examples, there are the Disability Amendment Bill 2012 and the Associations Incorporation Reform Bill 2011. We understand that over 28 house amendments have been foreshadowed for the latter bill. I understand they have not yet been circulated, and given that those amendments have not been the subject of consultation, we take issue with the processes that are being used in this case.

We believe that the government is trying to fill its business program with some degree of activity because it has no vision. It has absolutely no bills before this house that are aimed at stimulating activity or addressing issues important to ordinary Victorians, issues about how ordinary Victorians are to pay their bills, issues about the security of their jobs, issues about the quality of the education their children have access to or issues about the quality of the transportation services they use. Instead we are served up this business program. It is for that reason that we oppose it.

Mr HODGETT (Kilsyth) — The opposition should just stick to its idea of creating public holidays around the AFL Grand Final. That is really going to stimulate productivity in the economy! It is with pleasure that I rise to speak on the motion moved by the Leader of the House. It is no surprise that lazy opposition members are again carping on in their usual way. Opposition members are afraid of doing a bit of hard work and looking at some house amendments that the minister has obviously had the good grace to forewarn them of as part of the business program for this week. In moving the motion the Leader of the House outlined the mechanics of how we are going to deal with the program this week of five bills. In the interest of time and of those members who are keen to make contributions on the five bills before the house, I will not go over that. I commend the motion to the house.

Ms KAIROUZ (Kororoit) — I rise in support of the acting manager of opposition business in opposing the government business program. The Government Whip has said that we are a lazy bunch. Look who is talking! It is the members of The Nationals who always want to rush home at 4.00 p.m. of a Thursday, and there are government members who also wish to go home at that

time. We are always prepared to stay back and do the hard work, but unfortunately it is those members opposite who wish to truncate debate and go home at 4.00 p.m.

There are five bills on the government business program. Only two of those bills can be debated today, so it will be interesting to see how the time will be filled in for the rest of the day. We are opposing the government business program, but we look forward to one thing — the new member for Niddrie being sworn in on Thursday morning. He will be an outstanding member. We look forward to working with him. I am sure he will do wonderful work for the people of Niddrie.

Mr CRISP (Mildura) — I rise to support the business of the house as put forward by the Leader of the House. I must take up some of the comments made by the previous speaker. Hearing second-reading speeches on Wednesdays is pretty important to opposition members. They seem to need to spend as much time as possible with their colleagues to get material ready to debate bills. Last time they left the government with two bills to carry because they could not fill the speaking list. They could not be bothered coming in and we had to carry the debate for an hour. Perhaps we should be doing second-reading speeches for bills today so the opposition can get organised and have its speakers here and at least fill the list.

Meanwhile we do have a busy program. As has been said, we may have a new member for Niddrie to swear in, and we will have a joint sitting to elect members to the Victorian Responsible Gambling Foundation — and amendment C146 to the Cardinia planning scheme needs to make its way through the Parliament. I support the request made by the Leader of the House in relation to the importance of the Port Bellarine bill. With that said, let us get on with it.

Mr NARDELLA (Melton) — I oppose the government business program. The great difficulty for the government members is they actually had to do some work. They actually had to get up during the last sitting week and speak on their own lousy bills that they brought to this Parliament — not bills that were of consequence in regard to creating jobs here in Victoria. They actually had to do some work and that is what the member for Mildura is complaining about. It is The Nationals' four pillows where members of The Nationals have to go home early on Thursdays so they can get a good nap. They do not want to work back; they do not want to do OT — that is overtime for those people who do not understand what OT means — so it is a bit hard for them to do it, but they should do a bit of

OT for the second-reading speeches instead of taking up the debating time of the Parliament, and that is a real problem.

The shadow Minister for Planning, Mr Tee, must be given a briefing on the Port Bellarine bill as soon as possible as he has not had one yet. The government needs to provide that briefing so that when the guillotine comes down on that bill at 6.10 p.m. tomorrow at least the opposition and the shadow minister will have had a briefing on this bill. On that basis, I oppose the government business program.

House divided on motion:

Ayes, 43

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
McIntosh, Mr	Wells, Mr
McLeish, Ms	Wooldridge, Ms
Miller, Ms	Wreford, Ms
Morris, Mr	

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
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, 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	

Motion agreed to.

MEMBERS STATEMENTS

Ironman Asia-Pacific Championship

Ms ASHER (Minister for Tourism and Major Events) — I wish to draw to the house's attention the Ironman Asia-Pacific Championship event held on Sunday, 25 March. This is an event that the coalition has secured for three years. It is a newly created major event for Frankston, and indeed for Melbourne, and we saw spectacular national and international media coverage of the event.

The event is estimated to bring \$10 million of economic benefit to Victoria each year, with strong tourism and broadcast benefits for Victoria. Port Phillip Bay will be showcased, and during the bike leg of the event Melbourne's bayside and eastern suburbs will be showcased to a global audience. We are looking forward, after the successful hosting on Sunday, to hosting the event for the next two years.

Further figures provided by the World Triathlon Corporation report the average competitor stays eight nights with a daily spend of \$295. There were over 1600 competitors competing in this year's event, with 39 countries represented, and I thank the member for Frankston for his support at the Frankston end, obviously starting off this particular event.

Melbourne's reputation for major events is supreme. They are worth \$1.4 billion to the economy overall, and this is yet again another excellent event secured by the coalition.

Helen Davis

Ms HENNESSY (Altona) — I rise to pay my respects to and honour the life of a wonderful woman, Helen Davis, who passed away before her time on 19 March 2012. Helen was truly a trailblazer in all aspects of her life, as an activist who stood up for the rights and dignity of working people and as a progressive and effective political advocate.

In 1970 Helen joined what is now known as the Australian Manufacturing Workers Union. She worked part time for her union, and in 1981 she became the first female organiser, forging a trail for other women in the union movement. Helen was an organiser for the union for 18 years and gave outstanding service to the community of Preston as a councillor. In fact Helen served two terms as mayor of the then City of Preston.

Helen's partner, John Speight, who is another legend of the labour movement, her sons Terry, Garry, Arthur and Mark, and her stepdaughters Tiffany and Shara, for

whom Helen had a deep, abiding and adoring love, will no doubt all sorely miss her.

As a young person involved in the labour movement, Helen was always extraordinarily warm and generous to me. She offered leadership, guidance and kindness as she taught me the importance of standing up for the dignity of all working people — men, women, their families and children. She was quite simply one of the sweetest people I have ever met; she was generous with her time, loving and loyal. The world is certainly a less generous place for her passing. I pay my deepest and most heartfelt respects to John and all of Helen's family.

Anzac Day: commemoration

Mr MORRIS (Mornington) — I rise to condemn a recent report to the commonwealth that suggests that celebrating the centenary of Anzac Day is 'risky', that the centenary is a 'double-edged sword' and a 'potential area of divisiveness'. If we need to be reminded of the downside of the ever-growing power of the federal bureaucracy, surely this report serves that purpose admirably. Three hundred and seventy thousand dollars of taxpayers money was squandered on focus groups and research papers, and what was the outcome? A document that offends the sensibilities of most Australians and that feeds the very prejudices and division that it claims to seek to avoid.

In observing the centenary of Anzac, Australians do not seek to glorify war or to resurrect the enmities of former generations. Each year we remember the sacrifice of those who served, including my grandfather who saw action in Gallipoli and in France between 1915 and 1918. Thankfully he returned in one piece — or perhaps there would be a different member for Mornington today — but so many did not.

On this anniversary we also recall the sacrifice of so many Australians in so many theatres of war in the intervening years, including the veterans of the 39th battalion who served on the Kokoda Track. On Friday night in this building we will honour these heroes, among them Alan 'Kanga' Moore, the last surviving officer, thanks to the sterling work of my friend the member for Narracan.

We must not allow the actions of an ineffective and out-of-touch commonwealth bureaucracy to detract from the memory of so many who have served our nation so well.

Somerton Road: safety

Ms BEATTIE (Yuroke) — As honourable members well know, the Victorian state budget is due to be handed down in May, and although the Liberal government promised to govern for all Victorians, it is with much trepidation that my constituents wait to see what investment will occur within Yuroke. Members will recall that I have continually raised the issue of Somerton Road in the house. I presented a petition as recently as 29 February 2012, along with the member for Broadmeadows.

Only yesterday morning another serious car accident occurred at the intersection of Somerton Road and Magnolia Boulevard. This intersection is a ‘death trap’, and I ask: how long will this government continue to roll the dice with human life before it commits to urgent signalisation and duplication of Somerton Road? Many constituents have phoned my office and sent me photographs of this latest serious accident. Residents are rightfully very scared and worried that it will not be too long before another fatality occurs.

It is time this government took road safety seriously, and I urge government members to use budgetary process to upgrade Somerton Road and end the carnage we hear about all too often. This government was elected on a mantra of ‘fixing the problems and building the future’. However, I am yet to see any significant investment in Yuroke, and I fear that this budget will not contain any new projects.

Ulysses Club: annual general meeting

Mr CRISP (Mildura) — The Ulysses Club is an organisation for older motorcycle enthusiasts, and this week it is holding its annual general meeting (AGM) in Mildura. The event has been five years in the planning and the Mildura branch has been working with a number of local organisations, including the Mildura council’s business unit, to make the AGM happen.

Mildura is expecting 4000-plus members to attend, with 400 volunteers assisting. Of those, 1500 members are camping out on the aero ovals and 2500 are utilising Mildura’s various accommodation houses. The grand finale will be a parade on Saturday morning with 2500 to 3000 motorcycles. The estimated expenditure is in the order of \$5 million, which makes this a very significant event for Mildura.

Well done to Steven Hegedus and his team for promoting Mildura and winning the event and to all those who are helping out in what is Mildura’s greatest

ever conference. I am looking forward to Saturday’s parade.

Relay for Life: Mildura

Mr CRISP — On another matter, well done to all those who participated in the ninth Relay for Life last weekend. The event attracted 110 teams and 2000 entrants and raised \$155 000 for cancer research. Well done to the organising committee and the Cancer Council Victoria for their support. The event was held at the ornamental lakes on the Mildura riverfront, and the course was extended to 1 kilometre this year due to record entries. It was a very sobering moment to watch the survivors and carers do their honorary lap. Thank you to those who participated in and supported this event and raised valuable money.

Lower Eltham Cricket Club: Barclay Shield

Mr HERBERT (Eltham) — It gives me great pleasure to congratulate members of the first division team of the Lower Eltham Cricket Club — the Kangaroos, Roos or Kangas — which on Saturday won the Barclay Shield grand final, beating Diamond Creek at the ground in Eltham park. The Barclay Shield is the premier senior competition in the Diamond Valley Cricket Association, and it has been something like 15 years since Lower Eltham Cricket Club won the shield. It is a tremendous achievement.

I am told it was a great game. The team started nervously, finishing the first innings for 165, then bowling out Diamond Creek for 115; this followed a devastating spell from Stevens, who finished on 4 for 33. The highlight of the day, I am told, was a tremendous behind-the-back flick run-out from Stevens to take a wicket. In the second innings, Lower Eltham hung on for 4 for 149 to take out the grand final.

I would like to congratulate everyone at the club for their effort and commitment through the season and the great win in the Barclay Shield competition. Particular congratulations to Daniel Sullivan, president; Andrew Hall, secretary; Chris Dawe, senior coach; Callum Still, captain; and the sensational Richard Stevens, who won the umpires vote for the most valuable player in the grand final — —

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

Clean Up Australia Day: Knoxfield

Mr WAKELING (Ferntree Gully) — On Sunday, 4 March, I hosted a Clean Up Australia Day site at Bunjil Way, Knoxfield. Thank you to all the local

residents who came along and helped remove a significant amount of rubbish from Ferny Creek and surrounding environs. A big thanks to the Knox Little Athletics Centre, Waterford Park retirement village and Kent Park Primary School environmental group leaders Brad, Daniel and Tash.

Rail: Rowville feasibility study

Mr WAKELING — The Rowville rail study took another significant step forward when the Minister for Transport presented the findings of the draft stage 1 report. Knox residents have until 27 April to provide comment on the draft findings. The Baillieu government is delivering on its key election promise to my community.

Police: Rowville

Mr WAKELING — Law and order is a significant concern for many Rowville residents. I receive regular feedback from residents such as Ms Sathya McGuigan and Ms Pam McKenzie about a range of concerns, including the behaviour of young people in local streets and hoon driving. The former Labor government failed my community on this important issue. I am pleased to see that the Baillieu government has committed to providing 1700 additional front-line police in Victoria by 2014. I will continue to advocate for my community so that suburbs like Rowville can receive a greater police presence, which includes Rowville police station operating 24 hours per day.

Jedd O'Sullivan and Louise Brown

Mr WAKELING — I congratulate Jedd O'Sullivan of Heany Park Primary School and Louise Brown of Rowville Secondary College, who have both received a 2011 Victorian School Sports Award. Jedd and Louise have been recognised for their sporting talent in their chosen sport of basketball.

Angliss Hospital: Ferntree Gully Auxiliary

Mr WAKELING — Congratulations to the Ferntree Gully Auxiliary of the Angliss Hospital that always does an amazing job every year to raise much-needed funds for the hospital. I recently attended the 72nd annual general meeting of the auxiliary at which the auxiliary presented the hospital with a cheque for \$60 000.

Ferntree Gully electorate: youth council

Mr WAKELING — I recently had the opportunity to meet with student leaders from Rowville Secondary College, Fairhills High School and Boronia Heights

College as part of the Ferntree Gully electorate youth council — —

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

Pope Shenouda III

Ms KAIROUZ (Kororoit) — I rise today to grieve for the passing of Pope Shenouda III, the 117th pope of Alexandria and spiritual leader of the Coptic Orthodox Church. Pope Shenouda died last Monday, 17 March, aged 88. Pope Shenouda guided members of the Coptic Orthodox Church in their journey of faith for over 40 years; his loss will be deeply felt by those he served, especially the millions of Copts from his native Egypt.

Pope Shenouda often clashed with the ruling political class in Egypt and in 1981 was exiled to a desert monastery by then President Anwar Sadat. It was not until 1985 that he was recalled by Sadat's successor, President Hosni Mubarak. Pope Shenouda oversaw the rapid growth of the Coptic Church outside Egypt, especially into North America. From there being only 7 Coptic churches in 1971, there are now more than 150.

Pope Shenouda was a leading figure in ecumenism, building Christian unity with a commitment to bringing the various streams of the Christian faith closer together. For many decades Pope Shenouda also led efforts to bring Muslims and Copts in Egypt together in a spirit of peace and in 2000 won the United Nations Educational, Scientific and Cultural Organisation-Madanjeet Singh Prize for tolerance. We must hope that his successor can continue these efforts to end the cycle of sectarian violence during what has been a turbulent and difficult time in Egypt this past year. I pass my condolences on to members of the Coptic Orthodox Church in Australia, many of whom I know, on the death of this great man and religious leader. May he rest in peace.

National Youth Week

Mr SHAW (Frankston) — I would like to thank the Minister for Youth Affairs for encouraging the youth in Frankston with a recent \$2000 grant to the YMCA to celebrate National Youth Week in Frankston from 13 to 22 April 2012. The YMCA will run a series of free scooter clinics and lessons at Frankston Skate Park on Saturday, 21 April, to promote safety and basic skill development among new and existing scooter riders. This will be followed by a scooter competition on Sunday, 22 April. Frankston Skate Park is the second largest skate park in Australia with facilities that cater

for all abilities and skill levels. The scooter clinic and competition is an opportunity for the Frankston community to come together in celebration of the energy, skills and positive attitudes of our youth.

Nick Stephenson, coordinator of Frankston Skate Park, has a terrific rapport with the local youth, which is evidenced by the respect they show him and the park, which is remarkably free of graffiti. Nick is rapt to have the opportunity to put on these clinics and showcase the daring and skill of the competitors, which he hopes will help to dispel some of the negative myths about the youth in Frankston.

Ironman Asia-Pacific Championship

Mr SHAW — Two days ago Frankston hosted the Ironman Asia-Pacific Championship in Melbourne. It was a glorious day, which showcased to great advantage to a global audience the Frankston foreshore and our wonderful city. I had the honour of starting the general public race. There were about 1600 competitors from across Australia and from 39 other countries, who were divided into four separate groups: professional men, professional women, general public and teams. This was also a fantastic opportunity for Frankston residents to see an ironman event up close and to celebrate our city and our athletes.

When registrations opened last year, this ironman championship was booked out in 5 minutes. It is estimated the ironman championship will generate an economic benefit of approximately \$10 million. No doubt traffic management will need to be — —

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

Derrimut electorate: cultural diversity celebration

Mr LANGUILLER (Derrimut) — On 18 March 2012 I attended Klabb Ghannejja Maltin in Gooding Street, St Albans, in my electorate. It was a pleasure to attend the club's annual cultural diversity celebration. This was an ideal opportunity to showcase various ethnic traditions, such as a Slovenian band, Middle Eastern belly dancing, Serbian traditional dances as well as traditional Maltese folklore represented exceptionally by George Spiteri and Charlie Zammit, 'Iz-Ziffa'.

On behalf of the parliamentary Labor Party, I warmly greeted the Consul General of Malta, Mr Carmel Mifsud; the club's president, Mr George Aquilina; the secretary, Elaine Cotter; and other executive members

past and present. I also commended the broad Maltese community on their contribution to and the role they played in making Victoria the state it is today. I strongly indicated, and it was welcomed by the community, that the Maltese community has had something to do with building hospitals, schools, roads and infrastructure, and today it contributes in the fields of science, sports, the arts and academia.

It was a pleasure to attend the Klabb Ghannejja Maltin multicultural event held in March in my electorate of Derrimut.

Mr Lenders (Southern Metropolitan): electorate office

Ms MILLER (Bentleigh) — I understand that I am to expect a new neighbour in Centre Road, Bentleigh East, a member for Southern Metropolitan Region in the other place, John Lenders. It is not surprising that the opposition finds it necessary to have the member located so close to my electorate office. Labor Party members are poor listeners who ignore their constituents for the sake of their own agenda. If they were willing to listen to the needs of their constituents, they would not feel the need to place the member nearby to eavesdrop on my consultations with the people of Bentleigh. After 11 dark years of Labor government it is clear that the now opposition is not capable of delivering good policy.

In contrast, the Baillieu government is continually introducing sound policies in response to the needs of Victorian families. As seen with myki, the desal plant and public transport, the Labor government could not deliver on its promises. The Baillieu government has been able to deliver election promises within its first 12 months in office, including a reduction in the cost of living, works on a new railway station at Southland shopping centre and a rollout of more police officers and protective services officers across Victoria. If Labor had successfully delivered on its commitments during 11 years of government, there would be no need to tactically locate its member's office nearby as headquarters for its opposition campaign.

It is ironic that the person responsible for the budget blow-outs under the former government was none other than former Treasurer John Lenders. Maybe the former Treasurer might learn something about responsible fiscal management when he moves to Bentleigh East. I suspect that this member for Southern Metropolitan Region will use his new office location to watch the way smart economic decisions are made in Bentleigh and across Victoria. Unlike the previous government, which promised to install a pedestrian crossing but

never secured funding, I am delivering that commitment within the first term of government, as the member will notice. I suggest that the Labor government — —

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

Geelong Trades Hall Council: Labour Day dinner

Mr TREZISE (Geelong) — I take this brief opportunity to congratulate the Geelong and Region Trades and Labour Council on once again holding an excellent Labour Day dinner on Friday, 16 March, which I had the pleasure of attending. As usual the dinner was well attended by at least 200 unionists from across the Geelong region. On the night, nurses from the Australian Nursing Federation in Geelong were warmly welcomed after their nine-month fight with this uncaring, antiworker Baillieu government.

Of worthy note is the fact that activist nurse Jackie Kriz of the ANF was awarded the women unionists award for her work within the trade union movement. The speaker on the night was Ged Kearney, president of the Australian Council of Trade Unions, herself a former nurse. Also in attendance were many former members of the Geelong Trades Hall Council, including stalwarts such as former secretary Bernie Darcy and former president and former federal Speaker of the House of Representatives, Gordon Scholes.

I take this opportunity to once again commend Tim Gooden, secretary of the Geelong Trades Hall Council, on his organisation of the night. He was ably assisted by the president, Chris Couzens, and other members of the executive, together with the ever-reliable and dedicated administration officer, Anne Morrison. The trade union movement has a proud and strong history in Geelong. I know that the current trade unionists in Geelong and their leaders will ensure that this important work continues for many years to come.

Australian Grand Dairy Awards

Mr BULL (Gippsland East) — The best of the best from the Australian dairy industry showcased their products at Dairy Australia's 2012 Australian Grand Dairy Awards in Melbourne. East Gippsland's own Ferial Zekiman of the Maffra Cheese Company took out the Grand Champion Cheese Award for his cloth-aged cheddar. Maffra Cheese is an example of regional businesses throughout Gippsland that are leading the way in innovation.

Jeanette Severs

Mr BULL — Jeanette Severs was a finalist in the Victorian Rural Woman of the Year awards, with a ceremony held at Parliament last sitting week. Jeanette is well known throughout East Gippsland. Her nomination reflects her hard work and the contribution she has made to improving and advancing a sustainable rural sector in East Gippsland. Jeanette said being nominated for the award has been an enormous privilege and learning experience.

Relay for Life: Bairnsdale

Mr BULL — Once again, I had the pleasure of being present at the Bairnsdale Relay for Life, which raised over \$35 000 for the Cancer Council. I commend all the organisers and community members throughout East Gippsland who contributed to this amazing event.

Vic Bream Classics: Metung

Mr BULL — Local anglers Aaron Dyer and Graeme Dear won the Metung heat of the Vic Bream Classics series last weekend. This year the event attracted a field of 110 of the country's best anglers. Metung was chosen by event organisers as being one of the most picturesque locations on the Gippsland Lakes system, providing excellent facilities for anglers. Organisers estimated that the event injected \$71 000 into the local economy — a fantastic result.

Orbost and West Bairnsdale cricket clubs: premierships

Mr BULL — Congratulations to Orbost Cricket Club on its A and B grade premierships and West Bairnsdale Cricket Club for its B grade flag, all won over last weekend.

Suicide prevention: Bendigo walk

Ms EDWARDS (Bendigo West) — I congratulate the organisers of the first suicide prevention walk 'tough times pass' held in Bendigo on Saturday, 24 March, which I was proud to be part of. The Suicide Prevention Awareness Network is made up of welfare agencies, support groups, Victoria Police, business and local government representatives. SPAN began planning for the walk in Bendigo last year to raise public awareness about suicide. The walk was complemented by a week of activities, including professional workshops to help build the skills of those who deal with the issue on a regular basis. It was designed to educate the community on how to deal with

suicide and how to look out for some of the signs that someone may be in trouble.

I commend the editor of the *Bendigo Advertiser*, Rod Case, for his commitment to this initiative and for the in-depth coverage the newspaper has given to suicide prevention and to delivering the message to the broader community. About 350 people participated in the walk, which was sponsored by many groups and individuals in the community. I commend Alannah and Ray McGregor and their daughter Stacey for the hard work they personally put into the event. Alannah and Ray tragically lost a son and a daughter to suicide and Stacey a brother and a sister, within weeks of each other. Alannah in particular has been a strong advocate for suicide prevention, showing determination and resilience in her perseverance to bring this topic out into the open and to raise awareness of how we can all work together to prevent suicide among our friends, families and colleagues. The event was a huge success and has brought out into the open an issue that has been taboo for too long.

Stand Up Paddle Victoria: Mad Paddle fundraiser

Mr THOMPSON (Sandringham) — The SUP Vic (Stand Up Paddle Victoria) Mad Paddle, held on 18 March, was the biggest charitable stand-up paddle board event to be held in Australia. It involved a 30-kilometre downwind crossing of Port Phillip Bay. The final destination was Sandringham Yacht Club, and the starting point — determined by the prevailing wind forecast — was Frankston. The event was supported by key stakeholders, including SUP Vic, Parks Victoria, the Port of Melbourne Corporation, the Victorian volunteer coast guard, Sandringham Yacht Club and Hampton Life Saving Club.

I pay tribute to the key stakeholders; the paddlers; and the captains of the four escort vessels — Bill Stubbs and Arthur Naoumidis from Sandringham Yacht Club; David Boxshall from Variety, the Children's Charity; and a captain from the Victorian volunteer coast guard. My thanks go to the sponsors and the local Bayside community for raising over \$29 000 to purchase a mobile ultrasound unit for Sandringham Hospital's emergency department. My thanks also go to Felicity Frederico and Kathy Naoumidis for their hard work in organising the event and to my parliamentary colleague the member for Bentleigh and the federal member for Goldstein, Andrew Robb, for participating in the final leg.

Mike O'Meara

Mr THOMPSON — On Friday, 16 March, I had the opportunity to represent the Victorian government at Anzac House at a retirement reception for Mike O'Meara, who served as Victorian deputy commissioner of and spent a total of 44 years with the Department of Veterans Affairs. He had a number of achievements during his time, but he counted his greatest accomplishment as taking the opportunity to make a difference in the lives of members of the Australian veterans community and their families.

