PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 12 December 2012

(Extract from book 19)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Eren, Mr Languiller, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Dr Sykes, Mr Thompson, Mr Tilley, Mrs Victoria and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:
The Hon. E. N. BAILLIEU

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

Leader of The Nationals and Deputy Premier:
The Hon. P. J. RYAN

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

Leader of the Parliamentary Labor Party and Leader of the Opposition:
The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank [5]	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane [6]	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin [3]	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kanis, Ms Jennifer [4]	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 21 July 2012
[5] Elected 19 February 2011
[6] Resigned 7 May 2012

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WEDNESDAY, 12 DECEMBER 2012

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Wednesday, 12 December 2012

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

DISTINGUISHED VISITORS

The SPEAKER — Order! Before commencing proceedings this morning I acknowledge the Honourable David Hawker, former Speaker of the federal Parliament and former federal member for Wannon. We welcome him here to the Parliament of Victoria. It is good to see him here.

An honourable member — He's keeping an eye on you!

The SPEAKER — Order! This may be an opportunity for you, David, so just keep watching!

PROTECTIVE SERVICES OFFICERS: PARLIAMENT HOUSE ATTACK

The SPEAKER — Order! Last night I gave an undertaking to the house that I would report on the condition of James, the protective services officer who was attacked last night. The report is that his condition is serious but stable. He sustained fractures to his head. He underwent surgery last night, and I understand the surgery went very well. James is conscious, and he is talking to members of his family this morning. We can only wish him well and hope that his recovery is quick and that he can be back with his family before Christmas.

I understand that the Premier and the Leader of the Opposition will be making statements immediately before question time; maybe there will be a little more information available for us to report to the house then. We thank members.

CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Crimes Act 1958 and the Sentencing Act 1991 to insert new offences of causing serious injury intentionally or recklessly in circumstances of gross violence, to provide for a minimum non-parole period in certain circumstances for those offences, to amend certain definitions of injury and serious injury and for other purposes.

Read first time.

COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Constitution Act 1975, the Supreme Court Act 1986 and the County Court Act 1958 to provide for the office of reserve judge, to amend the Magistrates' Court Act 1989 to provide for the office of reserve magistrate, to repeal the offices of acting judge and acting magistrate and to consequentially amend the Judicial Salaries Act 2004 and other acts and for other purposes.

Ms HENNESSY (Altona) — I ask the Attorney-General for a brief explanation of the bill.

Mr CLARK (Attorney-General) — This bill abolishes the pernicious acting judges regime introduced by the previous government, which was widely condemned at the time, and replaces it with a reserve judges and magistrates regime based solely on former tenured judicial officers holding those positions.

Motion agreed to.

Read first time.

JURY DIRECTIONS BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to simplify and clarify the law on jury directions in criminal trials and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 3 to 12 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Higher education: TAFE funding

To the Legislative Assembly of Victoria:

The petition of members and supporters of the Uniting Church in Australia (Synod of Victoria and Tasmania).

We respectfully point out to the house that the Uniting Church recognises and affirms the responsibility of government to ensure that everyone has adequate opportunities to access quality education consistent with their interests, abilities and aspirations.

We note with concern the impacts of the surprising and unexpected reduction in TAFE funding announced by the Victorian government, in particular: widespread closure of facilities; cancellation of courses; fee increases; and adverse impacts upon rural communities.

The petitioners therefore request that the Legislative Assembly review this funding decision in the light of the constant need to enhance the skills of our society and the consequent need to develop rather than curtail the TAFE sector.

By Mrs FYFFE (Evelyn) (425 signatures).

Housing: government policy

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the discussion papers released by the Department of Human Services Victoria on options for the provision of public and social housing.

In particular, we draw the house's attention to the following concerning options entertained by these papers:

1. an increase in rent paid by tenants above the current 25 per cent of income;

2. the introduction of limited tenure, regardless of tenant circumstances;

3. the potential loss of public housing stock.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to categorically rule out these options and guarantee that they will protect affordable and secure public housing for those who need it as a fundamental right to shelter.

By Mr WYNNE (Richmond) (19 signatures).

Irrigation: Goulburn Valley infrastructure

To the Legislative Assembly of Victoria:

The petition of the Goulburn Valley Water Action Group, irrigators and residents of northern Victoria draws the attention of the house to our concerns over the current legal form of the community water supply access agreements, the decommissioning of irrigation infrastructure in northern Victoria and the very serious and far-reaching consequences that the implementation of these policies will have for this region.

The petitioners therefore request that the Legislative Assembly of Victoria discontinue the shrinkage of the irrigation system and the decommissioning of irrigation infrastructure in northern Victoria until such time as a full public inquiry has been conducted into the need for shrinking the irrigation system and to establish the best means of providing irrigation services in this state. These inquiries should explore all possible options including the use of large-scale, irrigator-owned cooperatives as used successfully in all other states of Australia and internationally.

By Mr WELLER (Rodney) (854 signatures).

Bacchus Marsh bypass: route

To the Legislative Assembly of Victoria:

Petition of the residents of the district of Bacchus Marsh, Victoria, draws the attention of the house to the recent decision by the planning minister to refuse a permit to allow the construction of a roundabout at the Woolpack Road intersection on Bacchus Marsh Road and the planned rerouting of the associated truck bypass along the Werribee River course which is unacceptable to us. The proposed alternative is unsuitable because it prevents the planting of an additional commemorative avenue to enable the community to honour local servicemen and women that have served in conflicts after World War I, will cause severe and adverse environmental damage to the Werribee River, will cause the destruction of many protected ancient river red gum trees, will require the loss of a large amount of valuable market garden farmland and public parkland and is unsuitable as a solution for removing heavy vehicles from central Bacchus Marsh.

The petitioners therefore request that the Legislative Assembly of Victoria rescind the decision by the Minister for Planning to not allow the truck bypass and instruct that a permit be issued to enable an immediate commencement of construction of the bypass and allow the planting of an additional commemorative avenue.

By Mr KATOS (South Barwon) (1801 signatures).

Tabled.

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Mr ANDREWS (Leader of the Opposition).

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

STANDING ORDERS COMMITTEE

Use of social media in the Legislative Assembly and reflections on the office of Speaker

Mrs FYFFE (Evelyn) presented report and appendix.

Tabled.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Effective decision making for successful delivery of significant infrastructure projects

Mr ANGUS (Forest Hill) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

ROAD SAFETY COMMITTEE

Motorcycle safety

Mr THOMPSON (Sandringham) presented report, together with appendices, extract from proceedings and transcripts of evidence.

Tabled.

Ordered that report, appendices and extract from proceedings be printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Livability options in outer suburban Melbourne

Ms McLEISH (Seymour) presented report, together with appendices, extracts from proceedings, minority report and transcripts of evidence.

Tabled.

Ordered that report, appendices, extracts from proceedings and minority report be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Learning Technologies in Government Schools — Ordered to be printed

Management of the Provincial Victoria Growth Fund — Ordered to be printed

Ombudsman — Own motion investigation into the governance and administration of the Victorian Building Commission — Ordered to be printed

Transport (Compliance and Miscellaneous) Act 1983 — Taxi Industry Inquiry Final Report, Customers First: Service, Safety, Choice under s 191ZD.

PARLIAMENTARY COMMITTEES

Reporting dates

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

1. That the resolution of the house of 28 March 2012 relating to the Law Reform Committee be amended to extend the reporting dates for:

   (a) the inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers, to no later than 5 March 2013; and

   (b) the inquiry into the creating, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people, (known as 'sexting'), to no later than 18 April 2013; and

2. the resolution of the house of 8 December 2011 be amended to extend the reporting date for the Outer Suburban/Interface Services and Development Committee inquiry into growing the suburbs: infrastructure and business development in outer suburban Melbourne to no later than 29 May 2013.

Motion agreed to.

MEMBERS STATEMENTS

Public transport: fare zoning

Ms CAMPBELL (Pascoe Vale) — I have been working with the member for Thomastown and Moreland City Council to ensure that all Moreland is covered by zone 1 fares. The distinction between zone 1 and zone 2 fares is portrayed merely as a way of separating inner suburbs from outer suburbs, a slippery distinction which does not really mean much, as the information I will outline demonstrates.

Here are some interesting facts. Tram passengers travelling on routes 75, 86 and 109 can use a zone 1 ticket until the end of the tramline, as the zone 1 and zone 2 overlap extends to the very ends of these lines. That means travellers on these routes enjoy zone 1 fares as far as Vermont South, 21 kilometres from the city. In a letter to me the Minister for Public Transport makes the case that the changeover from zone 1, including the zone 1 and zone 2 overlap, is approximately the same on all routes. This is not the case for tram-train travelling.

Let me outline how this is the case. On the Upfield line the first railway station in zone 2 is Gowrie, 16 kilometres from Melbourne. The station before it is Fawkner, 14.4 kilometres from Melbourne, yet on the Pakenham and Cranbourne lines Clayton railway station is 19.2 kilometres from the CBD, and the station before it, Huntingdale, is 17 kilometres from the central area. On the Craigieburn line Jacana is 16.6 kilometres — —

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

Opposition: performance

Dr SYKES (Benalla) — 'Twas the night before Christmas when all through the house not a creature was stirring, not even a mouse. Actually, two little rodents, affectionately known as rug rats, had woken up and snuck down to the Christmas tree to open some presents. The rug rats — Jimmy and Timmy — were very quiet so as not to wake Daddy Dan who, wearing a look of despair, was fast asleep in his chair.

Timmy opened his present with joy, for it was a great big Tonka toy. With it he could build sandcastles by the sea near that special place called Wonthaggi. Jimmy's present was a shiny tin with Monbulk jam within. Jimmy and Timmy were so happy. Together they looked up to the top of the tree, and where an angel should be they saw a beautiful princess, who said, 'Look at me, look at me! I beat you both to the top of the tree'. The princess then climbed down from the tree and, together with Jimmy and Timmy, sat on Daddy Dan's knee. Then, as they patted his head, together they said, 'Daddy Dan, Daddy Dan, please show us your plan!'.

Woodend Primary School: maintenance

Ms DUNCAN (Macedon) — I rise to raise the matter of maintenance issues at Woodend Primary School. A 2011 audit identified about $180 000 worth of capital works that needed to be undertaken. The most critical element is the redevelopment of the basketball court and associated retaining wall, which is having an impact on the delivery of the school's sports program. Following several requests by the school, a consultant was appointed midyear to commence a scope of the work required to redevelop the court and the retaining wall. However, it would seem that that has now stalled and only the retaining wall will be addressed. That is bizarre because it will still not provide the school with access to the court.

The school, Rob Mitchell, the federal member for McEwen, and I have raised this issue, and a member for Northern Victoria Region in the other place even did a publicity shot, but still there are no works, no funding and no audit report. Yet another audit has been done — presumably in the hope that the court will somehow fix itself — but it has not yet been released, despite the Minister for Education stating that it would be available some months ago. The school is continuing to raise this urgent maintenance issue with the regional office, as it was advised to do. It is critical that this issue be addressed so that Woodend Primary School can offer its sports program in 2013. The school council and community are very keen for this work to be done during the holiday break. Woodend Primary School is a great school and is the only government primary school in Woodend.

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

Libraries: Lake Bolac and Ararat

Mrs POWELL (Minister for Local Government) — On 6 December I had the honour of officially opening the new Lake Bolac library and launching the new Ararat outreach library vehicle. I was joined by the very proud local member, the member for Lowan; the mayor of Ararat Rural City Council, Cr Ian Wilson; the CEO, Andrew Evans; all the councillors; and many members of the local community, including students and teachers from Lake Bolac P–12 College. The Victorian government provided $180 000 towards the total cost of $240 000, with the Ararat council and the Lake Bolac Development Association each providing $30 000. The Victorian government also provided $45 000 and the Ararat council $15 000 for the new outreach library vehicle.

Tatura: sewerage works

Mrs POWELL — On Friday, 7 December, I was pleased to represent the Deputy Premier and the Minister for Regional and Rural Development at the premises of Tatura Abattoirs Pty Ltd to announce that the Victorian government will provide $200 000 from the Regional Growth Fund to Goulburn Valley Water for the construction of a new sewer pump station, a 1600-metre sewer main and a connection to the existing sewer main, which will allow increased production for the abattoir and other industries in Tatura. I was joined by the mayor of Greater Shepparton City Council, Cr Jenny Houlihan; the chairman of Goulburn Valley Water, Mark Lawlor, who announced a contribution of $200 000; and managing director of Tatura Abattoirs, Mr Justin Gathercole, who announced a contribution of

$200 000. This expansion will allow Tatura Abattoirs to expand its production by 40 per cent. It is investing $5 million to increase production.

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

Lorraine Kilbane and Joanne Kosylo

Ms HUTCHINS (Keilor) — I rise to talk about some extraordinary women who live in my electorate. Firstly, Lorraine Kilbane, a Taylors Lakes resident, is a working mum with two teens and is an active worker in the beauty and airline industries who donates her spare time to charity. She recently raised over $3000 for beyondblue's campaign to raise awareness of youth depression by swimming 102 laps in 47 minutes. She did a most extraordinary job. On top of that Lorraine is working to improve support services for working families, not just in our local area but also across Victoria and Australia, as part of an ongoing project.

Another extraordinary woman in my electorate is Joanne Kosylo. Joanne has started her own not-for-profit organisation called Support for Mums and their Families, which assists mums and their families through times of circumstantial crisis. It offers information and referral, practical assistance and funding where needed to ensure that practical tasks are carried out to relieve pressure on families. Joanne has two children of her own. Having been a full-time working mum in the past, she is now dedicating her time to setting up this amazing organisation with great dedication and passion. I am proud to have a resident such as Joanne, who lives in Taylors Lakes, putting her time and effort into — —

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

Protective services officers: Parliament House attack

Mrs FYFFE (Evelyn) — Last night's events have affected everyone in this place. Our thoughts are with James, the injured protective services officer, his family and all his work colleagues. We thank you for the work you do in protecting us in here and in the many other places you are stationed. You are fine men and women, and we are proud of you and your professionalism.

Shire of Yarra Ranges: ethical paper pledge

Mrs FYFFE — I would like to congratulate the new councillors on the Yarra Ranges Shire Council for their sensible, common-sense decision last night to repeal the previous council's ethical paper pledge. Their sensible, long-term vision for the Yarra Ranges has seen the councillors rescind their signatures from the ethical paper pledge. Common sense has finally been restored to council, which will allow potential for new employment and investment in communities such as Yarra Glen.

I will now advocate, as I am sure my colleagues the members for Seymour and Gembrook will, for the Minister for Agriculture and Food Security, who is also the Minister for Water, to reconsider relocating the VicForests head office to Yarra Glen. Many of the communities in the beautiful Yarra Valley were built on the back of logging. It is an important part of our history and our future.

Christmas felicitations

Mrs FYFFE — I will not get another opportunity, so I will grasp these few minutes to send good wishes to all those who work so hard in Parliament House to ensure the smooth running of Parliament and who assist in serving us professionally. This includes the attendants and clerks, and the catering, cleaning, Hansard, library, IT and security staff. I thank you all for the courtesy and professional assistance you have shown me in the nine years I have spent in this place. Thank you, and have a great Christmas and a well-earnt rest. I appreciate the courtesy you have shown to me personally.

Mary Bluett and Brian Henderson

Mr HERBERT (Eltham) — I rise to acknowledge the tremendous contributions to Victorian education and the teaching profession of Mary Bluett and Brian Henderson. Both have held senior education union positions for over 30 years, first heading up the Victorian Secondary Teachers Association in the early 1980s and then the Australian Education Union (AEU) when the three teacher unions amalgamated. They have been instrumental in reducing class sizes in Victorian government schools, lifting standards of school education, raising the status of teachers and ensuring that Victorian teachers enjoy conditions equal to world best practice.

They have been two of this state's most successful union leaders when it comes to unifying, strengthening and mobilising the membership around campaigns central to the teaching profession and state education. The campaign to oppose the savage Kennett government education cuts and the current campaign to make Victorian teachers the highest paid in the country are but two notable campaigns. Today the Victorian branch of the AEU has one of our state's largest

membership bases, growing from 22 000 in 1997 to 51 000 today.

This year Mary and Brian will be retiring from their union positions and moving to new stages of their lives. Tonight at the Abbotsford Convent their union and educationalists from across the country will gather to pay tribute to their enormous contributions to the teaching profession. Whilst we have often had differences of opinion and engaged in tough campaigns, all members on this side of the house, and perhaps a few on the other side for different reasons, wish Mary and Brian well in their retirement. We look forward to working with them in other capacities in the future.

Hospitals: federal funding

Mr HODGETT (Kilsyth) — What the hell is the Victorian Labor opposition doing about the federal Labor government's savage funding cuts to Victoria's health system? How can Labor members sit on their hands, remain silent on the issue and watch their master, Prime Minister Julia Gillard, cut state health budgets savagely halfway through the financial year? For heaven's sake, do you not realise that this will hurt Victorian hospitals and Victorian families, or do you not care? The states are facing a $1.6 billion cut in commonwealth health funding for public hospitals. The federal government is trying to justify its cash grab on the absurd basis that Victoria's population actually fell by more than 11 000 in 2011, but its own statistician has caught it out and produced figures that confirm that Victoria's population grew by 75 400 people in 2011. The ALP is not good with figures, is it?

Surely the Leader of the Opposition, the member for Mulgrave, can get off his backside and get on the phone to his federal ALP mates in government and tell them that the commonwealth health cuts are going to directly impact on hospital front-line services. For once put Victorians first instead of your Labor mates in Canberra. Do you not care about waiting lists? Do you not care about patient care? Do you not care about Victorians or our hospitals and health system?

State governments of all political persuasions can recognise a bad deal when they see it, which is why six states have united to fight these federal health funding cuts. The South Australian and Tasmanian Labor governments have now joined with the coalition governments of Victoria, New South Wales, Queensland and Western Australia in opposing the cuts, so join with us, Leader of the Opposition, and stand up and speak up for all Victorians.

Frankston Multicultural Community Network: annual general meeting

Mr PERERA (Cranbourne) — It was with great pleasure that I recently attended the Frankston Multicultural Community Network's annual general meeting. This was followed by a multicultural performance. I congratulate Thelma Christiansen, Katina Nomikoudis, Anastasia Kipouropoulos, Melanie Ridge and all of the volunteers involved with the Frankston Multicultural Community Network. The previous Labor government supported this group with a Victorian Multicultural Commission grant to assist with the start-up, formation and running costs.

The network has had many achievements, some major ones being: the establishment of a Frankston Multicultural Community Network reference group made up of culturally and linguistically diverse (CALD) residents within the city of Frankston and key local service agencies; recruitment of a community development project worker; development of rapport and trust between the community development worker and the CALD communities; the establishment of an office space where CALD groups and individuals feel comfortable to drop in; providing disengaged community groups with a sense that there is a different type of organisation than currently exists which will represent their needs; and advocating for gaps in service delivery and culturally relevant and accessible services through participation in consultative meetings and compiling formal submissions.

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

Country Fire Authority: Somerville brigade open day

Mr BURGESS (Hastings) — On 25 November the Somerville volunteer fire brigade held another very successful open day. The open day was used to raise much-needed funds to support the burns unit at the Royal Children's Hospital. In October I wrote to Mornington Peninsula Shire Council to seek its assistance for this open day, and as was the case last year council was more than happy to support this special fundraising event with a range of prizes. I congratulate the Somerville fire brigade on another successful open day.

Peninsula Link: community day

Mr BURGESS — Congratulations to Peninsula Link on the great success of its community day held on 25 November. The open day provided an excellent

opportunity for members of the public to walk on Peninsula Link at the Cranbourne Road interchange in Frankston before it opens to traffic. It was a fun day for all the family with loads of entertainment and educational activities, including an electric vehicle display. I congratulate Southern Way and Abigroup on hosting this very successful community day and wish them every success in completing Peninsula Link and opening it to traffic in the very near future.

Hastings electorate: Christmas card competition

Mr BURGESS — I would like to thank the primary schools in my electorate that again participated in my Hastings electorate Christmas card design competition. Many colourful and expressive entries were received from students across the electorate wanting to communicate their individual and vibrant Christmas message. The winner of the competition is a student at St Jude's Primary School, an excellent school in Langwarrin. I would like to congratulate all students who submitted an entry and thank the schools for their involvement and the teachers for their assistance. All entries can be viewed in the front window of my electorate office until 31 December.

Country Fire Authority: Somerville brigade

Mr BURGESS — I would like to congratulate the Somerville fire brigade on the 70th anniversary of its formation as a volunteer fire brigade. Guests, members and friends attended a celebration dinner and annual awards presentation on 30 November. This is an important milestone for the Somerville fire brigade, and the celebration was fitting for the important place this excellent brigade holds in its local community.