Broadmeadows electorate: multicultural affairs

Mr McGUIRE (Broadmeadows) — The Broadmeadows community was pleased to host a conference on 'One community, many cultures' at the Hume Global Learning Centre last Thursday, where the Minister for Multicultural Affairs and I highlighted the bipartisan support for multiculturalism in Victoria. Broadmeadows, being virtually a United Nations in one neighbourhood, is one of the most culturally diverse areas in Victoria. It has the highest number of Turkish migrants who now call Australia home; therefore, fear not yesterday's newspaper account of the report to the federal government that asserted that multiculturalism may cause divisions for the centenary of Anzac Day.

Anzac Day is about the commemoration of valour, sacrifice and the unfortunate ultimate loss of hundreds of thousands of young lives on both sides. It is also about celebrating the promise of this great country — that those who were once at war with us can come here and live together in peace. It is as the Anzac hero General Sir John Monash envisaged, an opportunity for noble ideas and noble thoughts to be animated by common ideals of worthy purpose. The Turkish commander at Gallipoli and founder and president of modern secular Turkey, Mustafa Kemal Atatürk, declared:

There is no difference between the Johnnies and the Mehments to us where they lie side by side now here in this country of ours ... After having lost their lives on this land. They have become our sons as well.

It is this attitude that has helped build a multicultural community that is tolerant, inclusive and resilient in Broadmeadows, where the Johnnies and the Mehments are not burdened by history but are building Australia's future side by side.

Euroa Secondary College: Beacon program

Dr SYKES (Benalla) — Last week I joined local businesspeople and community leaders at Euroa

Secondary College to learn more about the Beacon program courtesy of student ambassadors Sierra Weston, Lewis Meeny, Emily Wallace and Byron Craven. Sierra said:

The Beacon program helps students gain many valuable skills such as public speaking skills, networking skills and a knowledge of how to present yourself. I am very proud of the leadership skills I have developed through my involvement with Beacon.

Lewis said:

The Beacon program presents students with a great opportunity to connect with local businesses and the community.

He also said it had helped him gain more of an understanding of careers and pathways. Most of all, he said, he has really enjoyed speaking to successful and interesting people in the community.

Emily said Beacon had helped her explore many different careers and industries, some of which she did not even know existed. She said being a Beacon ambassador at Euroa Secondary College has definitely helped her develop confidence. She now finds speaking to a roomful of people exciting rather than scary. Byron said the Beacon program benefits not only students and schools but also local businesses and the community by raising interest and giving students the opportunity to talk to businesspeople and find out about potential pathways into the careers they want to be involved in after secondary school.

I encourage all Euroa and district businesses and community leaders to get on board and support the Beacon program in its work in encouraging young people to achieve to the max. Remember, it takes a village to raise a child.

Mental health workers: enterprise bargaining

Mr NOONAN (Williamstown) — A mass meeting of Health and Community Services Union (HACSU) members on 20 March 2012 resolved to give the Baillieu government two weeks to demonstrate that it is willing to negotiate in good faith to achieve a new agreement covering the wages and working conditions of mental health workers in Victoria. Mental health workers have vowed to escalate their industrial action, including rolling stoppages of 2 hours duration or more, if the Baillieu government fails to meet the union's very reasonable demand for good-faith bargaining.

Over 350 mental health workers recently marched on the office of the Minister for Mental Health to highlight staff shortages across the system and their push for a

fair pay rise. HACSU state secretary, Lloyd Williams, said that members of his union do not take industrial action lightly but are fed up with the Baillieu government's disinterest in mental health. Mr Williams stated in a media release dated 20 March 2012:

This government is not interested in mental health or having real negotiations with workers. Staff are dedicated, but are struggling with the increasing demand — particularly in growth areas.

These are damning statements, particularly when considered against the coalition's 2010 election policy, which promises a comprehensive workforce strategy. The coalition's policy states:

A strong and vibrant mental health workforce with a successful recruitment, training and retention strategy is vital to improving service delivery.

How hollow these words are starting to sound.

The Baillieu government must immediately engage in good-faith bargaining with the union and demonstrate that it cares about mental health workers in this state.

Parkdale Primary School: Kids Day Out fair

Ms WREFORD (Mordialloc) — Last Sunday I attended the Parkdale Primary School Kids Day Out fair. It was a terrific event and extremely well attended. The organising committee, headed by Lisa Warner, and parents, staff and students did a wonderful job.

Mordialloc by the Bay festival

Ms WREFORD — Recently I attended Mordialloc by the Bay Fine Food, Wine and Music Festival and the Lens Mist show. Mordialloc by the Bay was extremely busy this year, with thousands of people attending. Parking was at a premium. The Lens Mist photographic exhibition is part of the show. Alex Cherney won first prize with a photo entitled *Moon Stars and Milky Way*. The entries and the winners' shots were superb. Well done to all involved.

James 'Jim' Stynes, OAM

Ms WREFORD — I wish to take a moment to remember Jim Stynes. I met Jim when I was a mayor prior to my time here and as a Melbourne Football Club supporter. He was a wonderful man who was every bit what the community saw of him on television and more. He set a wonderful example in reaching out to youth and giving them hope and inspiration. His dedication to the Melbourne Football Club and his battle against cancer were extraordinary. My thoughts are with his family. He will be greatly missed.

Environment Protection Authority: Mordialloc development

Ms WREFORD — On Friday, 16 March, the Environment Protection Authority came to meet with residents concerned about a local development on an old tip site. The residents strongly represented their community, and the EPA representatives listened and explained its processes. Both parties are to be commended for their efforts. The EPA has come a long way in the past 15 months.

Royal Botanic Gardens, Cranbourne: transport links

Mr PERERA (Cranbourne) — I have been approached by a lady who travels all the way from Kensington by public transport to visit Cranbourne's wonderful Royal Botanic Gardens. The Royal Botanic Gardens, Cranbourne, is home to the Australian Garden, which is an award-winning native plant garden being developed at Cranbourne. Its purpose is to showcase Australian flora, landscapes, art and architecture. The first stage was opened in 2006 by the then Premier, Steve Bracks. Over \$30 million was proudly invested by the Labor government to make these gardens the place to be. The Royal Botanic Gardens, Cranbourne, runs a range of programs, tours and talks on a daily basis. Visitor numbers have continually increased since the opening of the Australian Garden.

In relation to a request for public transport from Cranbourne railway station to the Royal Botanic Gardens, I wrote to the Minister for Public Transport seeking the introduction of a bus route or even the extension of an existing bus route to the gardens. After two months I finally got a reply in which the minister handballed the request to the local council. It looks like the Baillieu government conveniently forgets that public transport is a state government responsibility. If the Minister for Public Transport is trying to pass the buck to the council, I have to say, 'God save our transport system!'

Asbestos: removal

Ms CAMPBELL (Pascoe Vale) — Whilst the Baillieu government sits paralysed with inaction, asbestos removal is not being monitored by any external observer or agency. Constituents such as Kim Brittingham expected external oversight of asbestos removal in her neighbourhood. Asbestos was flying everywhere on the day of demolition, which was an extremely windy day. Pieces were left in a tractor scoop for two weeks until Kim contacted the council and

WorkSafe Victoria. She is frustrated by a letter from the Minister for Consumer Affairs to her which indicates that legislation alone, without oversight or policing, will ensure asbestos will be safely removed.

This is a health and safety issue, and ignoring concerns raised by people like Kim — —

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

DISABILITY AMENDMENT BILL 2012

Second reading

Debate resumed from 29 February; motion of Ms WOOLDRIDGE (Minister for Community Services).

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Disability Amendment Bill 2012. Labor in government and in opposition has had a great commitment to improving the lot and the rights of people with disabilities. The Disability Act 2006 commenced on 1 July 2007 and is legislation for people with a disability in Victoria. It replaced the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991.

In 2003 a great mentor of mine and former Minister for Community Services, Sherryl Garbutt, launched an extensive community consultation in a review of the two acts, and the resulting product was the Disability Act 2006. This act recognised that people with disabilities were no longer committed to be passive clients of services but were active citizens of our community with rights and responsibilities. The act provides for a stronger government and community response to the rights and needs of people with a disability and sets out a framework for the provision of high-quality services and supports for people with a disability. An independent disability services commissioner to review and conciliate complaints and monitor services is a central feature of the legislation. I am pleased to see that the amendments in the bill before us today expand this role.

The bill makes a large number of technical and administrative amendments to the Disability Act 2006, following a number of issues that have arisen in its almost four years of operation. Labor will not be opposing the bill. The bill seeks to clarify the definition of a residential service and change the eligibility requirements for membership of the Disability Services Board. It will allow parents and guardians, who had formerly been prohibited, to be members of the

Disability Services Board. It provides for community visitors to be appointed generally rather than for particular regions.

I note that Labor has not been happy with the regional changes announced with the restructure of and cutbacks to the Department of Human Services (DHS). Despite that, the reduction from eight to four is a sensible change in the act for community visitors to be able to work across regions, particularly in areas that are located on regional boundaries, such as in my electorate, which is on the boundary of the Yarra River and where there are services on each side of the Yarra. Community visitors who reside in that area and have been looking after one area should be able to be community visitors in the other.

The bill clarifies the requirements for councils in relation to disability action plans. Regrettably not all councils have taken the idea of having a disability action plan seriously, and this is a change that Labor welcomes. It removes the requirement of a disability service provider to give a residential statement when a person with a disability is having an episode of respite. Residential statements are incredibly important where they operate similarly in the private rental market where someone is residing long term, but it seemed to be quite an onerous requirement and not really what was intended in the act for detailed residential statements either to be required by the provider or supplied to a family that may be in urgent need of respite and does not need such detailed paperwork but simply a break.

The bill provides for additional procedural matters in relation to possession orders and warrants of possession, similar to those referred to in the Residential Tenancies Act 1997. It also provides for an additional category of persons who may give consent for a disability service provider to manage the money of a resident as well as for complaints made in relation to contracted service providers and funded service providers, including by giving the disability services commissioner jurisdiction over those complaints. This is a particularly important change because, as last year's annual report of the Department of Human Services noted, one-third of all calls to the disability services commissioner's office concerned matters that were out of the scope of the commissioner. One in four service providers for people with a disability was outside of the protections of the Disability Act 2006.

This is an important safeguard. The Disability Act 2006 currently applies only to organisations that proactively seek registration or those that were funded at the date of the creation of the act. There are currently 410 providers being funded by DHS, but only 301 are

registered providers; therefore a third of all complaints to the disability services commissioner relate to only 20 per cent of providers, which are the unregistered ones. This is obviously an area of need.

Something the opposition is very concerned about is that the recent cut of 400 staff from the Department of Human Services includes some staff cutbacks in the office of the disability services commissioner. I would urge the minister to reconsider this cut, because with the expansion of the scope of the disability services commissioner's work and the number of complaints that have not been able to be investigated due to the matters I raised before, there is obviously going to be a greatly increased workload. That increase in productivity should not mean there is a cut to the delivery of the resources that the disability services commissioner has at his disposal.

I hope the minister will reconsider this matter, because if she does not, I think real questions will be asked in the community about whether this is an attempt to neuter the work of the disability services commissioner. The commissioner does a great job in responding to complaints and issues raised by clients in the disability services sector.

The bill provides for additional procedural matters in relation to complaints; it makes separate provision in relation to restrictive interventions used on a person for whom a treatment plan is, or is required to be, made; and it changes the circumstances in which the presence of an independent person is required to be involved in a review of a behaviour support plan. Certainly the opposition and also the Scrutiny of Acts and Regulations Committee of the Parliament asked some questions of the minister about these matters, and my understanding is that they have been addressed. There were concerns that there may be less scrutiny for people in this situation. But given that these plans can be reviewed up to four times a year and that many of the plans actually involve a reduction in restraint, it was seen that the presence of an independent person was not necessarily required in all those circumstances.

The bill also amends the act to provide for the approval of treatment plans by the senior practitioner; previously the plans were just for noting and not for approval. It provides for the Victorian Civil and Administrative Tribunal to make a determination in relation to the expiry of a supervised treatment order and provides for the review of an assessment order by VCAT. The bill amends the Human Services (Complex Needs) Act 2009 to confer powers and functions under that act on the Secretary of the Department of Human Services;

currently these powers rest with the Secretary of the Department of Health.

We could not have a debate on the complex needs of people with disabilities without referring to a national disability insurance scheme (NDIS). The debate at the time and the welcoming of this scheme by the community has been overwhelming. I want to congratulate everyone involved in this fantastic, respectful and broad-reaching community campaign. I want to congratulate the organisers, but I also want to congratulate the tens of thousands of people in the community who have signed petitions and signed up to Facebook to support an NDIS. It is an exciting and revolutionary opportunity for Australians with a disability, their carers, their families and carer organisations.

It is deeply disturbing that a report from the Organisation for Economic Cooperation and Development released in recent months found that Australia had the third-lowest spend on supporting people with disabilities. That is a deeply shameful situation that all of us working together should be able to make a difference to. Labor in government in this state was the first to support a national disability insurance scheme. We have been leaders on this issue, which we put on the Council of Australian Governments agenda. Based on the experience of Victoria we supported moving into self-directed planning, support and funding for people with disabilities. The concept of the NDIS has been widely debated and welcomed, and that culminated in the Productivity Commission's report to the federal government and the announcement that the NDIS is to be a reality.

The sector is poised to enter a new era of support, recognition and service provision, but there are threats to this. I would hope the Victorian government would continue articulating its support for an NDIS and would talk to its partners in Canberra and urge federal opposition leader Tony Abbott to take this from being an aspiration, as he calls it, to a reality, because people with disabilities have waited too long to get this sort of support. As I said, when Labor was in government in Victoria we were proud to push for this scheme to support the most vulnerable. Providing social justice and help to those who need it is something we fundamentally stand for. In the Victorian government's submission to the Productivity Commission in 2010 we said that a national scheme would need to be built on four core principles: enhancing equity, using self-directed approaches that involve choice and tailored support, building appropriate risk bearing and

incentives where impairment can be avoided, and ensuring sustainability.

Our submission to the Productivity Commission inquiry into an NDIS was just one of the many demonstrations of our commitment to the disability sector. Under the Bracks and Brumby governments we saw the implementation of the Disability Act 2006. Labor also made a huge difference in successive budgets. We made historic investments in services to help people with a disability, in 2010 providing accommodation or support to over 20 000 people with a disability, a figure which was more than double the 8000 people with a disability who were helped in 1999.

We closed the outdated and run-down Kew Residential Services, with 377 residents being moved into communities across the state and 20 new homes for people with a disability being built on the original site. That was an \$86.5 million project. We introduced Australia's first state autism plan, which takes strong action to support families who are caring for people with an autism spectrum disorder — and I will be pleased to represent the opposition leader at this Sunday's World Autism Awareness Day, as I did last year, joining with people who have some experience of autism spectrum disorder, as the friends and family of people affected by it.

When in government Labor also introduced disability action plans to improve access for people with a disability to goods, services and employment opportunities in all government departments, 31 statutory authorities and corporations and 150 community organisations. In June 2010 the former Minister for Community Services, the member for Bellarine, launched the Victorian charter supporting people in care relationships and the Victorian carers card. Labor has a significant record of supporting people with disabilities, but there is always more that can be done. We support the measures that are before the house.

While I am on my feet I want to mention Milly Parker, an amazing woman whom I had the privilege to hear speak at my annual International Women's Day dinner last week. Milly has been an outstanding campaigner in support of the NDIS. She really is an ambassador for anyone who has managed to live their life with a disability, and amazingly she considers herself lucky to have been in a car accident in Victoria as she was covered by the Transport Accident Commission.

Milly has been able to get her life back on track after more than three years, as a young woman in her 20s, in rehabilitation. She still has many issues to confront but

has been able to forge a successful business that exports to the UK. It was marvellous to hear her last week talking about how with the appropriate support someone with a disability — and in her case an acquired disability — can go on and make a very productive and wonderful contribution to the business world and to the community. The NDIS movement is privileged to have someone of the calibre of Milly Parker out there talking up the need for this scheme. She is an amazing example and role model to many younger people, and older ones, who were at the dinner who have their own disabilities to confront.

I also wanted to congratulate the winner of the 2012 Selina Sutherland International Women's Day Award, which was presented at this dinner. The winner was Suzi Duncan, a resident of Beveridge, who was afflicted with polio. Suzi is not too many years older than me — probably less than a decade older than me. Polio is a disease that most of us have not seen in our lifetimes, but it is still something that exists in the world. Despite suffering her affliction and now spending most of her time in a wheelchair, having initially been paralysed from the neck down when she got polio as an infant, Suzi has gone on to forge a fantastic career and overcome her disability. She works as a community volunteer, teaching people with disabilities, new migrants and refugees. She is incredibly committed to and passionate about cultural diversity. She is very big on physical fitness, and she swims and rides horses. She has recently won awards for horseriding, and in 1990 she learnt to fly. She has been involved in the local community with the arts, encouraging people with acquired brain injuries and new arrivals to express themselves through art, and she works to improve cultural understanding.

Suzi designed a hand control in 1995 that allowed people with lower limb disabilities to fly a flying school aircraft. In 1998 she was the recipient of the Nancy Bird Walton award, and in June 1998 she was awarded a Churchill Fellowship. Suzi has also worked as a dietitian and specialised in paediatric work. Because of her passion for early intervention she published a book that focuses in particular on the needs of severely disabled children and gives parents advice on feeding these children.

It was amazing at the dinner last week to hear speakers of the calibre of Suzi Duncan, OAM, and Milly Parker. I think there could be no better ambassadors in demonstrating the need for a national disability insurance scheme. With those words, I commend the bill to the house and reiterate that Labor does not oppose this bill.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to rise to contribute to this debate on the Disability Amendment Bill 2012. The bill makes technical and administrative amendments to the Disability Act 2006. We welcome the fact that, as the member for Yan Yean indicated in her contribution, the opposition will not be opposing the bill.

The Disability Act 2006 commenced operation on 1 July 2007, and given the passage of time various parties that operate within the disability sector have identified areas in which there are concerns in relation to the operation of the act. Hence we have the bill before us. The key issues in the amendment bill are that it seeks to strengthen the rights of individuals, it seeks to cut red tape and it clarifies unintended consequences of the act to align with the original policy intentions of the legislation.

The bill addresses technical and administrative issues that have arisen since the principal act was passed. It also strengthens the rights of people with a disability by making a number of significant amendments. These include providing a review mechanism for assessment orders that are made by a senior practitioner. It extends the jurisdiction of the disability services commissioner to include complaints about services that are contracted or funded under the act by the Secretary of the Department of Human Services. This proposal is consistent with the original policy intention of the act. The bill also allows the disability services commissioner to consider complaints about organisations such as disability advocacy services, the financial intermediary service or other services funded under the act.

The bill also clarifies the definition of a residential service to ensure that all intended services are covered by the definition, as some disability services have been unintentionally excluded due to an interpretation. The amendment will ensure that all residents of residential services receive the same residential rights. One thing that has been clear as part of this review is that there has been a need to strengthen and protect the rights of people with a disability. Disability service providers will be required to take reasonable steps to ensure that all people — rather than only a person with a disability — are not adversely affected as a result of making a complaint. This is being seen as a significant amendment to the act that is required.

The bill clarifies that the use of restrictive interventions of restraint or seclusion are to cease as soon as they are no longer required, and a new provision stipulates that a supervised treatment order must be returned to the Victorian Civil and Administrative Tribunal prior to the

expiry date. This mechanism is to determine whether an application for a new supervised treatment order is required or whether it is appropriate for the order to lapse. This mechanism will ensure that detention of a person does not continue without an order being in place. That is clearly a significant provision when one is talking about the rights of individuals. A new requirement is that an authorised program officer must notify the person who is the subject of an application for a supervised treatment order about that application. That is another important change to the act to ensure that the rights of individuals for whom action is taken are protected.

Another key area with regard to protecting the rights of people with a disability is the provision of a review of an assessment order. This has been strongly emphasised by the Office of the Public Advocate. The Disability Act 2006 currently permits the senior practitioner to make an assessment order for the purpose of enabling a treatment plan to be prepared for a person. An assessment order allows a person to be detained for up to 28 days for the assessment to occur. The public advocate has previously said that this process is not compatible with human rights, as it permits the senior practitioner, a senior public servant, to authorise the detention of a person without that person having an opportunity to obtain a review of that decision. This bill addresses that issue and amends the act accordingly.

Whilst the member for Yan Yean has indicated that the amendments are technical and administrative in nature, they address important and significant issues regarding the rights of individuals, so it is imperative in important legislation such as this that we ensure that the human rights of people for whom this act seeks to provide coverage and protection are indeed protected. It is interesting to read the commentary about the proposals presented by the Baillieu government. On 22 March National Disability Services Victoria released a news update via its website which states:

NDS welcomes the recent proposed amendments to the Disability Act 2006. These aim to further protect the rights of Victorians with a disability while streamlining some of the compliance requirements for service providers. The amendments will not change the policy intent of the act.

That is significant. Clearly a key player in the disability sector in Victoria not only welcomes the changes but also, more importantly, has identified that these changes, whilst important, do not change the policy intent of the act, which as a government we have not sought to do. There are significant important aspects of the 2006 act, and we are seeking to strengthen those provisions to ensure that they apply properly to the

sector — and, as National Disability Services Victoria indicated, this bill does that.

In its commentary on the proposed changes to the act the Human Rights Law Centre stated:

The Human Rights Law Centre has welcomed proposed amendments to section 199 of the Disability Act 2006 ... which will strengthen the extent to which that act protects the human rights of people with intellectual disabilities. The amendments give effect to recommendations made jointly by the HRLC and the Office of the Public Advocate.

Another key organisation has reviewed the draft legislation and has come to the view that this is a good outcome for Victorians who are suffering from a disability and the broader Victorian community.

Mention was made of the NDIS (national disability insurance scheme). We on this side of the house have been very strong supporters of a national disability insurance scheme. I was interested to hear the contribution of the member for Yan Yean, who made some vitriolic comments about the federal Leader of the Opposition, Tony Abbott. I would have thought that if those opposite were so passionate about the implementation of an NDIS, then they might have stopped and thought about who has the responsibility for the implementation of such a scheme — the federal government — and, more importantly, who is in charge of that government at the moment: Julia Gillard.

I would have thought that if those opposite were so keen and so passionate about the implementation of the NDIS, instead of coming into this house and launching vitriolic arguments about the federal Leader of the Opposition, they would simply have gone back to their offices, picked up their telephones and called their colleagues the Prime Minister and the federal minister for mental health. Perhaps even the member for Yan Yean's local federal member, a backbencher, might have been able to walk to the Prime Minister's office and to have done something on this issue.

Ms EDWARDS (Bendigo West) — I am pleased to rise to make a brief contribution to the debate on the Disability Amendment Bill 2012, given that there are many members who wish to speak on this bill. I do not think this particular amendment bill gives rise to any kind of political toing and froing across the chamber when we are discussing disability, people with disabilities, their carers and their families. The bill does not change the policy intent of the Disability Act 2006, which was introduced by a Labor government, but it does amend a number of sections of it to clarify and improve its function. Labor will not be opposing the bill.

Labor has a strong record when it comes to disability services and improved legislation. We can start with the implementation of the Disability Act in 2006 that gave legal recognition to the rights of Victorians with a disability and provided them with greater safeguards and protections. That was followed closely by record investment in disability services, including accommodation support for over 20 000 people with a disability in 2010. There was also the first autism state plan in Australia, which provided strong action to support families caring for people with autism spectrum disorder. In addition, Labor introduced disability action plans to improve access to employment, services and goods. The former Minister for Community Services, the member for Bellarine, launched the Victorian charter supporting people in care relationships and the Victorian Carer Card in 2010.

This bill provides for administrative and technical changes as a stepping stone to the long-term goal of an NDIS (national disability insurance scheme). Victoria has been a leader in this country when it comes to supporting people with disabilities, and the proposed NDIS will be welcomed by Victorians and, more importantly, by those with disabilities, their carers and their families. In Victoria Labor has pushed the NDIS from the beginning because it is going to improve the lives of some of the most vulnerable people in our community. Some of the amendments to this bill will strengthen the extent to which the principal act protects the human rights of people with intellectual disabilities, which cannot be a bad thing. It will allow an application to the Victorian Civil and Administrative Tribunal regarding a review of a decision relating to an assessment order. My only concern with that is that VCAT already has a backlog of cases before it, and we do not want to see the number of cases about these matters building up.

The bill also broadens the jurisdiction of the disability services commissioner to include complaints about vital services such as advocacy services and financial intermediary services. The bill also clarifies that behaviour support plans are not required when a person has a treatment plan in place. That is a little bit contentious, given that some people with disabilities require both. The bill also streamlines processes for service delivery. A number of families in my electorate have members with significant disabilities. Just last week I had the pleasure of meeting one of my constituents, a 30-year-old young woman with a genetic disorder who suffers from uncontrolled epilepsy, autism, intellectual disability with declining functioning, gastroparesis and other complex medical issues.

This young woman lives at home with her ageing parents. It is a very difficult situation. She has applied

twice for an independent support package, and both times has had to reapply. This means that the funding has not been forthcoming, therefore her ageing parents are required to continue to care for her. I should add that she is an extraordinary young woman. Her parents are now facing a future of uncertainty concerning their child. There is ongoing confusion and discrepancies with her funding status, and there have been conflicting explanations for why there has not been a satisfactory outcome for this particular situation.

I also met representatives of the ageing carers network as a consequence of this. There is an obvious need for increased support, recognition, which we have already provided, and funding for services for ageing carers and older people with disabilities who we do not want to see end up in nursing homes. Recent cuts to staff at the Department of Human Services will make these issues even more difficult for this particular family and for all families with disabilities and those who care for people with disabilities.