Planning: Footscray development

Ms THOMSON (Footscray) — The Minister for Planning is overseeing a planning disaster in Footscray. He is responsible for approving the construction of towers in Footscray without ensuring that the proper infrastructure is in place — road, rail, tram, pedestrian and bicycle access as well as community facilities. Towers are being constructed one at a time without a comprehensive plan. The community cannot withstand approvals that have been put in place to date for towers of 25 storeys, 32 storeys, up to 18 storeys and another at 19 storeys — all above the height limits recommended by the council planning scheme.

The minister should get in at the planning stage to make sure that Footscray has the infrastructure in place before he approves residential towers which will limit access for people to move freely about the municipality. It is a disgrace that he sees Footscray as a place where towers can be built without any consideration for livability in the municipality, including the capacity for people to access the services they need to access. He needs to go back to the drawing board and put in place a strategy for the development of Footscray that brings in jobs and responsible height levels for the benefit of Footscray residents.

Hospitals: federal funding

Mrs BAUER (Carrum) — I commend the member for Kilsyth on the members statement he has just delivered, highlighting savage commonwealth cuts to hospitals. I look forward to addressing this matter in the debate on a matter of public importance.

Joyce Davis

Mrs BAUER — It is with great sadness that I pay tribute to Joyce Davis, MBE, who passed away on 29 November. Joyce was a much-loved member of the Chelsea community and ambassador for the City of Kingston junior mayor event for more than 55 years. My condolences to Joyce's family.

Pink Ribbon Breakfast by the Bay

Mrs BAUER — On 28 October I had the pleasure of attending the Pink Ribbon Breakfast by the Bay in Edithvale. The annual breakfast raises much-needed funds for the National Breast Cancer Foundation. Over 400 people attended. I thank Maria Wilton for having organised this terrific event for many years.

McHappy Day

Mrs BAUER — I joined staff and customers at McHappy Day at Chelsea Heights McDonald's, and we all had fun. The friendly staff showed me the ropes and put me to work serving soft drinks, sundaes, soft serves and even fairy floss. I commend Chelsea Heights McDonald's, and I thank the Edithvale Aspendale Junior Football Club and the 3rd Chelsea Air Scouts, who also happened to be there on the day, for helping out. All proceeds went to Ronald McDonald House Charities.

Carrum electorate: early childhood services

Mrs BAUER — I enjoyed visiting Patterson Lakes Kindergarten to congratulate it on receiving a $300 000 state government capital grant, which will be used to redevelop the existing site to deliver a child and family centre. It was lovely to meet the little three-year-olds and their dedicated teachers. I was also

delighted to announce on the day that the City of Kingston will receive a $1.5 million grant from the state government for a new Edithvale integrated children's centre.

Patterson River Secondary College: Kananook Creek clean-up

Mrs BAUER — Year 9 students at Patterson River Secondary College once again cleaned up Kananook Creek. Congratulations to them on collecting 240 kilograms of rubbish.

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

V/Line: Ballarat East electorate services

Mr HOWARD (Ballarat East) — The Bracks government marked a rebirth of regional rail services. Not only were country lines that had been closed under the Kennett government reopened to Maryborough and Ararat, but the lines from the major regional cities of Ballarat, Bendigo and Geelong were significantly upgraded and serviced by new modern V/Locity trains under the regional fast rail project. This huge improvement was very well received by regional commuters and occasional rail travellers, which was demonstrated by a significant increase in patronage on these regional rail services.

Therefore it is very distressing to see that under the Baillieu government these V/Line services are already in decline. Overcrowding has become an issue, and this government has been slow to order new rolling stock to address the overcrowding. Recently the Baillieu government changed the timetables to give metropolitan services priority over regional rail services. Regional commuters have informed me that they are now losing up to an hour more of their day, because they have to leave home up to half an hour earlier and return home half an hour later than they used to, as the new timetable sees most services departing earlier, with longer and less reliable travel times.

I have been contacted by a mother in Ballarat who can no longer get to Melbourne for work at 9.00 a.m. and get her child to child care, as the only train to arrive at Southern Cross station by 9.00 a.m. now leaves before 7.00 a.m., which is before the child-care centre opens. I have also heard from commuters in Kyneton who have to catch trains earlier only to find that their journey is still not reliably getting them to Southern Cross station on time.

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

Jewish community: Bentleigh electorate

Ms MILLER (Bentleigh) — Over the last two years it has been my pleasure to meet with many multicultural groups from around Bentleigh. My electorate has a growing Jewish community, which has embraced me warmly, particularly at all of its religious and cultural events. Last week I attended a number of Hanukkah celebrations, including one at Caulfield Park hosted by Rabbi Joseph Gutnick and the Chabad House of Caulfield. This great event has been going for 20 years, and thousands of people attend it.

I also attended a service at Chabad Bentleigh, which was beautifully organised by Rabbi Mendel Raskin. Whether it has been events like these or events organised by the peak bodies of the Jewish Community Council of Victoria and the Zionist Council of Victoria, or affiliated groups such as the National Council of Jewish Women Australia, I have always been made to feel welcome. I thank the Jewish community of Melbourne for its friendship and hospitality.

Unfortunately the Jewish community in Israel has had a tough 12 months. We have seen growing protests on the streets of Melbourne against Israeli businesses and protests organised by the boycott, divestment and sanctions movement. We have seen incidents of anti-Semitism on university campuses, swastikas painted on our Parliament House, and we have seen aggressive acts of violence in Israel with rockets fired on Jerusalem and Tel Aviv.

Probably what is most concerning to us as Australians, who have always been the closest friends of Israel, is the recent decision by our Prime Minister, the federal Minister for Foreign Affairs and the federal Labor Party to abstain on an important vote at the United Nations (UN) to recognise a state that does not recognise Israel. This is in contrast to the United States and Canada, which again voted with Israel on this important issue. With all of its efforts to get a seat on the UN Security Council, Labor did not deliver on this important vote.

I congratulate Tony Abbott, the federal Leader of the Opposition, and the federal coalition team for coming out so strongly in support of Israel. I am proud to be part of a party and government that is not only a strong friend in words but delivers in its action. I look forward to a better year for Israel and doing my bit by meeting and assisting even more of my growing Jewish community in Bentleigh.

Places Victoria: job losses

Mr PANDAZOPOULOS (Dandenong) — I rise to condemn the Minister for Planning and his decision to sack 20 staff from the Places Victoria office in Dandenong last Friday. This is a minister whose planning policies are taking investment away from Dandenong, an area that has received a massive amount of support but only gets support for the redevelopment of central Dandenong from Labor governments. It was a disgrace for this minister and this government that these 20 staff were marched out of their office, having been required to sign confidentiality agreements in order to receive their job entitlements.

In George Orwell's newspeak, the government's spin doctors have said that there will be an office in the new government offices building in Dandenong. This is a pop-up office for anyone who happens to come out of head office, theoretically to try to promote Dandenong, to be able to call in at the Dandenong office of Places Victoria, which has no staff. This is what the government has said. It has said that it is committed to Dandenong, but it has removed the staff from that office. These staff members are the ones who do the job, not necessarily the remaining staff at Places Victoria, because others also disappeared on Friday from other Places Victoria projects across Victoria.

Not only is this a tricky, sneaky way for this minister to do his job but the people of Dandenong are disgusted that there is such a lack of commitment by this government to revitalising central Dandenong, and it is all led by planning policies that divert investment away from strategic planning centres like Dandenong.

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

Elsie Anderson

Ms WREFORD (Mordialloc) — I was saddened to hear of the passing of local constituent Elsie Anderson on 21 November at the age of 91. Elsie was the sort of volunteer every community needs, and Braeside Park was the beneficiary of Elsie's efforts. Elsie joined the Friends of Braeside Park in 1991 and became secretary in 1996. She did a wonderful job in that position until stepping down at this year's annual general meeting. According to the friends group, she attended, on average, 10 activities in the park per month and contributed 8000 volunteer hours. You can understand why she will be greatly missed.

Lexington Gardens retirement village

Ms WREFORD — On Sunday I attended the rose garden and sculpture unveiling at Lexington Gardens retirement village with the Minister for Multicultural Affairs and Citizenship. It is on the site of the former Enterprise migrant hostel — the first home of 30 000 migrants from Cambodia, Vietnam, East Timor, Chile, Iran, Britain and Europe between 1970 and 1992. Red roses were a memorable part of the hostel grounds, and the new garden includes the new Enterprise rose bred for this site.

Mordialloc electorate: government achievements

Ms WREFORD — The year 2012 was a good year for the Mordialloc electorate. Within two years of being elected, the government completed the Mordialloc Creek dredging, announced funding of $156 million to fully construct the Dingley bypass and provided $2.5 million for learning and administration spaces at Dingley Primary School, which will complete the school rebuild.

Ruthven Primary School site: future

Ms HALFPENNY (Thomastown) — The now vacant Ruthven Primary School site was previously occupied by a well-maintained school with beautiful gardens and fantastic public space made use of by the many residents, clubs and sporting groups in the area as part of a financial arrangement between Darebin City Council and the Department of Education and Early Childhood Development. Ratepayers and taxpayers put a lot into this site, but neglect, incompetence, poor management and lack of care from this state government have seen the results torn down.

As the relocation of Ruthven Primary School is part of a schools merger, this site has been left to vandals, arsonists and menacing groups. Residents are fearful and distressed to see their beautiful area ruined and that their children can no longer make use of this public space. They are scared that their homes will be the next to be set on fire and are also concerned that when they finish night shift and come home in the dark they have to leave their cars to get into their homes not knowing who is going to be there to meet them.

The government can no longer rely on apathy and passive concern from the residents in this area. They are now standing up and preparing to fight back. I held a street meeting at the school on 10 December. Over 30 people attended, and they have said, 'Enough is

enough'. They are going to fight for their public space and the right to live in safety.

West Gippsland Healthcare Group: federal funding

Mr BLACKWOOD (Narracan) — West Gippsland Healthcare Group in Warragul is expected to lose up to $700 000 with the federal government funding cuts. The federal government is trying to justify its cash grab on the absurd basis that Victoria's population fell by more than 11 000 in 2011. The commonwealth government's own statistician has produced figures that confirm Victoria's population grew by 75 400 people in 2011.

The news of the funding cuts could not have come at a worse time for West Gippsland Healthcare Group, with the board already facing tough decisions. The annual report shows demand for services last year had significantly exceeded funding allocations, resulting in a $1.3 million loss. Given the hospital is already facing a deficit, to trim a further $700 000 from the budget is surely going to impact on services. It is expected savings will have to be made through elective surgery service cuts.

The government has increased health funding by $1.3 billion since coming to office. In stark contrast, the commonwealth government has reduced its share of expenditure for public hospitals from 44 per cent in 2008–09 to 39.1 per cent this year. It is an outrageous bid by the federal government to prop up its own promised budget surplus by ripping money out of Victorian hospitals and away from Victorian patients.

The federal Minister for Health needs to address this situation urgently and listen to the six states that have united to fight the federal health funding cuts — and it would be really handy if Labor's members for Eastern Victoria in the other place, Matt Viney and Johan Scheffer, put their constituents before party politics and took a stand against the federal funding cuts.

Daniel Buttacavoli

Mr NOONAN (Williamstown) — As thousands of anxious students await their end-of-year results we sometimes forget to acknowledge the contributions made by our wonderful, hardworking and dedicated primary and secondary school teachers. One such teacher who has been singled out for his outstanding contribution to his profession and the Emmanuel College school community in Altona North is Daniel Buttacavoli. As a Victorian certificate of education English teacher and leader of the English faculty at Emmanuel College Daniel was recently named Australian Secondary Teacher of the Year by the federal government's Australian Institute for Teaching and School Leadership.

Highly regarded by his peers, Daniel has taught at the college for the past 10 years, after completing his own secondary schooling there back in 1996. Daniel is driven by a passion for the craft of teaching and a commitment to nurturing and challenging each of his students to be the best they can be. He leads his colleagues in a rigorous application of student data to improve literacy outcomes across all year levels and also supports extracurricular activities to challenge his students and broaden opportunities for them to develop as well-rounded citizens. In accepting his award, Daniel indicated that he sees education as a gateway to a bigger world for his students and a chance for them to create opportunities and unlock their potential.

I wish to congratulate both Daniel Buttacavoli and the Emmanuel College community on this outstanding achievement and as we reach year's end to thank all of our teachers across Victoria for their ongoing commitment and dedication.

Shire of Yarra Ranges: ethical paper pledge

Mr BATTIN (Gembrook) — I rise to congratulate the Yarra Ranges Shire Council on its motion last night to remove the shire from the ethical paper pledge. The former council voted to sign the pledge to not use Australian paper, particularly Reflex paper. The signing of this pledge committed the council to not using paper made by Australians in Australia from our sustainable timber industry.

This was the work of a council focused on ideologies of the Australian Greens that fail to support local workers in my electorate. The Greens show no concern in this as they continue to disrupt the local timber industry, which is a legal industry. This adds to the stress the industry faces, with the actions of radical green activists intentionally putting hardworking loggers in danger as part of their political campaign. I support any person's legal right to protest and have a say in our democracy; however, I am ashamed that in Victoria we have people who are willing to put the safety of our loggers at risk for the purpose of protest.

Last night we saw a common-sense approach from the local council. I congratulate the mayor for putting this motion forward. Some may say it took courage; however, I believe it took a person who has looked at the industry, its strict regulations and governance, and come to the view that in Victoria we need to support

local working families. Finally, I would like to put on record my support for the industry and, more importantly, my support for the timber workers, who deserve a safe workplace.

MATTERS OF PUBLIC IMPORTANCE

Hospitals: federal funding

The DEPUTY SPEAKER — Order! I have accepted a statement from the member for Ferntree Gully proposing the following matter of public importance for discussion:

> That this house condemns the federal Labor government for their recent funding cuts to Victoria's health system which will have a detrimental impact on Victorian hospitals and hurt Victorian families.

Mr WAKELING (Ferntree Gully) — It is certainly a great pleasure to rise to speak on this very important matter of public importance, because it strikes at the very heart of what is significant in this state. When you think about the services that are most needed by Victorian families you cannot help but think of Victoria's health system. One would have thought that a federal Labor government, a government that proposes and purports to care about the needs of Australians and about the needs of Victorians, would be doing everything within its power to provide more money to our hospital system, but no, we have a federal Labor government that has, without any explanation, without any consultation, on a whim, made a unilateral decision to cut $107 million out of Victoria's health system this year. There has been no discussion, no consultation — —

Mr Eren interjected.

Mr WAKELING — And those opposite, those sitting on that side of the house — —

Mr Eren interjected.

The DEPUTY SPEAKER — Order! The member for Lara!

Mr WAKELING — stand condemned in their support — —

Mr Eren interjected.

The DEPUTY SPEAKER — Order! The member for Lara!

Mr WAKELING — of federal Labor cutting $107 million — —

Mr Eren interjected.

The DEPUTY SPEAKER — Order! I have called the member for Lara three times. He will cease interjecting.

Mr WAKELING — Over a four-year period Victoria is set to lose under the Gillard federal Labor government, which is supported by those sitting opposite, $475 million out of our health system. How are hospitals meant to deal with a $475 million cut from money that was guaranteed by the federal Labor government?

Those opposite and those in Canberra say that there is no cut. In a letter to the editor of the Hamilton *Spectator* of 11 December, Tanya Plibersek, the federal Minister for Health, said:

> Victorian health minister, David Davis says the commonwealth has cut funding to local health services. That's plain wrong.

I am very pleased to challenge the federal Minister for Health's assertion. When one actually looks at the money that is provided to Victoria by the federal Labor government, one sees that in November a payment of upwards of $270 million was provided to the Victorian government to provide health services. That is important. However, when you look at the December payment, only a month later, the figure has dropped by over $15 million. The figures do not lie. You can spin it as much as you like in letters to the editor, but after looking at the figures, after looking at the dollars and after looking at what is actually paid by federal Labor to Victoria to provide health services in this state tell me how a $15 million funding cut in one month is not a cut. Tell me how Victoria's health system is meant to be dealing with a $15 million cut. Clearly the federal Labor government does not care about Victoria's health system.

We had this absurd announcement by federal Labor, which has been peddled by those opposite, that Victoria's population — wait for it — dropped. We are told the population decreased by upwards of 11 000 people. As we know from a lot of things federal Labor has dealt with, Labor is not good with figures. Who manages, administers and determines what the population growth is? Funnily enough it is the federal Labor government's own organisation, the Australian Bureau of Statistics. The ABS has identified that in Australia the population has increased by 302 000 people. It has increased across Australia, so where is the reduction of 11 000 in Victoria? Wait for it — Victoria's population actually increased by 75 000 people. Despite that, federal Labor tells us it

went down by 11 000 and that it will take $107 million off Victoria this year. Clearly the federal government is spinning itself out of a disaster.

I know that in their heart of hearts those opposite are appalled by the decision. I know those opposite just want this to go away. I know those opposite will be quietly talking to their federal Labor colleagues over drinks at Christmas parties and saying, 'What are you doing? You are making it hard for us. It is a ridiculous decision. Get the federal minister and the Prime Minister to change their decision, because this is an absurd outcome which is impacting on Victoria's hospitals'.

What does the hospital sector think? Do not take it from the state government; let us ask what the hospital sector thinks. I have a copy of a letter under the banner of Southern Health and signed by Barbara Yeoh, who is the chair of Southern Health and more importantly the chair of the Council of Board Chairs, which encompasses all the hospital networks in this state. Attached is a long list of board chairs who are supportive of this letter. The letter says:

> This reduction —

the savage federal cuts supported by those opposite —

> will severely impact on our ability to provide levels of service to the Victorian public.

Do not take it from us. Do not take it from Liberal Party or Nationals members, who are obviously going to be seen as partisan. Take it from the chairs of the boards, the people who have been appointed to run our health system in this state. The letter goes on to say:

> The reality of the commonwealth's decision is that Victorian health services are now confronted with a funding cut of 5.6 per cent over the seven-month period commencing December 2012.

Ms Yeoh bravely goes on to make further commentary. The letter states:

> We are gravely concerned about the detrimental impact this significant seven-month funding reduction at such short notice —

no consultation —

> will have on the Victorian community and our staff, given the inadequate time available to consult and plan our response, including the deterioration in emergency performance, cancellation of planned elective surgery and closure of beds or services as we wind back planned expenditure.

For the information of those opposite, the way it works is that you have a budget and you are advised how much money you have in your budget. You plan for the 12-month period that is the financial year and plan for what you will deliver on with the money you have been promised. Hospitals have rightly entered into contracts with doctors. They have entered into arrangements with nurses. They have planned for what services they will provide in a 12-month period because they know what funding has been provided and because the federal Labor government told them, hand on heart, 'We will give you money'. You know what? When you turn around and tell these services that the money is gone, what are they meant to do? What is the impact going to be on services around our state?

You only have to look at today's *Age*. I will not be using this as a prop, but in today's *Age* the CEO of Northern Health — whose area, I am sure, covers the electorates of many members opposite — went on to say that these savage funding cuts to Northern Health will 'mean that waiting lists will increase, beds will have to close and we may need to shed some jobs'. I want to know which members opposite think it is a great outcome for their constituents when we look at the savage federal funding cuts their federal colleagues have applied to this state.

With respect to the major health networks in Victoria, I will provide members with a bit of an overview of what the impact will be this year. The member for South Barwon will be very concerned about $4.9 million being ripped out of Barwon Health. From the Alfred $7.9 million is being ripped out; from the Austin, $6.8 million; and from Eastern Health, in my area, $8.4 million, which has deeply outraged the member for Kilsyth, who has the Maroondah Hospital in his electorate. We have talked about the Northern Hospital. From Peninsula Health $4.9 million will be cut, and $13.6 million will be cut from Southern Health, which services the electorate of the Leader of the Opposition. How is Monash hospital meant to manage with $13.6 million — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I say to government members that the member can manage without their support.

Mr WAKELING — St Vincent's Hospital is losing $5.1 million and the Western Hospital $6.6 million. Members can see how this is going to affect metropolitan Victoria, but let us not forget that there is a whole range of local, community-based services that do a fantastic job in our country communities. As the member for Gippsland East has pointed out to me, Omeo and Orbost regional health services will have $23 000 and $84 000 respectively ripped out of their

small communities. Those opposite should explain to me how those savage cuts are a fantastic outcome for those small country communities where the locals are pushed to the bone, where they get involved and help out, when they are planning for their 12-month periods and facing savage funding cuts. What do those opposite say about it? They support it.

Those opposite will say, 'No, we've never publicly said anything about this. Don't blame us! It's nothing to do with us'. Interestingly a motion was moved in the upper house by the Minister for Health, the Honourable David Davis, and I would like to read part of that motion. The motion said in part that the house, being the other place:

> expresses its serious concern at the recently announced reduction in commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set …

I would have thought that was quite a reasonable motion for debate. I would have thought that if anyone in this house or in the other house thought about Victoria first, if they were standing up for Victorians, or if they were concerned about health services in this state, they would support such an outcome. I look at the voting records. Clearly members of the coalition supported that motion; they want to stand up for Victorians and improve our health services. There are also members who were opposed to it. There were members of the Greens. I can accept that the Greens have other agendas and that the health concerns of Victorians might not be one of them. But what about the Labor opposition?

What about Mr Jennings, a member for South Eastern Metropolitan Region in the Council, whom I understand is the shadow Minister for Health? What was his position? I was sure he would have stood up for Victorians and their health needs and supported this motion. However, the voting record shows that he opposed the motion. I cannot believe it! He opposed it. Let us look at those on the opposition frontbench, at those who sit around the shadow cabinet table — what did they say about Victoria's health services? What did Mr Pakula, a member for Western Metropolitan Region, do? What did Mr Lenders, a member for Southern Metropolitan Region and the Leader of the Opposition in the upper house do? What did Mr Tee, a member for Eastern Metropolitan Region, do for those of us in the east concerned about the savage cuts to Eastern Health? What did they do? Guess what? They opposed the motion as well. I cannot believe it! They opposed any push by this state to stop the federal Labor government's savage cuts.

Over recent years we have seen an increase in the number of doctors and nurses working in our health-care system in this state. There were 8599 doctors working in Victoria as of 30 June, up from 8207 — an increase and a great outcome. Over the same period the number of nurses increased from 34 034 to 34 568 — also an increase, and that also is a great outcome. What do members think the health services, which have not planned for these savage, Labor-imposed funding cuts, will do with those increased numbers of doctors and nurses when all of a sudden, overnight, without consultation and without any explanation money is ripped out of those services? Those doctors and nurses, those deliverers of the front-line services members opposite purport to be so concerned about, are going to potentially be out of jobs. Doctors and nurses will be first and hardest hit as a consequence of these savage Labor cuts. I call upon the next speaker to stand up for Victoria, to stand up for Labor and to oppose federal Labor's cuts.

The DEPUTY SPEAKER — Order! Before I call the member for Yan Yean, I caution government members. Opposition members listened in comparative quiet to the member for Ferntree Gully, and I expect government members to extend the same courtesy to the member for Yan Yean.

Ms GREEN (Yan Yean) — Thank you, Deputy Speaker. The member for Ferntree Gully, the Parliamentary Secretary for Health, described as a travesty and a terrible situation the federal government's recent announcement of cutbacks to our health system, which he says constitute $475 million in lost funding over four years. If that is a huge problem for the health system, where was he and why was he silent while his government, his Minister for Health, his Treasurer and his Premier — and one would think he had some say in this, being the parliamentary secretary for this area; and if he did not, why did he not, since that would mean he should not be taking the pay he is receiving for being a parliamentary secretary — have stripped $616 million from the health budget over two years?

Mr Eren — They don't want to talk about that.

Ms GREEN — Those opposite do not want to talk about the past; they do not want to talk about what has happened on their watch. Instead we have this fig leaf, these crocodile tears, this masquerade, this facade of concern for our health system and for those who are suffering and have been suffering for two years under the regime of this government, under the watch of those opposite. We now have this smokescreen of concern and fingers being pointed anywhere but at their own

health minister, their own Treasurer and their own Premier, who have broken their word to the Victorian people.

This government went to the Victorian people and promised that in its first term it would deliver 800 new beds.

Mr Nardella — How many?

Ms GREEN — It promised 800 new beds to slash waiting lists. That was the coalition health policy of 11 November 2010. That was the promise made by the Premier at that time. Almost two years on, the government cannot and will not tell Victorians where these beds are, and elective surgery waiting lists have blown out to record levels. In two years the government has undone the work of a decade under Labor when every year the number of people getting elective surgery, funding for elective surgery and the number of procedures performed went up and up, as is needed with people living longer and the population growing.

In the face of that, what did the government do? It broke its promise, it did not deliver the 800 new beds and elective surgery waiting lists went up massively. To determine the number of people who need and then receive elective surgery a calculation is used to provide a performance snapshot for the year. In 2007–08 133 369 Victorians received an elective procedure, and 37 529 people were still on the elective surgery waiting list at the end of that year, so the performance snapshot shows 78 per cent of those who needed surgery got it in that year. Back in June 2004 the performance snapshot showed the figure was 75.1 per cent; in June 2005 it was 75.5 per cent; and in 2006 it went up again to 78.6 per cent. There was a slight reduction in 2007 to 77.9 per cent, and then in 2008 it was up to 78.1 per cent. In 2009 the figure rose to 79.6 per cent, and in June 2010 it was 80.6 per cent. That was the last time Labor was on the government benches.

What did we see between June 2010 and June 2011? We saw an immediate decline. The figure dropped to 79.8 per cent, and it is estimated that this year it will be down to 75.1 per cent, so huge and growing numbers of people are not getting the elective surgery they need in a timely manner. The number of people getting elective surgery when they needed it was 156 489 in June 2011, and some 12 months later it is 143 046. We have not heard anything from the Parliamentary Secretary for Health, the Premier, the Treasurer or the Minister for Health. They are not saying, 'We're sorry that 13 500 fewer people got the elective surgery they needed in a timely manner'. At no point have we heard an apology. No; in the last week we have only seen them pointing the finger upwards, outwards or anywhere but back at themselves. To see who is responsible for the flaws in our health system and for the fact that it is going backwards they need look no further than in the mirror, but they will not do that. They do not want to take the responsibility they have been charged with, which is the serious matter of delivering to the Victorian people. They want to blame anyone else but themselves.

The budget papers do not lie. Budget paper 3 of the government's first budget — not the federal government's budget but this government's own budget — shows a reduction in expenditure of over $400 million. Its second budget shows a further reduction of $100 million, totalling $616 million at a time when the population is growing and people are living longer. Now the government wants to blame the federal government. Those opposite have discovered only in the last week that there is a problem. They have ignored the media reports of ambulance ramping. They have ignored reports such as one in the *Heidelberg Leader* of 17 January 2012 — not last week but almost 12 months ago stating:

> An extra 250 Austin Hospital patients could be stuck on waiting lists after the state government lowered elective surgery targets.
>
> The government's 2011–12 statement of priorities shows a goal of 10 150 surgeries for the hospital — 250 fewer than the 10 400 target published 12 months earlier.

As the member for Ferntree Gully, the Parliamentary Secretary for Health, was trying to tell this house before, the figures do not lie, but they are his government's figures. The do-nothing sidekick of the Minister for Health comes in here and tries to blame someone else for what has happened on his watch.

A *Herald Sun* article of 6 January 2012 with the headline 'Our hospital waiting list pain will only get worse' lists every hospital, including Mornington Peninsula Hospital, Southern Health, the Royal Victorian Eye and Ear Hospital, Royal Women's Hospital, St Vincent's Hospital Melbourne, Western Health, Royal Children's Hospital, Northern Hospital, Mercy hospital, Royal Melbourne Hospital, Eastern Health, Austin Hospital, and the Alfred hospital, and reports that almost 8000 fewer people will get elective surgery under this government. It says it has a health crisis now, but the fact that 8000 people were not going to get elective surgery in the past year was not a problem.

When it comes to rural hospitals the *Herald Sun* of 6 January 2012 reported that Ballarat hospital had carried out 570 less elective surgeries; Barwon

Hospital, 670; Bendigo Hospital, 419; Goulburn, 15. That is a total of 1644 less elective surgeries in our rural hospitals as at 6 January 2012 — not last week. It is almost 12 months ago, and it happened on this government's watch.

Under the heading 'State's hospitals face tough budget cuts', Julie Medew reported in the *Age* of 11 August 2011:

> Hospital sources at the Royal Melbourne, Northern and Austin … told the *Age* they had been asked to save between $6 million and $30 million this financial year, prompting reviews of clinical services.

Under the heading 'Doctors say cost cuts will imperil patients' Cameron Houston reported in the *Age* of 18 December 2011:

> Senior emergency doctors have blamed cost-cutting … for a planned reduction in radiology services that could severely compromise the treatment of critically ill patients.
>
> From February —

that was February 2011 —

> the Northern Hospital in Epping will offer X-ray and other radiology services for just 35 per cent of the week …

This has happened on this government's watch, not last week. It is not the federal government's doing, it is this government's doing.

Even the *Sydney Morning Herald* has reported on Victorian hospital cuts. It reported on 24 September 2012 that Northern Health had been told to cut:

> … 7000 interpreting appointments over the next year, which equates to 16 per cent of its total 43 202 interpreter requests in 2011.
>
> About one in five of the health network's patients need an interpreter …

How can this be good for hospital patients? This happened under this government's watch. This contrasts with what Labor did in office, when we saw an overall increase in investment in our public health system. We boosted the public health workforce, we increased the amount of funding and we lifted Victoria's elective surgery performance, and I went through the figures — which do not lie — before. Labor delivered major facility upgrades across the hospital network, including at the Austin Hospital, which the previous Liberal government was going to sell; the Royal Melbourne Hospital, Frankston Hospital, Monash Medical Centre, Sunshine Hospital and Geelong Hospital. In addition, yearly funding packages were allocated by Labor, enabling hospitals to invest in their surgical workforce and purchase the best in surgical equipment.

You do not get better outcomes at hospitals by cutting funding, and that is what this government has done. It is now trying to masquerade, to create a facade, a false front, a veneer, a counterfeit of spin to the community by saying that it is someone else's fault. The federal government has for some time had on the table capital for this government to improve hospitals in this state but this government has only just provided the necessary information — six months after it was required. It has jeopardised about the same amount of money it says it has lost, and it says this is a travesty. It has jeopardised that money itself. There has been $159 million available for Victorian health projects, which has affected projects such as the Geelong supportive cancer centre, the Kilmore hospital redevelopment and the Colac youth hub.

The Baillieu government has been unable to claim $140 million of federal funding because of incomplete reporting. It is the only state government that has signed up to the agreement that the Premier said was a good agreement and it is now trying to blame everyone but itself for the crisis in health, which is of its own making.

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak to the matter of public importance that this house condemns the federal Labor government for its recent funding cuts to Victoria's health system which will have a detrimental impact on Victorian hospitals and hurt Victorian families. The Deputy Speaker would be well aware that this is symptomatic of the fact that Labor simply cannot manage money. Federal Labor came to government in 2007 promising balanced or surplus budgets. It has not delivered one surplus budget and will not deliver a surplus budget. These callous cuts to health by the federal government have come about because it is trying to balance its budget.

There was one point on which the member for Yan Yean was truthful and honest. Unlike her Labor counterparts, she agreed that the population in Victoria was growing. That is what the Prime Minister, Julia Gillard, is basing these cuts on. Julia Gillard is saying that Victoria's population has gone down by 11 000 people when the Australian Bureau of Statistics reports that Victoria's population has grown by 75 000 people. We have grown our population by 75 000, so for the federal government to base these cuts on the fact that Victoria's population has dropped by 11 000, not grown by 75 000, is just smoke and mirrors.

I encourage the member for Yan Yean to pick up the phone, give Julia a ring and say, 'Julia you have made a grave mistake; Victoria's population is actually growing'. The member for Yan Yean needs to remind her of this. These cuts to the Victorian health system are not to be tolerated, even by Labor in opposition.

Where have members of the opposition been? They have been silent. Actually they have not been silent, as I will show. In the other place on 13 November the Minister for Health moved a motion that stated in part:

> That this house —
>
> (1) expresses its serious concern at the recently announced reduction in commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set …

The motion goes on, but I will not read it all out because I do not have the time. In essence it says, 'We do not support the reduction'. But then on 13 November members of the Labor opposition in the other place voted in favour of the cuts. I am from northern Victoria and the two Labor representatives for Northern Victoria Region, Ms Darveniza and Ms Broad, should hang their heads in shame for supporting cuts to health services, to hospitals, in Echuca, Heathcote, Nathalia, Cohuna, Kyabram and Rushworth — in the area they represent.

Dr Napthine — They would not support them if they actually lived up there.

Mr WELLER — Right. What will these cuts do? No doubt — —

Mr Merlino interjected.

The DEPUTY SPEAKER — Order! The member for Monbulk! We have had comparative quiet while people have been speaking this morning.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I do not think today is a day on which we should have silly comments across the chamber. The member for Rodney, to continue.

Mr WELLER — Can we put this in perspective? What is $107 million in cuts equivalent to? It is equivalent to over 20 000 — —

Mr Merlino interjected.

The DEPUTY SPEAKER — Order! The member for Monbulk is cautioned.

Mr WELLER — It is equivalent to over 20 000 elective surgery procedures, or to reducing elective surgery volumes by 20 to 25 per cent. We have heard the member for Yan Yean going on about waiting lists, but opposition members support the federal Labor government growing waiting lists. That is what the member for Yan Yean was saying — that is, that she supports those lists growing.

What we also have to remember is that this government has a long and proud history of what it has achieved. We have provided a record $13.7 billion in health funding, including new programs to improve health service delivery. We have halved ambulance subscription fees for families and singles. We have funded 310 additional paramedics and 30 transport officers. We on this side have done that. We provided $23 million to rebuild the Charlton hospital after it was flooded. We have given $10 million — —

Honourable members interjecting.

Mr WELLER — Where is the member for Bendigo West? I am sure she would support this. We have given $10 million to upgrade the Castlemaine hospital, including funding for a second operating theatre. That is what we have done. I am very proud of the fact that we as members of this government went to the last election saying we would give $40 million to rebuild Echuca hospital, and we have delivered that — the minister will be at Echuca next week turning the sod. There will be 22 additional multiday beds, six short-stay observational beds and 10 treatment spaces in the emergency department. There is funding of $17.5 million for Kerang District Health's residential aged-care facility. Where is the member for Mildura? There is funding of $5 million to increase capacity at Mildura Base Hospital and $480 000 to fund a cancer ward upgrade at that hospital.

Country Victoria has been crying out for all these things, and they are being delivered after 11 years of neglect. We are continuing to work on expanding the Bendigo hospital. I might add that this government's commitment is $102 million more than Labor committed to in government because when we do something we do it properly. We do not skimp on things; we do them properly. We also have to remember that our Premier went up to the Council of Australian Governments meeting and got a better deal for Victoria and for all state governments for their health systems. Victoria got a better deal, and I will tell you what: all the Labor states came running in when

our Premier went up and said, 'We want a better deal'. They soon swapped and came with us, and all the states were supporting it.

We have opened new mobile intensive care ambulance responder units in Shepparton, Mildura, Wangaratta, Warrnambool, Wodonga and Wonthaggi, and we have upgraded metropolitan and rural ambulances. All this has been achieved while we have been addressing Labor's mess. We have done this while we have fixed up the black hole, including funding of $25 million for the IT system for the Royal Children's Hospital. We have had to put money in for that. We had to find $45 million in extra funding for the Olivia Newton-John Cancer and Wellness Centre. We have been able to do this and all the other things in country Victoria. We have fixed these projects and committed funding to them.

I have a letter with me which illustrates that it is not just government members who praise this government. The letter is from Barbara Yeoh, the chair of Southern Health. It states:

> The commonwealth's funding cuts are the equivalent to closing some 440 beds or cancelling more than 21 000 elective surgeries in a seven-month period, noting that at 30 June 2012 Victoria's elective surgery waiting list stood at 46 131.

As I have said, Labor is supporting the extension of the waiting list by taking away 21 000 elective surgeries, and this claim is supported in the letter from Barbara Yeoh.

It is well-known that federal Labor cannot manage money, but I would have thought the members opposite would have stood up for Victoria and said to their federal Labor colleagues, 'We are not going to tolerate you cutting $15 million a month from the Victorian health system and pushing out elective surgery waiting lists. It just will not be tolerated'. But what have we seen? We have seen members on the opposition benches saying, 'It's fine. The federal government can take $15 million a month off the state, causing cuts to our hospital services. It's fine'. Labor will not stand up for Victoria.

Mr NOONAN (Williamstown) — Is there not something seriously wrong with a government that prioritises prison beds over hospital beds? That is the reality of the Baillieu government. That is what it is doing. Those opposite are more proud of providing prison beds than hospital beds. That is nowhere more evident than in budget information paper 2, *2012–13 Victorian Families Statement*. On page 22, under the heading 'Corrections and youth justice', the government proudly boasts about its commitment of $670 million in capital to increase prison capacity and a further $54 million for youth justice centres for young offenders. There it is — this is the government's proud gift to Victorian families: to build more prisons and increase the number of prison beds in this state, and not just for adults but for children as well.

Was it not remarkable to hear the Minister for Corrections proudly chest beating about his government's so-called achievements since coming to office in 2010? The minister came into this place during question time in the last sitting week, took a Dorothy Dixer and proudly proclaimed that his government had delivered precisely 504 prison beds since coming to office. But he did not stop there; he went on with the self-congratulations. He stated, and I quote:

> In this year's budget we are also funding a further 395 beds in the male prison system.

By my calculations, 899 additional prison beds will be opened in this term of government, with a promise of more to come. The minister stood proudly at the end of his contribution and said that his government was building the future. But what sort of future is this government really pursuing when at the end of this term it will have built more prison beds than hospital beds? It promised 800 hospital beds, but will deliver 899 prison beds.

That is what it promised, but no-one can find the first 100 hospital beds that the government promised to deliver by 30 June this year. Time and again the state opposition has asked the Premier where his first 100 beds are. The Premier pointed to the annual reports of the various health services. That sounded like a plan. 'Go to the annual reports', the Premier told us. The problem was that the Premier forgot to tell the health services to put the additional beds in their annual reports. The state opposition examined all 82 of the health service annual reports tabled in this place not so long ago. Do you reckon we could find any additional beds mentioned in those annual reports? Not one of those reports contained the information that the Premier had suggested might be there.

I listened to the member for Ferntree Gully for 15 minutes. He did not mention anything about the key commitment made by his coalition before the state election about the beds — nothing at all. Is it any wonder the Baillieu government is now trying to deflect all the issues in the Victorian health system onto the commonwealth government? We all know, as the member for Yan Yean mentioned, that the Baillieu government has cut $616 million from the Victorian health system in its first two budgets. To put the facts

right, the commonwealth government is providing record funding to the Victorian health system, with $3.6 billion today, rising to $4.5 billion in 2015–16. That is a $900 million increase and a 26 per cent jump in funding over that term.

That is what the commonwealth is doing at the same time that the Baillieu government is ripping $616 million from the Victorian hospital system. That is hurting average Victorians right now. We have more people on elective surgery waiting lists than when the Baillieu government took office — almost 8000 more people. That has accelerated enormously over the last 12 months. We are seeing enormous pressure being applied to our emergency departments, and that is spilling over to our ambulance services. We are now seeing ambulances ramped up at hospitals for hundreds and hundreds of hours each month.

I could reel off all the statistics, but I will not do that, because there is a human face to this problem. Let me provide some examples from just last week. Last Monday an 80-year-old patient who had been unconscious arrived at the Western Hospital and had to wait 25 minutes before being triaged. She then waited a further hour before a bed was found for her. A patient with a severe infection which became septic and caused the patient's blood pressure to drop dangerously low was forced to wait on an ambulance stretcher for $1^1/_2$ hours at St Vincent's Hospital. At the Royal Melbourne Hospital three ambulances arrived under lights and sirens, having notified the hospital that they would be bringing in time-critical patients. Yet they and two other ambulances were forced to wait for over 3 hours.

Last Tuesday a 60-year-old woman was forced to wait on an ambulance stretcher for over an hour while suffering from a chest infection and pulmonary hypertension, which is a severe condition that can lead to the lungs becoming filled with fluid. On the same day, a 76-year-old patient suffering from cancer and a severe infection was forced to wait for $3^1/_2$ hours on an ambulance stretcher at the Monash Medical Centre. On that same day 12 ambulances were ramped at the Royal Melbourne Hospital at one time for more than 2 hours.

Last Wednesday, again at the Monash Medical Centre, a 69-year-old patient was forced to wait with four other patients for 3 hours on an ambulance stretcher, even though this patient was suffering severe internal bleeding. Another elderly patient, who was severely unwell with vomiting, diarrhoea and severe dehydration, had collapsed in her home and had been lying on the floor for several hours and was transported to Monash Medical Centre with low blood pressure. The patient was forced to wait on an ambulance trolley for over an hour before a bed could be found.