The bill will provide for complaints made in relation to contracted service providers and funded service providers and gives the disability services commissioner jurisdiction over complaints. It also puts in place additional procedural matters regarding complaints. I hope this will not lead to a backlog of complaints. There also appears to be a lack of clarity around the retrospectivity of some complaints.

I hope these measures will enable people such as my constituent I just spoke about to seek greater accountability with regard to the financial management of their ISP, respite assistance and the ability to seek appropriate residential care into the future. The Office of the Public Advocate and the Human Rights Law Centre have stated that these amendments in the bill will strengthen the human rights protections of people with intellectual disabilities, and that can only be a good thing.

In conclusion I would urge the government to seriously consider in its May budget an increase in funding for disability services, in particular increased funding for Mansfield Autism Statewide Services and most importantly the travelling teachers service, which has a long and growing waiting list of families with people with autism who want and need this service. I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Minister for Corrections).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE**Orders of the day**

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That the order of the house making the resumption of debate on the second reading of the Port Bellarine Tourist Resort (Repeal) Bill 2012 an order of the day for Wednesday, 28 March 2012, be read and rescinded and that the bill be made an order of the day for today.

Motion agreed to.**PORT BELLARINE TOURIST RESORT
(REPEAL) BILL 2012***Second reading***Debate resumed from 14 March; motion of
Mr CLARK (Attorney-General).**

Ms NEVILLE (Bellarine) — I am pleased to have the opportunity this afternoon to speak on the Port Bellarine Tourist Resort (Repeal) Bill 2012. The opposition is supporting this bill and facilitating its speedy passage through the house. I understand that there are some particular legal issues that may arise as a result of this bill and that the government is keen to see the bill passed in both the lower and upper houses. I understand that the shadow Attorney-General, Martin Pakula, a member for Western Metropolitan Region in the other place, has been seeking some more advice about the nature and detailed reasons that sit behind that urgent request, and I would certainly encourage the government to provide that.

When the department provided a briefing on this bill, as I understood it the original intention had been that this bill would be second read and debated and passed in the last sitting week. Anyone having a look at the nature of this bill would see that there was always a risk that the particular developer involved may have wanted to seek further legal action, and the delay over the last couple of weeks has facilitated that. However, we are keen to facilitate and are facilitating its speedy passage, and I would encourage the government to provide further details to the opposition in relation to the nature of that legal action.

Having said that, this bill is very simple. It basically repeals a piece of legislation that was put in place back in 1981. The act it repeals, however, is probably less simple. The Port Bellarine Tourist Act 1981 is indeed an unusual and, dare I say, unique piece of legislation. Looking back on it, it is interesting to speculate on why

on earth a piece of legislation like this was ever passed by the Parliament.

The Port Bellarine Tourist Act basically aimed to facilitate a major marina canal development on a specified piece of land in Portarlington in my electorate — more specifically, a bit of land in Point Richards. On the map we see that particular bit of land was actually called Port Bellarine following the passing of the legislation in 1981. The act was also underpinned by an agreement between the state of Victoria and Grawin Pty Ltd, which then owned the land. Sitting alongside of this act and agreement was the granting of a Crown land lease over the foreshore and also the water, or bay area, in front of that land.

The agreement and the act basically provided Grawin with the right to develop a tourist resort and a canal marina, which would have involved construction on the foreshore and dredging of the bay. It also provided for residential development of about 1000 lots and tourist accommodation. In hindsight it is indeed a very strange agreement that was reached with the then Hamer government. If you have a look at the agreement, which is schedule 1 of the Port Bellarine Tourist Resort Act, it is clear that the intention behind it was to ensure that there were no impediments to this development and that basically none of the planning laws or rules in effect at that time would apply. This agreement appears to have been put in place when the legislation was enacted without any citing of detailed plans or specifications. However, the agreement does outline particular obligations of the owner of the land, Grawin — that is, that stage 1 was to involve the excavation of the area for the marina basin, dredging of the approach channel and the building of canals. This stage was required to be completed prior to any residential or tourist accommodation component. Also in that agreement the state obligated itself to set up a committee of management over the Crown land component — I will come back to that in a moment — and to rezone the land and facilitate the dredging.

If you have a look in the agreement, which is schedule 1 of the act, section 5(1)(e) — which is pretty extraordinary, actually — basically provides a commitment to ensure that all relevant authorities would give the developers the licences and permits that they needed, which would remove all impediments to the development so that none of the rules, none of the checks and balances would need to apply. It would be interesting to investigate how this agreement came about. I have looked into this over the years to see if the Shire of Bellarine — which at the time was responsible for the area — made any particular comment about the

agreement, given that this land sat outside of the town boundary of Portarlington and still does.

Despite all of this, all of the assistance provided by the state and all of the agreements about facilitating this development, during the last 30 years no development has occurred on this land. We can only be grateful for that. Anyone who knows the area would be aware that this bit of land in Portarlington is critical. It is a critical part of the green wedge in Bellarine. A development of 1000 residential lots — aside from the marina, the canals and what that would have done to the foreshore and the bay area — would have significantly changed the nature of that community, which has never been seen as a major growth area for Bellarine. As I have said, it is outside the town boundary, and in the most recent structure plan the community loudly said that it wanted that town boundary to remain.

Since the creation of the Port Bellarine Tourist Resort Act, there have been major changes in the protection of our coastal and rural land. This sort of development would now be contrary to the coastal strategy, it would struggle to pass an environment effects statement process and it is contrary to the City of Greater Geelong's planning scheme. The Victorian coastal strategy, which the former government put in place in 2008, prohibits residential canal developments of this kind. In the second-reading speech for the bill before the Parliament, the Attorney-General acknowledged that there is a requirement in the coastal strategy to address the impact of climate change, particularly in those communities. If you have a particular look at where this land sits, the risks around sea level rises are very significant. The coastal strategy and the second-reading speech actually say that the coastal strategy requires that those impacts must be addressed in any development that might go forward.

In the second-reading speech, which we heard less than two weeks ago, the government highlighted the need to address climate change and these sorts of developments. It is interesting that we are now seeing the government moving away from any commitment to the state playing a role in addressing those issues and is basically saying to Victorians that state governments have nothing to do with addressing climate change through emissions reductions. It is unclear, and it is of concern to communities like mine, on what basis future coastal developments may or may not be approved in relation to any review related to climate change impacts.

As I indicated before, the local community, very recently through the structure plan process, has continued to uphold that the land the act applies to is

rural land that should remain outside of the town boundary. In addition to that, the local community has indicated its support for any harbour development to be an investment in the current harbour in Portarlington. The plans for the redevelopment of the harbour in Portarlington, which is Crown land managed by Parks Victoria, were the result of extensive consultation with the community. They were developed as a result of what overwhelmingly the community wanted to see in terms of sustainable and economically beneficial development of that safe harbour. Prior to the election in 2010 significant work was under way towards this redevelopment.

Unfortunately that all came to a standstill until very recently, despite commitments given in a public meeting at Parks Hall in Portarlington prior to the election by the now Minister for Public Transport and the now Minister for Ports, who indicated to the community that the redevelopment of the harbour in Portarlington would be a priority for the government. Unfortunately nothing has happened. Although I welcome the minister's very recent announcement of a cost-benefit analysis of the redevelopment, which came about as a result of some loud public agitation, a lot of that work had actually been done, but we can start it again. The government must keep faith with the local community and outline time lines for the redevelopment of this harbour, which is where the community has indicated it wants to see an upgrade in harbour facilities, not on this other piece of land.

The agreement that existed between the state and Grawin required re-endorsement over the years. The first agreement was signed by the Hamer government and was re-endorsed by the Cain government. It is unclear whether it was re-endorsed by the Kennett government, but it is certainly very clear that it was not endorsed by the Bracks or Brumby governments. The former government was of the view that this act had no standing given that the developer had never fulfilled the obligations that were set down 30 years ago and that the policy settings and community expectations have changed over that period. About three or three and a half years ago the owners of the land and parties to the agreement wanted to begin exploratory work to commence the development or to consider commencing the development, and at that time the former government commenced a process of seeking an arbitrated outcome and an arbitrated decision that would see the act considered null and void. Certainly in my reading of the act and the agreement, the failure of the developers to meet their obligations under the act over that period should have seen this action be successful. Unfortunately that was not the case.

If you read the act, and particularly the agreement, it is clear that it absolutely suggests that the failure by Grawin to meet its obligations gave power to the state to bring an end to the agreement if done so in writing. I will quote from schedule 1 of the Port Bellarine Tourist Resort Act, which states that if the company:

... delays the commencement of construction of the tourist resort beyond the period of two years from the commencement date for any cause other than those specified in sub-clause (1) —

which relates to things like industrial disputes et cetera; it does not relate to the fact that the company has not actually done anything on this clause —

the state may by notice in writing determine this agreement —

has no effect, basically.

Unfortunately the rulings did not uphold what is quite a clear position in that agreement. As I understand it, the final ruling through that arbitrated process was made in 2011 and it left the state with two options. The first was to do what the court said the government had to do — that is, facilitate this development in every possible way. The second was to repeal the legislation. Certainly we welcome this legislation being repealed and acknowledge that the government has followed through with the former government's intention to prevent a development of this kind. I know that the community will welcome it too.

As I indicated earlier, the other part of the original act and agreement was the granting of a Crown land lease over the foreshore and bay area. The agreement and the act established a Port Bellarine Committee of Management to oversee the maintenance and control of the land and have responsibility for the maintenance of dredging. On the north side of this bit of land the remaining foreshore, which runs from Point Richards through to St Leonards, is currently the responsibility of the Bellarine Bayside Foreshore Committee of Management, and I would like to put on record my appreciation for the great work it does there in terms of maintaining and protecting this absolutely beautiful and unique foreshore area. For the south side of this bit of land, which runs right into Geelong, the City of Greater Geelong is the committee of management and, aside from a small area in Clifton Springs which the council owns, that is also Crown land which the council manages on our behalf.

It is my understanding that over the past 30 years the Port Bellarine Committee of Management has met only once — that was the information provided by the department in the briefing — and it was interesting to

note that apparently there is \$1600 in its bank account. I am pretty sure that it has not met in the last 20 years; in fact I am sure that most people do not even know that it supposedly exists or should exist under this act. This area of foreshore has therefore not had the same attention as other parts of Bellarine. In recent years the local residents have been very vocal in their concern about the condition of this area, and mistakenly they have taken those complaints to the City of Greater Geelong, not to this so-called Port Bellarine Committee of Management. The City of Greater Geelong believed it had responsibility for the area and has invested money in trying to bring it up to standard, but there is still quite a bit of work required on that bit of the foreshore.

It is important that the state government take account of the fact that the repeal of this law, and presumably the formal return of management responsibility for the foreshore to the City of Greater Geelong — I will come back to that in a minute — will require some rehabilitation and investment. As I indicated, the City of Greater Geelong has put in money in recent years and has dealt with a number of residents who are upset and angry about the lack of maintenance of that foreshore, and I would strongly request that this government provide funding, not just in the form of an ex gratia payment to the developer, as suggested in the bill, but to the City of Greater Geelong to ensure that that area of the foreshore can be brought up to standard with the rest of the foreshore area. As I said, there is apparently \$1600 in the fund to go back into consolidated revenue. That would be a small pool and would not go very far, but it may be a starting point to commence the process of showing that commitment.

Again it is interesting that there is still some confusion about the nature of this act in the first place. At the briefing the department assumed that Bellarine Bayside would have management responsibilities, but it has never managed the area; the City of Greater Geelong has always done it. I am not sure which body wants to have responsibility — probably neither of them, because there is work to be done. If management ends up with Bellarine Bayside — and, as I said, it is a great manager of the foreshore — I would similarly request that we look at discussions with both the City of Greater Geelong about what it has done and also Bellarine Bayside about what work needs to be undertaken.

As I alluded to, the bill before the house includes a provision that no claims will be made against the state and no compensation will be payable. In the second-reading speech the government flags its intention to make an ex gratia payment to the company.

It is important that the government make that payment public when it is negotiated, depending on what happens over the next few weeks in relation to any legal action that might be taken. It is in the public interest to understand that in moving to repeal this act there are some costs associated, and it is important that the public and the opposition are made aware of what those ultimate costs will be for any ex gratia payment that might be negotiated with the developers.

In addition, in determining the payment I note that when the company commenced initial works on the site about three or three and a half years ago it caused damage to the drainage system, which will have repercussions for the City of Greater Geelong's costs and Bellarine Bayside's costs and, if it is not fixed, for the residents who live on the other side in Point Richards. The works also destroyed a significant amount of native vegetation in the process without anyone's consent. One day I got a number of phone calls in the office from residents saying, 'Oops, something's happened down there'. I went down to the site, as did the staff from the City of Greater Geelong, to have a look, and the native vegetation had all been removed.

It is important to bear in mind that damage had been done without any approvals, without any discussion — nothing. It was inappropriate, and any negotiated outcome should take account of this damage. Either the company should be required to rehabilitate the site or the ex gratia payment provided to it in compensation should be reduced and provided as some assistance to the City of Greater Geelong or whomever will carry out the rehabilitation. For example, in order to replace the native vegetation that was removed, the payment could be linked to the foreshore rehabilitation to assist either the City of Greater Geelong or Bellarine Bayside to rehabilitate the area by replanting the native vegetation. It is important that the company be held responsible for the damage it has done. Because of all the uncertainty, nobody has wanted to be or has felt they were in a position to take that action. Through an ex gratia arrangement and negotiation it might be possible to take that into account.

This bill repeals a pretty extraordinary piece of legislation. It will ensure that if this land, known as Port Bellarine, is ever developed in the future, it must be done in a way that complies with policy and the laws of the state and gives the community an opportunity to have its say. It would need to go through a structure plan process, a change to the planning scheme and a rezoning of the land, and it would be subject to an environment effects statement and the coastal strategy. The hurdles are quite significant in this unique and

important area on the Bellarine Peninsula — as they should be. That is not to say that no development will ever happen, but it will ensure that if there were a proposed development, people would need to follow and be subject to those rules and pass all the hurdles that this Parliament has set in relation to coastal developments.

The passing of the bill will also ensure that an important area of foreshore will be returned to the community and that there will be an opportunity to rehabilitate this area if the government commits some funding to do so. It really is a win for the local community, which overwhelmingly has had very serious concerns for a long time about the potential development of this land.

I am pleased to welcome the legislation today, and I encourage the government to act on some of the matters that I have raised today around the rehabilitation of the foreshore and the appropriate briefing to the shadow minister in the other house and to take into account the damage that the land-owners have done to the land in considering any ex gratia payment as we move this forward.

The opposition is pleased to be able to help facilitate the speedy passage of this bill today, and I am hopeful that if it passes the will of the Parliament, it is taken into account in any further action that the developer may be considering at the moment. I think it is very clear that this is outside government policy and has been for a couple of decades now. It is not in the interests of the community, and obviously the Parliament as a whole is very keen to ensure that this very important area of land in Portarlington, Point Richards, is returned to the community and its management meets the standards and expectations of the local community.

Mr MORRIS (Mornington) — I am very pleased to contribute to the debate on the Port Bellarine Tourist Resort (Repeal) Bill 2012. I think the member for Bellarine made a number of valid points in her contribution, although I must admit had I not known better, I would have perhaps felt that the Labor Party was not in power for more than 20 years in the intervening period that she was speaking of and, in particular, for — —

Ms Neville — Ten years.

Mr MORRIS — Eleven years, and the period of the Cain and Kirner governments as well, which, when you add the two together, is 20-plus years, so a considerable period.

The bill is intended to repeal an act which gave effect to an agreement in 1981 between the then Premier, Sir Rupert Hamer, or the Honourable Rupert Hamer as he was in those days, on behalf of the state and a developer to facilitate the development of tourist accommodation south-west of Portarlington on Port Phillip Bay. Work on the resort has never commenced, apart from the incursion that was referred to earlier, despite the state having extended the commencement date of works on at least three occasions, I believe. The effect of this bill will be to withdraw the consent that was given some 31 years ago.

I want to clear up a matter that the member for Melton raised during the debate on the government business program. He indicated that the opposition had not been briefed on the bill. I understand that he may not have been given complete information. In fact the opposition — and the member for Bellarine was not involved — was briefed on the bill. There may have been some discussion about the timing, so I want to put on the record that that has in fact occurred, because it is obviously not satisfactory for us to be debating a bill without briefing appropriately first.

It is interesting that we are likely to amend today two acts that date back to 1981. It indicates just how much the landscape in terms of planning controls, the way we protect our environment and indeed the way we interact with our community has changed, and I am speaking of this bill and the Associations Incorporation Reform Bill 2011. We thought we were pretty well advanced in 1981. Indeed if you look at the record of the Hamer government, we think it did an excellent job. Much of the basic planning system was devised in the Bolte years. It had a particular, then appropriate balance, and from 1972 onwards Mr Hamer and his government did, I think, sterling service to the state in terms of overhauling the environment protection laws, overhauling the planning laws and doing a lot to save sensitive areas that may otherwise have been lost. I am thinking particularly of my own area, the Mornington Peninsula, which was slated for a wholesale population expansion, nuclear power plants on French Island, and so on. Under the Hamer government much of that was wound back to a level that was acceptable to the community and to a degree which in fact protected the environment or introduced substantial environment protection laws.

I do agree that that sort of proposal would not get off the ground today. Neither side would consider it as a possibility at all — and thank goodness for that. I think it just goes to show how far we have all come in terms of the way we treat the environment and how we interact with the planet, even in a semiurban setting.

I want to come back to a couple of comments that the member for Bellarine made regarding the planning setting. My recollection would be that in those days it was the Geelong Regional Commission that was the planning authority in that area. It is going back into the mists of time, but regional planning authorities were all the go in the 1970s, and when you consider that Geelong was not one common municipal area but a number, there was definitely a need to bring planning together. Whatever the history might be, certainly the proposal as it exists now is contrary to the expectations of the residents of the area. I think it is contrary to the expectations of the Parliament. I am certainly pleased that we are able to bring in legislation to deal with the matter.

Some issues were raised in terms of whether the matter has been endorsed by successive governments. My understanding is that the agreement was executed in April 1981 and in May royal assent was provided to the legislation we are dealing with. There were delays. Planning permits expired in the 1987–88 period and Premier Cain extended the commencement date in October 1988. Premier Kirner extended the commencement date in May 1992, and in 1994 the proponent sought a further extension, which was refused by the Kennett government. In fact at that time the state withdrew all support for the project as it was originally designed. Then in July 2000, as planning schemes were changed across to the new zones, the area was rezoned — inadvertently, I understand — to the underlying rural zone. That is the history of it: it was endorsed by the Hamer government and the Cain and Kirner governments but not by the Kennett government. I wanted to clear up those issues.

As I said, this development is clearly out of touch with the contemporary policy and regulatory environments. Successive governments from both sides of politics have taken steps to deal with the issue. In the 30 years in which the act has been operating the proposed development has not commenced. There have been no substantive works on the land to date. I understand there is no sovereign risk to the state in revoking this act, given the performance of the developer. As has been commented on, the intention is to perhaps make an *ex gratia* payment as an act of goodwill in acknowledgement of the proponent meeting its obligations, and that essentially is the message that needs to be given. I am aware that we are working to a reasonably tight time frame. The matter is, as the member for Bellarine said, a win for the community. It is certainly a win for the environment in that part of the world. It is good legislation. I commend the bill to the house.

Mr MADDEN (Essendon) — I rise to speak in the debate on the Port Bellarine Tourist Resort (Repeal) Bill 2012. It is obvious that we support this bill; the member for Bellarine has already indicated that. However, as a former Minister for Planning, I have a couple of reservations about the ex gratia payment that has been mentioned, particularly in the second-reading speech. I understand that the government may have to enter into some sort of commercial arrangement to tie up its paperwork at the end of the day, but what makes me nervous is the fact that this bill is the responsibility of the Minister for Planning. It is not a bill for which the Minister for Finance or the Treasurer has responsibility. If the Treasurer or the Minister for Finance produced a bill like this, I would not be as nervous about an ex gratia payment being made.

When I was planning minister, I had no discretionary funds; there were no discretionary funds for the minister to allocate to anybody for anything.

An honourable member interjected.

Mr MADDEN — This is the planning minister's bill, and that is what makes me nervous. This bill is being presented to this chamber on behalf of the planning minister, who is a member of the government, but the government has decided to settle an ex gratia payment on the proponent of the development. I am also concerned that it is unlikely we will ever know the size of that ex gratia payment. I am interested in knowing whether it will appear in the Treasury documents for the budget or at some stage be reported to the Public Accounts and Estimates Committee, but I do not believe it will appear or be reported.

We have before us a bill produced by the Department of Planning and Community Development and introduced into the Parliament by the planning minister, who has no doubt endorsed the ex gratia payment. The opposition supports the bill. However, I am nervous that that payment will be obscure rather than transparent. We all recognise that over the course of many years coastal areas have become more vulnerable than ever before. Research has shown that regardless of the likelihood of sea level rises that may result from the impact of climate change, the recurrent incidence of extreme weather, tidal surges and inundation all contributes to nervousness about coastal settlements. That is why as a government we introduced the coastal strategy as a policy.

The decision in this case is a good decision, but some of the decisions we have seen coming from the planning minister make me nervous. The decision in relation to Portland was that you can build as long as the buildings

are relocatable, but the problem is that they might be so relocatable that they will end up floating out to sea. There is now the potential for rezoning along the shipwreck coast or thereabouts. I am not saying that is a good thing or a bad thing, but we have suddenly gone from a position of very little development in coastal areas to a government that now thinks enhanced and increased development along often fragile and vulnerable coastal areas is not such a bad thing.

We saw a development proposed at Cape Paterson which was outside the policy of all recent governments in relation to coastal settlement. And we know there is still an issue at Lakes Entrance that the current planning minister is unable to resolve. The strategy for dealing with what happens in these vulnerable coastal areas has traditionally been that either you retreat or you defend. It sounds a bit military like, but you have to do one of those two things. Lakes Entrance is probably an area that you would want to protect and maintain, so you would want to defend it, but there is a very critical issue there. I can see the member for Gippsland East is in the chamber, and I know that the mayor of the Shire of East Gippsland recently mentioned his concern at the inability of this government to resolve the issue at Lakes Entrance. It needs to be dealt with fairly quickly.

The issue at Lakes Entrance is very precarious. My understanding is that when there is inundation there, it is not the floodwater coming across the land that does the damage but the floodwater rising through the soil that causes the back up in the sewerage and drainage systems that does the damage. I wish the planning minister and the government good luck in sorting out the issue at Lakes Entrance, because it is quite a challenge. However, I half expect it will not happen in a hurry and it is going to put people, particularly those who own properties or who want to invest in properties or tourism, in a very difficult space. The sooner the government is able to resolve the issue and work through it, the better, particularly in relation to what you can and cannot do in the planning system. I look forward to that. I wish the planning minister good luck, but I have my suspicions that this is going to take him a lot longer than it should.

We support this bill. I am nervous about the ex gratia payment, because there are currently issues around the planning minister. I do not want to get into deep water here, for want of a better analogy, but in terms of some of the legal issues that are taking place at the moment — —

Ms Wooldridge — On a point of order, Acting Speaker, this is not relevant to the bill. I ask you to ask the member to return to the legislation before him.

The ACTING SPEAKER (Mr Northe) — Order! I do not uphold the point of order.

Mr MADDEN — The key issue is likely to be an obscure ex gratia payment, and in the future we are likely to see additional settlements and payments made by the Department of Planning and Community Development on behalf of the planning minister's status in relation to many issues. I half expect too that they will be obscured — they will not be published and no-one will ever know — —

Mr Morris — On a point of order, Acting Speaker, the member is straying way away from the bill. It is a very narrow bill about the repeal of an act that facilitates a particular development. Comments about ex gratia payments are appropriate in the context of that act, but not in the context of the wider planning system.

The ACTING SPEAKER (Mr Northe) — Order! It is true that the bill refers to an ex gratia payment. I remind the member for Essendon to refer to that in the context of the bill rather than straying, which he is tending to do right now.

Mr MADDEN — We look forward to the transparent reporting of that ex gratia payment, and we support the bill.

Mr KATOS (South Barwon) — It gives me pleasure to rise to speak in support of the Port Bellarine Tourist Resort (Repeal) Bill 2012. As background, the Port Bellarine Tourist Resort Act 1981 allowed for the development of a resort with accommodation and a marina south-west of the township of Portarlington. It was to run from Point Richards Road in a south-westerly direction towards Spray Farm Lane. There is approximately 90 hectares of land within this parcel. A further 18 hectares of foreshore land was granted under a 50-year Crown lease. That Crown lease was facilitated so that the intended marina and canal system had access to Port Phillip Bay. Without that Crown lease the resort would effectively have been landlocked, with no ability to access the bay through the canals.

The Port Bellarine Tourist Resort Act was the result of an agreement made by then Premier of Victoria, the Honourable Rupert Hamer, on behalf of the state, and Grawin Pty Ltd to facilitate the development of a resort and marina in the area known as Port Bellarine. If you look at the context of the time from the 1970s into the early 1980s, you see that canal developments were very much in vogue around the country. To see that you only have to look across the bay at Patterson Lakes, a development which was commenced in 1974. The Port

Bellarine development probably would have been of a similar style to what is now Patterson Lakes. Although the bill is unique in the context of the planning scheme, at the time these sorts of developments were not unusual.

There were obligations under that agreement. Grawin was obliged to construct a marina, which would have required substantial dredging and land reclamation. It was also to put in canals and waterways, 1000 residential lots and tourist accommodation. Grawin never did any of this; it did not get a shovel in the ground at any stage. Under the agreement the state was obliged to ensure that all relevant licences and permits were granted. These approvals were all granted by 1985.

The bill will repeal the Port Bellarine Tourist Resort Act 1981. As the member for Bellarine pointed out, this is outside the settlement boundary set out in the Portarlington structure plan and is not really in line with community expectations in Portarlington, so it needs to be repealed. The bill will terminate the agreement between the state and Grawin, abolish the committee of management that the act created and terminate the Crown lease on the 18 hectares of foreshore land. It provides that the state will not be liable for any claims made by Grawin in connection to ending the agreement or the Crown lease. It repeals the Port Bellarine Tourist Resort Act entirely. This is a sensible outcome. This issue has dragged on for quite a while.

The member for Essendon spoke of his concern about the ex gratia payment. As far as Victoria goes, this is a unique bill — I am not aware of another bill of its sort — so this is a unique circumstance.

The agreement was first drafted in 1981, so obviously it was the then Hamer Liberal government that entered into the agreement. As I said earlier, this sort of development was not unusual in that time. Canal-style developments were quite normal across the country then, but times have changed. Under the current planning scheme and Victorian coastal management strategy these sorts of developments are not permitted. The agreement was extended in October 1988 — probably by Premier Cain at that stage — further extended in 1989 and extended again in May 1992, so there was continued support for the development under the Cain and Kirner governments. Support was withdrawn by the Kennett government, and subsequently the Bracks and Brumby Labor governments did not support the agreement.

When the Geelong planning scheme came in this land was inadvertently rezoned as farmland, which

effectively prohibited this sort of development — it would be a prohibited development in a farm zone — hence the subsequent court case and arbitration that has taken place. This repeal bill is sensible. It fixes a situation that has lingered for many years now. With that, I am happy to commend the bill to the house.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Port Bellarine Tourist Resort (Repeal) Bill 2012. The opposition is thoroughly supportive of the bill. We do not believe development is appropriate in that area, and repealing the capacity to develop there is the right thing to do, all things being equal.

My concern, having worked in the industry for many years — and I understand that the developers purchased a leasehold right — is why the usual valuer-general's method of assessing the rights and value of the rights that the developer purchased is not being used in this instance. That is the unusual matter that I have some concerns about. I emphasise again that we will definitely support the bill because we do not think the development is appropriate, but I am concerned about the use of an *ex gratia* payment without an open process. Usually when rights are extinguished in one way or another the valuer-general's office would be involved. It would make an assessment of the leasehold rights and make a recommendation — possibly to the planning minister or the Attorney-General — regarding the payment.

The idea that an *ex gratia* payment is an appropriate way to do this is concerning in that it raises several issues regarding how that figure will be arrived at, how the government will assess those rights, whether it will be arbitrary and the like. Hopefully answers to some of these questions will be forthcoming in the upper house, but as someone who has worked in the industry, it concerns me that rights like that could be extinguished without an open and transparent process. Having said that, I believe that this is an inappropriate area to develop, and the opposition will be supporting the bill. It fits with policies we have put forward, including the coastal strategy and the like.

As I said, the opposition will be supporting the bill, but there is some reticence about continuing this method of extinguishing rights. I encourage the government to look at other ways to do this in the future because I think it is setting an inappropriate precedent. With that contribution, I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to make a very quick contribution to the debate on the Port Bellarine Tourist Resort (Repeal)

Bill 2012. As other speakers have pointed out, this bill is quite simple in nature and its purposes are well articulated in the second-reading speech. The history of this bill and this development have also been well articulated. By way of background, an agreement between Rupert Hamer, the then Premier of Victoria, and Grawin Pty Ltd back in 1981 sought the development of a tourist resort area at Port Bellarine in the south-west Portarlington area. This was to be a significant investment comprising tourist accommodation, 1000 residential lots, a marina, canals and waterways. However, the development did not come to fruition, and it now does not meet the contemporary requirements, regulations or expectations of the community and government policy. Particularly from an environmental perspective, such a development could not now be advanced in line with the plans developed way back when.

An environment effects statement was required and the impacts on various flora and fauna species were well articulated. Given the potential damage to those species, the proposed development was of some concern, as was the fact that it conflicted with the Greater Geelong planning scheme and fell outside the boundaries of local strategic planning policy as well as the Portarlington settlement boundary. It was also not in line with the 2008 Victorian coastal strategy. Given all of that, the state entered into an agreement with the proponent, the developer at the time, but despite rezoning, licensing and permits through relevant authorities being applied for and ultimately granted there has been no subsequent activity on that site, and as I said, the development now does not meet contemporary standards. The government, whilst not accepting liability, stated that it would provide an *ex gratia* payment to the developer.

I want to now quickly demonstrate the importance of tourism and tourism infrastructure in the state of Victoria. Many of us met yesterday with the Victorian Tourism Industry Council at a forum where the worth of tourism to Victoria was espoused. This includes a contribution of \$15.2 billion annually and a tourist visitor spend of \$6.9 billion, including \$4.3 billion through international visitors. That represents a significant increase in 2011 of approximately 9.4 per cent.

There are many things happening from this government's perspective in relation to the importance of tourism, and we will continue as a government to support it. This bill is sensible legislation that I am pleased to see the opposition supports.

Mr LANGUILLER (Derrimut) — I rise in support of the Port Bellarine Tourist Resort (Repeal) Bill 2012, which repeals the Port Bellarine Tourist Resort Act 1981 and ends the agreement in the schedule to the act and the Crown lease granted under the act. As many members on both sides of the house have indicated, this development is now out of step with contemporary policy settings and community expectations. In particular, the environmental impacts of the development would be regarded as unacceptable in today's setting. For instance, the marina component of the development includes a significant amount of coastal dredging and it is likely the development would damage sensitive coastal environments. Therefore it is wonderful to see that finally the government has managed to be in a position to introduce this legislation.

It is equally important to place on the record that the former Labor government sought a number of court rulings for the purpose of introducing arguably the same type of legislation. However, it was to no avail because the court rulings at the time were not supportive of the government doing that. As I understand it, the current government obtained a favourable court ruling compatible with the legislation that has been introduced and therefore the Parliament is in a position to end the agreement. It is important to place on record that both sides of the house are on board, so to speak, with this legislation, as I am sure the community, the local government and everybody in that region will be, as well as Victorians generally.

Last but not least, in the context of the very brief remarks I will make, the member for Essendon quite correctly raised an important matter relating to something that is provided for in the bill, and that is the ex gratia payment. Two things need to be said about that. The opposition, and indeed people in the region and Victorians generally, is entitled to know what the criteria is for the ex gratia payment. Is it based on commercial value? Is it going to be determined by the valuer-general? Is the government going to be open and transparent about the ex gratia payment, and will Victorians, and indeed the opposition, know about this? We will certainly be asking those questions. With those few remarks, and having indicated one of our important concerns on behalf of a lot of Victorians, I wish this legislation a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

DISABILITY AMENDMENT BILL 2012

Second reading

Debate resumed from earlier this day; motion of Ms WOOLDRIDGE (Minister for Community Services).

Mr BULL (Gippsland East) — I rise to speak in support of the Disability Amendment Bill 2012. As we have heard, this bill amends the Disability Act 2006 to remove unintended consequences of the legislation and to align it with the original policy intention. It is about protecting people's rights and cutting red tape. I note that opposition members have stated that they are not opposing this bill, but I ask why they are not supporting it. Given that this is clearly positive legislation that will deliver positive outcomes for people with a disability and the disability sector — and I know the disability sector is close to the heart of members on both sides of this house — I hope that, rather than sitting on the fence and being non-committal, following speakers on both sides of the house will stand up and commit their support to the bill.

I am well aware of the great work, culture and services provided by our disability service providers in the state, particularly in my electorate — centres like the George Gray Centre in Maffra, Noweyung in Bairnsdale, and the E.W. Tipping Foundation, which does great work in our disability sector, just to name a few. But disability service providers need to focus on the delivery of services and providing good outcomes for those with a disability and their families and carers, and they do not need to be tied up with a lot of unnecessary administration. This bill goes a long way to delivering on that.

One amendment exempts residential respite services from having to provide what is known as a residential statement. The feedback from service providers is that doing so is onerous and time consuming. It is important to note that removing the requirement to provide a residential statement certainly does not disadvantage recipients because the act requires that all disability service providers give people information about the services that will be delivered to them, which takes in costs, complaint procedures and legal rights. All that information is already provided.

A further amendment that will reduce the administrative burden on disability service providers is the removal of the requirement to develop a behaviour support plan. This will apply in cases where a person is subject to what is called a compulsory treatment order and has a treatment plan in place. A treatment plan supersedes and duplicates what is contained in a behaviour support plan and makes a behaviour support plan unnecessary. To have to prepare both is an unnecessary, time-consuming administrative burden. This is a common-sense and obvious change that needs to take place.

The bill also strengthens the rights of people with a disability and is another way of ensuring that Victoria is well placed for the possible introduction of the national disability insurance scheme, which has been mentioned by other members. As is well known, this government has put up its hand to pilot the national disability insurance scheme and has been a strong supporter of it.

The bill addresses concerns that have been raised about the detention of a person for the purposes of an assessment order. In the past a senior practitioner has been permitted to authorise the detention of a person — which in a whole range of circumstances may be necessary — but it has been done without the person being able to seek a review of that decision. The bill amends the act to enable application to be made to VCAT (Victorian Civil and Administrative Tribunal) for a review of any decision that is made along those lines. I cannot see this generating a lot of cases and a great influx of people pursuing this path and going to VCAT; nevertheless, it is an important measure that needs to be put in place to respect the rights of those people who may be involved.

The bill tidies up some unintended consequences of the act. I will give a couple of examples of those. It amends the definition of 'residential service' to allow for accommodation and support to be provided by different disability service providers, which is important, particularly when there is an increasing need in the sector. The reason for this is that accommodation may be provided by an entity that is not a disability service provider. An example of this is a housing association, which can step into the breach and fill a void where a critical need may arise.

The bill will ensure residential rights for people in disability services currently exempted from the Residential Tenancies Act 1997. It will also clarify the jurisdiction of the disability services commissioner. It will allow the commissioner to consider complaints about organisations that do not fall within the current definition of 'disability service' in the act. It broadens

the scope of the commissioner to investigate cases where perhaps inappropriate actions relating to people with a disability have taken place. It increases the protection able to be provided by the commissioner so they can provide peace of mind and step into the breach when required.

Another unintended consequence of the act concerns the management of a resident's money by a disability service provider. When the original act was put into place there were certainly the right intentions in that it attempted to limit the role of a disability service provider in managing or overseeing a client's finances. However, when put into practice it actually precluded disability service providers from acting on directions given by a client's family about the management of the client's money. Where it had good intentions, it actually provided an impediment. The bill will enable disability service providers to manage a prescribed amount of money on behalf of their client or resident if a family member gives the provider written consent to do so. Once again, this is common sense and provides flexibility. The amendments in the bill will ensure that the rights of people with a disability are protected and strengthened while delivering on the government's commitments to reduce red tape and improve transparency and accountability.

People who work in the disability sector are special people and I believe they have to have certain special traits to be able to undertake the work they do. Their focus needs to be on service provision — assisting individuals and their families — and the duplication of services and unnecessary administration tasks are things the sector can do without. The bill addresses these areas. I would like the following speakers on both sides of the house to stand up and say that they support the legislation, rather than just not opposing it. With those words I commend the bill to the house.

Mr NOONAN (Williamstown) — Let me go straight to the member for Gippsland East's request to see bipartisan support, because I am always happy to stand in my place and speak in support of any legislation that strengthens the rights of individuals and the families of individuals who live with disabilities and live each day with the challenges of having those disabilities. The bill introduces a range of amendments to the Disability Act 2006 to address, as I think it has been termed, unintended consequences of the principal act, and makes a range of minor administrative and technical changes.

I note that the minister stated in the second-reading speech:

These amendments will not change the policy intent of the legislation.

I think this is a positive endorsement of Labor's policy reforms in the disability sector during our time in government. Anyone who appreciates history needs only to go back to the second-reading speech on the Disability Act 2006 of a former Minister for Community Services, Sherryl Garbutt, to understand the level of work that Labor put into this major policy transformation of disability services in Victoria.

Some might argue, and I would be in this camp, that the 2006 act was probably one of the Bracks government's most important pieces of legislation. Certainly the act was introduced over three phases, with parents, families, carers, disability service providers, peak bodies, advocacy groups, lawyers, unions, government departments, statutory bodies and of course individuals with disabilities being consulted. The consultation on it was probably done as widely as had been done on any piece of legislation up to that point. When you look at the history you see that more than 1200 individuals and organisations made submissions just on the phase 1 development of that principal bill, and then more than 500 people participated in focus groups right across Victoria and 80 organisations submitted comments as part of the phase 2 development of the bill. The process was completed with an exposure draft being circulated very widely and another 77 submissions being received from individuals and organisations.

This by anyone's standards was a very thorough process, so I understand why the minister is not looking at wholesale change in relation to this bill. It is very much a case of some minor amendments, which, as the minister has said in the second-reading speech, are designed to essentially address unintended consequences and other minor matters relating to that principal bill. However, let me come back to former Minister Garbutt for a moment, because when she introduced that bill she said:

People with a disability have the right to enjoy the range of civil, cultural, economic, political and social rights available to all Victorians.

To read the minister's 2006 speech is to understand the extent of the work and leadership required to deliver real policy reform. The underpinning principle of the 2006 legislation was to shift the focus in disability services from providers to individuals and to ensure that those living with a disability would have access to the same rights, opportunities and responsibilities as all

citizens in Victoria. To those individuals and organisations who made a contribution to the 2006 act and the process around it, which was begun I think in 2003, I say thank you. I thank them for their contribution. I also thank and acknowledge the contribution of former Minister Garbutt for introducing the legislation. She has left a very strong legacy in this regard.

This bill makes a range of amendments to the principal act that are intended to strengthen the rights of Victorians with a disability. It is not my intention to go through each of those amendments because some are only minor in nature, but I will say that I have spoken to Yooralla, Carers Victoria, the disability services commissioner and NDS (National Disability Services) about this bill, and there is broad support for the changes proposed in it.

One amendment generated some comment from NDS when I spoke to that organisation. It is just a small matter regarding the jurisdictional coverage of the disability services commissioner. At present the act permits the commissioner to handle complaints between individuals and registered disability service providers. According to the disability commissioner's 2011 annual report, there were 682 matters raised with the commissioner's office last year and 509 of them were handled as inquiries while 173 matters were assessed and handled as formal complaints. Of those total complaints, 34 per cent in the last financial year were deemed to be out of scope — in other words, outside the jurisdictional coverage of the commissioner. In the 2009–10 financial year this figure was slightly higher, at 40 per cent. That means that many people with a disability may have been raising legitimate complaints which unfortunately fell outside the scope of the commissioner's powers. That raises the question of why.

I refer once again to the commissioner's most recent annual report, which states:

The most common reason for an inquiry or complaint being out of scope is that the service is not a disability service ... or the service is a commonwealth or home and community care ... funded disability service ...

Interestingly, the types of complaints that are deemed out of scope come from a range of areas, including education, legal services, supported residential services, health and mental health, housing, environmental access and general employment matters.

This bill extends the jurisdictional coverage of the commissioner to include complaints about services to people with a disability that are directly funded by the

Department of Human Services, and this is acknowledged as a positive move. However, I would say that we acknowledge the growth of individual support packages, and the reality is that there are likely to be still more complaints about service providers who fall outside the jurisdictional coverage of the disability services commissioner. This is because individuals who receive an individual support package make their own choices to essentially contract services; these are not funded directly by the department. Most commonly you might have a personal care attendant who is engaged by an individual to assist a person with a disability, who is then paid for through the package that an individual receives.

There will always be some question marks about how far reaching the commissioner's powers might be, but as NDS pointed out to me, what it seeks is an even playing field for all of those who provide services for people with a disability. It is the belief of NDS that all providers of personal support should come under the jurisdiction of the commissioner. I think NDS has raised an important and valid point in this context, and I am sure the minister will monitor the out-of-scope complaints that the disability services commissioner will continue to receive, and of course those out-of-scope complaints will be the subject of reporting each year through the annual report of the commissioner. Having said that, I am sure, as I said earlier, that the disability services commissioner will raise similar concerns with the minister on this matter if indeed they see that need arising in the future.

Before I move away from this particular issue, I want to place on record my personal appreciation to the commissioner, Laurie Harkin, and his team. They work under a lot of pressure, and they are doing a very good job in raising the profile of individuals who are clearly being dealt with in an unfair way, serving it up to disability service providers who are doing the wrong thing and making sure that they are held to account for it.

I know there are many other speakers on both sides who will want to speak on this bill, but once again I would say that members on this side in opposition will always support legislation that comes to this place that strengthens the rights and interests of people with a disability. I know the minister who is at the table is a strong advocate for a national disability insurance scheme (NDIS). I just pick up a minor detail in her second-reading speech, where she talked about the possible introduction of a national disability insurance scheme. I realise that may be an oversight, but I remind the minister that an NDIS needs the support of states in order for it to come to fruition — and she would know

that. It is a very good Labor policy to introduce an NDIS. It is one for which Labor has allocated funding to commence the early work, and the only risk to the NDIS from this point would be Tony Abbott, because he talks about introducing the scheme on the basis that the budget is returned to a strong surplus in Canberra. That is what he says, and I know the minister will know that —

The ACTING SPEAKER (Mr Northe) — Order! The member's time has expired.

Mrs VICTORIA (Bayswater) — I am very proud to be part of a government that is bringing in the Disability Amendment Bill 2012. I was very proud to be part of an opposition that in 2010 put out a plan that was called the Victorian Liberal-Nationals coalition plan for community services. A couple of things promised in that plan were that we would cut red tape and also that we would have better transparency and accountability. I congratulate the minister on her work on this plan and on delivering these initiatives to the people of Victoria, especially those who are vulnerable — those with a disability who rely on so many others to help them through their lives on a daily basis.

This bill seeks to make amendments to the Disability Act 2006, and it will help ensure that the rights of people with a disability are protected and strengthened. As I said, it will also significantly reduce red tape for disability service providers. This will improve not only transparency but also accountability within this sector. In Victoria approximately 2.9 per cent, or 143 000, people are affected by an intellectual disability. The Australia Bureau of Statistics 2009 figures say 4 million Australians had a disability. That is 18.5 per cent of the population. Over 1 million Australians have what is considered to be a profound or severe core activity limitation — that is 5.8 per cent of the population. I am not quite sure why, but the numbers vary from state to state, from as high as 6.8 per cent in Tasmania to 6.2 per cent in Victoria to as low as 4.5 per cent in the Australian Capital Territory and 4 per cent in the Northern Territory.

We need to acknowledge that people with disabilities deserve the same rights as the rest of us. They are human beings, and it is recognised that they need to be treated equally and with respect. I quote from the Department of Human Services website, which says that people with disabilities deserve:

... the right to freedom, respect, equality and dignity. They have the right to ... exercise control over their own lives, and to live free from abuse or neglect. People with a disability are some of the most vulnerable ... in our society ...

I think this goes to the core of what the minister has set out to do to ensure that dignity, respect and freedom are there for our vulnerable people. The Convention on the Rights of Persons with Disabilities was introduced federally in 2006 and adopted in 2008. It recognises that a person with a disability has the right to live independently and be included in the community. Article 14 of the CRPD states:

1. States parties shall ensure that persons with disabilities, on an equal basis with others:
 - a. enjoy the right to liberty and security of person;
 - b. are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

That leads me on to one of the really important advances we are making with this bill. One of those is to allow a review when an assessment order is made by a senior practitioner enabling a treatment plan to be prepared for a person. Currently there is no recourse for them to appeal against such an order. There was a case in New South Wales only in the last few years of a woman with an intellectual disability who was kept, as she says, without her consent and against her will. She sued the New South Wales government for keeping her in care. Although she was allowed to go to activity classes and to her daily workplace, she was not allowed to come and go with any freedom. She was not allowed to make a choice about where she lived and that type of thing, so her family said, 'We need to sue, because although you are not in a prison — there are no bars on the doors or windows — you do not have the opportunity to go against this order, so in effect you are being kept in a prison-like circumstance'. We do not want that to happen to anybody, and we certainly do not want it to happen to any Victorian.

The idea for this amendment relates to what the public advocate said about the 2006 act — that is, it is not compatible with the charter of human rights because it allows the senior practitioner, a very senior public servant, to authorise detention of a person without that person having the right to obtain a review. These orders can be of 12-months duration, which is a very long time if the order is not considered to be in the best interests of the person affected. This bill amends the Disability Act to allow the Victorian Civil and Administrative Tribunal to review these arrangements, which is a great advance in protecting the human rights of people with disabilities. I commend the minister for fixing this anomaly in the original act, and I am pleased the Baillieu government is tightening up the act and making better provision for all the people affected. I

return to my original point about increased accountability and transparency, and that is what we are doing in relation to assessment orders.

The bill also makes provision for family members or others responsible for caring for a person with a disability to manage the money of that person. The bill provides for a disability service provider, a family member or a person in a care relationship with the person with a disability to manage the money of the person with a disability. The authorisation affects only a small amount of money at a time, and there are full reporting mechanisms. I believe that \$250 is allowed to be managed at any particular time, but the managers of the money must keep receipts for all expenditure and must provide monthly financial statements. This is fantastic from a probity point of view.

We need to be able to say that the money of a person with a disability is not being mismanaged but is being used in the best interests and for the best outcomes in the life of that person with a disability on a day-to-day basis. This amendment provides a little more flexibility in the way that people with a disability are treated. Certainly care providers tend to know what is best for the person in their care because they are with them on a daily basis. This bill provides a bit more flexibility in what these carers do with that money.

Some other red tape-cutting provisions are contained in the bill, and they have been lauded by people within the disability sector. Respite homes will be exempted from having to provide residential statements under section 57 of the act. We believe that this has been quite an onerous reporting mechanism because a residential statement basically duplicates the information given in a respite agreement, and there is no point in doubling up. This bill cuts some of that red tape and allows respite homes to get on with the business of providing the best possible care for the people in their care. Certainly there has been —

Ms Beattie — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms DUNCAN (Macedon) — I rise to speak in support of the Disability Amendment Bill 2012. This bill makes a number of technical and administrative amendments to the Disability Act 2006, which I commend, and I am pleased that these amendments do not fundamentally change the purposes of that act. I pay tribute to a former Minister for Community Services, Sherryl Garbutt, who introduced the act in 2006 following a very long and comprehensive consultation

with the community. At the time that legislation was introduced it was the first review of disability legislation for some 20 years.

As I said, this bill makes some amendments of a technical and administrative nature. Currently under section 143 of the Disability Act an independent person must be appointed to explain any changes to a behaviour support plan, particularly as it relates to the use of restraints and seclusion. Given that reviews of these behaviour support plans can occur up to about four times a year regardless of whether there are any changes in regard to these aspects, this has proven to be an onerous task. It should be noted that there are no changes to the role of an independent person in explaining changes to behaviour support plans that may restrict a person's liberty.

The bill also provides for a family member to authorise a service provider to manage a resident's money rather than appointing an administrator. An additional amendment to another act relates to supervised treatment orders, which provide for civil detention of a person with a disability. The amendment provides that a person who is the subject of a supervised treatment order must be notified of an application for a supervised treatment order. Changes are also being made to section 199 of the act, which provides that a person can be detained for up to 28 days for assessment. This bill provides for a person to seek a review at the Victorian Civil and Administrative Tribunal of a decision to make an assessment order. With those brief comments, I commend the bill to the house.

Ms RYALL (Mitcham) — It gives me great pleasure to rise to contribute to the debate on the Disability Amendment Bill 2012, because this bill goes towards further assisting those who provide vital services to the disabled and those people in our electorates who need assistance.

The bill is about further protecting the rights of those with a disability, and it further prepares Victoria for the introduction of a national disability insurance scheme (NDIS), which this government — under the leadership of the Premier and with the absolute support of the minister — is very keen to see introduced.

Primarily the bill is about making sure that the rights of individuals with disabilities are respected, but in addition it tidies up and clarifies some of the requirements of the Disability Act 2006. We are seeking to deal with some technical issues that have arisen in the principal act since it was passed in 2006 and to strengthen the rights of people with disabilities. In other words, the amendments will ensure that what is

intended in the act actually happens. The bill is another way that the Baillieu government is preparing for the introduction of a NDIS.

The Disability Act 2006 established a flexible support system based on a person's choice and their individual requirements, with the aim of helping people with disabilities participate more actively in the community. The principal act provides the framework of a whole-of-government and whole-of-community approach to enabling people who have a disability to actively participate in their own lives and in the community. It provides for a fairer and more coherent approach to the provision of services to people with a disability within the state of Victoria.

The act was guided by the principles of human rights and citizenship and it constituted substantial reform of the laws affecting people with a disability in Victoria, making sure that those services that are provided are of a high quality and that there is accountability to people who have a disability and use those services.

The World Health Organisation defines disability in the following way:

Disability is an umbrella term for impairments, activity limitations and participation restrictions. It denotes the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environment and personal factors).