On Thursday a 37-year-old paraplegic patient with internal bleeding was forced to wait on an ambulance stretcher for 1½ hours at the Austin Hospital. Another five patients were made to wait on ambulance stretchers for over an hour, including a 71-year-old patient suffering from chest pains and another elderly woman who had fallen and was immobilised with a hard collar around her neck and strapped to a spine board. Also ramped in the corridor on that same day was a 46-year-old male with unstable angina, a 62-year-old woman with cardiac chest pain and a 58-year-old male who had been unconscious with a head injury and was forced to stay immobilised on a spine board until a bed could be found. At the same time a further five patients were forced to wait on ambulance stretchers at the Monash Medical Centre, seven patients were ramped at Box Hill Hospital, six were in the corridor at the Austin Hospital and Sunshine had two patients ramped for two hours.

Last Friday, just to complete the week, an elderly patient with internal bleeding was forced to wait on an ambulance stretcher at the Alfred hospital for over 2 hours. There are many more examples like those. I could go on, but I will not. The Baillieu government's cuts across the health system are placing enormous stress on the Victorian hospital system. We are seeing ambulances being ramped up — they cannot get their patients through the door.

I will return to where I started: this government has its priorities all wrong. This is a government that boasts that it has opened 504 prison beds but which cannot tell Victorians where their 100 new hospital beds are. This is a government that has ripped $616 million away from Victorian hospitals. This is a government that has driven up elective surgery waiting lists by almost 8000. This is a government that is making Victorians wait longer for an ambulance. This is the Baillieu government. It is systematically wrecking the Victorian health system.

After 11 years of record investment by the Labor government, the Baillieu government is hell-bent on ripping the Victorian health system apart. It is ripping apart individual hospitals and health services, stretching all the way into community health centres and preventive health programs.

The government is ripping these programs apart one by one. It does not care about the health of Victorian people. It does not care that people have to wait longer for an ambulance. It does not care that people have to

wait on a stretcher in the emergency department late on a Saturday night. It does not care. All it cares about is spinning this argument and foisting the blame on the commonwealth, when it will not take any responsibility itself. It is more interested in locking people away in prisons than it is in building the Victorian health system. This is the Baillieu government. It needs to take responsibility, and it needs to lift its game.

Mr KATOS (South Barwon) — It is my pleasure to rise this morning and make a contribution on the matter of public importance submitted by the member for Ferntree Gully. Over the next four years the Gillard government is looking to strip $475 million out of Victoria's health budget. In the present financial year alone, with budgets already in place and service agreements already ticked off by hospitals, it is looking to strip $107 million out of hospital budgets. This clawback has already commenced. The December health payment from the commonwealth is $15 329 148.56 less than the November payment was. These figures are in black and white, they are not made up. I have the figures and the receipts from the bank accounts here if any opposition member would like to see them. This will continue each month for the next seven months to 30 June, until the whole $107 million is recouped.

What is the basis of the federal cuts to Victoria's health budget? Ridiculously the commonwealth is claiming that Victoria's population fell by 11 000 people in 2011. I do not know if anyone in this house thinks the population in their electorate has fallen. I know that the population has not fallen in my electorate of South Barwon, which is one of the fastest growing areas in the state. Since I have been elected over 2000 enrolled voters have come into the electorate, let alone people under the age of 18. The member for Yan Yean has left the chamber, but time and again I have heard her speak in adjournment debates and make members statements asking ministers for infrastructure and asking them to invest in her electorate because of the growth pressures there, yet she supports these absurd assertions that Victoria's population has fallen by 11 000. On 20 June this year, the federal government's own statisticians, the Australian Bureau of Statistics, released figures which show that Victoria's population has grown by 75 400 people. The federal government is actually 86 400 people out in its estimation.

I do not know what alternate universe federal Labor members live in or if black Spiderman or evil Superman roam this universe, but no-one in this house thinks that our population has fallen. It is absolutely ridiculous. We all know what is driving these rubbery, dodgy figures that the commonwealth has come up with — the attempt by federal Treasurer Wayne Swan to prop up a fictitious budget surplus. That is what this is about. We all know that the commonwealth will never achieve a budget surplus; it is absolute nonsense. However, the commonwealth is cutting the health budgets of not only Victoria but also other states. The states are united in their opposition to these cuts. Even the Labor states of Tasmania and South Australia are united in opposition to these cuts. We all know that this surplus is never going to be achieved and that it is absolutely ridiculous to be making these cuts.

I turn my attention to my local health service, Barwon Health. It is actually receiving a $4.9 million cut for the rest of this year. Barwon Health employs around 6000 people, and it is Geelong's largest employer. It has already committed the funding it was expecting. It has been told, 'You have X amount of dollars for the year' and it has committed the funding. Now the Gillard government is callously clawing back that funding. Barwon Health has already employed people and is committed to a certain level of activity on the basis of that funding. Barwon Health has allocated funding, and it is budgeting to spend that money. Now the federal government has said, 'Sorry, that money is coming back'. It has to redo its budgets for the rest of the financial year. What does this mean for Barwon Health? There will be longer waiting lists, no new employment will be generated, and the equivalent of approximately 13 beds — half a ward — will be closed.

I quote from an article published in the *Geelong Advertiser* of 6 December headed 'Hospital beds at risk'. It states:

> Barwon Health expects about 13 beds to close at Geelong Hospital and some waiting times for elective surgery will double, if reductions to its budget go ahead.

It goes on to quote the health service's chair, Dr John Stekelenberg:

> 'It's unrealistic to believe that with cuts of this magnitude there's not going to be a reduction in non-urgent elective surgery', he said.
>
> 'We expect at least half a ward will close; we expect for someone waiting on a joint replacement, the waiting time may double.'

Later the article states:

> 'We can't have these surprise reductions when we have a month's notice and we've already committed that money to the end of the year', Dr Stekelenberg said.

That quote from the chair of Barwon Health is there in black and white.

What do we hear from our local federal member for Corangamite, Darren Cheeseman? Until today he has not even bothered to meet with Barwon Health on these issues. He has taken no interest in the health of people in the Geelong region. He is actually aiding and abetting Julia Gillard, the Prime Minister, and Tanya Plibersek, the federal Minister for Health, in ripping off the Geelong community. Only today is Darren Cheeseman, along with the federal minister, Tanya Plibersek, meeting with Barwon Health.

In today's *Geelong Advertiser* there is an op-ed column written by the federal Minister for Health, Tanya Plibersek. In it she says:

> The cold hard facts are that the commonwealth government's hospital funding will increase …

Yet here we have the evidence in black and white that cannot be disputed and that shows that the commonwealth has dropped funding to Victoria by more than $15 million. The minister says also about the Australian Bureau of Statistics figures that:

> In light of the 2011 census, the ABS has gone back on its estimates and calculated that Victoria's population has not grown as quickly as expected.

On one hand she is telling us that Victoria's population has fallen by 11 000, but in this column she is saying that it has not fallen but it just has not grown as quickly as expected. That is spin at its absolute worst. No doubt the local federal member, Darren Cheeseman, and the federal Minister for Health will be sitting there defending to Barwon Health this preposterous position that Victoria's population has fallen.

Geelong is one of the areas in the state with the highest population growth. Anyone who lives in Geelong would know that our population is increasing. You do not have to be a rocket scientist to realise that our population numbers have gone up. As I said, Geelong and the Surf Coast form one of the areas in Australia with the largest population growth. It is comparable to somewhere like the Gold Coast. What Darren Cheeseman and Tanya Plibersek should be doing is apologising to the Geelong community for their dodgy attempt to prop up the federal government's budget surplus. That is all it is. They are playing games with people's lives — they are putting hospital surgery and beds in hospitals at risk — all in an inane and ridiculous attempt to convince us that they will achieve a budget surplus, because Wayne Swan, the federal Treasurer, promised it. It is just absolute nonsense.

What is state Labor's position on this issue? As previous speakers on this side of the house have said, the Minister for Health moved a motion in the other place in which he denounced the federal budget cuts. He asked all members of that house to support the Baillieu government in going to the federal government and saying, 'These cuts are hurting Victoria. They are going to hurt patients. They are going to hurt the wellbeing of Victorians'. Instead of supporting the motion, what did Labor members in the other house do? They voted against the motion. Time and again members on the other side of the house show that for them it is Labor first and Victoria second. They will not stand up for anything.

I ask those opposite to stand up for Victoria and to get on the phones, email or Twitter. A lot of those on the front bench over there are good at twittering. They sit on Twitter for half of question time. Why do they not tweet the Prime Minister and the federal Minister for Health and ask them to reconsider these cuts to Victoria's funding? It is absolutely shameful, and they should be ashamed of themselves.

I also have here a copy of a letter from Barbara Yeoh, who is the chair, if you like, of all the chairs of Victoria's hospital boards. The letter was sent to the Prime Minister and copied to the federal Minister for Health. It states:

> The reality of the commonwealth's decision is that Victorian health services are now confronted with a funding cut of 5.6 per cent over the seven-month period commencing December 2012.

It goes on to say:

> The commonwealth's funding cuts are equivalent to closing some 440 beds or cancelling more than 21 000 elective surgeries …

I implore everyone to support this matter of public importance.

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

Mr FOLEY (Albert Park) — I rise to make a contribution to the debate on the member for Ferntree Gully's preposterous proposal for a matter of public importance. What the member's matter seeks to perpetuate is really the great shame that this government has very quickly fallen into from the public policy position it took to the election in 2010. On public health policy it has gone in record time to the resort of scoundrels — that is, blame shifting. Members have seen the curse of the Australian federation deliver in record time on the issue of a key service that the people of our communities rely upon.

This matter of public importance is really a very sad attempt to cover up the government's $616 million cut in its health budgets for the people of Victoria over only two years of the its term. It is no surprise that a government which in record time has looked at how it can seek to divert attention from its own failings and public policy shortfalls has gone to the resort of scoundrel governments over Australia's history — across the history of state, territory and federal governments — of blaming the other guy.

Here we have yet another classic example of that: rather than grasping the nettle, dealing with the circumstances it finds itself in and making the serious public policy changes that our health system needs, the government has gone to the lowest common denominator of, 'Let's blame the other guy; let's seek to use the shortcomings in the federation to create a smokescreen around funding that deliberately misrepresents the facts'. This government seeks to divert attention from its failings, misguided priorities and the misguided values it brings to public policy in the health sector.

As we have heard from other members on this side, the litany of issues is clear. The government could, for instance, take charge of the ambulance shortages and the failure to fund adequately Ambulance Victoria, which have seen an increase in waiting lists and the ramping of ambulances at hospital emergency departments. All of these issues, as the member for Williamstown indicated, have created genuinely tragic circumstances, particularly for the most vulnerable Victorians who rely on the public and emergency health systems for their wellbeing.

Perhaps this matter of public importance is an excuse on the part of the government to divert attention from its abject failure to point to one new hospital bed to fulfil its promise of 100 hospital beds over the course of its first term. Perhaps it is an excuse to divert attention from the reannouncement of projects, which this government is becoming increasingly good at. The government seeks to create an aura of movement when there is none on issues around public hospital infrastructure. In its periodic attempts to make the Premier look like an action man, the government seeks to reannounce projects, but when we carve back to the detail we find no serious efforts to deliver that infrastructure anytime soon and certainly not in the time of this Parliament.

Perhaps this debate is an excuse to divert attention away from the growing elective surgery waiting lists, which are certainly in the government's control. It is about how the government goes about the process of government in allocating resources in the state budget. Perhaps it is about the government's abysmal record in preventive and primary health. Perhaps it is about the crossovers between mental health and the emergency health system or the failings in the justice system. There are linkages between people who come into contact with the justice system and housing crisis services who are well and truly above-average users of the emergency health system. Perhaps it is just about any number of excuses as the government looks to blame the other guy in the public health policy debate.

What this government should perhaps be spending time on, as the honourable member for Williamstown also pointed out, are the arrangements around where a government should place its investment priorities. The values a state government brings to office are reflected in its public policy choices, and those choices are always constrained and channelled by the political decisions a government makes. If you take the view that new prison beds are more important than new hospital beds, that says something about your view of the world and where your relative priorities lie. The demands on government in 2012 are huge and endless. This is a question of where you place your priorities. This matter of public importance is simply an attempt to create a smokescreen and blame the other guy.

As to where this government's real priorities are, sadly they are not in funding an adequate public health service. Its priorities are not to be found in the way the government goes about creating an environment in which serious debate can be had about the future of our public health system. Like public health systems in the most advanced economies and ageing societies around the globe — let alone in this country — our public health system faces severe stresses, whether they be those associated with an ageing community, a higher than average spiralling cost of inflation in health-care technology and services or how services can be allocated across a changing private and public sector interface in the health community and health funding areas. These are all significant issues at a policy level, and if the government were serious, it would present us with a resolution to debate matters along those lines here today. Instead it simply looks to give its backbenchers and parliamentary secretaries a series of cheap speaking notes to roll out mindlessly and blame the other guy. As we have heard from members on this side of the house, that reflects the fact that what this matter is really about is the $616 million cut this government has made to the health-care budget.

I ask members on the other side — given their Pavlovian responses so far on this matter of public importance — if in their heart of hearts they believe that in the unfortunate and, let us hope, unlikely

circumstances of a future Abbott-led government in Canberra they will get a more generous public health funding model in this country? Do they think the $7 billion funding hole that the federal coalition currently faces in opposition in relation to how it will fund some of its major policy agreements is somehow or other going to involve the protection of the Victorian health budget? Do they honestly believe this cheap stunt is going to make any contribution to a sound resolution of how the commonwealth and the states deal with public policy health issues now and into the future? Of course not, because that is not what this is about. This is not about how we deal with substantial issues about the future of public health policy in this state. It is about a cheap, media-driven political cycle of no more than 24 hours — or 72 hours if you are going well — and how to blame the other guy in this public policy area.

Rather than engaging in transparently cheap politics, what we could perhaps do is look at issues around dealing with the workforce challenges in public health, issues around IT and opportunities that services like the national broadband network will bring for the reform of the public health system. There are any number of ways we could look to improve services for rural and remote communities, but, no, let us not have a debate about anything of substance. Let us just look to cheap political shots that will flash unnoticed across the sky of this Assembly and simply take up time rather than have a serious public policy debate. We could have spent some time looking at how the forums of this place could talk about how a 21st century universal health system might operate, but rather than that we are reduced to cheap policies.

Mrs BAUER (Carrum) — It is a pleasure to rise to speak on this matter of public importance. I commend the member for Ferntree Gully for bringing this important matter to the attention of the house. I also commend the Minister for Health for bringing this important issue to us all and for not allowing it to be swept under the carpet.

I am very happy to speak on this matter, but I am in disbelief that we are even here to talk about this issue. This is about federal government funding cuts, and I have not heard opposition members in any of their contributions talk about the federal government funding cuts that we are talking about here today. We are not talking about the state; we are talking about federal funding cuts. They are callous and they show a complete disregard for not just the coalition electorates across Victoria but the 88 electorates right across Victoria that we represent as members of Parliament. This will hit us all, it will hit us hard and it will hurt all of our local communities. It shows a complete lack of respect by our federal colleagues, a complete lack of understanding and a complete lack of empathy. It is cruel. We are not talking about trimming the federal budget, just making a little cut here and there. I would have loved to have seen the science behind these cuts because basically the federal government is taking a razor blade and slashing this budget. This is a real step backwards.

What we have heard from the state opposition members about this is absolute silence. They are obviously embarrassed about their Labor Canberra mates. They are absolutely silent, and they should hang their heads in shame as a result of their silence and their federal colleagues and their cuts. This is another example of our Prime Minister bungling another commitment. It just proves that the federal government cannot manage money, and this comes from a Prime Minister who is Victorian. This is going to hurt all Victorians. We have been dealt a real blow and a raw deal. The state opposition has argued that this is not a problem, but that is not the case.

However, if we look at the Reserve Bank of Australia statement, that does not lie. The commonwealth December payment was much less than the November payment. I am happy to table the document. It is unbelievable. I had to read it twice because on 7 November the payment was $278 410 660.80. On 7 December the payment was $263 086 517.24. When you calculate the difference you see we are talking about $15 324 143.56. This is a massive blow to our communities across Victoria. If I could divert for a moment, that $15 million is seven days of desalination plant payments that we are having to make as Victorians for the cost of the desalination plant — seven days. It is not a mistake, it is real, it is the bottom line and it is going to affect us all. When you add the cuts up, they equate to $1.6 billion from the national health agreement and $475 million from Victorian hospitals to 2015–16. The federal government is ripping money from Victorians. Our taxes should be given back. This is going to have a grassroots impact on our communities and an impact on patients, hospitals and front-line services right across Victoria in the 88 communities that we represent.

In my contribution I would like to focus in particular on Southern Health and Peninsula Health. Southern Health's Monash Medical Centre and Frankston Hospital are our two local hospitals in the Carrum electorate. An unbelievable $13.5 million has been taken away from Southern Health and $4.86 million from Peninsula Health. We have heard other speakers

talk about a letter that was written by Barbara Yeoh on behalf of Southern Health. She starts her letter:

> Dear Prime Minister
>
> …
>
> I am writing on behalf of members of Victorian Health Service Council of Board Chairs … on the commonwealth's decision to reduce its funding for Victorian health services by $106.7 million in 2012–13. This reduction will severely impact on our ability to provide levels of service to the Victorian public.
>
> …
>
> The commonwealth's funding cuts are equivalent to closing some 440 beds or cancelling more than 21 000 elective surgeries in this seven-month period, noting that at 30 June 2012 Victoria's elective surgery waiting list stood at 46 131.

This document does not lie. It gives an indication of the cruel and callous cuts and the effect they will have on our community. I wonder if there has been a response to that letter. I wonder if the Prime Minister, Julia Gillard, or the federal Minister for Health, Tanya Plibersek, have spoken about these cuts. It is absolutely absurd.

The science behind the cuts we are speaking about today is that the Victorian population fell by 11 000 in 2011. The member for South Barwon very eloquently in his contribution mentioned that in all of our communities we believe we are having growth. Certainly in my electorate of Carrum there has been growth. The census figures reflect this, and I believe the new census figures will also do so when they come through. The commonwealth government's own statisticians have produced figures that indicate that the Victorian population grew by 75 400 in 2011, so it is certainly a real concern to see conflicting information coming from the Prime Minister and from the federal government's own statistics.

We also have a society that is ageing rapidly. The Family and Community Development Committee, of which I am a member, tabled a report recently on increasing opportunities for participation of seniors. In my electorate people over 65 years of age make up nearly 16 per cent of the community. There is also a huge growth in new families moving into the suburbs in my electorate, and this will equate to more demand on our hospitals. Demand continues to grow, and it is absolutely outrageous that the federal government is ripping money away from those who need it the most, from the most vulnerable members of our community. It is going to result in longer waiting lists and less staff, meaning there will be longer waits for elective surgery. It will impact on newborn babies and people who require support later in life, including on the opportunity for them to have any elective surgery they may need.

It is not just Victoria's health minister and Premier who are outraged by this. At the Australian Health Ministers Conference in November, ministers from all six states indicated that they were united in fighting the commonwealth funding cuts.

What is the state opposition saying about these cuts? Absolutely nothing; it is silent. Believe it or not, when the state Labor opposition had the opportunity to speak out about the cuts when the minister on 13 November tabled a motion condemning the cuts and indicating that they would have a huge impact on our health services and that there had not been consultation with the states about them, opposition members, including Labor members for South Eastern Metropolitan Region in the other place, voted in favour of the cuts. I am sure people in their electorates would be horrified about that. If their constituents looked at the *Hansard* and found out that their upper house representatives were voting for these cuts, I believe they would be sending them a very clear message that the cuts were going to hurt all Victorians.

All members of Parliament, whether Liberal, Labor, Greens or Nationals, should be standing up and supporting our health minister. These cuts are short sighted and are an outrage. They could have life-or-death consequences for some people in our electorates. If you listen to the CEOs of health providers and hospitals, you realise they are absolutely outraged.

In closing, we have already been hit hard as a government by the commonwealth through a $6.1 billion loss in GST revenue since our election. I commend the Minister for Health on bringing this issue to the attention of us all, I commend the member for Ferntree Gully on this terrific matter of public importance and I call on the opposition to stand up.

Mr BROOKS (Bundoora) — I feel sorry for the member for Ferntree Gully, given the appalling performance of the government's frontbench, the dozers that we see letting Victoria dither and slip behind the rest of the country and the rest of the world on a whole range of measures. There are a few people on the other side of the house in the second row and on the back bench who might do a better job if they found their way to the front bench, and I think the member for Ferntree Gully could do a much better job than some of his colleagues who are currently occupying space on the front bench, but this motion does not serve his interests very well at all.

It is interesting that the member for Ferntree Gully has not bothered to stay around and listen to the debate on what he thinks is such an important issue. If he were so concerned about health funding in Victoria, you would think he would stick around and listen to his own colleagues and members of the opposition complete this debate. I think the matter of public importance (MPI) reflects very poorly on the member for Ferntree Gully because he should not have to come in here and make excuses for his minister, the Minister for Health. He should not have to come in here and try to direct attention away from the savage cuts the Baillieu government has made to health in Victoria.