We heard the member for Bayswater talking about the statistics published by the Australian Bureau of Statistics, which I will reiterate. The 2009 Survey of Disability, Ageing and Carers conducted by the ABS showed that 4 million Australians, or about 18.5 per cent of the population, had a disability in 2009. Approximately 88 per cent of those aged over 90 were shown as having a disability. That is a very substantial number. Males and females were similarly affected. In 2003 ABS statistics showed that 6 per cent of the population had a profound or severe limitation in performing core activities, which means sometimes or always needing assistance with self-care, mobility or communication.

This bill will update the Disability Act 2006 with the following improvements. It will protect and strengthen the rights of individuals with a disability. It will reduce administrative red tape — don't we all love a reduction in red tape — and the burden on disability service providers. It will clarify the unintended consequences which at times arise out of legislation and align them with the original intent of the policy. It will address technical and administrative issues that have arisen since the act commenced.

Some specific amendments to the act strengthen the rights of people with a disability. They provide for the disability services commissioner to be able to consider complaints about an organisation, including disability advocacy organisations, the financial intermediaries service and other services that are funded within the act. It will provide a review mechanism for assessment audits that are made by a senior practitioner. It will make sure that residents of services that are covered by the intent of the act but have been interpreted as falling outside the definition of a residential service will be afforded the same rights as others.

In her second-reading speech the minister clearly outlined plans to remove the requirement for residential respite services to supply people with a residential statement. We are looking here at a reduction in duplication. Certainly I know that Nadrasca, which has its head office in Nunawading, provides a large number of services both inside and outside residential care to people with a disability who are based in the Mitcham electorate. It is one of Victoria's largest suppliers of disabled residential services, including respite care, and will be very appreciative of any reduction in duplication and red tape.

In the Mitcham electorate we have many organisations that look after and provide services to those who are disabled within our community. For example, next door to my office there is Burke and Beyond, which assists individuals with disabilities in transitioning from school to their life beyond school, and there are others that provide accommodation and home services, such as Nadrasca. I am well aware of the burden of compliance that often falls on organisations. As the member for Bayswater said, their focus should be on the care that they provide rather than on duplicating paperwork. This will mean they can now concentrate on front-line services.

There will be reduction of red tape in three areas. Behaviour support plans will be reviewed just once in a 12-month period instead of four times a year, with the exception of when an increase in restraint or seclusion of a person is required. As I mentioned, respite services currently have to provide a residential statement under section 57 of the act. Once again this is unnecessary and a waste of resources considering that it duplicates information that is already provided in the respite agreement. This legislation makes it clear that in situations where a person has a treatment plan they do not require a behaviour support plan as well because that contains the same information that is in the treatment plan.

I am absolutely one for getting rid of duplication in service provision. These changes focus resources where they need to be focused, which will result in greater productivity. I am thrilled that we are looking at removing red tape.

In protecting and strengthening the rights of people with a disability, service providers will take reasonable steps — —

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

Ms RYALL — In protecting and strengthening the rights of people with a disability, service providers will need to take reasonable steps to make sure that no-one is adversely affected as a result of making a complaint. The bill will make it clear that when restraint or seclusion is no longer necessary it in fact ceases. A supervised treatment order must go back to the Victorian Civil and Administrative Tribunal before it expires. This will help determine if a new order is required, otherwise the previous one ceases at the date of expiry. That means that a person will not be able to be detained without a current order. An authorised program officer will be required to notify a person subject to an application for a supervised treatment order of that application.

The member for Williamstown referred to the minister's second-reading speech in discussing the national disability insurance scheme (NDIS). Given that the Prime Minister and the federal Labor government have a history of saying one thing and doing another and that the federal government has put no dollars on the table, we can only take its word that it will do what it has said it will do — that is, that it will fund the scheme in accordance with the Productivity Commission's statement and that it will fund — —

Mr Herbert — On a point of order, Acting Speaker, this is a pretty narrow bill and I think the member is straying a long way from it by talking about the federal government. I ask that she be brought back to the bill.

The ACTING SPEAKER (Mr Morris) — Order! I do not uphold the point of order, but I do think the member is getting a little bit far from the bill.

Ms RYALL — My comments were in reference to the member for Williamstown's remarks about the introduction of the NDIS. I was saying that the Prime Minister and the federal government should fund this scheme in accordance with the Productivity Commission's statement and that we will have to wait and see if that happens. My comments were also in reference to the second-reading speech of the minister.

It is also important to say that I commend the bill to the house.

The ACTING SPEAKER (Mr Morris) — Order! The member's time has expired.

Ms HUTCHINS (Keilor) — I rise to speak about the Disability Act 2006 and the amendments to that act that we are discussing tonight. The amendments provide for a stronger government and community response to the needs of those with disabilities. In particular the bill looks at clarifying the definition of residential services. This is an issue that comes to the core of equity for many disabled people. The act as it stands, without these amendments, has had consequences for people with disabilities over the years as a result of the definition of residential services not having been expanded. These amendments will rectify that.

The changes made by these amendments acknowledge that accommodation may be provided to people with a disability by an entity that is classed as a non-disability provider — that is, a housing association. This opens up the rights of people with disabilities who live in independent accommodation, providing them with the same rights as other individuals. The amendment ensures residential rights for people in disability services — that is, rights provided by the Residential Tenancies Act 1997 — that they had previously been exempted from. This is a big step forward. The principal act itself is a framework for the provision of high-quality services and support for people with disabilities.

At the time of its establishment in 2007 a central feature of the act was to establish an independent disability services commissioner to review and conciliate complaints and monitor services. These amendments further clarify the commissioner's role and also expand on councils' requirements for putting in place disability action plans. Unfortunately there are a number of councils in the western suburbs that have not enacted a disability action plan. In particular, a disability action plan has been pending for several years in the city of Brimbank. As a result, many residents who suffer from disabilities are still waiting for a plan to be implemented and for services in the local area to be focused, particularly with regard to autism. This issue has been raised over a long period. I hope the amendments this bill makes will help address this issue, not only in the city of Brimbank but also in all councils across Victoria, because local councils are at the forefront of disabled services in our community.

The amendments in the bill also provide additional procedures for complaints. This brings us back to the independent commission. In the short period I have been in this place, I have heard a range of complaints from residents regarding discrimination and barriers to them with regard to their disabilities, predominantly around lack of access, consultation and support from all levels of government. What disables people in Australia is not necessarily their impairment but the barriers communities put in place. What disables people is a lack of power and, in most cases, a lack of money. I have seen many families in my electorate struggle to support their children with disabilities and, in later years, their adult children with disabilities.

When I meet with these families, I try not to view the person who is sight impaired, in a wheelchair or with an intellectual disability as what some people call charity cases. These people are voters, consumers and residents, and they have rights. That is something that this house, and this side of the house in particular, takes very seriously. Empowering people with disabilities is a challenge for all of us here today. I hope the amendments in this bill will allow for the expansion of equity for the disabled in our society. The current federal government and the state opposition stand ready to make real change and do something about disability. That will leave this country and this state better places for those in our society who are coping with disabilities on a daily basis.

Ours is the generation to whom the responsibility falls to fulfil a promise to aged parents of adult children with disabilities who regularly come to see me and often ask, 'What will happen to my children when I can no longer look after them?'. I hope the amendments in this bill extend the care and resources available for these families and for all those who are most in need. I believe we are capable of working together to provide for those in my electorate who are, in many cases, hanging on by a thread in terms of supporting the ongoing care of their families, particularly in the case of adult disabled children. In particular I want to mention a local family that has struggled for many years with a disabled autistic son who requires 24-hour care. He constantly harms himself and inflicts harm on other members of the family. Hopefully this bill will alleviate the pressure on such families, and I call on the government to let the resources flow in the forthcoming budget as a result of this bill. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Disability Amendment Bill 2012. This is a good news bill for those who are involved in looking after the disabled, and I think all of us who

stand here tonight will have some personal connection to this. The disabled are an important part of our community, and it is fitting that our election commitment was to improve the rights of and protection for the disabled and to reduce administration. This bill has some complex purposes, and it will take a little while to get through them.

The bill makes amendments to the Disability Act 2006. It clarifies the definition of a residential service, changes the eligibility requirements for membership of the Victorian Disability Services Board, provides for community visitors to be appointed from outside a particular region, clarifies the requirements for councils in relation to disability action plans, removes the requirement of a disability service provider to give residential statements when accommodation is provided for a person with a disability on a short-term basis for the purpose of providing respite to the carer of a person with a disability, provides additional procedural matters in relation to possession orders and warrants of possession, and provides an additional category of persons who may give consent for a disability service provider to manage the money of a resident.

The bill then goes on to list some of those things that affect families, including how complaints are managed, some procedural matters and some separations of various provisions. It also provides for VCAT (Victorian Civil and Administrative Tribunal) to make a determination in relation to certain treatment orders and makes some other technical amendments. It is a bill with simple intentions, but it is complex in its implementation.

The bill positions Victoria for a national disability insurance scheme, and it addresses some of the concerns people have around detention. Under section 199(4) of the principal act a senior practitioner can authorise an assessment order, but under new section 199A an application can be made to VCAT for a review. The bill is reducing red tape, and there are a number of measures to do this. The frequency of some of the more complex procedures was found to be far higher than anybody anticipated. Residential respite services will not have to provide a residential statement with an application. They still give the essential information, but it does not have to be presented in such a complex way. The involvement of an independent person in the review of changes to a behaviour support plan will be reduced to an annual review. It will also remove the duplication of procedures in behaviour support plans and compulsory orders.

The bill tidies up some definitions; times have changed, and the bill is moving with those changes.

Accommodation and support services can now be provided by different providers; they do not necessarily have to be together, although in many cases they still are. Accommodation can be provided by a myriad of other organisations or service providers — for example, housing associations. In the second-reading speech it states:

The amendment has the effect of ensuring residential rights for people in disability services currently exempted from the Residential Tenancies Act 1987.

The bill also clarifies the jurisdiction of the disability services commissioner.

There are many service providers in my electorate, and I am going to talk a little about the good work they do, because we need to recognise the people who day after day go out and provide these services. There are many providers, including the Christie Centre, Sunraysia Residential Services (SRS), Sunraysia Community Health Services and even some of our nursing homes. Importantly the families have to work with and organise these services. It is a very demanding sector. As MPs we have all been to visit such services and we have all seen how difficult this area is. As I move among and talk to people in those services I see very strong support for the national disability insurance scheme, something on which this government has been engaging the federal government.

Among the more interesting examples of how our disability services providers work in Mildura is Aroundagain. This is located at the Mildura landfill. In this operation the Christie Centre and a number of volunteers, who have a big role to play in the disability service sector, screen material that is going to landfill for recycling and resale opportunities. For anyone who ever comes to Mildura, Aroundagain is the bargain place to go and see, where anything you might want, dream about or never have seen before will be — and there will be someone there to help you out or tell you a story. The business also runs a paper shredding service, which is extremely useful, as the shredded paper is used to produce wonderful mulch for use in our hot climate. There is also a boutique chocolate shop where people with disabilities work too — I spend too much time there.

An honourable member interjected.

Mr CRISP — There is some nice stuff there. Aroundagain is also extremely useful in terms of gifts, which members of Parliament find it necessary at times to go home with. As my wife has often said to me, ‘Throw the gift in the door first, and we’ll negotiate’.

I also note that SRS is expanding its accommodation sector in Mildura; that sector is growing. Of course we all have a special school in our electorates, which is where we see those younger people involved in education. This is a very complex landscape — one that I think as MPs we get to see probably as much as anyone does, leaving aside parents. Well done to all of those who work, volunteer or care in this sector.

This bill provides a range of amendments to improve the operation of the act. It balances the act's original purpose of enacting a legislative scheme which strengthens and reaffirms the rights of people with a disability with reducing the administrative burden on the disability service providers. I also note that throughout this a number of groups have provided support for this initiative. National Disability Services Victoria gave a response; I quote from one of its documents, which states:

NDS welcomes the recent proposed amendments to the Disability Act 2006. These aim to further protect the rights of Victorians with a disability while streamlining some of the compliance requirements ...

So one of the important bodies in this landscape is supportive. Similarly the Human Rights Law Centre has welcomed the amendments.

With those comments, I wish this bill a speedy passage. To all those involved in the disability sector I say thank you.

Mr LANGUILLER (Derrimut) — I welcome the opportunity to be able to make a contribution on the Disability Amendment Bill 2012. I welcome the amendments to the act that have been introduced. It would be remiss of me not to place on record that prior to 2006 I had the privilege of chairing the review conducted by the Victorian disability legislation reference group which led to the act of Parliament introduced by a wonderful minister who was passionate about the entitlements and rights of people with disabilities, the former member for Bundoora and former Minister for Community Services, Sherryl Garbutt. I was also privileged to have chaired the disability services cultural and linguistic diversity reference group as well as the disability industry development plan group.

I have a clear recollection of what led to the architecture of the principal act. At the time our government and previous governments had experienced the inevitable and much spoken about challenge of the unmet needs of the disability sector. We needed to make a decision. As you would know, Acting Speaker, disability legislation can be based on a diagnostic type

of approach, looking at the backgrounds of people with disabilities; it can be based on the needs of people with disabilities; or it can be based on rights. We grappled with that challenge. Our government then — and any government — would never want to make a promise it could not deliver, particularly in relation to people with disabilities.

I have a recollection of the disability sector budget when we first came into office in 1999, which was \$570 million. That is what the Kennett government left us. When we left government in 2010 the budget for the disability sector was in the order of \$1.3 billion, and yet we were not able to meet all of the needs of people with disabilities. That is why what our government did then and the amendments being made today go to the heart of what should happen in this sector. Firstly, it was rights-based legislation, and many members have spoken about the rights of people with disabilities. Not surprisingly, we championed the adoption at the United Nations level of the convention to protect the rights of people with disabilities.

Importantly, we introduced what we regard to be fundamental in this sector and this jurisdiction — that is, a whole-of-government approach. The minister knows only too well that if every minister around here and around the cabinet table refers matters of disability to the Department of Human Services, the rights of people with disabilities will never be met. We need every minister, every portfolio, every jurisdiction taking up the challenge and the responsibility. The Minister for Sport and Recreation ought to think every time about people with disabilities and their inclusion in sport. The Minister for the Arts and his parliamentary secretary, I am sure, will think about how to include people with disabilities in the arts, and in education and in health.

The second important component of that legislation was whole of community. We said whole of government is not enough. The entire community needs to be cognisant of the rights of people with disabilities. We needed to do that and, very importantly, the principle which is now re-endorsed by this government, which I commend, is the principle of citizenship, and many members have spoken about this. Every person with a disability, be it intellectual, sensory or physical, is entitled to the same opportunities in terms of employment, in terms of education, in terms of the arts, in terms of access, so the concept of citizenship is fundamental.

In 2006 we introduced what has now been strengthened by the new provisions in these amendments introduced by the minister, which is the disability commissioner,

and anyone who talked to people with disabilities then and today would recognise that the role of the disability commissioner is fundamental.

The other matter which has been spoken about — and I am cognisant of other members wanting to make contributions — is the national disability insurance scheme (NDIS), which is very important, because whilst I commend the many amendments and provisions, some of which are technical, some of them go to the heart of what people with disabilities would want to see reduced, and that is red tape. Picture a situation — Acting Speaker, you would relate to this — where we need to deal with red tape at any level ourselves, how difficult, complex and challenging it is, but couple with that having a physical or intellectual disability and having to undertake that challenge. Anything that goes to the heart of reducing red tape and making things easier for the purpose of accessing services I know will be welcomed by the sector and indeed by the most important people in this debate, who are the people with disabilities. I say this with the utmost respect: the carer, the parents, the families are all important, but at the end of the day this is about people with disabilities themselves, and they were a part of that consultation that we had at the time.

They made it very clear in terms of what they wanted to see happen, and they wanted to see a situation where governments facilitated their entry or re-entry into community life and their access to community life and inclusion. The amendments that have now been introduced are important amendments that will make things easier for people with disabilities. They clarify the definition of residential service, change the eligibility requirement for membership of a disability services board and provide for community visitors to be appointed generally rather than for particular groups. An important amendment provides for complaints made in relation to contracted service providers and defined service providers by giving the disability services commissioner jurisdiction over these complaints. These are important matters to people with disabilities.

Last but not least, there is that important part of that architecture, the national disability insurance scheme. The first time I heard anyone in this country talk about the national disability insurance scheme was Brian Howe, a man who in the Hawke and Keating era was the Deputy Prime Minister until 1996. Then we had other champions — wonderful champions like Bill Shorten when he was Parliamentary Secretary for Disabilities and Children's Services.

In relation to the NDIS, I have gone through the Productivity Commission report, and I want to express my concerns in relation to submissions to and indeed in relation to the commission itself, because the Productivity Commission talks about compensable injuries and non-compensable injuries. My concern is that it talks about harmonising the compensable injury bodies — namely, the transport accident commissions and the WorkCover-type schemes and various other schemes across the nation — and then getting on to dealing with and addressing the issues of those who have intellectual disabilities by birth or genetics or however it might happen, including acquired brain injury through a car accident or otherwise, or other sensory or physical disability. My concern is the issue of timetables and timing.

I leave it at that. I know how expensive it will be, but I can only urge governments — the government in Victoria and the federal government — to think very carefully about this, because a whole generation may well pass before we get on with delivering the national disability insurance scheme. I conclude my remarks by saying that I welcome this. I welcome the work done by the minister, by the way — I think she is bona fide on the subject. If I could, I would not have that put on the record, just in case it is used against me, but I want to say that I think the minister is bona fide on it, and I will recognise that hard work. I know the provisions advanced in this legislation are welcomed by the sector.

Mrs BAUER (Carrum) — It is certainly a great pleasure to rise to speak in support of the Disability Amendment Bill 2012. The main purpose of this bill is to amend the Disability Act 2006 to strengthen, clarify, reaffirm and enhance the rights and responsibilities of people with disabilities in our community. I am certainly pleased to hear that the opposition will be supporting this bill, as this bill affects all constituents in some way — not only people in my electorate of Carrum but people right across Victoria. Our local constituents, our friends and our family members all have someone they know who has a disability or is affected by some type of disability, so it is certainly a bill we should all be very concerned about and pleased to support, as it touches us all in our day-to-day lives.

As I mentioned, the bill strengthens the rights of people with disabilities. It also reduces administrative burdens on disability service providers. In my electorate I have providers such as Scope, Interchange, OzChild and schools and community groups. They have told me that this bill is going to be very well received in the electorate. They have mentioned to me in discussions that the changes this bill makes are relevant to them. On a daily basis they are telling me the bill will affect many

people and service providers and will have a very positive outcome for the day-to-day running of their support role to people with disabilities.

According to the 2006 census there are 2454 people living with a disability and in need of core assistance in the Carrum electorate. This is compared to 51 181 people who do not require any core assistance. Many service providers in my electorate support people with disabilities. I would like to take a moment to step the house through some of those terrific organisations in my electorate. In terms of services for people who have a disability, we are fortunate in Carrum to have Scope, which has its headquarters and southern regional offices in the electorate. Scope provides a wide range of services, including physiotherapy, speech therapy, employment support and it also conducts valuable research in the areas of disability and disability support. There are many residential care services for people with disabilities as well, and I make particular mention of Wesley Do Care, which is a wonderful service provider. I often hear from people who have a family member with a disability living in residential care and they cannot speak more highly about the level of care and the fantastic home environment Wesley Do Care provides for their family members and relatives.

There are two schools in the Carrum electorate that specialise in the field of disabilities. They cater for primary and secondary school children. Nepean School in Seaford offers a comprehensive curriculum for children with intellectual or physical disabilities and for those children with severe disabilities who require unique development plans. I have had the privilege of visiting Nepean School on numerous occasions where I have spent time with teachers, physiotherapists, music therapists and language specialists. I have seen the wonderful work that they do with their 82 students and 79.4 full-time places.

Yarrabah School in Aspendale is at the top end of my electorate. Yarrabah currently has 150 school-aged children and 62 enrolled for early years education. The school is currently going through a large growth period. Children at Yarrabah are between the ages of 2 and 18. As I mentioned before in relation to Nepean School, when I visit the school I marvel at how the teachers and carers work with individual students; they develop individual plans for communication, social skills, self-esteem and independent living. It was a great privilege, as the local member for Carrum, to be able to deliver two lots of \$100 000 in our first budget to fulfil election commitments to further support the work of Yarrabah and Nepean schools.

It should be noted that many primary schools in my electorate are educating numerous children with disabilities such as autism, hearing loss and attention deficit disorder. They are often caring for and educating children with minimal funding. On my visits to these schools and service organisations I am overwhelmed by the wonderful job they are doing. At the very least we owe those organisations, and the individuals with a disability, legislation that is cohesive and clear, that strengthens the rights of the person with a disability but cuts down on the excessive paperwork for service providers.

This bill goes a long way towards doing that, and it also corrects a number of technical and operational issues that have become apparent since the commencement of the principal act in 2007. We are tidying up some unintended consequences which have arisen since then. We are also streamlining and improving the current legislation so that it becomes clear, workable and enforceable and is ready for any changes made to federal legislation. That is an important role for us as a state government.

Fixing up operational issues in current legislation is crucial if we expect Victorians to understand and respect the laws of this state. The bill goes a long way to addressing five main issues. It strengthens the rights of people with a disability. One example of this is that the jurisdiction of the disability services commissioner will be extended so that he or she can investigate complaints made by service organisations such as disability advocacy groups that are funded under the Disability Act. The bill clarifies different definitions; for example, not all residential services are currently covered by the act due to the restrictive definition of the term 'residential services'. This will be changed so that all residential services will now be covered by the act.

The bill will fix up operational issues; for example, in section 93 of the Disability Act the legislation attempts to protect the person with a disability by precluding the service provider from managing the resident's money. However, in practice that meant that the service provider could not act on instructions from a resident's family in relation to small amounts of money even if it was the resident's or the resident's guardian's wish for them to assist. Clause 35 of the bill amends section 93 of the principal act so that a provider can now manage a prescribed amount of money as long as the provider has written consent from the family member who informally manages the resident's finances.

The bill is all about cutting red tape, which was a key election commitment of our government. For example, residential services providing temporary respite care

will not have to prepare residential statements. The bill paves the way for the possible introduction of a disability insurance scheme; these proposed changes to the legislation place Victoria in a good position for that possible introduction. The bill reinforces the message that the Baillieu government respects and cares for all Victorians and is improving legislation to promote the rights of those with disabilities while reducing excessive red tape for those who support and care for them.

In closing, as proof of how the Carrum electorate values people with disabilities, I touch on a remarkable event that took place for the first time, we believe, in 2010, called the Fun in the Sun Festival. It was the first all-abilities event held, we believe, not only in Victoria but in Australia. It involved our local organisations for people with disabilities, Chelsea Community Renewal and Metro Access, together with Scope Victoria, Family Life Victoria, Leisure Link Up, Yarrabah School, Moira Disability and Youth Services, Interchange Southern, the Special Olympics and local primary schools. It brought the whole community together in what was an amazing all-abilities event. It was estimated that there were between 15 000 and 20 000 people there to celebrate people of all abilities. It was a remarkable event. The City of Kingston and the Carrum electorate are very keen to see something similar again, and I would be very keen to support it as the local member.

Ms BEATTIE (Yuroke) — It gives me a deal of pride and satisfaction to rise to support the Disability Amendment Bill 2012. I am pleased to say that Labor will not be opposing this bill, and neither should it. The bill has its genesis back in the early 2000s when a former Minister for Community Services, Sherryl Garbutt, launched an extensive community consultation in the review of the Intellectually Disabled Persons' Services Act 1986 and the commonwealth Disability Services Act 1991, and from that came the Disability Act 2006. That act recognised that people with disabilities are no longer just passive clients but active citizens with rights and responsibilities. I will talk about some of those rights and responsibilities because it is every person's right to be able to reach their full potential, but it is also incumbent on each and every one of us, and our responsibility, to provide the resources to enable them to reach that full potential. That is where we have a responsibility too.

Labor has a very proud history of supporting people with disabilities, and the member for Derrimut mentioned a former Deputy Prime Minister, Brian Howe. Here in Victoria Labor closed the run-down and outdated Kew Residential Services and moved

377 people into communities across the state, but that was not the start of things. Who will ever forget Kay Setches, a former Minister for Community Services, closing down Caloola Centre in Sunbury, a place where terrible things happened to disabled people? People were locked away and denied their rights as human beings. I place on record my gratitude to Kay Setches for doing that because what then happened under Premier Joan Kirner and Kay Setches is part of a long and proud history of Labor treating people with disabilities as fully fledged human citizens with all their human rights. The bill before us enables people to assume all their rights and responsibilities.

The bill is quite complex. It does a swag of things, including clarifying the definition of residential service, changing the eligibility requirements for membership of the Disability Services Board and providing the disability services commissioner with the power to review and conciliate complaints and monitor services. That is a really good thing; I am pleased about that.

Other members have talked about their personal experiences. We all know somebody with a disability; I am no exception. What my personal experience brings to the house is that parents or full-time carers of people with disabilities need the support of the whole Victorian community. The main fear or worry of such parents is often what will happen to their sons or daughters when they go; however, the problems often start well before that. Because they are full-time carers for disabled children — they care for their children for 24 hours a day — they are often totally cut off from the community. Because they are isolated from the community completely, carers cannot talk about their problems to other people. They feel that nobody understands them, and that is quite true.