The member for Ferntree Gully has just scurried back into the chamber! He missed a couple of the kind words I said about him. However, I think it is a very dangerous game to get into to be raising matters on behalf of a minister in the other place that directly mislead the Victorian public, particularly when the Baillieu government's record in health is so atrocious. We saw in its very first budget — —

Mr R. Smith interjected.

Mr BROOKS — The Minister for Environment and Climate Change, who is at the table, was part of the cabinet that signed off on a budget that stripped $481 million from the forward estimates in health in Victoria. That is a cut that every member on the other side of the house should be ashamed of. To back that up, in the May budget we saw another $134 million ripped out of the health system by the Baillieu government. We have seen a total of $616 million taken out of the Victorian health system by the government. What we see now is a Minister for Health who is desperate to blame anybody, and he has had his parliamentary secretary run in here and lodge an MPI that we know is completely untrue.

We know that the federal government is putting more money into the Victorian health system. The member for Carrum invited members on this side of the house to consider whether the federal Minister for Health, Tanya Plibersek, had bothered to write to the Victorian government on these issues. I refer the member to a letter the federal Minister for Health wrote to the Baillieu government's health minister, the Honourable David Davis, dated 30 October. The member for Carrum may wish to visit the Minister for Health's office and ask for a copy of that letter instead of coming into this place, like all her colleagues who have spoken on this debate, and running the party line without checking the actual documents, without checking the facts. They come in here like drones, repeating the party line and not checking the facts. I would say it is a very dangerous thing to do to fall into line behind this Baillieu government's health minister because I think government members will find he will lead every single one of them up the garden path.

The letter from the federal Minister for Health clearly sets out to the Minister for Health here in Victoria that what he has been saying in his letter 'contains a number of misleading assertions'. Minister Plibersek's letter says:

> Total health funding for Victoria from the commonwealth in 2012–13 is $3.61 billion, and grows every year over the forward estimates to $4.54 billion — an increase of 26 per cent.

The letter goes on to talk about a whole range of other areas where the Minister for Health here in Victoria has let the Victorian people down. It is a case of the Victorian Liberal Party and The Nationals not letting the facts get in the way of a good scapegoat, blaming somebody else for problems they created.

In fact the actual figures for funding provided by the federal government to Victoria are contained in the commonwealth *Mid-Year Economic Fiscal Outlook*, part 3, attachment D, annex A. They show that this year the funding is $3.61 billion; in the next financial year it will be $3.956 billion; in the following year, $4.1 billion; and in 2015–16, $4.5 billion. Funding from the federal Labor government into the health system in Victoria is going up year after year, and that puts the lie to this matter of public importance that has been presented in this house today. If the member for Ferntree Gully had any integrity, he would withdraw the matter right now and walk out of the chamber, because this is a completely misleading matter of public importance. Federal government funding for the Victorian health system is actually going up every year under the forward estimates.

Honourable members interjecting.

Mr BROOKS — Members on the opposite side of the chamber disagree with that assertion. I therefore seek leave to table the annex that contains those figures from the commonwealth *Mid-Year Economic Fiscal Outlook*.

Leave refused.

Mr BROOKS — These are the figures that demonstrate that federal government funding is going up in terms of the Victorian health system. It is not surprising that those on the other side of the house would choose to hide from the truth, because it demonstrates that the matter of public importance before us today is nothing more than a pathetic stunt

that is based on a mistruth. The Minister for Mental Health at the table knows that federal government funding for the health system is actually going up, but those opposite do not want to have the document put on the table, because they know it will prove that what they are putting forward is a mistruth.

As I said, what we have seen in relation to the Baillieu government has been the stripping away of health services. We have seen services in my own community being attacked by this government. We have seen elective surgery waiting lists in Victoria blow out to nearly 8000. That includes people who are sometimes waiting in a degree of pain for elective surgery and operations at various hospitals across the state. This is not something this government should be seeking to play politics with. I suggest that members on the other side of the house could use their time in better ways than coming in here with these sorts of rubbish matters of public importance. They should be going out to the hospitals in their electorates and local communities and apologising to patients who are on elective surgery waiting lists, because the government has blown those lists out. Those lists have been blowing out for the last two years; it has not happened recently.

If for a moment you were to ignore the facts, ignore all the information that has been put forward and the actual figures that have been published, ignore the budget papers which the Victorian government itself publishes and which outline the cuts it has made, ignore the Treasury documents which show that federal government funding is going up and then for a second believe this nonsense that has been put forward by the Baillieu government in this matter of public importance today, at the very least you would have to ask the question: why did the Victorian government sign up to the national health reform agreement? Why did the Victorian government sign up to an agreement that it now says there is a problem with?

Honourable members interjecting.

Mr BROOKS — This is a demonstration that the government, as I said before, is either misleading the Victorian people or is completely incompetent. The bleating from the other side of the house demonstrates that those opposite know that that is a fact.

I have mentioned the blow-out in elective surgery waiting lists that has been caused by the Baillieu government. In my local area we have also seen issues relating to one of the major public hospitals people rely on, the Austin Hospital — a great hospital which was rebuilt by the Labor government after it was threatened with closure by the previous coalition government.

Ms Wooldridge — Austin — $6.7 million this year out of the budget!

Mr BROOKS — The minister at the table talks about the Austin Hospital. Recent figures have indicated that up to 22 per cent of Austin patients have to wait on ambulance trolleys for more than 40 minutes before they are admitted to the emergency department. Can you imagine waiting on an ambulance trolley after having been taken in an emergency fashion to the local public hospital? Because of these cuts by the Baillieu government — $616 million of cuts — to our public health system you could have to wait for more than 40 minutes to get into emergency care.

People in my community are seeing firsthand the impact of the Baillieu government's cuts to the health system. When you see the amount of money the federal government is putting into the Victorian health system, making a very clear example that this matter of public importance today is a complete mistruth, those opposite who come in here and toe the party line like drones, as I said at the start of this debate, should be asking some serious questions of the Minister for Health. The Minister for Health, Mr Davis, should be doing his job. He should be fighting at the cabinet table for better funding in the budget process, not trying to blame other levels of government, as is the Baillieu government's wont.

We on this side of the house will continue to apply pressure to the Baillieu government in terms of health funding because we know that the reduction in health funding by the Baillieu government is hurting families. We know that people should not have to wait on ambulance trolleys at the Austin Hospital for more than 40 minutes and that the number of people left in that situation is unacceptable.

Ms McLEISH (Seymour) — I am very pleased to speak on the matter of public importance that was put forward by the member for Ferntree Gully. How true it is that the federal Labor government is attacking Victorian families and the state's economy through its latest announcement, which is actually not just an announcement but something that has come to fruition, a fact those opposite are conveniently neglecting or not bothering to find out. They have a very poor understanding of fiscal policy, at both the state l and federal levels. It would probably surprise them to find that half of the state's revenue actually comes from the federal government in the first place. That is probably a little bit of a surprise for them.

I want to set a bit of fiscal context in relation to the federal government's performance, which has been

extremely poor this year. We have already had these $5.5 billion cuts to defence, which has taken defence funding as a share of gross domestic product to its lowest level since 1938. That is pretty outstanding. I am here to support the member for Ferntree Gully and argue that these federal health cuts will have a detrimental impact on Victorian hospitals and certainly hurt families. Time and again it has been proven that Labor cannot manage money and cannot manage projects. I would think that rather than spouting about what they have done, those opposite might take a bit of notice of their own backyard, particularly the member for Bundoora, who should have a look at what is going on in the Northern Hospital and how these changes are impacting on that area.

I want to establish a little bit about the federal government's credibility and contrast its lack of credibility with what it was left with. Peter Costello eliminated the Australian government's net debt of $96 billion — evidence of poor previous Labor governments. He established a Future Fund which had $70 billion in assets and was one of the few sovereign wealth funds in Western governments. Where are the billions in surpluses? Where has that gone now? What are the feds doing now? They are taking it out on Victorians. They want a surplus. They are pretty silent about the level of debt they have and the fact that they are above $250 billion in borrowings. They are pretty silent about that because they are determined to come forward with a surplus, but achieving that surplus is really beyond their means and beyond their ability to manage things responsibly, so they are cutting and slashing. They know that they have had warning after warning about some of the problems overseas. They have squandered the inheritance they got from the federal coalition government, and now they have this net debt, which went from a very low base — below zero — to above $150 billion.

Prime Minister Julia Gillard and her federal government have an extremely poor record with what they have done, so they are now taking it out on hospitals. Do they think people are not going to notice their money shuffling, trickery and spin this time? The other day in Wallan I heard in person some absolute spin from Tanya Plibersek, the federal Minister for Health, and I was absolutely outraged by what she had to say. I will touch on that a little bit later.

The federal government has form when it comes to taking money away from the states and other bodies after budgets have been set. Everybody knows how difficult it is once you have put a lot of time and effort into setting your budget for someone to then come and, whammo, take away a whole lot of money — $107 million! What is really stunning about that is that $40 million of that is from the previous year and $67 million is from the current year. Basically the health services have just found out that they have seven months to find savings of $107 million. That is not small change, let me tell you — and it is having a big effect.

I said the federal government had form in terms of doing this — pulling money out after budgets have been set. It ripped money from local government authorities, blaming that on a technical correction to its financial assistance packages. I saw Murrindindi shire's funding go down $115 000. What does that mean for Victoria? It has an impact on rates and on families. The Mitchell shire was impacted upon, which involved $163 000. In terms of hospitals collectively across the state for this financial year and last year, $107 million is involved, and for the period to 2015–16 the figure is $465 million. It is an extraordinary amount of money. There are many hospitals in my electorate — Seymour hospital, the Kilmore hospital and hospitals in Yea and Alexandra. Healesville Hospital is part of Eastern Health, and just south of Wallan is the Northern Hospital, which is very big and is the local hospital for many in the southern part of my electorate.

Those opposite are talking spin. They do not understand that now, in December, the money coming from the federal government is less than the money that came in November — it is $15.3 million less. That cannot be disguised. That is the reality. If it is less in December, it is going to be less in January, less in February and so on, and of course that will create issues. I mentioned that Healesville Hospital was part of Eastern Health, which needs to find $8.4 million. How will it find that money? Obviously that will affect the services it can deliver. Northern Health will lose $4 million from its budget over the next six months. Comments were made about this in today's newspaper. I would have thought that the member for Bundoora and the member for Yuroke would be standing up for the people in their electorates, thinking there could be job losses and considering that it was planned that a new operating theatre would be opened in February, which is now in doubt.

You cannot tell the people in the southern part of my electorate and immediately south that there is a decrease in population — that the population of Victoria has fallen. It is dodgy, dodgy, dodgy. The federal statistician does not even believe that spin. The federal government statistician has reported an increase of 75 000 people — a 1.4 per cent increase. As I said, the assertion is dodgy, dodgy, dodgy. I saw the federal health minister the other day in Wallan talking about all

of the wonderful things she was doing but conveniently not mentioning the impact the federal government's cuts and slashes will have on the Northern Hospital. She conveniently made out that there were no medical services in Wallan whatsoever, putting offside the existing medical fraternity, which has been delivering for people in and around Wallan for 25 years — and some of them very much so in the last 10 years, when much growth has been experienced. You would think that what the minister said she was doing constituted the only things happening in the state. The spin coming from that minister is absolutely outrageous.

I have also mentioned the Seymour hospital. That hospital put out a press release saying it would lose $165 000 over the next seven months. What does that mean for the hospital? It needs to be able to provide elective health services, and it does not know how it is going to be able to continue to provide them. It is going to have to absorb the funding reduction while trying to provide the level of services required. The chair of Seymour Health has come out and spoken about that. Quite obviously if there is less money coming in to a hospital, it will have to find ways to manage that.

I applaud the Parliamentary Secretary for Health, the member for Ferntree Gully, for bringing this matter of public importance to the house, thereby giving us an opportunity to see again how those opposite remain silent. I note that Labor members in the upper house had an opportunity to vote for a motion expressing their concern. It was not an outrageous motion, but what did the opposition members do? They remained silent. They opposed the motion put forward by the health minister. As I say, I applaud the member for Ferntree Gully for putting this matter forward, and I am pleased to have had the opportunity to speak on it.

Mr NARDELLA (Melton) — I remember the Premier saying he had ripped up the former government's health agreement that Premier Brumby had made with Prime Minister Rudd. It was allegedly so bad and shocking that the Premier had gone with his Minister for Health, Mr Davis, ripped up that agreement and signed a new agreement, a Baillieu health agreement. He berated the Brumby government while promoting his own Council of Australian Governments health agreement. I remember that. In this very chamber on 2 March 2011, as reported at page 458 of *Hansard*, the Premier said:

> This is a win for Victorians and a win for Victorian patients.

He was in here gloating that he had done a deal with the federal government. It was such a great deal that the Premier and Minister Davis signed the agreement, and the Premier said in this very house on 31 May 2011, as reported at page 1680 of *Hansard*:

> … we want that deal to stick.

He wanted the deal he had made to be there for all time because it was a better deal than the Brumby government deal. The problem, and the problem with the matter before the house, is that the leadership of the government is incompetent. Government leaders do not understand what they signed up to. They do not care what they signed up to. All they want to do is play politics, talk spin and put out press releases attacking Julia Gillard, the federal government, Victorian Labor and everybody else, but they do not want to do the hard work.

Remember, Acting Speaker, the Minister for Health was criticised by his own people — by his own backbenchers, by his own frontbenches and by Robert Doyle — for having done no policy work when he was the shadow Minister for Health. And he has continued that proud tradition as Minister for Health in the Baillieu government. He does not do the work. He does not do the reading. He cannot understand what is put in front of him unless it is written in crayon, and the agreement is quite plain. It is what this government signed up to. The Minister for Health signed up to the agreement along with the Premier and said, 'We want this to stick'. Now they come in here groaning and saying that it is wrong, that it is not the right thing to do here in Victoria.

These people — this dynamic duo leading health in Victoria — show their incompetence by doing this. The Minister for Health, along with the Parliamentary Secretary for Health, the member for Ferntree Gully — the dynamic duo — are ruining the health system in Victoria. The sad thing about the matter of public importance before the house is that the government backbenchers and the Parliamentary Secretary for Health do not understand what their leaders have signed up to. In fact the leaders do not understand what they have signed up to, and that is plain to see through all the contributions made by honourable members on the other side of the house.

Let us look at some of the facts in the short time that I have left: 8000 more people are on the elective surgery waiting lists as I stand here today. This was not due to a cut of $107 million last Friday. It is because of the $616 million worth of cuts made by the Baillieu-Ryan government. Every month 333 more people go on to elective surgery waiting lists. Every month that this pathetic government is in office 333 people are left to wait in pain, and government members say, 'Oh, no, it

is the $107 million worth of cuts that came out last Friday'. And yet they do not want to talk about the increases in the public elective surgery waiting lists because they know that they cannot defend them. They know that they cannot defend the pain and suffering of people who are waiting on these lists because of their $616 million worth of cuts. It is just a disgrace.

Let us look at another fact. The Baillieu-Ryan government has ripped $616 million out of the health system, and the effect on the patients, on the delivery of health services — —

Mr Weller interjected.

Mr NARDELLA — We have a cow over there, Acting Speaker, who is sort of mooing away. It is the honourable member for Rodney, and I will get back to him shortly.

Mr Weller interjected.

Mr NARDELLA — Well, let us have a talk about the honourable member for Rodney.

Mr Wakeling — It is a bull.

Mr NARDELLA — If he is a bull, I think he has been castrated.

Mr Weller — On a point of order, Acting Speaker — —

Mr NARDELLA — I withdraw. He wanted to talk about figures. Let me give him a figure. Every month that this Baillieu government has been in office $24.09 million has been ripped out of the health system, month in month out. From the first day it came to office until today $24 million has been ripped out of the health system every month, and that is affecting the doctors, the nurses and the patients.

The other fact is this: this government is so cruel and cares so little about Victorians and vulnerable Victorians that it has scrapped funding for the whooping cough vaccine. How appalling and pathetic. We have parents and carers who need this vaccination to protect their kids, and this cruel and heartless government has gone out there and ripped that money out. We have promised to put it back in, but it just demonstrates the government's commitment to looking after babies, patients and sick people here in Victoria. It is cruel.

Let us go to another fact. On the last page of its election health policy, dated 11 November 2010, the coalition said it was going to increase hospital beds in Victoria. At this point in time there should be 200 extra hospital beds — not prison beds, not psychiatric beds, but hospital beds — —

Ms Wooldridge — Psychiatric beds are hospital beds.

Mr NARDELLA — Can the minister tell us where the 200 extra hospital beds are? They are not there. The government has not implemented one of its election policies in regard to this.

Another fact is that ambulance waiting times are increasing. I have a press clipping here from the *Herald Sun* of 19 June 2012, and I think the honourable member for Williamstown referred to it as well. It reports on the ramping of 16 ambulances — stacked one after another after another — waiting to deliver their patients to hospitals that they cannot get them into. This is what this government is doing to the health system. This is a government that said, 'What you see is what you get'. It was going to be open and transparent. There was not going to be any spin from this government, and yet this matter of public importance before the house is all about spin. It is not about the reality that the federal assistance to Victoria in the commonwealth budget is $3.61 billion in 2012–13, going up to $4.5 billion in 2015–16.

This government should be condemned for what it does, for the cruelty and the hurt to people who are having to wait on the hospital waiting lists, and I reject the matter before the house.

Ms WOOLDRIDGE (Minister for Mental Health) — I am very pleased to conclude the debate on the matter of public importance dealing with the critical issue of commonwealth funding cuts to Victoria's health system, which are going to have a massive and significant effect on health services, but more importantly on our families and communities. It is absolutely unbelievable that speakers on the other side of the house have stood up and defended these cuts. They are defending $25 million worth of cuts in their own electorates. Their own constituents are not getting access to hospital beds, surgery and mental health services. The fact that they can stand here and defend $25 million worth of cuts in their own backyards, let alone the $107 million that is coming out of hospital funding this year because of the cuts the commonwealth government is making, is unbelievable.

Members of the opposition either do not get it, or it is a case of what we think generally about them, and that is that they put Labor first. They protect the commonwealth Labor government. They protect

members up in Canberra rather than stand up for their constituents and against the commonwealth government. I want to take the opportunity to congratulate the member for Ferntree Gully on raising this important matter. He has done an excellent job as the Parliamentary Secretary for Health and also in my area of mental health. He is making an excellent contribution across the board.

I also want to draw attention to the nature of the personal attacks that have been made across the chamber in relation to individual members. I was fascinated to hear that the member for Yan Yean made a very personal attack on the member for Ferntree Gully after claiming just last sitting week that she would never undertake a personal attack. It is interesting how quickly tunes change and members make personal attacks rather than address the substance of the issue we are debating today. The substance of the issue is not spin and playing politics, as members on the other side would have us believe. If they do not want to hear it from the government, they can hear it from people who are respected in the community. The Australian Medical Association's federal council passed a motion just last week saying:

> That federal council notes that the Australian public hospital system is not meeting the clinical demands and performance targets placed on it. The AMA believes there should be no reduction in the funding of public hospitals by post-hoc adjustment of the health funding agreements.

Those opposite can also hear from the CEO of Bendigo Health, John Mulder, who yesterday in a message to his staff entitled 'Update on federal government funding adjustment', which is about the meeting to be held today with the federal minister and the chairs of all Victorian hospital boards, said:

> At the meeting the minister will hear firsthand of the impact of the cuts on staff and our patients. She will hear of the challenges of telling doctors, theatre staff and surgical ward staff that we will be ceasing elective surgery in April, requesting them to take leave or find something else to do for a few months but come back in July because we will need you again then.
>
> The minister will also be advised of how finely tuned our health system funding is at present and how little fat is left in the system, a system that can't adjust overnight to accommodate a funding cut of such magnitude without significant impacts on patient access.

Those on the other side can hear it from Southern Health in its letter to the Prime Minister, which says:

> I am writing on behalf of members of Victorian health service council of board chairs … on the commonwealth's decision to reduce its funding for Victorian health services by $106.7 million in 2012–13.

The letter goes on to say:

> We are gravely concerned about the detrimental impact this significant seven-month funding reduction at such short notice will have on the Victorian community and our staff, given the inadequate time available to consult and plan our response, including the deterioration in emergency performance, cancellation of planned elective surgery and closure of beds or services as we wind back planned expenditure.
>
> The commonwealth's funding cuts are equivalent to closing some 400 beds or cancelling more than 21 000 elective surgeries in this seven-month period …

Very respected members of the community, people of significant standing, are saying what we are saying, and that is that these commonwealth cuts are detrimental to the community and to health services, and they are unacceptable in terms of their short-term, immediate notice and the fact that cuts that are set to happen over a two-year period are actually going to be applied in the next seven months. When you look at the difference between November and December payments you see that they went down $15 million. That is clearly a cut.