None of us can understand what it is like to care full-time for a disabled person, 24 hours a day, when the sleeping patterns of that disabled person might not be the same as ours — they might wake up in the middle of the night. Every minute of a carer's day is taken up in caring for that disabled person. You are always on call; you never know when your son or daughter might fall out of bed and need care or when they might need to go to the toilet. These are all things we have a responsibility to try to understand and care about.

Labor supports this bill, and it will continue to support any bill that supports disabled people and their carers so they can reach their full potential and make their lives a little bit more fulfilled.

Finally, I turn to the national disability insurance scheme. I particularly pay tribute to the former federal Parliamentary Secretary for Disabilities and Children's Services, Bill Shorten, who was and is still a champion for the introduction of such a scheme. Many of us on this side of the house have had personal contact with Bill Shorten over these matters. He continues to be a great supporter of a national disability insurance scheme. The fact that he is no longer looking after it does not mean he has let it go — —

An honourable member interjected.

Ms BEATTIE — Grow up and make an intelligent contribution for once.

I pay tribute to Bill Shorten. If others do not want to pay tribute to a person who has almost single-handedly brought in a national disability insurance scheme, I would like to pay tribute to him. I can only hope that others who choose to make puerile remarks about it pull their heads in a bit, but I congratulate Bill. With those few words, I commend the bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to join the debate on the Disability Amendment Bill 2012. A number of the amendments made by the bill are procedural, but that is in the context of very important legislation. I will pick up the comments made by the former speaker, the member for Yuroke, about the contribution of a current federal member of Parliament who has taken a keen interest in this particular field. In doing so I would like to attribute a lot of the groundwork that has been undertaken towards the development of a national disability insurance scheme to Bruce Bonyhady, who currently has senior executive roles with several disability organisations. He was an actuary by training, and he is the father of two disabled adult children. He has made a pivotal contribution by virtue of his expertise and acumen in the field. Through his steady, patient, quiet and purposeful work he has managed to lift the matter onto the national agenda and inform federal and state parliamentarians on a range of needs in the arena.

In my own electorate we have a number of service providers, one of which I have had an ongoing association with for a number of years, which I place on the parliamentary record. I have admired the contribution of people who have worked in those organisations, such as Judy Challenger and Judy McIntyre. Both are physiotherapists by training, and they have made outstanding contributions to the residential support accommodation sector over several decades and have devoted the better part of their

professional lives to making an important difference in the field.

In just the last few months I have had a number of people approach my office with concerns in relation to matters pertaining to disability. It can confront us in different ways. One person in his 50s, who is married with one young child, has been struck by muscular dystrophy, and the onset of that has been quite severe. At the moment he requires full-time care from home. He has recently become more incapacitated, rendering him unable to work or care for himself independently. He is currently in hospital while he is being further assessed. His wife has been placed in a situation where, in addition to looking after the family, providing for the needs of their 11-year-old son and running the household, she has had to work through a labyrinth of possible support options.

One person described the support framework as fragmented and fractured. Where a support structure is not provided through the Transport Accident Commission or the Victorian WorkCover Authority the pathways are not quite as straightforward for those people who might require full-time care in residential services along the lines of those alluded to in the act. It is important that every endeavour be made to reduce the red tape. The bill before the house has as one of its focuses the reduction of red tape in administrative matters relating to residential care. It addresses a number of administrative issues that have arisen since the act was first introduced.

Going back to the family I was just speaking about, there was a concern on the part of the young mother that information provided to her was on an ad hoc basis. On occasion she was required to join a queue at Centrelink for a couple of hours, absenting herself from work and from her home support obligations and other household responsibilities. The issue arises for people who fall outside the support frameworks of the Victorian WorkCover Authority and the Transport Accident Commission as to whether there could be more of a one-stop-shop approach. The young mother made the poignant remark that while she has short-term opportunities to meet her needs, the fact is that the condition confronting her husband is of a long-term nature. There are short-term services and long-term needs. By way of illustration, to enable wheelchair access to her home she needed a ramp, which was installed with the support of a local service club. They are now obliged to move from their home fairly shortly, and the irony is that under the programs for ramp access the financial support is not available to them for another 10 years. As they move into their next property there will not be the same facilitated support.

There was another example where a person was being cared for from home. She was a young lady in her early 30s with profound medical challenges that had widespread complications, but she sought the opportunity to live independently to a degree in an accommodation precinct. With the great work of the minister, after a long struggle access was enabled for her to move into a supported residential care option. I pay the highest tribute to the Minister for Community Services for the support that has been provided to radically change people's life circumstances through brokered packages which have enabled them to live more fulfilling lives in their particular care arrangements.

Recently I came across a lady who lived in a supported residential service (SRS). There were people in this home who were there as the result of an accident. This lady had sustained a spinal cord injury as a result of a motor vehicle collision some 20 years earlier. Recently, in December 2011, she submitted a doctoral thesis on the question, 'What do we mean by support? The receipt of disability services and compensation for people with a spinal cord injury in Victoria'. She has undertaken, as I understand from the transcript of her doctoral thesis, case studies on the experiences of people who have sustained injuries because of different reasons. They have required support as a result of a workplace accident, a motor vehicle accident or a medical condition, and she has examined their different circumstances.

In looking at the history of service provision she notes in the abstract of her thesis:

The provision of support for people with a permanent impairment of spinal cord injury ... in Victoria in recent decades has been characterised by complexity and variation. Up until the late 1970s and mid-1980s the dominant model of support for any person with an impairment in the state, and across Australia, was medical intervention, social segregation and/or institutionalisation. Support received up until this time was strongly focused on the medicalised treatment and correction of impairment. Where this was not achievable, the ongoing support needs of an individual were either provided informally by friends and family, while the individual endured significant social discrimination in terms of physical and attitudinal barriers, or individuals were segregated from society and placed within an institutional facility.

The doctoral student then went on to add:

Support within these institutional facilities was characterised by control, poor living standards, enclosure, overcrowding and abuse, and in many cases nothing more than survival was obtainable.

They are the remarks of someone who has undertaken a study of the range of different support needs. In looking back, a range of problems have been characterised.

More recent legislation — in 2007 — has been operational for a period of time and as a result a number of amendments have been brought forward that are designed to improve service delivery. This is in part to respond to wider concerns resulting from practice and experience. Some of the reforms include clarifying the definition of 'residential service', changing the eligibility requirements for membership of the Disability Services Board, providing for community visitors to be appointed generally rather than for particular regions, clarifying the requirements for councils in relation to disability action plans, removing the requirement for a disability services provider to give a residential statement when accommodation is provided to a person with a disability on a short-term basis for the purpose of providing respite to a carer of the person with a disability and providing additional procedural matters in relation to possession orders, warrants of possession and a number of other matters.

There is an important reform in the management of the money of a resident. It is important that there be clarity so that the intention of the resident can be realised without it being clouded in red tape and bureaucracy. This bill is an important practical reform based upon the operation over five years of the earlier act, and I commend it to the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Disability Amendment Bill 2012 and state, like my Labor colleagues, that we are not opposing this bill. There is absolutely no reason that somebody who has a disability should not have equal human rights and responsibilities and the means to ensure that they can lead as full a life as is possible. The Disability Act 2006, which this bill amends, contributed in a very positive way to furthering all people's opportunity to have an equal chance at achieving their full potential. This is of course a core Labor value. This is why Labor, when it was in government, introduced and passed the Disability Act 2006. As the minister said in her second-reading speech, the bill before us today makes minor technical amendments to clarify administrative and operational issues that do not change the policy intent of the Disability Act 2006.

We are debating a piece of legislation that really tinkers — albeit with very important and significant provisions — with legislation that has already been enacted and that contributes to the realisation of human rights for those with disabilities. That work was done by others, not by this government. But it is always important to review and where necessary amend legislation. As is always the case with legislation that is large and life changing, such as the Disability Act 2006, there must always be room to review and make changes

where necessary. For legislation to remain relevant in society, for it to be tested by real-life experiences and for unintended consequences to be brought up, there must be a mechanism by which we can amend it to provide for changes as required.

Previous speakers have talked in good detail about all aspects of the amendments to the legislation, but I would like to touch on just two specific parts that I believe are necessary to ensure fairness and justice and smooth running. The first is the amendment that will enable a person with a disability to access the Victorian Civil and Administrative Tribunal for review of a decision that has been made when authorities have placed a person who has an intellectual disability in detention, pursuant to an assessment order. The act does not allow a review of the detention decision, therefore there has been no right of appeal, thus infringing on basic human rights and principles.

As I said earlier, recognising the rights of people who live with a disability is incredibly important. It is also very important to acknowledge and recognise the contribution of those who work to support people with disabilities. Administration is a great time consumer. It can be very frustrating, especially when resources are stretched, and care providers would prefer to allocate resources to actively helping those with disabilities rather than filling in the paperwork. Often that paperwork and regulation are essential to protect citizens' rights, but it is also important that governments accept that there are times when such paperwork may not be necessary.

The amendments to the Disability Act 2006 also provide that residential respite services will no longer need to provide residential statements. This recognises that there is a need for regulation to protect staff and residents in most circumstances but that it is not necessary to provide that same level of regulation in respite care.

I would like to just quickly make reference to respite care because it is a critical issue in the electorate of Thomastown, which encompasses the suburbs of Epping, Thomastown, Fawkner, Lalor and Reservoir. In fact figures show that the seat of Thomastown has one of the highest proportions of residents who require assistance with daily living. Yet, until the then Labor government's commitment to providing a respite facility, which I hope is in the process of being built quickly, there were no respite care facilities in that northern suburbs area.

In talking about respite care I would like to acknowledge the great campaigning work of Trevor

Carroll, a spokesperson for the Respite Alliance Whittlesea advocacy group, and others. They have been able to achieve Labor's commitment to build a five-bed respite care centre in Epping, and now they are continuing their good work to push this government to get on with the job, build that facility and plan for the future needs of residents. As was said by previous speakers, it is all well and good to ensure that people have their rights and that those rights are protected by legislation, but it is also essential that those rights be practically applied, and people need resources and the services of government to live a decent life.

Ms McLEISH (Seymour) — It is with pleasure that tonight I also rise to speak in the debate on the Disability Amendment Bill 2012. As we have heard a number of times today, the Disability Act 2006 was introduced into Parliament in that year and commenced operation in 2007. The amendments we are talking about today will build on that situation without changing in any way any of the intent of the policy. The key purposes of the amendments are to further protect and strengthen the rights of people with a disability and also to reduce the administrative burden on disability service providers. As I said, there will be no impact on the intent of the policy, so the bill should not be controversial, and we have heard that the opposition is not opposing it. I was pleased to hear the member for Yuroke say she supports it. I am pleased that one person on the opposition side is supporting the bill rather than just not opposing it.

Earlier I said the bill commenced operation in 2007, so it has been in force for a number of years. During the period of operation of a bill there are sometimes unintended consequences of the way things are interpreted or happen. The amendments in the bill will fix up some of the technical and administrative issues that have arisen during that time. It is pleasing that now we are providing an opportunity to deal with those. In addition the amendments will help reduce the burden of red tape, which was one of the government's election commitments.

I want to spend a moment clarifying what I mean by red tape, and why it is important that we move to reduce that burden. First of all we need to recognise that the people operating in this field are often very much under the pump. There is lots of work to be done and high demand on those services, so we must do anything that can be done to make them more productive and provide them with opportunities to do the real work that is required in their roles. That is the work they want to do rather than be bogged down by what may seem to them unnecessary paperwork. It is important that the red tape reduction increase productivity, and that if the

people working in those types of services are feeling they are a lot more productive, that the stress they experience when they are under the pump is alleviated.

I want to outline a couple of the changes to be made by the amendments. First of all I will look at the behaviour support plan as a couple of areas will be amended there. One is that an independent person will be involved in an annual review rather than at many times during the year when there has been an increase in restraint or seclusion. It will not just be a matter of course that these people will sit in on reviews, and that will certainly help reduce red tape. Another is the removal of the requirement to develop a behaviour support plan where a person is subject to a compulsory treatment order and has a treatment plan. If they have a treatment plan, there will be no need for a behaviour support plan as well, which will also reduce red tape.

I want to touch on a couple of other areas where the bill makes amendments. It clarifies the definition of residential service, provides additional procedural matters in certain areas and contains a couple of provisions concerning the Victorian Civil and Administrative Tribunal that I want to talk about. One is the option of a review by VCAT when an assessment order has been or is in question and also the use of VCAT to make a determination in relation to the expiry of a supervised treatment order.

As many members have said, we all have constituents with disabilities, and we all know people who fall into this category. Earlier the member for Keilor almost said that everybody in this house takes disability services very seriously, but she changed that at the last minute to say that everybody on 'this side of the house' takes disability services very seriously. I was a little bit disappointed to hear that, because I am sure that everyone in the house will agree that we all take this area quite seriously.

One of the things I want to talk about is a DVD I saw recently called *Is This House My Home?*. It is about the rights of those with disabilities who live in residential units. It was put together by Dream Theatre in Seymour. Jenna Carole directed it, with assistance from Elly Fisher of Goulburn Options, Cath Burke and filmmaker Michael Buckley. The essence of the DVD is to examine what is okay and what rights these people should have. It covered a number of areas, including their rights to choose what they eat, what they do, who they can have around and how their money is spent.

What is particularly fabulous about this DVD is that all the actors had disabilities themselves. They were acting out the rights that they had and thought they were

entitled to in these community residential units. They had to get outside of themselves and often portray people who were not like themselves. One person would be the disabled person and another might be the carer or whoever was in charge of the residential unit. Sometimes those characters might have been a little bit bossy, and the actor portraying them might have been a shy, quiet person who had to really get outside themselves to portray someone who was bossy.

They did a fabulous job, and it helped the community members who went along to watch the DVD launch to really understand how important it is that people who live in community residential units and supported accommodation have basic rights. For instance, in one scene somebody wanted lemon slice and kept being told, 'No, you will have a doughnut; we are buying doughnuts today'. They said, 'Look, it's my money and I want lemon slice', and they were constantly being told, 'No, you will have a doughnut'. It was very simple, but it was terrific. The actors just did a fantastic job.

I also want to talk briefly about Goulburn Options, which is also in my electorate. Goulburn Options is perhaps a little bit different from a lot of the city organisations because it sits on 17 acres of farmland just out of Seymour and is a particularly scenic property. It offers community-based activities in and around Seymour. It offers a wide range of spaces for the programs it conducts. It has respite care, and offers day services and outreach programs as well. A lot of the people who attend Goulburn Options daily or several times a week are actually in residential care in the community.

The carers and the CEO, Elly Fisher, at Goulburn Options often feel they are very well placed to advocate on behalf of those who attend. It is important that their rights are represented because people living in residential care may or may not have family members. I can think of one gentleman who is in his 40s and does not have any family members at all who can look after him. You see the staff at Goulburn Options very much looking out for people like this and being concerned that their rights are known by others.

The amendments in the bill will come into effect in the middle of the year, on 1 July. I particularly want to commend the minister for bringing them to the table. These amendments will improve the operation of the act and will streamline the process to enable better service provision. As I said earlier, they strengthen and reaffirm the rights of people with a disability and at the same time reduce the administrative burden on those delivering services. The minister needs to be

congratulated, as does the department, on working to bring this together. I am extremely pleased that the opposition is not opposing the bill; I would not have expected it to do so. With that I commend the bill to the house.

Mr LIM (Clayton) — I rise to speak on the Disability Amendment Bill 2012. This bill makes mainly administrative amendments to the Disability Act 2006. That act was a landmark piece of legislation initiated by the previous Labor government. As well as replacing the Disability Services Act 1991 the disability act repealed the Intellectually Disabled Persons' Services Act 1986. We on this side of the house are rightly proud of the Disability Act. As well as treating a disability as a disability regardless of whether it was intellectual or physical, it enshrined in legislation the human rights of those people with a disability, including the right to quality services.

At this juncture it would be remiss of me not to mention that I come from a culture where traditionally disability is a matter of shame, of not wanting to reveal the extent of the disability and of hiding the member of your family away from being seen and so forth, so I am very proud to be part of this Parliament on this journey to keep improving the quality of life for the disabled.

Having said that, it would also be remiss of me not to pay tribute to one of the local services in my electorate that has done tremendous work in this area since its inception in 1984. I am referring to Waverley Industries, which is a non-profit organisation that provides sheltered employment for over 250 disabled people. It provides a whole range of services. There is the manufacturing division, which specialises in point-of-sale displays, shopfitting fabrication, signage and rehabilitation products made from wood, perspex, metal and plastics. The company also has a catering services division, which specialises in providing customers with all their food and beverage catering needs at a competitive price. It also has a packaging division, which is located in Hallam.

I had the opportunity and occasion to visit Waverley Industries with the federal Parliamentary Secretary for Disabilities and Children's Services, the Honourable Bill Shorten, and it was very inspiring to see these people. I have never seen any group of workers so committed and so proud of their work, and the quality of the work was second to none. Their esprit de corps, commitment to their work and pride in their achievement was humbling, given their disability.

To be able to identify strongly with legislation that will enrich their quality of life is even more humbling. This

bill, which the opposition does not oppose, speaks volumes about the fact that there will be a continuing need for us to respect and improve their quality of life. Any community can be assessed in terms of how it treats its disabled. I think that in the state of Victoria and in Australia generally we need have nothing but pride in the way we treat our disabled people. There are many parts of the world where disabled people are treated shoddily, treated very miserably and treated without dignity or respect.

In her second-reading speech the minister made the right noises about better outcomes for clients. However, these need to be matched by resources. The minister needs to guarantee that, despite the government sacking 3600 staff, no front-line jobs will disappear in the disability sector, as this would affect the rights of disabled people.

As I said, there are a number of administrative changes in this bill. I want to focus on two that are more than just technical. Firstly, clause 7 of the bill amends the eligibility requirements for membership of the disability services board. Section 20(3)(c) of the principal act, the Disability Act 2006, precludes from serving on the disability services board:

... disability service providers or disability service users or members of any association which acts as a representative, advocate or adviser for disability service providers or disability service users ...

That is significant. This amendment will widen the pool of eligible appointees with expertise and a commitment to the disability field. I assume the original provision was to prevent a conflict of interest, which is very important. While a conflict of interest can be dealt with on a case-by-case basis, I hope the minister ensures that there are sufficient policies and guidelines in place so that board members understand that they must disqualify themselves from any matter in which they may have a conflict of interest.

Secondly, I want to pick up on the Scrutiny of Acts and Regulations Committee's (SARC) *Alert Digest* No. 4 of 2012, in which the committee stated:

The committee will write to the minister seeking further information as to the compatibility of clauses 54 (which limits the existing regime for restrictive interventions to persons with a disability who are not on a treatment plan), 61 (which modifies the requirement for an independent person to explain all changes to behavioural support plans to the person with a disability) and 82 (which creates a new regime for restrictive interventions for persons with a disability who are on a treatment plan) with the charter rights of persons with a disability who are or may be subject to restrictive interventions other than restraint or seclusion.

As I understand it, what SARC is saying is that there are rigorous procedures set under legislation for restraint and seclusion. However, in regard to other forms of behaviour and support plans, the amendments in this bill mean that an independent person would only have to explain them to the individual concerned once annually. SARC is concerned that this engages the charter rights of persons.

To follow on from what SARC is saying, I assume a real-life example would be behaviour modification. As part of a behaviour plan a client might receive time out, not be allowed to watch television or be denied an excursion. If this has to be explained to the client only once a year, then along with SARC I have concerns about human rights implications.

Owing to the time restriction I will now talk about the national disability insurance scheme, which lots of other members have touched on. As I mentioned earlier, this is a significant bill in that it pays respect to those in the disabled sector of our community. These people are the unsung heroes of our community, and we should treat them accordingly and respect their dignity.

Dr SYKES (Benalla) — I rise to contribute to the Disability Amendment Bill 2012, and I welcome the comments by all speakers who recognise the significance of the issue of people with disabilities and our responsibility to do the best we possibly can for those people to help them achieve their maximum potential while, at the same time, ensuring that their carers are supported to the best of our ability.

My take on the background to this bill is that a lot of the issues we are dealing with today are a consequence of deinstitutionalisation of people with disabilities. In principle it was a wonderful move, but in the execution of that strategy there was a failure to put in place adequate alternative measures to care for people with disability across a broad spectrum of situations. Interestingly this is not peculiar to Australia.

A number of years ago when I was on the Drugs and Crime Prevention Committee we visited a number of countries, and even in Scandinavia where their social services and social conscience are at a very high level there were still very significant issues with people with a disability being out on the street and poorly cared for. It is obviously a global issue that we need to tackle with sensitivity, while balancing the needs of people with disability and the needs of their carers.

To address this situation we have had attempts to put in place alternative residential care. This has included

situations such as clusters of accommodation, where you will have up to five people with a disability in a series of flats with one carer there. I think that generally works very well. In Benalla, Mansfield and other locations I have seen people with a disability developing a strong sense of independence and getting along well both independently in their own accommodation but also getting along well with other residents in neighbouring units, and they have been very well supported by the carer in place there.

There has also been a shift towards individual packages of support of which the underlying principle is carers being able to identify the package of support that best meet the needs of the person with the disability. That certainly gives freedom of choice, but that approach is not without its challenges. Sometimes service providers can charge a very large amount of money for a service that they are delivering, particularly if they are the only service provider — which can occur in rural Victoria. Whilst the intention there is good, sometimes the package of money that appears to be appropriate to meet someone's needs falls short. The cost of accessing services — whether it be residential support or other services — can be out of whack with what they might be able to access in Melbourne or other metropolitan areas.

Another step in this process of helping people with a disability is the Carers Recognition Bill 2012, which we supported in this Parliament only a fortnight ago. Again that bill was about addressing the need to get the balance right and making sure that carers have an input into the wellbeing of the people for whom they care. This is particularly important in a situation — and many such situations exist now — where the carers are ageing and there is not necessarily sufficient residential support for them. The cost and complexity of accessing that residential support still challenges them, and these carers are getting to the stage where they are really starting to worry about who is going to look after their child when they die or are no longer capable. There are many heart-wrenching circumstances out there.

As other speakers have mentioned, another aspect of the movement towards better care of people with a disability is the national disability insurance scheme. I commend the Premier and the Minister for Community Services on the proactive position they have taken in supporting the introduction of that scheme nationally and putting up Victoria as a pilot state to get the scheme up and running. I think that reflects a very strong philosophical commitment to helping people with a disability but also a preparedness to deliver. Speaking of the minister, in both her time as shadow minister and her time as minister she has demonstrated that she has

her mind around that very difficult subject and that she is very committed and very capable. She is attempting to do the best she can in extremely tight budgetary circumstances.

The broader context of the role of disability services, as I said earlier, involves helping people to achieve their maximum potential and supporting carers. I have spoken previously in this Parliament about some people who have disabilities with whom I have interacted, particularly a group of people in Mansfield. Whilst some members of that group might have autism or be on the autism spectrum disorder, they also have amazing artistic talents. I am talking about Jonathan Esser, Thomas Huber, Tim Mallows, Kylie Hughes and others who are truly amazing people who have been extremely well supported by the wonderful Joan Curtis and Jenny Cleeland, Simone Reeves and many other volunteers. This is an example of people coming together; in this case these people have come together in Mansfield. They have come together as a community and supported vulnerable people. As a community, they have helped to raise these children and helped them achieve their maximum potential.

In Benalla we had other groups such as one that was known as Ballendella. That was a community initiative that existed for 30 or 40 years. It set up residential care. This bill is about cutting red tape and making sure those services can be delivered better. Ballendella morphed into Central Access. Anthony Putt has done a fantastic job as CEO of Central Access. That has now merged with Yooralla, and the service provision continues to get better and better as we have the advantage of the scale of the operation and the capability of people such as Anthony Putt.

In Benalla we have issues about the provision of educational services. There is a group that operates an educational system called EdSpace. David Rodgers is a GP with great experience dealing with people with a disability. David is one of the key drivers of Headspace. This in combination with residential care — and this bill introduces a common-sense approach — helps young people achieve their maximum potential.

A young person in Benalla, Cody Kego, who has a disability, is a person who had the courage and self-confidence to recently speak up after the floods of September 2010. The local sporting pavilion was damaged. Somehow it slipped under the radar when applications were made for funding support. Cody got onto that; he wrote to the local paper and wrote to me and said, 'We must do something about this'. I was able to contact the Minister for Police and Emergency Services. By involving Regional Development Victoria

we were able to make available around \$200 000 to fix those sporting facilities and make them suitable for the young people of Benalla who do not have disabilities and also people who, like Cody, have a disability. That was a fantastic example of a young person with a disability having sufficient self-esteem and sufficient community and family support to be able to speak up, raise concerns and get action. It is a wonderful example of what people with a disability can do if we support them.

This legislation is about supporting people; it is about protecting people's rights; it is about cutting red tape, which is something that the coalition government is very strongly committed to. It comes up with practical solutions and minimum red tape and delivers outcomes without getting frustrated along the way. This bill will clarify unintended consequences of the existing act and align the act with the original policy intention. This bill will also address technical and administrative issues that have arisen since the original act was introduced.

This legislation is an example of the Baillieu-Ryan government — in this case with the Minister for Mental Health, Minister Wooldridge, in charge — identifying issues, recognising the need to support people with disabilities and their carers and ensuring that we have common sense and practical support that delivers outcomes that enable these people to achieve their potential whilst helping carers. This bill is an excellent initiative. I wish it a speedy passage through the Parliament.

Mr FOLEY (Albert Park) — I rise to make a contribution to the Disability Amendment Bill 2012. Whilst on one level this is a relatively straightforward bill, it is nonetheless an important bill in that it touches on what is central to the lives of so many Victorian families and — on that basis, one would assume — many families of members of this Parliament.

Amongst a range of other amendments, this bill amends provisions detailing such matters as the detention of persons for the purpose of assessment under section 199 of the Disability Act, the parent act. The bill amends provisions regarding Victorian Civil and Administrative Tribunal reviews. The bill also claims to reduce the administrative burden on particular service providers in the sector and makes a variety of minor but not insignificant changes to our disability system in this state.

Most significantly, but perhaps not centrally to its operation, the bill sets the groundwork for the possible introduction of a national disability insurance scheme (NDIS) federally, which, as you would be aware,

Acting Speaker, is a true Labor initiative and which could only come about if the people of Australia reject the federal opposition's smokescreen of on the one hand purporting to support the NDIS but on the other refusing to commit to funding it. In this context Labor is not opposing the legislation because, in terms of its support for the possible introduction of a NDIS, this bill reflects and builds on the great traditions of the Labor Party of supporting and promoting the interests of those most disadvantaged, powerless and vulnerable in our community.

The simple arguments for why this legislation is good were most persuasively put by the Productivity Commission last year when it released its landmark report on a national disability insurance scheme. To paraphrase its findings, the Productivity Commission found that an NDIS would not only be more effective and more economically rational but would be the right thing to do to provide support for those in the community and their families who struggle on the margins of our society and who live with a range of different disabilities that so many of our community members and their families seek to cope with.

When introduced, as it must inevitably be, the national disability insurance scheme will revolutionise the way in which people with a disability, their families and carers are supported not only in Victoria but across Australia. In that regard our Victorian community should, indeed must, support the national disability insurance scheme. In that sense the provisions in this bill seek to provide some of the necessary ground measures for that to happen, and they are indeed welcome. The NDIS will replace many states' and territories' disability systems as they increasingly struggle to cope with the demands placed upon them for resources. We see in all the projections provided not only by our department in Victoria but by the Productivity Commission that those demands are going to increase significantly over the coming years.

The NDIS will help hundreds and thousands of Australians with a disability, many of them Victorians — and, just as importantly, their families — to actively participate in genuine and productive roles in their communities and in our society by providing targeted support that aligns resources to their specific needs. Most importantly the national disability insurance scheme will be portable, so an individual's entitlement to support will be the same whether they live in Victoria or anywhere in Australia. Those with a disability and their families and carers across Victoria will be the beneficiaries of such a system when it is introduced, as it must be. In that sense we will all be better off as members of our community, particularly

those with a disability, who have largely been excluded from genuinely participating in the broader aspects of their own society, as they will have their rights — their human rights — to decent and fulfilling lives protected and enhanced under the national disability insurance scheme. Their efforts and their achievements, not their disabilities, will be their defining features.

The Productivity Commission's recommendations for an NDIS have been welcomed by people with disabilities and their families, their carers and many support organisations across the country. Indeed the Minister for Community Services is one of the fans of the NDIS, and that is why it is critical that the federal government's efforts in beginning the first stages of implementing the NDIS should be supported. It is disappointing to note that this is far from guaranteed in the long term, as the NDIS lacks the critical bipartisan support that this minister seeks.

Mr Watt interjected.

Mr FOLEY — I am glad that we are getting interjections on such an important piece of legislation from the brainless member on the other side.

The SPEAKER — Order! The member should ignore interjections, and the member for Burwood should not be making interjections.

Mr FOLEY — Thank you, Speaker. I will certainly be guided by your wise counsel in this regard.

As I was saying, the NDIS lacks the critical bipartisan support at the federal level when it comes to the critical issue of funding. Should that be delivered, it will guarantee the rights of so many members of our community in the important provisions that this bill lays down.

When it comes to the federal coalition opposition seeking to deal with this issue, I call upon this minister and this government to take the necessary steps to convince their Liberal Party and Nationals friends in Canberra not to make the NDIS a political football but to ensure that the provisions of this bill that seek to provide the groundwork for that to happen are prosecuted generally at a bipartisan level federally and that the NDIS comes into operation in Australia as soon as possible and does so in a way that ensures that the rights of and opportunities for our fellow Victorians with disability are recognised and supported in a genuinely productive partnership. That will enhance their lives and the lives of the members of their families and make us a better and stronger community.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Disability Amendment Bill 2012. Before I do so I note that in his contribution the member for Clayton raised the issue that the bill reduces the safeguards around the use of restrictive interventions. That is not correct. In fact the bill strengthens the rights of people with disability. The Scrutiny of Acts and Regulations Committee raised queries with the Minister for Community Services. The minister responded clearly, stating that all restrictive interventions in this bill are exactly replicated from the Disability Act 2006. If the member for Clayton does not agree with the bill, one could say he did not agree with the Disability Act 2006. This bill does not in any way reduce the safeguards for the vulnerable people this bill is intended to protect.

In my electorate I have a wonderful organisation called Melba Support Services, which began in the 1970s. It was founded by a group of parents and grandparents to provide accommodation for their disabled young people. It has grown so much that now it provides accommodation for 42 people in seven community houses, looks after 130 adults and employs 160 staff. The philosophy of Melba is that all people are created equal and have a fundamental right to be respected and valued for who they are, irrespective of their level of disability.

I am in awe of the work that is done by the staff of Melba Support Services, when I see the time that is spent helping the people in their care to be able to communicate. They take them out to McDonald's or the local stall in the food hall at the Safeway shopping centre in Lilydale. They spend weeks teaching them either with diagrams or photographs, if they can see, so that they can go up and order their own food. One gentleman at Melba is paraplegic, blind, deaf and dumb — and yet over a lengthy time they have taught him to communicate by using the touch of his fingers. He absolutely enjoys swimming. When I was visiting there last year, he was making a swimming motion. By touching his fingers and then putting his hands at the side of his head, his carer was telling him there were two more sleeps before he could go swimming. That is something we take so much for granted, and yet so many hours have been put into teaching him how to do this while respecting his requests to be able to do what he enjoys.

In the seven community-based homes that Melba has around Mount Evelyn, Lilydale and Croydon, the staff are working with severely disabled people so that they can have the food they like and take part in the activities they like. Melba also makes individual support arrangements and runs a carer respite service.

That carer respite service, as many other speakers have noted, is important for people who are caring for a severely disabled person. It is not just a matter of being available for 5 or 6 hours a day. The member for Yuroke spoke very eloquently about not being able to leave the person for whom you are caring in case they fall. You cannot leave them for more than half an hour because you are concerned they might have fallen over or hurt themselves in some way. Respite is essential for families if they are to continue to manage.

I now turn to the bill. The overview states that the Disability Act 2006 commenced on 1 July 2007 and that since that time some technical and administrative issues have become apparent and are being addressed by minor amendments to the act. Given that these amendments are of a technical and administrative nature and do not alter the policy intent of the act, there has been targeted rather than broad public consultation.

The amendments made by the bill enable the following improvements. They strengthen people's rights, cut unnecessary red tape and clarify the unintended consequences of the act. I think it is quite interesting that every piece of legislation we pass in this place has some unintended consequence somewhere along the way. The bill also addresses the technical and administrative issues that have arisen since the act was introduced.

The bill strengthens the rights of people with a disability, which is most important. Every member who has made a contribution on this bill has spoken in support of strengthening the rights of people with a disability. The bill provides a review mechanism for assessment orders made by the senior practitioner. It also extends the jurisdiction of the disability services commissioner to include complaints about services that are contracted or funded under the act by the Secretary of the Department of Human Services. This proposal is consistent with the original policy intent of the act and will allow the disability services commissioner to consider complaints about organisations such as disability advocacy services, the financial intermediary services or other services funded under the act. It will also clarify the definition of 'residential service' to ensure that all intended services are covered by the definition, as some disability services have been unintentionally excluded due to an interpretation. This amendment will ensure that all residents of residential services receive the same residential rights.

This bill aligns with the government's election commitment to cut red tape by addressing two major issues which have been identified by disability service providers. Firstly, it limits the involvement of an

independent person to review a behaviour support plan annually and whenever there is an increase in the restraint or seclusion of a person. A behaviour support plan is currently reviewed up to four times a year, including when there are reductions in restraint and seclusion. This had not been anticipated when the act was drafted. Secondly, it exempts respite houses from the requirement to provide a residential statement under section 57 of the act. This requirement has been identified as onerous for disability service providers, as a residential statement duplicates the information given in a respite agreement.

In summary, this bill provides a range of amendments to improve the operation of the act and balances its original purpose of enacting a legislative scheme which strengthens and reaffirms the rights of people with a disability while reducing disability service providers. I reiterate that this bill does not reduce the safeguards around the use of restrictive interventions. The member for Clayton's statement was not correct; the situation is exactly the same as in the 2006 bill.

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak in the debate on the Disability Amendment Bill 2012 and state from the outset that Labor does not oppose this bill. The bill before us seeks to make a number of technical changes and administrative amendments to the Disability Act 2006 following a number of issues that have arisen about its operation since the act commenced on 1 July 2007.

This bill is one in which I have more than a passing interest. Many constituents in my electorate of Kororoit who phone or visit my office are living with a disability or care for somebody with a disability or even work in the disability sector. This contact with my electorate office is consistent with Australian Bureau of Statistics figures for my region in relation to disability. In addition to the higher numbers of people with a disability, my electorate, and indeed much of the west of Melbourne, has a significant population of people for whom English is their second language. These factors, combined with other layers of disadvantage within the region, mean that people living with a disability in the western suburbs may be particularly vulnerable. I therefore welcome any legislative or other reforms aimed at improving the lives of people living with a disability and their families; indeed such attempts at improving the lives of these people should be applauded.

What the system needs, however, is more than just a legislative tidy up. It needs this government to commit adequate dollars. We see with regular monotony that this government is good at producing amendments to

legislation but is very slow to add to the resources required to deliver improved services. In her second-reading speech the Minister for Community Services noted that this bill will ensure that Victoria is 'best placed' for the possible introduction of a disability insurance scheme. When will this government similarly prepare itself for the introduction of the recent Fair Work Australia decision, which awarded significant and long overdue recognition to the work undertaken, particularly by women, in the community services sector? When will this government commit to providing the funds required to implement wages parity for the people who provide services to the disabled and other disadvantaged Victorians?

The minister also said the main purpose of these amendments is to protect and strengthen the rights of people with a disability. To give credit where it is due, I note that the Human Rights Law Centre has welcomed the proposed amendments, commenting that the amendments are consistent with recommendations made jointly by the Human Rights Law Centre and the Office of the Public Advocate. Providing for a skilled and committed workforce to both support and advocate for people with disabilities would also go a long way to protect and strengthen the rights of people with a disability. Why will this government not say, 'Yes, we will fund the wage increases for community sector employees'?

Further, I note that the minister said that this bill aligns with the government's election commitment to reduce red tape. This government is quite conscious of fulfilling some of its election commitments but not others. For example, what happened to its commitment to make Victorian teachers the highest paid in the land? We now have the very real possibility of industrial unrest in our state education system on the back of the nurses dispute and the police enterprise agreement debacle before it.

Mr Watt — On a point of order, Acting Speaker, the member for Kororoit is clearly straying from the bill, and I ask you to bring her back to the bill.

The ACTING SPEAKER (Dr Sykes) — Order! I ask the member for Kororoit to come back to the bill.

Ms KAIROUZ — I am more than happy to ignore that. The government has 30 months to convince the Victorian public that they were not victims of an elaborate swindle by the coalition spin doctors in November 2010. When will this government actually do something?

Mr Weller — On a point of order, Acting Speaker, you asked the member for Kororoit to come back to the bill, and the member for Kororoit is continuing to stray from the bill, talking about non-related policies that the then coalition opposition had at the previous election. It is not in the spirit of this debate. As the member for Bendigo West quite clearly said, ‘This should not be a political football; we should focus on the bill’. I ask you, Acting Speaker, to bring the member for Kororoit back to the bill.

The ACTING SPEAKER (Dr Sykes) — Order! I ask the member for Kororoit to return to the Disability Amendment Bill 2012.

Ms KAIROUZ — While it is laudable that this government is honouring its promise in relation to the amendments proposed in this bill — amendments that are aimed at strengthening and protecting the rights of those with a disability — why is this one promise one that the government will keep and why is it that many others made in the heat of the moment whilst trying to win an election —

The ACTING SPEAKER (Dr Sykes) — Order! I ask the member for Kororoit to stick to the bill.

Ms KAIROUZ — A promise is a promise, and this government stands condemned for picking and choosing which promises to keep and which to simply ignore.

Mr Weller — On a point of order, Acting Speaker, I ask you to bring the member for Kororoit back to the bill. You have asked her twice to return to the bill, and she has continued to defy your rulings. I ask that she either returns to the bill or suffers.

The ACTING SPEAKER (Dr Sykes) — Order! I ask for the third time that the member for Kororoit —

Mr Eren interjected.

The ACTING SPEAKER (Dr Sykes) — Order! I had not finished speaking. I ask the member for Kororoit to return to the bill.

Ms KAIROUZ — As I said earlier, the opposition will not be —

The ACTING SPEAKER (Dr Sykes) — Order! The member for Kororoit will be listened to by everyone in the chamber. If members do not wish to listen, they should go outside.

Ms KAIROUZ — The opposition will not be opposing this bill. As I said earlier, it makes a number of technical and administrative amendments to the Disability Act 2006 following a number of issues that have arisen in regard to its operation since it commenced on 1 July 2007. The opposition will not be opposing the bill.

Ms MILLER (Bentleigh) — I am delighted to rise to speak about the Disability Amendment Bill 2012. Before I begin my contribution to the debate I would like to correct the record. Two members of the opposition, the member for Albert Park and the member for Yuroke, spoke about how Tony Abbott, the federal Leader of the Opposition, is a risk to the NDIS (national disability insurance scheme). The simple fact of the matter is that the Gillard government has repeatedly refused to commit to funding the NDIS, despite the clear recommendation of the Productivity Commission that it should do so.

Mr Herbert — On a point of order, Acting Speaker, there have been a few rulings that have brought members back to the bill, and the member is now talking about the actions of the federal government and the Prime Minister. This is a very specific bill containing a number of technical amendments. The member has strayed from the bill, and I ask you to bring her back to it.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Bentleigh has touched on the national disability insurance scheme, which is relevant to the bill. She has made some passing remarks in relation to the federal government. I ask her to now focus on the bill.

Ms MILLER — If members opposite are genuine in their commitment to the NDIS, they should pick up the phone and speak to their mates in Canberra. Should they —

The ACTING SPEAKER (Dr Sykes) — Order! The member for Bentleigh will return to the bill. We have had this discussion with the member for Kororoit, and I ask the member for Bentleigh to return to the bill.

Ms MILLER — The purpose of this bill is very simple. It will strengthen people’s rights, cut the red tape between the government and community agencies, and align its intention with the original policy. This is very important. There are people in my electorate in Bentleigh and others throughout Victoria who suffer from a disability who would benefit from this bill. Once enacted, its amendments will be introduced on 1 July.

I commend the Minister for Community Services for taking this small step and making this small change that will have a significant impact on those who suffer from a disability. The bill also addresses unintended consequences of the act to align it with the original policy, as I have said, and it addresses technical and administrative issues that have arisen since the act was introduced.

As some members of the house may be aware, I have a health-care background, and I have had significant experience in a variety of areas in the health-care sector, including with people with a disability. I have also been in a primary carer's role myself for the best part of 18 months, so I understand and value the contribution and the difference that this bill is going to make to those with a disability and those caring for those with a disability.

The other thing I would like to point out is that there are some significant associations in my electorate that will benefit from this amendment. This includes a NightRider community service in Moorabbin, Marriott Support Services in McKinnon, Out on a Limb in Bentleigh East, Scope in Moorabbin and MOIRA in Moorabbin. These organisations and associations are of enormous value to those with a disability. I commend the work that those who work for these associations do. They do an outstanding job. They are passionate and committed, and they have very good relationships with people with a disability and their carers.

As I said, not only do I have a personal interest in this bill but we as a government also have a practical interest in this bill. The changes this bill introduces will make a significant difference to those with a disability. We have a clear mandate to cut red tape. Some years before my time in this house, when the current Minister for Community Services was in opposition, she argued for the administrative burden on the community sector to be reduced, and that is exactly what this bill is going to do. It is going to enhance the rights of the disabled by expanding the role of the disability services commissioner. This is an important step and a significant one for those with a disability. It will also allow the commissioner to deal with complaints about services from those with a disability. The commissioner can also accept a broader scope of complaints, including those in relation to disability advocacy services and financial intermediaries who deal with people's funds.

What does all this mean? I will give you a simple example. If we look at the management of money, we see that sometimes people find money management simple and sometimes people find it more difficult. We

have had a situation where there has been so much bureaucracy, which the previous government failed to address and ignored, that the family members of disabled people found it very difficult to manage a small contribution or a small amount of money — \$200 or whatever it may have been — given to people in their care. With this bill, we have cut that red tape, we have got rid of that bureaucracy and we have simplified the process, which means that people caring for someone with a disability or someone under a form of guardianship now have the ability to have control over a nominal amount of money. More importantly, they have a real involvement in those people's lives.

If a disabled person has a carer — whether it be a sibling, a loved one or a guardian — that carer now has a real involvement in the holistic management of that person's care. People with a disability are then able to go about their daily lives, go to work, go to the theatre, have coffee with their friends and whatever they choose to do. This will be an important change. It is a small step and it is a simple step, but it is going to have an effective long-term impact on these people's lives. Cutting the red tape in big bureaucratic organisations is not easy, and it takes time. It takes time, effort and energy. This bill, by cutting that bureaucracy — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Manufacturing: jobs

Ms HALFPENNY (Thomastown) — The matter I raise is for the Minister for Employment and Industrial Relations and Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. The action I call for is for the minister to meet with workers and their unions, including the Australian Manufacturing Workers Union (AMWU), to develop a jobs plan to save the jobs of Victorians and create good new jobs in the state of Victoria.

I refer to the minister's recent media release of 19 March this year and his pathetic attempt to smear an organisation committed to supporting jobs, Australian workers and their families and the Victorian and Australian manufacturing industry, the AMWU, and to the minister's shameless personal attack on that union's secretary, Steve Dargavel. The minister sure has a nerve — let's look at the facts. This minister is part of an incompetent government that has failed to deliver a

jobs plan 16 months after being elected, has overseen the loss of 7000 full-time Victorian jobs in manufacturing in the last 12 months to February, has scrapped local content targets for Victorian government jobs and was dragged, kicking and screaming, to support a much-needed package to protect Victorian jobs in the automotive components sector as part of the commonwealth's support for Holden, announced last week.

Despite being aware of the commonwealth's plan for months, this government could not be bothered acting to support Victorian jobs until the 11th hour, only to make a paltry contribution that we understand to be around \$10 million, or just 3.6 per cent of the entire federal and state government package. The only jobs plan this government has is its plan to slash 3600 public service jobs and to give plum government jobs to Liberal boys or to the likes of Mr Hadgkiss, who, as members might recall, was the head of the Howard government's building industry task force and was the deputy Australian building and construction commissioner — a man more interested in hunting down workers who held a meeting on the job because of genuine health and safety concerns or remembered for his most recent fiasco of affronting and offending women in his office with bad taste jokes involving breasts and aprons. These are the kinds of people whose jobs this government is interested in, not the thousands of Victorians who have lost their jobs in recent months.

As the Minister for Employment and Industrial Relations, Mr Dalla-Riva should spend less time taking cheap pot shots at organisations and individuals with a vision to support Victorian jobs and more time concentrating on developing his own. After all, he is the minister for manufacturing and employment. Such vicious, spiteful outbursts by the minister can only mean the AMWU is getting under his skin and pushing a raw nerve called 'the truth'. The minister should stop his aggressive, inaccurate, attention-diverting tactics and get on with what his job — —

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

Mount Evelyn: youth facilities

Mrs FYFFE (Evelyn) — The matter I raise is for the attention of the Minister for Sport and Recreation, and my request is that he look at supplying funding towards stage 2 of the Mount Evelyn youth activity node in Birmingham Road, Mount Evelyn. Stage 2 includes the development of a creative and active playground for children, a three-quarter-sized basketball court for young people and a tricycle-bicycle

training area for young children learning how to ride. Yarra Ranges Shire Council has put \$110 000 towards the project, and I commend it not only for the support it is putting into the community in encouraging people to be active and get out and about but especially for what this will do for the children in Mount Evelyn.

Mount Evelyn is a great community, as the minister well knows from his visits there, especially his visit to the Mount Evelyn tennis club — they let him win the first time but beat him on the second occasion. I hope he does not hold that against Mount Evelyn and will look at supporting it. It is a great place. However, as in many semirural townships, most roads do not have footpaths and most of the township's roads are unsealed, so children have nowhere to learn safely as they begin to ride bikes and trikes.

Being able to complete stage 2 of the youth activity node will fill a very real need. I hope the minister can provide the funding necessary for there to be an area like this where children can play, develop their skills and learn to ride a bike and also so that the parents — their carers — can congregate and develop necessary friendships. In today's world, where too many people are living in isolation and loneliness, for parents to have a central point to go to take their children, where the children can do things which they enjoy doing and which will help them to have a pattern of health and fitness in their lives, is very important.

The Mount Evelyn community has a lot of people who work in the trades, and at the moment life is pretty tough because of the slowdowns in the building sector and other sectors. It is very important that we do things for people in areas that are not as well off as some other areas that have developed slowly over the years and that have not had the critical mass to enable their councils to afford to do everything they could otherwise have done. This project, on top of the other improvements that have been made — the tennis club and the Morrison Reserve track — will generate pride in the township as well as providing an excellent area for our young people to go. I can see the children from Wandin also being taken up there — to a safe place to learn to ride their bikes, play basketball and do all the other things that active kids in some of the more established suburbs have been able to do for a long time. I encourage the minister to consider the request.

Schools: Corio-Norlane education regeneration project

Mr EREN (Lara) — I wish to raise an urgent matter for the attention of the Minister for Education. The action I seek is for the minister to immediately fund

stage 2 of the Corio-Norlane education regeneration project. This funding is crucial, and I fear that without the funding the project will be jeopardised and a successful project will not be achieved. After not receiving any funding in the last budget from this government, despite the great need, the school regeneration board, along with the entire school community, is pinning its hopes on this government stepping up to the plate and committing to funding the vital second stage.

As the minister knows, the former Brumby Labor government funded \$10 million for the first stage of the project. The project involves eight school communities collaborating to form a brand-new school located on five campuses. The new Northern Bay College schools will allow for a more collaborative and flexible approach to teaching, which means students will be more involved in what, where and how they learn. They will also provide students with modern, state-of-the-art facilities designed for improved educational outcomes. This project has been very successful so far, with positive feedback from the community, principals, teachers, parents and students. It is vital that this important development continue under the Baillieu government.

The school regeneration board is eagerly awaiting the second-stage funding, which is to the tune of \$16.9 million. This funding is absolutely necessary to ensure that the regeneration project successfully continues and the new infrastructure is built to cater for the new and existing students. The minister must not play politics with this very important project. Lots of great people have been involved in this project, which deserves the respect of the minister.

Corio-Norlane is an area that needs this investment to continue, so this is vitally important, particularly given the situation with the special needs school, which is on Hendy Street on the site of the former Flinders Peak Secondary College. Members may be aware that years 10, 11 and 12 special needs students were transferred to that school to separate them from the P-9 students in Bell Park. Unfortunately the decision has been made to relocate those bigger kids back with the little kids at Bell Park, and I fear there could be some inherent dangers in that move. Unfortunately the department is indicating that the school it is vacating will be sold off at some point. That would be an absolute disaster. This is vital infrastructure, and it has ample space to accommodate all of those students. I urge the minister to fund the second stage.

Rodney electorate: community development

Mr WELLER (Rodney) — I wish to raise a matter for the Minister for Regional and Rural Development. The matter concerns the strategic economic and social interests of groups in my electorate with a strong focus on community development. I ask the minister to take the necessary action to stimulate economic growth and resilience in the communities of the Rodney electorate. Action from the minister to support both individuals and groups that take steps to improve the economic and social interests of their communities would help to build confidence and equip future leaders of my electorate. Support via funding or appropriate training would equip both individuals and groups with the necessary tools to have a positive impact on our communities into the future.

One such group, the Committee for Echuca-Moama, was established in 2011 with the aims of addressing local issues in a unified way, growing and nurturing district leaders, fostering investment and developing both public and private partnerships within the community. I congratulate the Committee for Echuca-Moama, an innovative, strategic, independent not-for-profit organisation, on an initiative that places importance on local community interests and getting results. I believe the group displays strong leadership skills and places emphasis on community consultation as an integral component of the decision-making process while striving for successful and satisfactory outcomes for all.

I have supported the Committee for Echuca-Moama since its inception and offered my support to the group in a number of ways, including organising a meeting with the Minister for Regional and Rural Development in Echuca late last year. The group has the ability to speak with one voice and champion issues and projects to all levels of government in a unified way that no other organisation in the region has been able to do in the past. This proactive group does not pursue a single vested interest but rather represents the collective interests of a cross-section of businesses in the community and other stakeholder groups in Echuca-Moama.