I want to take a few minutes to focus on mental health because the ramifications for mental health are significant in the context of this overall debate. This government believes the mental health share of these cuts is going to be of the order of $12 million this year alone. That adds up roughly to about $56 million being taken out of mental health service funding over the next four years. When you look at the numbers and see cuts of $12 million this year, you realise that means about 840 fewer inpatient admissions over the next seven months. These are significant cuts with significant ramifications. This is an outrageous bid by the federal government to prop up its promised budget surplus. It is ripping money out of Victorian hospitals and away from Victorian patients, particularly in my area of interest, which is people with mental illness. This means staff will be affected and there will be longer waits for mental health beds and less mental health care in the community, resulting in higher readmission rates.

The member for Williamstown has complained loudly in this place and in the media about waiting lists for mental health beds and access to mental health services. It was amazing to hear him today defending the federal government's taking money out of the mental health system, thus exacerbating the problems and challenges we have with the system. These cuts will severely impact people with mental illness.

The fact is that we are not just talking about this year and the next few years; the funding contribution is being permanently lowered because it is based on population estimates for years into the future. There

will be ramifications for many years to come. As I said, we have had written confirmation of these cuts from the National Health Funding Pool administrator. The significant amount of $15 million came out in December. That represents $1.8 million taken out of the mental health budget in this month alone. This is dramatic, and it is going to continue to be dramatic.

The Victorian Institute of Forensic Mental Health, Forensicare, is a fantastic organisation providing services and support to people with mental illness who are also forensic clients. It has estimated that over $600 000 will be taken out of its budget this year alone. Forensicare has said:

> To achieve savings … in this year's budget, Forensicare would be required to close a 15-bed acute ward at the Thomas Embling Hospital and also reduce the mental health court liaison service … providing assistance and support to the court in relation to mentally ill offenders.

There are very dramatic implications.

The member for Williamstown has spoken in this chamber about the need for these sorts of services, but today he defended the federal government's cuts and failed to defend the need for funding Forensicare's services in Victoria. This is in the context of a meeting held last week at the Council of Australian Governments at which national mental health reform was approved. The agenda is to try to maximise opportunities to prevent or reduce the impact of mental health issues and mental illness, to provide support to people with mental health issues and their families and carers and to encourage people with mental health issues to be able to live full and rewarding lives. How can someone on the one hand stand up over there and hold forth in terms of the need for mental health reform, further investment and the needs of people with a mental illness in our community and on the other hand in Victoria this year alone rip $12 million from the state's mental health budget? It just does not make sense. This approach is inconsistent, and its effects will be very dramatic for our community. By contrast, the coalition government has been investing in mental health services. In this year's budget alone we have invested an additional $134 million, which is a very significant increase.

We have had much discussion of beds today. In the coalition government's first two budgets it has funded both recurrent and capital funding for 146 new beds in mental health services alone, which will make a real difference. They include beds in your electorate, Acting Speaker, and beds right across Victoria. These beds are for mothers and babies, including mothers with post-natal depression. These additional beds are taking pressure off emergency departments and include prevention and recovery care beds and step up, step down mental illness beds. They represent a significant investment in beds across the board. We have a commonwealth government that on the one hand is spouting rhetoric about investing in mental health services for the Australian community and on the other hand is ripping it out in terms of funding so those services cannot be delivered. This contrasts with the coalition government, which is investing in our mental health services — investing in beds, investing in community mental health and making a real difference for people with a mental illness, their families and carers. That is what we will continue to do — and we will vigorously argue to the commonwealth government not to make these vicious cuts to the Victorian community and hospitals.

STATEMENTS ON REPORTS

Outer Suburban/Interface Services and Development Committee: livability options in outer suburban Melbourne

Ms HUTCHINS (Keilor) — I rise to speak on the report tabled today by the Outer Suburban/Interface Services and Development Committee on its inquiry into livability options in outer suburban Melbourne. For the purposes of this report Melbourne's outer suburbs include the local government areas of Cardinia, Casey, Melton, Hume, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges. This report was prepared after the committee received 80 written submissions and took face-to-face evidence from representatives of 45 organisations, including interface councils, residents associations, traders associations, education providers and health providers.

I will focus my comments specifically on the northern and western outer suburbs of Melbourne. Over the last two years Melbourne gained international recognition as being one of the world's most livable cities; however, the committee's findings contained in this report show that Melbourne greatly lags behind when you get beyond the 20-kilometre barrier around the city of Melbourne. There is a growing divide in many respects between the inner city and the outer city. For example, Melbourne's western edge, including Wyndham and Melton, is the fastest growing region in Australia. In a report by the KPMG demographer, Bernard Salt, he says that this area stands head and shoulders above the rest of the nation as the no. 1 growth region.

The growth experienced in the outer suburbs of Melbourne is one of the biggest factors reshaping our

demographic and economic landscape. Unfortunately it is not being prioritised by the current government. Experts believe that this trend of population growth is likely to continue at a rapid rate over the next decade. This is a long-term structural trend that requires a long-term structural response. However, to date we have seen no delivery on infrastructure for these growing suburbs by the current government. In fact the committee has found a significant lag in the provision of services, social infrastructure and physical infrastructure — and particularly in the area of transport infrastructure in the form of roads and public transport. The vast majority of stakeholders from whom we heard provided evidence to the inquiry that referred to a shortage of road and public transport infrastructure in Melbourne's outer suburbs. Aside from the lack of basic transport infrastructure, stakeholders also reported issues with the frequency of existing public transport services, a lack of integration between transport modes and severe road congestion in interface municipalities.

LeadWest, a regional organisation for Melbourne's west, described the inadequate transport infrastructure in the outer western suburbs of Melbourne as the greatest threat to the region's economic viability, social cohesion and environmental sustainability. The committee also heard from Mr Luke Shannon, general manager, planning, at the Shire of Melton, who stated that there had been a significant lag in the expansion of the shire's bus network. He said:

> … a new suburb might be established, whether it be in Melton, Caroline Springs, or somewhere, that initially, for the first two, three, four or five years, has no readily accessible bus network and no bus stops …

This makes residents car dependent from day 1, when the doors of their new homes open.

The issues of the grade separation of railway level crossings and the upgrading of roads are some of the larger issues that were heard about by the committee. The need to grade separate level crossings on Melbourne's metropolitan rail networks is extremely apparent and continues to become more urgent as the population grows in the outer suburbs. The economic cost of transport congestion in Melbourne has been estimated at $3 billion per year and is forecast to double by 2020. Unfortunately this report fails to deliver real outcomes on transport as no recommendation relates to the direct need for immediate expenditure on public transport needs in the outer suburbs.

In conclusion, I thank the committee's staff, who worked tirelessly in putting this report together. I also thank my parliamentary colleagues who participated in the inquiry. We on this side of the house decided to prepare a minority report for a few reasons. Primarily it was because of the avoidance of any direct mention of funding in the recommendations, a lack of commitment to the preservation of precious green wedges in the outer suburbs and an emphasis on shifting responsibility onto the federal and local governments that amounts to buck-passing rather than facing the issues. Rapid population growth in the outer suburbs has not been matched by the provision of public transport, health services or road infrastructure. We have to ask ourselves whether we want one Melbourne or two. This side of the house wants one Melbourne.

Family and Community Development Committee: workforce participation by people with mental illness

Mrs BAUER (Carrum) — It is certainly a pleasure to speak on the report of the Family and Community Development Committee's inquiry into workforce participation by people with a mental illness. We have just heard from the Minister for Mental Health about her work in supporting the areas of mental health — in reform and further investment in mental health services — so I think the timing of my contribution on this committee report is quite appropriate. I commend the minister on her outstanding support of mental health services so far.

The committee was asked to consider the evidence of the low rate of workforce participation of people with a mental illness and the social and economic costs involved; the identification of the barriers that people with a mental illness experience in gaining and retaining employment; the respective roles of and collaboration between the local, state and commonwealth governments and business and community organisations in supporting the workforce participation of people with a mental illness; the effectiveness of programs that aim to improve workforce participation opportunities; the opportunities for tailoring education and vocational training; effective measures to support employers to recruit, employ and retain people with a mental illness; and the role of mental health services and general health and community services.

As a member of the committee I express my gratitude to my parliamentary colleagues for their dedication to the inquiry. Georgie Crozier, a member for Southern Metropolitan Region in the Council, is the committee's chair. The other members of the committee involved in the inquiry were Andrea Coote, also a member for Southern Metropolitan Region in the Council, and the members for Broadmeadows, Thomastown and Ferntree Gully in this chamber. Thank you very much

also to the secretariat. Dr Janine Bush, Dr Michael McGann, Stephanie Dodds and Natalie Tyler assisted the valuable work of the committee.

Increasing opportunities for people with a mental illness is certainly a significant issue in our community and society. Many people will experience mental illness at some stage of their lives. In fact it is estimated that one in five adults will experience mental illness at some stage of their lives. As members of Parliament and as a government, we need to do all we can in our community to provide support and to encourage and facilitate employment opportunities for people with mental illness.

People who have a mental illness came and spoke to our committee, and they want to work — they want to have flexibility and support in the workplace and when considering returning to work. Employment is beneficial for people with mental illness. It gives them a sense of inclusion and purpose, the ability to have financial security and also to increase self-esteem. Working is a powerful tool to assist in recovery from mental illness, and the committee has made a series of recommendations that look at improving opportunities for employment and education, and providing diverse employment pathways, flexibility and supportive workplaces. The committee has also recommended a mental health employment strategy to be led by the Minister for Mental Health. The minister would work closely with government departments and stakeholders on the strategy.

We have heard that if people with a mental illness are unable to work, they are more susceptible to social isolation, poverty and homelessness. In fact non-participation of people with a mental illness costs the Victorian community approximately $2.7 million in 2006, and absences related to mental illness were responsible for close to 4.7 million lost working days in Victoria. This is an estimated cost of $660 million in lost productivity. The importance of fostering workplace participation for people with a mental illness has been recognised as crucial at a national and also at an international level. As members of Parliament, we need to do all we can to improve opportunities for people with a mental illness to participate in the workforce.

Thank you to the 51 witnesses, representing 32 organisations, who appeared before the committee in Melbourne, Bendigo and Geelong, as well as the authors of the 44 written submissions that we received from a diverse range of organisations and individuals. Their personal stories brought valuable perspective to our inquiry. Often these stories were difficult for people to share, but we are very grateful. I believe the report we have tabled into workforce participation by people with a mental illness is a very valuable contribution that we are all proud of.

Road Safety Committee: motorcycle safety

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise today to speak on the Road Safety Committee's report on its inquiry into motorcycle safety. From the outset I wish to place on record my appreciation for the work that every committee member has done and, if I may, for the privilege I have had as a member of Parliament of having served on the Road Safety Committee. It has been truly enjoyable to have worked with each and every one of the members of this committee: yourself, Acting Speaker, as the member for Benambra; the member for Sandringham, who is the chair of the committee; the member for Cranbourne; and Mr Andrew Elsbury, a member for Western Metropolitan Region in another place.

Secondly, and equally importantly, may I put on record my acknowledgement of the executive staff of the committee: Kylie Jenkins, the executive officer; John Aliferis, the research officer; and Christianne Castro, the committee's administrative officer. Without them, we could not have produced this very good report. As a member of Parliament and as the elected member for Derrimut, I must say, having served on a number of committees, that it was an absolute pleasure to work with people who are committed to thorough work, to discipline, to empirical research and to making recommendations and providing guidance on the basis of scientific evidence and empirical work. I think that, if anything, it will be perhaps the most important and solid contribution they have made, and I thank them for that.

I also wish to place on record our appreciation for all of the submitters — all of the agencies, the clubs, the various fraternities, the scientists and the academics, both local and international, who made contributions to what I think is an important report. Hopefully it will go some way in terms of improving road safety and in terms of contributing to the prevention of death and trauma on Victorian roads. Victoria does a lot of good things for the first time in the world. I acknowledge the work of the submitters, I acknowledge their contributions and I acknowledge their sincerity in the way they put their submissions and recommendations to us.

There are many recommendations of importance in this report. If there is one thing with which I wholeheartedly agree, it is that recommendations ought to be made on

the basis of research, published evidence, whether it be local or international, and on the basis of empirical work conducted by true experts. We on this committee, both on that side and on this side of the house, will not play to the media or to populist recommendations. I believe we have applied ourselves very honestly and strongly in making recommendations that we believe will make a genuine difference in the short and long term.

The first recommendation that one ought to recognise is recommendation 1, as a matter of fact. It reads:

> That an independent office of road safety data be created, which will be responsible for collecting, collating, interpreting and publishing all data relevant to road safety.

As we have seen, many agencies — including the Department of Health, Victoria Police, VicRoads, the Transport Accident Commission and Monash University Accident Research Centre — make contributions and collect data. But the level of inaccuracy of that data, if I may place this on the record, with respect, does not allow policy-makers, legislators or governments to make proper policies and recommendations for the purpose of preventing injuries, casualties and deaths on the roads. Recommendation 13 relates to how VicRoads and the Transport Accident Commission should treat off-road motorcyclists. Time will not allow me to discuss this issue, but the Acting Speaker would know that of the order of 49 per cent of casualties on our roads take place off road — that is, on unsealed, unpaved roads. Therefore we strongly encourage the agencies to focus on and pay attention to those areas.

There are many other recommendations that I wish to talk about, but time will not allow. We recommend the report. We look forward to working in partnership with each and every one of the submitters on making our roads safer.

Rural and Regional Committee: capacity of farming sector to attract and retain young farmers and respond to an ageing workforce

Mr WELLER (Rodney) — It gives me great pleasure to speak today on the Victorian government's response to the Rural and Regional Committee's report on its inquiry into the capacity of the farming sector to attract and retain young farmers and respond to an ageing workforce. I am the chair of that committee. Other members of the committee include the member for Ballarat West, who is the deputy chair, the members for Geelong and South Barwon and a member for Northern Victoria Region in the other place, Damian Drum.

In its response to the committee's report the government has supported recommendation 1, in which the committee recommends the government convene a round table with industry peak bodies to discuss the findings and recommendations of this inquiry and to devise a plan for how to attract people into the agricultural sector. The industry is looking forward to the round table, which will involve all the players: the Victorian Farmers Federation, Dairy Australia, the Grains Research and Development Corporation, Horticulture Australia and major industry players such as Elders and Landmark. They will all be able to contribute to a plan the whole of the industry can work on to attract people into the agricultural industry.

Recommendation 14 is:

> That the state government do a costing study on the introduction of effective reforms to the agricultural education approach in Victoria.

The committee went on to say that it would encourage Victoria and the government to do a costing study on agricultural high schools for years 11 and 12 and how we could utilise some of the underutilised tertiary colleges such as Dookie College and others in Victoria. The government's response is that:

> The Victorian government will undertake a costing study on potential reforms to the agricultural education system in Victoria. The study's terms of reference will focus on the areas identified in the Rural and Regional Committee's report, and will examine opportunities to utilise existing resources more effectively to deliver agricultural education in Victoria. In particular, the study will test the feasibility of establishing a specialist school for agricultural education at the year 11 and 12 levels.

When we visited the agricultural school at Cunderdin in Western Australia we found that there were 200 students living on campus. Their day started at 8 o'clock in the morning and finished at 4 o'clock in the afternoon so they could do all of the academic subjects and also have farming courses. We found that that school attracted one-third of its students from outside Perth. We also found that at the other end of the course, when the students finished their studies, about a third did agricultural science degrees, a third went back into the industry as apprentices or trainees and a third took up traineeships or apprenticeships in engineering, diesel mechanics, carpentry or plumbing because of the skills they gained and the taste they developed for those subjects and careers at the college. These skills are important to our rural and regional areas. These areas have been calling out for them. The committee believes a college established along those lines would be quite an advantage to rural and regional Victoria.

Recommendation 34 is:

> That the state government support development of a mentoring model for Victorian Young Farmers, to assist them in growing their membership.

The government's response is:

> The government recognises the important role of mentoring in a rural context to facilitate the transfer of information between generations.
>
> The VYF are working with the government to develop a mentoring model specific to their needs. Access to the program will be open to all members of the Victorian Young Farmers.

We all know that if you want to develop properly, you need mentors, and the government is getting behind this program and helping so that our young people in agriculture have mentors.

Mr Eren interjected.

Mr WELLER — No, so that they have mentors.

We have to remember that this august organisation, the Victorian Young Farmers, has provided some very good members of the Victorian Parliament. The member for South-West Coast is a former president of the Victorian Young Farmers. A past member for Polwarth, Mr Ian Smith, was another president of Victorian Young Farmers. Indeed former members for Rodney Mr Eddie Hann and Mr Noel Maughan and my good self are all past members of the Victorian Young Farmers.

Road Safety Committee: motorcycle safety

Mr PERERA (Cranbourne) — I rise to comment on the Road Safety Committee's inquiry into motorcycle safety. At the outset, I would like to thank the secretariat staff — Kylie Jenkins, John Aliferis and Christianne Castro — for their tireless work in delivering a quality report. My special thanks go to Kylie for organising the committee trip to a number of places in the UK and Europe a few weeks after the announcement of committee budget cutbacks for the new financial year. I also thank all my parliamentary colleagues for working cohesively on this inquiry.

The inquiry received 76 written submissions from a wide range of stakeholders including individuals, government agencies, rider groups, health professionals and motorcycle representative groups. It received evidence from over 100 witnesses in Melbourne and at locations throughout regional Victoria The committee met with Australian experts in motorcycle safety and also a number of internationally recognised individuals and organisations across the UK, the Netherlands, Belgium and France.

I wish to thank all those who made valuable contributions to the committee's inquiry. The report contains a total of 64 recommendations. All of the recommendations are based on the committee's consideration of the available evidence. The committee believes that most motorcyclists are keenly interested in anything that can reduce their crash risk. In the committee's view the report's recommendations are a win for road safety.

A number of the recommendations overlap or are associated with recommendations, proposals or areas identified for improvement in submissions from government agencies. A number of the data recommendations relate to proposals or recommendations made by the Department of Sustainability and Environment, VicRoads and the Transport Accident Commission (TAC). Recommendations on infrastructure, including improvements to road barriers, are similar in nature to proposals or recommendations made by VicRoads.

The recommendations on training using simulators, increasing the use of anti-lock braking systems and the potential impact of intelligent transport systems and associated technologies are similar to the proposals or recommendations made by VicRoads. Recommendations and proposals from the TAC can be linked to the committee's recommendations for a functioning star-rating system and research on the attitudes of riders and drivers to each other. Explicit support was provided for the recommendation on filtering. The idea of researching and investigating filtering, including its benefits and risks, was raised in the VicRoads and Victoria Police submissions.

I wish to speak on important key recommendations. I will start with recommendation 25, which is that the motorcycle safety levy be abolished, and work my way through the recommendations, probably including in future sitting weeks. In May 2002 the motorcycle safety levy was introduced. The funds from this levy were supposed to go directly to fund initiatives to improve the safety of riders. The levy attracted significant criticism as well as praise from the motorcycling community. The projects funded from the levy are over and above the annual motorcycle safety programs conducted by the TAC, VicRoads and Victoria Police.

One of the most important initiatives funded by the levy to date has been road improvements at over 148 black spot locations where multiple motorcycle crashes have occurred or on routes where motorcyclists are most at

risk. The improvements are specifically developed by engineers and expert riders to address the types of crashes that riders have experienced at those locations. To the end of June, approximately $45 million raised from the levy had been committed to motorcycle safety projects. According to the VicRoads submission at page 43, $15.7 million had been committed or approved for research and education and $27 million for infrastructure. The total committed or approved is therefore $42.7 million. I will probably continue my statement in the next sitting week.

Road Safety Committee: motorcycle safety

Mr THOMPSON (Sandringham) — A radical and ongoing reduction in the Victorian road toll is a critical objective of the Victorian community. More can be done, and more needs to be done. During the course of the inquiry into motorcycle safety, injured riders and their families and those who have lost loved ones as the result of a motorcycle crash shared their experiences with the committee. As one participant stated to me:

> … the legacy left behind when a motorcyclist dies on Victoria's roads lies not with them but with their partners, children, parents and other family and community. It is these people who will benefit from improvements in motorcycle safety, as well as the motorcyclists themselves.

Such contributions to the inquiry enhanced the understanding of committee members of motorcycle trauma and helped guide the committee's consideration of issues.

On behalf of the committee, I thank the submitters and witnesses who gave of their time to provide their insights and expertise to the work of the inquiry process. They included government agencies, organised advocacy groups, interested Victorian motorcyclists, and experts from the medical, road safety and legal fields. Those people met with and imparted their knowledge to committee members in submissions and at the committee's public hearings and meetings in Victoria, interstate and overseas. Their collective contributions are reflected in the breadth and detail of the report.

I thank my fellow committee members for their energetic, sustained and insightful participation in this inquiry. During the course of the inquiry the member for Derrimut provided sage and measured advice. His work and the contribution of the member for Cranbourne reflected the long tradition in this state of a bipartisan approach to road safety, and I thank them for that. The member for Benambra is the most experienced and skilled motorcycling member of the committee. We benefitted from his advice, especially when it came to considering matters of data. His work as a traffic policeman and in the military as a motorcyclist was invaluable to the work of the inquiry, as committee members had a measured range of skills as the committee commenced its work. The fresh ideas of committee members, the bipartisan collaboration and the genuine interest shown in improving motorcycle safety are also reflected in this report. I also acknowledge the enthusiasm, practical interest and contribution of a member for Western Metropolitan Region in the other place, Mr Elsbury.

I thank the committee staff — the executive officer, Ms Kylie Jenkins; researcher, Mr John Aliferis; and administrative officer, Ms Christianne Castro — for their dedication, support, tireless work and engagement in the process. They committed and dedicated their professional working lives to the work of this inquiry over a long period and, on the basis of evidence, influenced the final recommendations in the report.

The report contains 64 recommendations, including the abolition of the motorcycle safety levy, the hypothecation of traffic fines and their transfer to road safety improvement and the establishment of an independent office of road safety data so that when it is necessary to drive change and reform we have the data we need on which to base recommendations. When I commenced this process, I had many ideas. However, I was persuaded by my colleagues and some of the committee staff that not every idea I had was a good one and that every idea had to be founded and grounded in the evidence that came before the committee. There has to be ownership of the outcomes and the results, and the only way that will be achieved is by having a clear record of evidence.

The committee has also proposed the introduction of a motorcycle safety awareness week. Road safety is everyone's responsibility, and much more needs to be done on the part of members of the Victorian motoring community to improve their safety approach to motorcyclists on Victoria's roads.

Committee members looked at the issue of mandatory protective clothing. In the absence of a star-rating system for protective clothing, we have not mandated such clothing. It would be folly to mandate the wearing of protective clothing that did not meet basic performance requirements. When a star-rating system for protective clothing is in place, we will be able to look at making further moves in that field. There is a very important role for educated freedom of choice in the field. The report has a recommendation on filtering. In my view the future will be in intelligent transport systems.

The ACTING SPEAKER (**Mr Tilley**) — Order! Unfortunately the time for making statements on reports has now ended.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012

Second reading

Debate resumed from 11 December; motion of Mr CLARK (Attorney-General).

Ms McLEISH (Seymour) — I rise to continue my contribution to the debate on the Traditional Owner Settlement Amendment Bill 2012, which I began last night. I was beginning to focus on one of the four key objectives of the bill before us — that is, to increase the chances of reaching settlement. When we are looking at increasing the chances of reaching settlement, we are really looking to bring matters to a conclusion — to provide certainty and finality. As can happen with any protracted legal matter, the cases of native title that we are talking about can go on for a long time, even for more than 10 years. It is certainly not in anyone's interest to have cases drag out and be so protracted. There are benefits in moving things more quickly.

One of the areas addressed by the bill is negotiated settlement. The benefits of negotiated settlement are probably obvious, but I will mention them. One benefit is the dollar cost for everybody involved, whether it be the government, a third party or the traditional owners. Sometimes angst is associated with protracted legal matters. A matter may go on for six months, and when you think you are nearly there it continues on. There is angst associated with the lack of certainty. Hopefully the negotiated settlements will redirect energies and resources into areas that are more useful.

I will turn to some of the amendments relating to the bill's impact on users of Crown land. The majority of the amendments in the bill have no impact in relation to Crown land. We need to remember that there are many users with existing interests in relation to Crown land. They include Crown land leaseholders, tourism operators and park visitors. For the majority of those people there will be no impact.

I want to discuss the land use activity agreements, which have some binding standard conditions. What these binding standard conditions seek to do is reduce both the financial burden and the negotiated burden on land that might have a significant impact on traditional owners rights. If you have an area of Crown land that involves traditional owner rights, the process of working out how to use the land is quite long and protracted. The reduced time frames will reduce the financial burden, but also negotiations will move along a little more quickly.

Another area I will touch on is the definition of a traditional owner group. The bill makes this clear. A traditional owner group is one that has or is able to have a native title settlement. This clarification will facilitate those who can enter into legally binding Indigenous land use agreements.

The second-reading speech refers to the notion of having the right people for the right country. When I look at some of the bases of the early native title work, when people were a little bit alarmed about what native title claims meant, I can see the work happened in relation to specific areas, and it was for people who had ongoing relationships with land to demonstrate those ongoing relationships. I had a friend working in that area, and she said the way you would go about it was almost formula driven. You would look at a map of Victoria and identify which land was able to be used as native title, and then it was about enabling groups to establish ongoing relationships with that land. The bill will also help bring native title matters to a conclusion and provide legal finality. The relief of pressure and stress associated with the process is a good thing.

A clause in this bill seeks to reduce duplication between the principal act and the Aboriginal Heritage Act 2006, which could cause issues about which act applies to a matter. I am pleased to see that addressed in the bill.

Finally, I want to talk about the consultation that has occurred in relation to the bill. There has been consultation with representatives of traditional owner groups, in particular Native Title Services Victoria and the Victorian Traditional Owner Land Justice Group. The Department of Justice has consulted quite widely on these policies. As I mentioned earlier, the bill before the house was introduced by the Attorney-General, but it is very broad and encompasses quite a large range of portfolios. That is evident when we look at what I have just mentioned in relation to the Crown Land (Reserves) Act 1978 and the areas of responsibility the bill brings to the portfolio of the Minister for Aboriginal Affairs.

With that I commend the bill to the house and trust that it will move through quite speedily.

Sitting suspended 12.59 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

PROTECTIVE SERVICES OFFICERS: PARLIAMENT HOUSE ATTACK

Mr BAILLIEU (Premier) (*By leave*) — Last night at around 8.30 p.m., following an initial, brief conversation with a member of the public, there was an entirely unprovoked and grievous physical assault on a Victoria Police protective services officer (PSO) on the concourse at the foot of the front steps of Parliament House. Victoria Police has advised that the officer was apparently brutally attacked with a hammer. That officer, as we have heard from you, Speaker, is in hospital. Following an operation we understand he is in a serious but stable condition. Nevertheless, the injuries he sustained in the course of his duty were very significant. Victoria Police has advised this morning in a media release:

> The PSO, in his 40s, suffered a depressed fracture of the skull and underwent surgery overnight, he remains in a serious but stable condition.

I am sure that the thoughts of all members of Parliament are with him and his family as he receives professional medical treatment, and we wish him well and a swift and full recovery.

We are further advised by Victoria Police that the offender, having disabled the PSO, then removed the PSO's firearm and ran off. The attacker, we are advised further by Victoria Police, was found a short time later in East Melbourne, apparently having taken his own life. Again quoting from the Victoria Police media release from this morning:

> Around 6 minutes later police received a report of a gunshot heard in the vicinity of Wellington Street South, East Melbourne.
>
> A patrol of this area was conducted and the man was found deceased in Jolimont Reserve, near the intersection of Charles Street and Wellington Street South.
>
> Police believe the deceased man has taken his own life using the police-issue firearm.

In anyone's terms, this was a serious incident, and certainly the government takes it seriously. In both cases this has been a tragic event, and I am sure all members would wish there to be a very speedy and thorough investigation.

I believe the response at Parliament was appropriate from Victoria Police, other protective services officers, the security staff, Ambulance Victoria and indeed, Speaker, you and the President as Presiding Officers. I know members, staff and others present in the building were clearly upset and concerned, particularly for the condition and health of the PSO, but I do not believe members felt personally threatened at the time. Nevertheless, this is a serious incident, and the actions of the offender were clearly unacceptable. Anyone armed with a weapon roaming the streets or in the vicinity of this place or indeed in the wider public arena poses a threat.

I know the Presiding Officers have taken a serious view of security here and that a review is under way as a consequence of previous issues that have arisen. I trust that that review will now include this incident and that the process will in particular include the impact on the casual surveillance of the front steps and front forecourt of Parliament of the construction site which is now present. Indeed the Leader of the Opposition and I were just having a discussion about that. Separate from that I am sure the government will receive professional advice from Victoria Police, as will the Presiding Officers and other relevant agencies, in the wake of last night's incident, and there will be a role for the state coroner.

However, I want to put on the record that the facts have been misreported in some instances, particularly in the first instance. It is important that we put that on the record. The PSO concerned is a longstanding member of the protective services unit. I will come back to that in a moment. He was a member of the protective services unit and not, as was reported by some, a protective services officer in the transit area. Secondly, reports that proclaimed 'Death on Spring Street', other reports that claimed that a man 'had been shot and killed near Parliament House' and one report that indicated that a death had occurred 'metres from members of Parliament' were not correct.

Since 1987 Victorian protective services officers have participated in what is called a protective services unit. Those officers have sought to protect. It has been their mission to protect Parliament House, the courts, the Shrine of Remembrance, the Treasury office buildings, other government buildings, including the St Kilda Road police complex, and other police facilities. They perform an important role in protecting those of us who work in this building and the thousands of members of the public who visit this building and other locations each year, and they do so in a dedicated way. The notion of protective services officers is of a protection unit dedicated to particular locations and service areas. That is the context of the extension of the role and coverage of protective services officers to the rail network across metropolitan Melbourne and major regional stations.

PSOs also perform a very important community role, working with other personnel in the physical protection

of the buildings and facilities themselves and, as many members would know, assisting members of the public. A brief conversation between a protective services officer and a member of the public on the front steps of Parliament would not be an unusual event; it would happen many times every day. These events nevertheless cause us to pause for a moment and think about how quickly such events can occur and how devastating they can be. We note again the professionalism of those who protect us as we go about our daily business. We thank them for their dedication, and we certainly pray for and extend our heartfelt good wishes to the officer in question and his family and trust that he will make a complete recovery from this awful event.

This is a free and happy democracy. The Parliament building itself is at the heart of that democracy. It is at the heart of the expression of freedom, aspiration and ambition in this state. It is important that it be protected. It is also important that it be accessible. We thank the officers for the job they do, and we stand with them at every opportunity.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I thank the Premier for his indulgence in allowing me to make a brief statement in addition to his comments on the events of last night. The crime that occurred last night on the steps of our Parliament and in the heart of our city, I think it is fair to say, has shocked every Victorian. It is not easy to comprehend. It appeared to be random and was truly grievous. Of course more will be learnt in the coming days and weeks, and we should wait for the investigations and inquiries to run their course. I have said as much throughout the course of today.

Officers of Victoria Police — and I include in that protective services officers (PSOs) — by the nature of their service and commitment put themselves at risk every time they put on their uniform. When men and women in uniform are assaulted, when they are wounded, it is troubling, it is chilling and it is simply intolerable in our society. All of us in this chamber and across our community have an immense respect for members of Victoria Police and the sacrifices they make, and each of us is truly saddened when their service and commitment are abused in vicious and violent acts.

At this time our thoughts and prayers are with the protective services officer who was so seriously wounded last night just metres from this place. Our thoughts and prayers are also with his friends and his family. We wish them strength as they guide him back to good health and good spirits. We are also thankful that the PSO is receiving world-class treatment at the Royal Melbourne Hospital. I know that is of comfort to all Victorians concerned for his welfare, and it is no doubt a great comfort to his colleagues and his family.

Finally, we are thankful the incident last night did not escalate any further. We are thankful that no bystanders or others were impacted upon or hurt by this very unfortunate event. Any shocking event which occurs so close to and indeed in the shadow of the holiday season should make us all reflect and take a moment to cherish those who are closest to us. I am sure that we all wish this brave PSO, this brave Victorian, a swift recovery so that he may enjoy and celebrate this special season in the company of those he loves.

QUESTIONS WITHOUT NOTICE

Students: education conveyance allowance

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Education. I refer the minister to his changes to the conveyance allowance and his claims that the government cares and has acted on widespread community concerns about those changes to the allowance. I ask: how can the minister says he cares and has acted when in a letter to my office this week Jenny, who sends her children to St Francis Xavier College, says she has been advised by the college that she will have to pay at least $800 more to send her kids to school next year? In light of that, how can the minister possibly claim that he cares and has acted?

Mr DIXON (Minister for Education) — I thank the Leader of the Opposition for his question. As I said in the last sitting week, we announced back in last year's budget that there would be changes to the conveyance allowance in terms of eligibility. We made two main announcements. One was in regard to means testing of areas outside the urban growth boundary, and the other was that there would be a change to the urban growth boundary because under the previous system the boundary had been set in 1983.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk! Enough.

Mr DIXON — The conveyance allowance is to help parents, families and students in rural and regional areas. Obviously since 1983 there has been incredible growth — —

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk will not be warned again.

Mr DIXON — There has been incredible growth in the outer suburban areas of Melbourne, and with that growth have come public services, including public transport. We have now fixed the urban growth boundary, and it has been updated from its 1983 location. Anybody inside that boundary, as it is now, is no longer eligible for the conveyance allowance, except that anyone who has been affected by the boundary change who currently receives the conveyance allowance will have that arrangement grandfathered for up to six years. On top of that we have also looked at other areas within the new urban growth boundary that are not well served by public transport. There are exemptions for a range of postcode areas where there is not adequate public transport. Students in those areas will continue to attract the conveyance allowance.

Council of Australian Governments: meeting outcomes

Mr GIDLEY (Mount Waverley) — My question is to the Premier. Can the Premier report to the house on the outcome of the Council of Australian Governments (COAG) meeting and other matters currently being negotiated between the Victorian and commonwealth governments?

Mr BAILLIEU (Premier) — I thank the member for his question and for his interest in these important issues. Last week, on Thursday and Friday, I had the 'pleasure' of attending a further COAG meeting, including the business forum, which preceded it; the states forum, which preceded the formal COAG meeting; and the informal meetings that took place around COAG. There were some things achieved last week. We were pleased to be able to sign an agreement which all states committed to in the name of a trial of a national disability insurance scheme. The Victorian government has been at the forefront on this issue since before the last election. We put forward the notion of a trial for the Barwon region, and we are pleased to have secured that.

In addition, all participants agreed to release a 10-year road map for national mental health reform. We look forward to some further targets being established for that, but that in itself is an achievement. All jurisdictions likewise agreed to cooperate on a royal commission into child sex abuse. That is an important step that very much comes off the back of the parliamentary inquiry which was established here by the Victorian Parliament over recent months and has been doing such an extraordinarily good job.

The commonwealth also picked up suggestions from the Victorian government on a number of important issues. One of those is to review the allocation of spectrum to emergency services, and that will now come back to COAG following an appropriate review before the next COAG meeting. In addition to that, we advanced the case to expand the inquiry into the recent Telstra outage in Warrnambool, which has had an impact on some 60 000 people in south-western Victoria. We got the commonwealth and other states and territories to agree to an expansion of that inquiry to include the social and economic impacts of that outage and also to include the status of such an incident in the emergency management and disaster relief processes of this nation, because this has been a personal, business and economic disaster in the south-west.

I am nevertheless sorry to report that some frustrations have arisen from COAG. One of those is that, despite the agreement at the last COAG meeting, the commonwealth walked away from a commitment to the reduction of green tape, and that led the Business Council of Australia to say it was 'a frustrating reversal by the commonwealth on its commitment to deal with the growing costs of major investments which are vital to underpinning the strength and resilience of our economy'.

In addition to that, I am sorry to report that once again the commonwealth has refused to take any action in regard to an inquiry into construction costs. Despite agreement at the last COAG meeting that a panel be established, the commonwealth and some Labor-dominated states have decided to make the case to block a construction cost inquiry by insisting on the appointment of panel members they know will not be agreed to. The original determination of COAG was that panel members would be agreed to by all jurisdictions, but the commonwealth and Labor states have nominated those who will not be agreed to in the hope that there will be no construction cost inquiry. Why did they do that? Because they stand, like others, with the Construction, Forestry, Mining and Energy Union and its mates.

Students: education conveyance allowance

Mr MERLINO (Monbulk) — My question is to the Minister for Education. I refer the minister to the case of Leanne Scott, who has three children — Liam, Callum and Georgia — who are students at Bacchus Marsh Grammar. They live in Tarneit, and Leanne travels to work in South Melbourne each day. I ask: how can the minister claim to care and have acted when Ms Scott will not receive a single dollar to send her

children to school following the minister's cuts to the conveyance allowance?

Mr DIXON (Minister for Education) — I thank the Deputy Leader of the Opposition for his question. As I said in my previous answer, the changes to the urban growth boundary, or making the urban growth boundary the new boundary for eligibility for the conveyance allowance, was announced in last year's budget. Anyone who is currently receiving the conveyance allowance will have that arrangement grandfathered for up to six years. A range of postcode areas are exempted from those changes if they do not have adequate public transport. Also, as far as Bacchus Marsh Grammar is concerned, there is a totally different issue running regarding the eligibility in terms of whether it is an ecumenical school and the definition of the denomination of the school. That decision has not been made, and, as I said two weeks ago, that issue is still under review.

Provincial Victoria Growth Fund: performance

Mr CRISP (Mildura) — My question is to the Deputy Premier in his capacity of Minister for Regional and Rural Development. Can the minister advise the house on the coalition government's response to the Auditor-General's report into the management of the Provincial Victoria Growth Fund, tabled today?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Mildura for his very timely question. The government welcomes the Auditor-General's report on the management of the Provincial Victoria Growth Fund. In so saying, I remind members that the $100 million Provincial Victoria Growth Fund was formed by the previous government in 2005 and ceased operating in June 2010. This is a very interesting read. The report is absolutely damning. It exposes the chronic mismanagement in the administration of the fund, which was one of the key grants programs of the government of the day.

The problems highlighted by the Auditor-General in the report include a clear lack of rigour and due process in assessing funding decisions. The report states:

> … assessment decisions were not adequately documented and criteria were not applied consistently to all funding decisions.
>
> …
>
> There is no documented evidence that the IDC —

the interdepartmental committee —

> established to oversee PVGF —

the Provincial Victoria Growth Fund —

> adequately carried out its assessment, prioritisation and evaluation responsibilities. This limited the effectiveness of its monitoring and review roles.

Continued evidence of the Labor government's addiction to spin over substance is clearly demonstrated by the content of the report, another part of which says:

> Performance measures focused on activities over outcomes, and established targets were inconsistent and unclear.

There was a clear lack of respect for public funds and value for money for the community, and most proposals lacked any sort of properly developed business case. The report says that the departments of Premier and Cabinet, and Treasury and Finance, advised government that they:

> … did not endorse a third of the 26 proposals in the —

Moving Forward —

> submission because they did not have fully developed business cases and could not be adequately assessed against other budget priorities.

In addition to all of this, there was clearly a lack of transparency in the distribution of the funding. The report says:

> There is little supporting evidence to substantiate how the $21.64 million unallocated portion of the funding was distributed —

and various other such things on the same topic.

The report also exposes the former government's deception over the funding it was providing to communities, and this I must say is a compelling finding. The former government had the habit of repackaging old regional funding and promoting it as new funding which was clearly regional and rural. When announcing the Moving Forward update in 2008 the previous government advised the community that the statement 'sets out new funding of $12.4 million'. This claim is contradicted by the Auditor-General, who states clearly:

> No new funding was provided as part of the Moving Forward update …

The report goes on to say of the current administration of the Regional Growth Fund, in stark contrast with this catalogue of mismanagement, that:

> … RDV has improved its planning and management of RGF and addressed some of the deficiencies of PVGF, particularly with regard to evaluation planning and meaningful reporting on the achievement of outcomes.

Who was the minister who had responsibility for this debacle under the former government? None other than the member for Bendigo East.

Students: education conveyance allowance

Mr EREN (Lara) — My question is to the Minister for Education. I refer the minister to the case of Vanessa Dixon Legitt and her two children, Katelin and Oliver. Oliver attends a school in Balliang East to cater for his special needs, and Katelin attends Bacchus Marsh Grammar. Given that the minister has failed to respond to Vanessa's numerous letters, can he explain to her how he cares, when because of his cuts to the conveyance allowance she will not receive a single dollar to send her children to school?

Honourable members interjecting.

Mr DIXON (Minister for Education) — I thank the member for his question — I am just waiting for him to stop talking. Thank you.

Honourable members interjecting.

The SPEAKER — Order!

Mr Andrews interjected.

The SPEAKER — Order! I am on my feet, and the Leader of the Opposition is still talking. The house will stay in order.