The Committee for Echuca-Moama aims to implement a strategic plan to act as a guide for the organisation over the next three years. Membership of the group is at 40 and growing, with members from all areas of the community from industry sectors to non-government organisations and individuals with corporate or business backgrounds. The group has the support of the local Shire of Campaspe as well as large corporate organisations which hope to break down the barriers

and engage with important stakeholders across local, state and federal governments.

The Rodney community needs to continue to develop future leaders for its economic prosperity who aspire to take on leadership roles to help improve the economic and social interests of their community. With appropriate assistance from the state government for groups and individuals to foster both economic growth and resilience in the community, I look forward to what can be done to bring benefits to Echuca-Moama and the whole of the Rodney electorate, and hopefully the minister can help with programs that will stimulate economic growth and resilience in the communities of Rodney.

Sunshine Hospital: intensive care unit

Ms HUTCHINS (Keilor) — I rise to ask the Treasurer to take action by allocating the appropriate funding to establish an intensive care unit (ICU) at Sunshine Hospital in the forthcoming state budget. Why does Sunshine Hospital need an ICU? There are two main reasons: the current population demands and the growing population demands. By next year Sunshine Hospital will be the fourth biggest hospital in Victoria and the only one of the top 10 hospitals in Victoria that is without an ICU. Transfers from Sunshine Hospital to other ICUs have seen enormous growth over the last 18 months. In 2009–10 there were 357 transfers from Sunshine Hospital to other hospitals' ICUs, and in the last year, 2010–11, that grew to 415, a 16 per cent increase.

Labor made huge commitments to Sunshine Hospital over its term of government, with a \$51.6 million investment in the Western Centre for Health Research and Education, \$41.6 million for the Sunshine Hospital radiation therapy centre and \$90 million for an acute services building which is currently under way. However, with the extraordinary population growth that is predicted by the government's own current figures, this region will be the fastest growing in the whole of Australia. Currently, Western Health covers 775 000 residents, and Sunshine Hospital services most of these residents. It is anticipated that in next 15 years that population will grow by a further 260 000 residents. That is a 33 per cent population growth, putting extraordinary pressures on this very important hospital.

Compounding these issues of population growth are the areas of disadvantage that are covered in the western suburbs. Four of the 10 council catchment areas that Sunshine Hospital services — those being Brimbank, Maribyrnong, Hobsons Bay and Melton — fall within

the most disadvantaged areas in Melbourne. The outer west has comparatively poor health outcomes in general, with high rates of diabetes and extremely high rates of obesity.

Compounding these problems are lower numbers per capita of GPs, dental services and pharmacists and even lower rates of psychologists, dieticians, welfare workers and personal counsellors. All of this puts even more pressure on our hospital system in the west. On top of this, there is no Medicare centre located within the seats of Keilor or Kororoit. A lack of clinical care services at Sunshine Hospital is limiting the spectrum of clinical care services and increasing health risks to the patients most in need. I ask the Treasurer to fund an ICU at Sunshine Hospital.

Sport and recreation: South Barwon electorate

Mr KATOS (South Barwon) — It is my pleasure to rise this evening and request an action of the Minister for Sport and Recreation. The action I seek is for the minister to provide funding to support community projects in my electorate of South Barwon.

The Barwon Valley Fun Park at Barrabool Road, Belmont, is a regional playground facility connected to the Barwon River precinct. The playground has been there for many years and is in need of redevelopment in order to make it a modern play space. The first stage has been completed, but there is need for additional funding for the next stage. Extensive community consultation was undertaken by the City of Greater Geelong for the redevelopment of the play facility. The redevelopment of the play facility will equip the Barwon Valley Fun Park with new play equipment and landscaping and create natural play elements. I must commend Kardinia ward councillor Bruce Harwood for his strong advocacy on behalf of the community in putting the case forward for the Barwon Valley playground to be redeveloped and the need for state government funding.

The Geelong Veteran Cycling Club also has modest facilities. The Paraparap regional cycling development project involves the extension of the existing clubrooms to create new changing rooms for women competitors as well as a disabled toilet. The extension of the club facilities will benefit and encourage female participation whilst addressing accessibility issues at the clubrooms. I have visited the club on competition days and seen firsthand the fine job the club does in conducting well-managed and safe road races for men aged over 35 and women aged over 30. Funding will ensure that the fine work the club does continues and

that more people are able to access the facility, increasing participation in cycling.

Regional sport and recreation clubs and their facilities play a vital role in bringing Victorian communities closer together and giving locals places they can enjoy their sports and recreate. State funding will ensure that communities like Belmont and Paraparap will continue to improve the quality of existing facilities and foster community pride.

Victorian certificate of applied learning: funding

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Education, and the specific action I seek from the minister is for him to reinstate the \$48 million cut from the Victorian certificate of applied learning (VCAL) program. Victorians are rightly very angry with the Baillieu government for its \$48 million cut to the very successful VCAL program.

Members would know that VCAL is a very successful alternative to the VCE (Victorian certificate of education) program for many kids in the education system. It helps keep kids engaged in education through years 11 and 12 when some kids might not remain in school, and it gives them hands-on education and training opportunities, which in many cases lead to good jobs and in other cases to further training opportunities. This program is particularly important to kids with a disability because many of these kids will not go on to do VCE. VCAL is the only year 11 and 12 program that offers them engagement in those last years of school.

The cuts to this program were always particularly going to affect kids with a disability. That was foreshadowed in a letter dated 16 September 2011 from the Principals Association of Specialist Schools Victoria to the then shadow Minister for Education, Rob Hulls, the former member for Niddrie, on behalf of its students with disability, including autism, physical disabilities, intellectual disabilities and hearing impairments. The conclusion of that letter is:

Participation in VCAL offers many of our students an otherwise unavailable opportunity to gain credit towards studying at TAFE. Without this opportunity to continue to study and become independent adults these students will end up as recipients of government-funded day programs for the bulk of their adult life.

This is an indictment of this government — that it puts kids in a position where these experts in specialist education are saying that they could end up in

government-funded day programs because of the cuts to VCAL.

The minister should know about this, because there is a school in his electorate — Peninsula Specialist College — that does not have a VCAL program. It cannot establish a VCAL program because it needs coordination funding to run a VCAL program. It is a great local school; it is a dual-mode specialist school for kids with a full range of disabilities. The minister should go down to that school and talk to the people there about the need for coordination funding for VCAL so those kids have the same opportunities as kids in other parts of Victoria who are participating in the VCAL program. The fact that kids in the minister's own electorate cannot access VCAL is an absolute disgrace.

I urge the minister to have the strength to go to cabinet and argue for the reinstatement of VCAL funding, if not for education right across Victoria then certainly on behalf of his local community, where there are kids with a disability missing out on this great program because of the cuts this government has made.

Alamein neighbourhood and learning centre: men's shed

Mr WATT (Burwood) — My adjournment matter is for the Minister for Public Transport, and it is in regard to the proposal by the Alamein neighbourhood and learning centre for the provision of a men's shed at the Alamein railway station. The action I seek is for the minister to ensure that the men's shed is able to be completed as soon as practicable.

The Alamein neighbourhood and learning centre is a not-for-profit community-based organisation. It was incorporated in 1984 as the Alamein Community Committee. In 2008 the organisation changed its name to the Alamein neighbourhood and learning centre. It provides a positive focus for community involvement by community members, learners and volunteers. The centre is situated in the suburb of Ashburton, close to the Alamein railway station.

Alamein began as a public housing area within the suburb of Ashburton. Historically a large proportion of the local population was — and is still — deemed to be disadvantaged due to economic, health, social and educational factors. A large network has been established with community organisations and self-help groups in both education and community development. At present the Alamein neighbourhood and learning centre is the umbrella organisation for a variety of

projects that have been identified to meet the needs of the Alamein-Ashburton community.

The Alamein neighbourhood and learning centre has operated a men's shed for several years from a bus garage at 9 Samarinda Avenue, Ashburton. Due to a number of occupational health and safety issues related to the provision of these services from the garage, the City of Boroondara, together with several other local organisations, supported the Alamein neighbourhood and learning centre's application to the Department of Planning and Community Development for funding to redevelop the disused rooms at the Alamein railway station for the program. This location would be ideal, as it is situated across the street from the Alamein neighbourhood and learning centre.

The issues of men's health are of considerable interest to my constituents in the Burwood electorate, and the provision of a men's shed is considered an important step in helping to alleviate many health and mental health problems associated with men. The men's shed program involves regular meetings and social gatherings with a view to addressing health issues such as isolation, loneliness and depression. Men's sheds can play a practical and significant role in identifying and responding to these and other health and social issues.

Funding for the program has already been received. The centre has applied for a planning permit and has been negotiating with Metro Trains Melbourne for a sublease of the premises at Alamein. I ask the minister to ensure that issues that may cause delay are dealt with in a timely manner and that the redevelopment is able to be completed as soon as practicable.

Country Fire Authority: Mount Clear-Mount Helen station

Mr HOWARD (Ballarat East) — I wish to raise an issue with the Minister for Police and Emergency Services. In the last sitting week I asked the minister to take action in regard to progressing the construction of the Daylesford police station, which was funded by the former Labor government in its last budget of 2010. I am looking forward to his response on that issue. Tonight I am asking the minister to ensure that funding is allocated in the coming budget for the Mount Clear-Mount Helen fire station.

This is a fire station that was promised ahead of the last election by both sides of politics. The incoming government committed \$2.5 million for the construction of this fire station, and I was pleased to see that. It was not the amount that the former government had predicted would be necessary — it allocated

\$3.2 million. Either way, I am pleased, as are the residents of the Mount Clear-Mount Helen community, to see that this was promised by both sides of politics. Clearly it needed to be, because Mount Clear-Mount Helen is one of the 52 communities across this state that has been identified as of high fire risk and the nearest volunteer fire brigade is at Buninyong. Other than that brigade, the community relies on the Ballarat city fire station for professional firefighting services out there. But as was identified in the study undertaken by the Country Fire Authority, neither of the brigades can guarantee the turn out time that is recognised as being the standard required. Given that this is a high-fire-risk area, this needs to be addressed.

Clearly residents in this community were concerned that in the last budget of this government this funding did not come forward, particularly as they have had to live through another summer without it. We were fortunate during this last summer that we did not have a high incidence of fire and there was a relatively low fire threat. With another summer coming, the residents of Mount Clear and Mount Helen will be very keen to see that in the next budget period that station is budgeted for and constructed ahead of the next fire season.

Likewise, those involved with the Ballarat fire station are keen to see the \$700 000 promised to help upgrade their aged fire station. They are looking for funding, as is the Hepburn Springs fire brigade, again identified as a fire station that needs an upgrade. It is also in a high fire-risk area — as are so many of the areas across my electorate — and the brigade is looking to see that it gets the funding required for its fire station.

Ferntree Gully electorate: mobile business centre

Mr WAKELING (Ferntree Gully) — I wish to raise a matter with the Minister for Innovation, Services and Small Business, and the action I seek is for the minister to explore whether the mobile business centre provided by the Department of Business and Innovation could be made available to businesses within my electorate. Local industry is an important source of local employment, income and vibrancy. We have a range of small and medium size businesses operating throughout Ferntree Gully, Rowville, Lysterfield and Boronia. Many are operating in retail establishments, whilst there is also a strong suite of professional and disability services, high-tech and light industry. In the municipality of Knox, statistics from 2011 demonstrate that there were 76 180 people working in the municipality, and in 2009 there were 13 072 registered businesses. Of those businesses, 45.9 per cent had a turnover of less than \$100 000. As members can see

from the statistics, there is a high proportion of small and medium size businesses that operate within our municipality.

In my previous employment, working for an industry association as an industrial adviser, I understood the significance of providing up-to-date and relevant information to small businesses. This is an important service that is necessary for my small business community. I note in my discussions with them that many local retailers want more information about small business services offered by the Victorian government, as well as access to this successful program.

In accordance with its website, the mobile service is operated in collaboration with the Small Business Mentoring Service. It offers free business mentoring and face-to-face assistance at many of its locations.

Business mentors will work with individual businesses for a period of 45 minutes. They will provide advice in a range of areas, including developing effective marketing strategies and a business plan, costing and pricing for products and services, calculating break-even points, improving cash-flow management, identifying new opportunities and markets and how to research these, improving the viability of businesses or business ideas and improving internet marketing. It is an important service that would provide a boon not only for my community but throughout Victoria. It was introduced by the former government in 2010 and was primarily focused on regional Victoria. This government has sought to expand the service into metropolitan Melbourne, and I call upon the minister to take action to provide this service to my community.

Responses

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Ferntree Gully eloquently puts a case for additional small business assistance in his electorate of Ferntree Gully. As the member indicated, the mobile business centre started in 2010. It was the brainchild of the previous Small Business Ministerial Council. The chair, David Mann, who is also acting as chair under this government, came up with this brilliant idea.

As indicated by the member for Ferntree Gully, previously that service only went to regional Victoria. We are now ensuring that it will go to regional Victoria and also metropolitan Melbourne. In doing that we are asking this service to provide a greater number of visits. If we look at the 2011 figures, we see that 81 locations were visited, the number of sessions offered was 526 and the number of mentoring sessions booked was 453.

There was such a large demand for this service and so many walk-ups that 323 follow-up sessions were required.

We are very pleased with the way this service is working. As the member for Ferntree Gully indicated, it allows small businesses to find out about the range of services offered by Business Victoria and the rest of the Department of Business and Innovation and, more importantly, to get access to the small business mentoring service, through which a range of private sector mentors advise small businesses on whatever they require advice on. It is a very good service and has upped its work substantially from 2010 to 2011.

I am delighted to respond to the member for Ferntree Gully by assuring him that I will ensure that the mobile business centre will visit Ferntree Gully this year.

Mr DIXON (Minister for Education) — I do not think the member for Lara is here, but I will respond to his matter anyway. He asked for action on two matters. The first was for funding for the second stage of the Northern Bay College regeneration project. This is an excellent project. It is interesting that part of the first stage of it was to be funded by the sale of land when a number of schools were closed to form the regeneration project.

When the member raised his second matter, regarding Nelson Park special school, he seemed to intimate that we were going to do a horrible thing and sell land from one of the campuses. Governments of all persuasions sell land when schools have been closed down. We are going through the budget processes at the moment. There are obviously many calls on the capital works budget. I have inherited over 200 schools that have completed the master planning stage or are even ready to go out to tender. They went through this process under the previous government and were promised a pot of gold at the end of it. Obviously when you have that many schools lined up — plus other schools, new schools and land that needs to be purchased at the same time — all these projects cannot be funded within a couple of years. However, we are going through that process now, and I am well aware of the situation at Northern Bay College.

The second issue the member raised was regarding Nelson Park special school. I inform the member that the options for senior students are still being considered; no firm decisions have been made about that matter.

The member for Bundoora raised with me the issue of the Victorian certificate of applied learning (VCAL).

He said a number of schools have pointed out to him through a questionnaire or something that there are issues with VCAL and that schools that want to start the program are unable to do so. I inform him that, despite the dire warnings of those opposite, 15 schools have taken on VCAL this year. We no longer have funding for the coordination of VCAL programs, but 15 schools have felt that the VCAL program is important and have been well able to take it on without that funding. As the program grows — and as I said, we have 15 new schools taking it on — the funding for it grows as well. Growth funding is built into that.

Mr Brooks — On a point of order, Deputy Speaker, I seek your guidance. The matter I raised for the minister was in relation to a specific school in his electorate that cannot run a VCAL program. He has referred to a number of different schools —

The DEPUTY SPEAKER — Order! I listened intently to the member's adjournment matter. He spoke very broadly before he went on to talk about a school in the minister's electorate. I believe the minister is responding to the member's adjournment matter.

Mr DIXON — Interestingly I worked out that with the amount of money this government has to pump into the desalination plant I could employ one teacher per hour, 24 hours a day, 7 days a week for 52 weeks a year. These are the sorts of things we inherited, and these are the sorts of issues we face.

As I said, VCAL is a great program. We are funding the growth of the program. We have 15 new schools taking it up. The VCAL program, which is fantastic, has matured to the stage where it can still operate in schools. All schools are continuing with the program, and 15 new schools have taken it up.

Mr MULDER (Minister for Public Transport) — The member for Burwood raised an issue with me in relation to the Alamein neighbourhood and learning centre's redevelopment proposal for the Alamein railway station to provide a men's shed. There is no doubt the member for Burwood takes a great interest in men's health in his electorate. He is very much aware of the issues of depression, lack of inclusion and loneliness that quite often exist with men, particularly when they retire. They do not seem to integrate or have the same social networks that women have. Men have a tendency to sit at home.

The member for Burwood has raised this issue with me. He is very keen to get a men's shed up in his electorate. Under the partnership between the government and Metro Trains Melbourne, responsibility for leasing

space at a railway station precinct rests with Metro. Metro discovered asbestos in the Alamein railway station building when it started to look at and do an analysis of that building. I have been in regular contact with the member for Burwood in relation to the works that have been proposed at that particular location for a men's shed. I can advise the member that, thanks to the work he has put in and his very strong lobbying, the safety concerns at Alamein railway station have recently been addressed. I am advised that Metro's commercial development manager will be in contact with the Alamein neighbourhood and learning centre shortly to progress the matter of making this space available.

I thank the member for Burwood for the great representation he has made on behalf of the men in his electorate. Men's health is a very important issue. I look forward to working on this project with the member for Burwood as Metro continues its negotiations with his organisation.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to the matters raised by the member for Evelyn and the member for South Barwon. The first matter, which was raised by the member for Evelyn, was in relation to the Mount Evelyn community youth activity node. The member highlighted the fact that a lot of work has been going on out there, particularly with Yarra Ranges Shire Council, which has made a funding submission to my department for the Mount Evelyn youth activity node. The member for Evelyn highlighted the fact that I have been out to her electorate. I enjoyed going out there in the run-up to the election in 2010 and obviously the many visits since, particularly the opening of the Mount Evelyn Tennis Club. The member was right: they did beat me last time I was out there. We will have to have another game, because it is one-all at this stage. We will have to have a rematch.

The member for Evelyn spoke about the fact that riding a bike is a difficult thing to learn if you have not got the facilities, and this facility would allow for that to happen. This matter highlights the fact that last Friday was a Ride2School day, and many hundreds of thousands of kids across Victoria used the opportunity to ride to school. When I was a young fellow going to school about 80 per cent of students rode or walked to school; sometimes they even rode a horse. Unfortunately today only about 20 per cent of students do that. Most students are driven to school because of the idea of stranger danger or whatever it might be. Being physically active through riding is a very important part of the upbringing of young children, so I

am very keen to work with Yarra Ranges Shire Council on this matter.

Tonight I can announce that \$50 000 will be provided to the council to go towards the stage 2 development of the Mount Evelyn youth activity node. As the member for Evelyn has already highlighted, the upgrade will develop a creative and active play space for children and also a three-quarter size basketball court for young people. Last night the most valuable player awards for basketball were made right across Australia. The third thing the upgrade will provide is a training area for children to learn how to ride their bicycle or tricycle. This is a great program, and it is great to realise what we can do by working together with local government to ensure that local communities have the facilities they need to provide for the growth in demand, which is great.

The second item was raised with me by the member for South Barwon, who is a very active member of Parliament and also an active member of his community. He is doing some great work in the area around Geelong. Again there is a need for facilities to be upgraded. Recreational facilities and clubs play a vital role in bringing Victorian communities closer together by giving locals a place where they can enjoy sport and leisure activities. As a government we are very keen to invest in high-quality, accessible community sport and recreation facilities across Victoria, so I am pleased to inform the member for South Barwon that we will contribute about \$90 000 to the two projects he has announced in the Geelong region.

The first contribution is \$80 000 to upgrade the play space at the Barwon Valley Fun Park play facility in Belmont, an excellent project which has been very well put together by the City of Greater Geelong and has a high ranking. The other project is in relation to the Geelong Veteran Cycling Club. The member for South Barwon spoke about the club's need to facilitate more women in particular taking up the sport of cycling. As a government we are very keen to work with female community members, and this project will allow that to happen. I can announce that nearly \$10 000 will go towards extending the clubrooms at Paraparap. That will build on the work that has been done by people such as Cadel Evans, which has really got people to be more active in cycling. Well done to the member for South Barwon on his advocacy for his community and the great work done by the community down in South Barwon.

Mr RYAN (Minister for Police and Emergency Services) — The member for Rodney raised with me

an issue which is of great significance in all the electorates represented across the Parliament. It is to do with action that can be taken to stimulate even further economic growth and resilience in the communities which the member represents. This is obviously a vitally important matter. It deals with two incredibly important elements of community involvement, the first being the capacity to grow further jobs, to retain the ones we have and to be able to further develop our competitive edge in a variety of environments. The second is to do with building community resilience and making sure that, as and when circumstances arise, we have people in leadership roles who are able to accommodate the needs of whatever might be pressed upon communities, particularly at a time of impending disaster such as fire, flood or otherwise.

I am pleased to say that I am able to offer assistance to the member in relation to two projects of great importance to his electorate. The first of these is the assistance available for the Committee for Echuca-Moama Plan. This is an empowering vision involving strategic planning for the Committee for Echuca-Moama for 2012–15. It is a three-year strategic business plan. Its basic function is to engage those people across the community who have economic interests and who wish to come together for the purposes of developing strategies that are going to see the enhancement of their respective organisations.

It might be, for example, that a particular individual can come together with others in the electorate who have similar interests in relation to a business in order to further develop opportunities for the collective output of their respective businesses in a way that gives them a benefit and brings additional employment to the electorate. It also means that you are able to tap into different people across different segments of the community and that you get a good mixture of skills among the people who are involved in a project such as this. Therefore I am pleased to be able to tell the house that \$20 000 will be committed to this initiative.

The other issue relates to the shire of Moira. As members would know, the Moira shire has taken a fair sort of a pounding recently as a result of the floods. When I was up there only a few days ago going through places such as Numurkah and Nathalia it was self-evident that in the town of Numurkah in particular a considerable amount of damage has been done as a result of the recent floods. In the region generally, as you travel across it, you can see something in the order of 90 000 hectares is under water, although the water is slowly ebbing away as it makes its way to the Murray. There is an established need across the municipality of Moira. That is why recent declarations have been made

which will see natural disaster relief and recovery arrangement funding being made available to Moira as we work with the municipality to repair the damage that has occurred as a result of the recent floods. This funding will also enable us to work with local communities in the clean-up and recovery that must inevitably occur as a result of these unfortunate events.

In this case I am pleased to be able to say we think the support of the Moira Shire Community Leadership program is very important. It is through these programs that we are able to develop leaders in our communities. As you go through the different towns that have been impacted by the floods, it is evident that people have risen to the occasion and have been able to offer leadership roles in those communities to make sure that everything conceivable can be done to protect the towns in the first instance and then to help with recovery beyond that. Then outside that, given the scope of these disasters, it is a good thing to have as a matter of course additional leaders in communities engaged in all sorts of activities which are going to further enhance them.

I am pleased to say therefore that we are committing \$66 800 to the Moira Shire Community Leadership program. It is a three-year program. It requires a significant commitment on the part of the participants, and all credit to those who are prepared to put up their hands and be involved in this. We think it is incumbent upon us as a government to support those folk, so this grant will be made available through our Putting Locals First program within the \$1 billion Regional Growth Fund.

A matter was raised by the member for Ballarat East regarding the fire station for Mount Clear and Mount Helen. He also made mention in passing of the Ballarat and Hepburn Springs fire stations, if I heard him correctly. As he understands, these are operational issues for the Country Fire Authority. We have made a very substantial financial commitment to the CFA to enable it to undertake a significant program of renovation and reconstruction and building of fire stations. I will take up this matter with the CFA, and I will report back to the member in relation to the specific initiative to which he referred tonight.

Insofar as Ballarat is concerned, I have visited that facility myself. I acknowledge that work needs to be done in relation to that fire station, and there is a similar situation at Hepburn Springs. Without being churlish about it for one moment, the fact is that for the first time in about the last 10 years these communities are now being offered a realistic opportunity to have the work done. That is why we as a coalition government

have provided money to the CFA to enable that to happen. I am sure the member had been seeking these opportunities from the former government, of which he was a part for many years. I hope that we as a coalition government can deliver upon what his government never could.

Mr McINTOSH (Minister for Corrections) — It is a matter of some note that during the adjournment debate tonight there were some seven ministers in the chamber, five of whom responded to substantive issues. Indeed I note the Minister for Multicultural Affairs and Citizenship was here for the vast majority of the time and has only just left the chamber. This is a significant difference between this government and the former government. I see the member for Richmond at the table. When in government he was quite often the only minister in the chamber responding to adjournment matters. However, it is a matter of some credit to this government that it is treating the adjournment debate as a fair dinkum way for members to raise those matters of some concern in their electorates.

The member for Keilor raised a matter for the Treasurer in relation to the funding of an intensive care unit at Sunshine Hospital, and I will ensure that that matter is passed on to the Treasurer.

The member for Thomastown, in what can only be described as an irrational rant, raised something with the Minister for Employment and Industrial Relations, asking for the minister to meet with workers and their unions, particularly the Amalgamated Metal Workers Union, to discuss jobs issues. I will ensure that that matter is passed on to the minister.

The DEPUTY SPEAKER — Order! The house is adjourned until tomorrow.

House adjourned 10.50 p.m.