Mr DIXON — As I have said in previous answers, any parent of a student attracting the conveyance allowance would continue to receive it, because it would be grandfathered for up to six years. There are some areas which have now been taken inside the boundary — they are not only grandfathered but exempted because of the lack of bus services. There is a completely separate issue regarding the education conveyance allowance that touches on Bacchus Marsh Grammar. That is to do with the school's questioning of the definition of its denomination, which, as I have already said, is a completely separate issue to the conveyance allowance. They are two separate issues, and no decision has been made on the second part.

Sentencing and law reform: government initiatives

Ms McLEISH (Seymour) — My question is to the Attorney-General. Can the Attorney-General update the house on progress to date in implementing the government's sentencing and law reform initiatives?

Mr CLARK (Attorney-General) — I thank the honourable member for Seymour for her question. When the government came to office in 2010 there were many problems in the legal system that needed fixing. Reforms to achieve stronger and more effective sentencing were a key commitment of the incoming government. I am pleased to inform the honourable member and indeed the house that substantial progress has been made in achieving those reforms.

Most recently the government has introduced into the house today legislation for statutory minimum sentences for gross violence, which will provide a minimum non-parole period of four years for adult offenders who cause serious injury in circumstances of gross violence. Of course the house will have the opportunity to debate that bill in detail after its second-reading speech.

This legislation sits alongside a range of other sentencing reforms that the government has introduced over the past two years. Suspended sentences for serious crimes in the higher courts have been abolished for offences committed after 1 May 2011, and home detention has been abolished. We have scrapped the old plethora of community-based sentences and replaced them with a comprehensive community correction order (CCO), which allows the courts to impose a longer duration order and greater community-service work obligations.

A community correction order can also include, in addition to drug and alcohol treatment conditions, a new range of protective requirements, including curfews, no-go zones, alcohol exclusions and non-association requirements. The government is also preparing legislation to introduce baseline sentences under which Parliament will specify the starting point non-parole-period sentence for serious crimes and to which courts will apply aggravating and mitigating factors in particular instances.

Beyond sentencing, the government has also put in place a wide range of other law reform initiatives over the past two years. These include Brodie's law, making serious bullying a criminal offence — —

Ms Thomson — On a point of order, Speaker, the minister has been furiously reading his response to this song called Dorothy, and I suggest that during question time you would expect the minister would be able to respond to his Dorothy without reading from a document.

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

Mr CLARK — The law reforms that we have introduced include Brodie's law, double jeopardy reforms, tightening the tests for working-with-children checks, restoring the balance in equal opportunity laws, introducing a journalist privilege law, restoring the independence of the Victorian Law Foundation and enabling the outlawing of bikie and similar criminal gangs.

The first round of legislation for jury direction reforms is also being introduced into the Parliament this week to be followed by further legislation in 2013. Other reforms that are under way include reforms to vexatious litigant rules and reforms to suppression orders. Preparation has also commenced for legislation relating to powers of attorney and guardianship with reforms based on the parliamentary Law Reform Committee's recommendations and the Victorian Law Reform Commission's 2012 report on guardianship. The government has also asked the law reform commission to investigate and report on possible reforms to Victoria's succession laws.

Further criminal law reforms that are under way include strengthening the bail system to make breach of bail conditions a criminal offence and anti-fortification legislation. Reforms are also under examination to address complexity in sexual offence laws and in relation to defensive homicide as well as in relation to possible reforms to committals. Legislation is also being prepared to simplify criminal investigation laws, such as forensic sampling, fingerprinting, questioning and warrant provisions.

I am pleased to say that both houses of Parliament have now passed wide-ranging family violence reforms, including legislation to establish an indictable offence for serious or repeated breaches of intervention orders and to extend the operation of police safety notices from three days to five days. Work is also under way to introduce a judicial complaints commission and on uniform legal profession reforms, and the government has also of course introduced extensive reforms to Victorian public prosecutions offices as well as a range of civil procedure reforms.

In short, much has been done in the government's first two years in office to tackle the problems that we inherited and to strengthen Victoria's legal system for the future. I can assure the honourable member and the house that much more is still to come.

Schools: education maintenance allowance

Ms KNIGHT (Ballarat West) — My question is the Minister for Education. I refer to the fact that the school component of the education maintenance allowance (EMA) has been abolished and as a result schools right across the state, including Pleasant Street Primary School in Ballarat, are now writing to parents seeking authorisation to use the parents' component of the EMA to pay for required stationery and curricular materials, and I ask: what does the minister say to parents who previously would have received a combined $417.50 from the School Start bonus and EMA to support their children in prep and will now only received $200?

Mr DIXON (Minister for Education) — I thank the member for her question. It is very important to remember that in this year's budget we actually announced increases to the amounts that parents who are currently receiving the education maintenance allowance would receive. Whether a child is in prep or in year 7 they would be receiving increased amounts, and students in any other year levels would also be receiving increased EMA allowances. We think it is very important that we support those who are most in need. Every parent who receives an EMA allowance receives an increase in that allowance, no matter what year level their child is in.

Again we are very proud of the fact that we are directing our funding to the areas that are in most need, and we have directed a percentage of the EMA funding that schools would have received to the most needy schools. There are many schools right throughout Victoria that are now receiving more EMA extra funding than they ever did before. Not only have the parents attracted the EMA funding, there are a whole range of schools receiving extra funding.

Mr Andrews — On a point of order, Speaker, it was a lengthy question, and it concerned a very important matter raised in relation to Pleasant Street Primary School. I ask you to invite the minister to be relevant to the question asked and address the issue at Pleasant Street Primary School. He has not even mentioned it. I ask that you ask him to attend to that matter.

The SPEAKER — Order! The issue that was raised in the question related to the EMA. The minister was in fact — —

Honourable members interjecting.

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

Mr DIXON — And at Pleasant Street Primary School a prep child, who would have received $117.50 under the EMA will now receive $200 from the EMA. I

may not have been a maths teacher, but that is more actually money.

Honourable members interjecting.

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

Mr Merlino — On a point of order, Speaker, relevant to the question, parents of prep — —

The SPEAKER — Order! The minister has concluded his answer. I ask the member to resume his seat.

Mr Merlino — He has concluded his answer; the minister cannot count, Speaker.

The SPEAKER — Order! I am not here to argue with the member. The minister has concluded his answer.

Middle East and North Africa: trade mission

Mr BLACKWOOD (Narracan) — My question is to the Minister for Innovation, Services and Small Business. Can the minister update the house on the coalition government's important trade relationship with the Middle East?

Ms ASHER (Minister for Innovation, Services and Small Business) — I thank the member for Narracan for his question and for his interest in providing opportunities for businesses in his electorate. As many members of this house would be aware, the government has embarked on an international engagement strategy. Its aim is to assist businesses to find new markets and to increase export opportunities for Victorian businesses, both large and small.

As part of our dedicated international engagement strategy the Middle East and North Africa have together been identified as a market with significant trade and investment opportunity for Victorian businesses. The Victorian government business office in Dubai was the first representative office of any state government in Australia, and that was established in the Middle East in 1997. The Middle East and North African region at the moment represents $2.4 billion to Victorian exporters, and this is anticipated to grow over the years ahead.

Members would be aware that I led a trade mission of over 100 companies to the Middle East, Qatar and the United Arab Emirates (UAE) in February this year, and I have previously reported the outcomes of that mission to this place. In essence, cumulatively over a 24-month period, we will see projected exports of $235 million as a result of the mission. The government is very keen to follow up on the success of that mission, and I am delighted to announce to the house that there will be another mission to the Middle East in February 2013.

I note that the Labor Party in a recent document said it applauded the government's mission strategy, and I am delighted to hear the applause on the floor of the house now. I will be delighted to lead this mission, and I am happy to advise that I will be accompanied by the Minister for Agriculture and Food Security, who is also the Deputy Leader of The Nationals, again because of the many businesses in his sector that will be impacted upon by the mission.

The mission will visit the UAE, Saudi Arabia and Turkey. I am also happy to advise the house that at this stage we have had registrations of interest from 170 companies and approximately 200 delegates. The companies will represent, in the food and beverage sector, 75 companies. The mission will also represent the equine industry, infrastructure, water, defence, higher education, vocational education and training, marine, professional services and tourism. It is going to be a particularly exciting mission.

The Middle East and North African market represents one of the largest export destinations for Victoria's goods and services. There has been a population increase in this area, which has also seen increases in wealth and education and a demand for Western-style consumer goods. These demographic changes have resulted in higher per capita incomes in the region. All these factors have led to an increase in demand for consumer goods.

Of course Victorian food has a huge reputation in the Middle East, and we are proposing to build on our already excellent reputation there. We have a number of service-based exports in which Victoria possesses significant competitive advantages. Part of the mission will be to showcase those and pursue more business opportunities. I will be delighted in due course to report to the house on the outcomes of this mission, but based on the experience of the previous mission I am looking forward to some excellent results for Victorian businesses.

Schools: literacy and numeracy reward funding

Ms GRALEY (Narre Warren South) — My question is to the Minister for Education. Can the minister confirm that the $57 million national partnership funding provided to reward participating schools for reaching the numeracy and literacy targets

has not been passed on to government schools like Fountain Gate Primary School and Kambrya College but is instead languishing in the Department of Treasury and Finance?

Mr DIXON (Minister for Education) — I thank the member for her question. The question is quite a relevant question today, when we have seen some of the international standards that have been raised in terms of literacy and numeracy as well as maths and science. They show that although Victoria is performing at or near the top in Australia, we are falling behind the rest of the world. That is why we are making the changes we are making to make a real difference in education in Victoria.

We have even announced today that the national minimum that has been applied over all the states and territories so that the Labor states and territories would get on board the NAPLAN (national assessment program — literacy and numeracy) is just too low. We are going to raise the standard, and we are going to insist that our — —

Mr Merlino — On a point of order, Speaker, the minister is not being relevant to the question. You cannot raise the standard if you withhold the money. You cannot raise the standard if you do not pass on those reward payments.

The SPEAKER — Order! I do not uphold the point of order. I believe the answer was relevant to the question that was asked.

Mr DIXON — We have got a very proud record on this side of the house already in two years of making real changes to education that are going to take our schools to the top tier, including in literacy and numeracy. Our initiatives in that area have been well funded by Treasury, and I thank it for that.

Former government: financial management

Mr WATT (Burwood) — My question is to the Treasurer. What are the implications for the government of recent — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house, particularly members of the opposition, to show some respect for the person who is asking the question. The member expects some respect from me, as the Speaker, and from the government. I ask opposition members to show a little bit of respect to the government member asking the question.

Ms Duncan interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Macedon

The SPEAKER — Order! The member for Macedon can leave the house for an hour, and I ask her to move in a hurry, if she would.

Honourable member for Macedon withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Former government: financial management

Questions resumed.

Mr WATT (Burwood) — My question is to the Treasurer. What are the implications for the government of recent comments by the Auditor-General on the management of Victoria's public account?

Mr WELLS (Treasurer) — I thank the member for Burwood for his question regarding the public account. When the Baillieu government was proudly elected in December 2010 it faced many challenges that were left behind by an incompetent and lazy state Labor government — expenditure growth at 7.3 per cent, the public service growing at 5.3 per cent and rapidly increasing debt. What it demonstrated was that Labor could never manage money. But the challenges continued.

Honourable members interjecting.

Ms Allan — On a point of order, Speaker, it is pretty clear that after only 30 seconds the Treasurer has offended against standing order 58 twice. It is also pretty clear that that is the path he intends to follow. I ask that you draw him back to answering the question and ask him to cease his attack on members of the opposition. He was asked about the Auditor-General, not about members of the Labor opposition.

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

Mr WELLS — But the challenges left by the previous government did not stop there. Major projects left by the previous Labor government: Melbourne Markets, HealthSMART, myki, the desalination plant — —

Mr Andrews — On a point of order, Speaker, can I put to — —

Mr Hodgett interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Kilsyth

The SPEAKER — Order! The member for Kilsyth can leave the chamber for an hour.

Honourable member for Kilsyth withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Former government: financial management

Questions resumed.

Mr Andrews — On a point of order, Speaker, can I put it to you that the Treasurer is defying your earlier ruling. The question related to the Auditor-General and his comments, and that is what the Treasurer ought to confine himself to. You have made a ruling on this matter, and it is not acceptable for the Treasurer to simply ignore it.

The SPEAKER — Order! I ask the Treasurer to answer the question.

Mr WELLS (Treasurer) — The Auditor-General tried to table a report in the Legislative Council last night. The Auditor-General wanted to table a report — —

Ms Allan — On a point of order, Speaker, there are two instances here where the Treasurer is offending against the standing orders. Firstly he is not being relevant to the question that was asked. The question may have mentioned the words 'Auditor-General', but it had no relation to any report; it had to do with the Auditor-General's comments. Secondly the Treasurer is going down the path of misleading the house, and it would be best to avoid doing that.

The SPEAKER — Order! Whether the member believes he is misleading the house or not is not a point of order.

Mr Holding — On a point of order, Speaker, I ask that you perhaps seek the guidance of the clerks on whether or not it is in order for the Treasurer to reflect on the proceedings of another chamber, which is clearly the path the Treasurer is taking.

Honourable members interjecting.

The SPEAKER — Order! The member has raised his point of order.

Dr Napthine — The auditor posted this online because he was refused permission to table it in the upper house by the Labor Party. What have you got to hide?

Questions interrupted.

SUSPENSION OF MEMBER

Minister for Ports

The SPEAKER — Order! The Minister for Ports! I am not going to tolerate that sort of behaviour. The Minister for Ports can have half an hour out of the house.

Minister for Ports withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Former government: financial management

Questions resumed.

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

Mr WELLS (Treasurer) — The Auditor-General tried to table a report, *Reflections on Audits 2006–2012*.

The SPEAKER — Order! I ask that the minister put that report down.

Mr Merlino — Further to the point of order raised by the member for Lyndhurst, Speaker, there has been no ruling and no attempt to get any advice from the clerks as to making a comment on proceedings in the other chamber.

The SPEAKER — Order! I do not believe the Treasurer had started to reflect on the proceedings of the other house. If he does go on to reflect on the proceedings of the other house, I will then bring him back to order.

Mr WELLS — The Auditor-General has put on his website a report entitled *Reflections on Audits 2006–2012*. Not everyone in the chamber will be very keen to read this, but on this side of Parliament we were fascinated by it. I was especially interested in regard to HealthSMART. The cost of the HealthSMART project is in the vicinity of $320 million, and it was supposed to

improve health administration. This is what the Auditor-General says:

> A formal business case was not prepared for the HealthSMART program.
>
> …
>
> Due to this deficiency, a number of implementation issues that should have been forecast or analysed in a business case appear now to have manifested during the life of the program.

What a disgraceful situation — $320 million of public money and no business case! But then he goes on, and it gets worse. What did the Auditor-General say about the irrigation project? This is a $1 billion project, and this is what he says.

Mr Pallas — On a point of order, Speaker, on the issue of relevance, I am seeking to see whether the Auditor-General the Treasurer is referring to is the same Auditor-General who identified a 32 per cent increase in state debt — an $18 billion increase in state debt. Is that the same Auditor-General?

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

Mr WELLS — This is what the Auditor-General said in regard to the irrigation project, a $1 billion project:

> None of the four irrigation modernisation projects … had undergone a robust assessment of the need to invest in the chosen asset solutions …

But it gets worse. He went on:

> None of the projects followed the business case development guidelines …

This is from a report entitled *Irrigation Efficiency Programs* from 2009–10. Who was the Minister for Water at the time? The member for Lyndhurst.

Ms Allan — On a point of order, Speaker, the Treasurer is clearly debating the question. He is offending standing order 58, and we will continue to take points of order on this matter, Speaker, if you are not going to pull him up and bring him back to answering the question.

The SPEAKER — Order! I am not here to be criticised by the member for Bendigo East. If she is not happy, she should move a substantive motion, but I am not here to be criticised by her. I ask the Treasurer not to debate the issue and to come back to answering the question.

Mr WELLS — In another report the Auditor-General talks about planning for water infrastructure. The report says:

> … the plan was finalised with … inadequate levels of rigour applied to estimate the costs, benefits and risks of some of the key component projects … For example, the food bowl upgrade costs represent the lowest level of rigour and were, at that time, based on a preliminary study by a stakeholder group.

There was no rigour and the government relied on a stakeholder group to spend $1 billion on water infrastructure. That explains the money. And who was the water minister at the time? The member for Lyndhurst. State Labor members should hang their heads in shame.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012

Second reading

Debate resumed.

Mr LANGUILLER (Derrimut) — I rise to speak on the Traditional Owner Settlement Amendment Bill 2012. This bill makes several changes to the Traditional Owner Settlement Act 2010. Some are substantive and some provide further clarification of the original intention of the legislation. As I understand it, the government has indicated that these amendments arose primarily from consultation between the government, Native Title Services Victoria (NTSV) and the Victorian Traditional Owner Land Justice Group about the template documents used when negotiating under the Traditional Owner Settlement Act 2010.

The bill makes the following changes to the act. It amends the definition of 'traditional owner group'; it provides that the grant of Aboriginal title in land is not taken to extinguish native title; it enables the state to enter into a carbon sequestration agreement for land that is granted Aboriginal title; and it adds additional authorisation to land use activity agreements, including consent for use or development of coastal Crown land, a lease for surf lifesaving associations, a licence to construct any works on a waterway or bore, or a carbon sequestration agreement.

There are a number of very important points in this bill, but I want to refer primarily to a section of clause 16. This amendment excludes alpine resorts from the negotiation and agreement activities set out in the current act. As I understand it, the NTSV does not support this amendment but notes that traditional owners may still use the commonwealth Native Title Act 1993.

Members of the house would be aware that native title is the recognition by Australian law that some Indigenous people have rights and interests in relation to the land that come from their traditional laws and customs. Native title rights and interests are held by particular Indigenous people and will depend on both traditional laws and customs, and indeed what interests are held by others in the area. Generally speaking, native title must give way to the rights held by others. The capacity of Australian law to recognise the rights and interests held under traditional law and customs will also be a factor.

I have looked into this important definition, one that I think defines the relationship with Indigenous people. Native title and interests may include, for example, the right to live in the area; the right to access the area for traditional purposes like camping or to conduct ceremonies; the right to visit and protect important places and sites; the right to hunt, fish and gather food and traditional resources like water, wood and other things; and the right to teach law and customs on country. These are important matters of native title, and they are important matters in terms of the relationship with Indigenous Australia.

In some cases native title includes the right to possess and occupy an area to the exclusion of all others, which is often called 'exclusive possession'. This matter has been raised not just in Australia but also in a range of other jurisdictions internationally. The United Nations and other bodies have expanded and worked on this extensively. It includes the right to control access to and use of the area concerned. However, this right cannot be recognised in certain parts of Australia, and as I understand it, it is unlikely to be relevant in the state of Victoria.

My concern, and the concern of the opposition, is that clause 16 excludes alpine resorts. Why should we exclude any particular area? Why should we exclude Indigenous people from entering into agreements that would be useful to all concerned: enterprises, industry, resorts and indeed Indigenous people? Why should we do away with an extraordinary opportunity whereby we can work in partnership? This is a substantive concern. In my judgement the bill is an attempt to erode the rights and interests of traditional owners and it has the effect of restricting the opportunity for traditional owners and the alpine resort industry to hold discussions and to work together to enter into agreements around alpine resort developments. In my view this is a mistake advanced by the government regarding the relationship that should exist between all of us and Indigenous people.

The land justice group has the same concerns as the NTSV. It was disappointed not to be consulted on this round of amendments, given that it was integral to the development of the act. Labor worked really hard on consulting with traditional owners when developing the original Traditional Owner Settlement Act 2010. It is disappointing that the members of the land justice group, who were very much a part of drafting the act, feel that they have been sidelined and have not been included in discussions around this bill.

Clause 16 is a sad chapter in the history of our relationship with Indigenous people. By excluding alpine resorts we are missing out on opportunities to strengthen our relationship with Indigenous people in Victoria and in Australia in general. I would have thought that the opposite would have been the case. We should give everyone, including Indigenous people, the opportunity to participate in and to be part of negotiations and agreements and to have a sense of belonging, something they should never have lost during the process of their dispossession.

Clause 16 of the bill will exclude land use activities in alpine resorts from classification as a negotiation or agreement activity. It is arguable whether the bill will bring Traditional Owner Settlement Act procedural rights into line with those in the Native Title Act 1993. I am not legally trained, and I am certainly not an expert in this area, but I do understand enough to know that as a result of this bill it will be mighty hard to establish a claim in alpine areas under native title. It is sad that the government has advanced this proposition in a bill which makes some good changes and clarifies a number of sections that I thought needed clarification.

In his second-reading speech the Attorney-General has sought to justify this clause by referring to the state's investment and development in alpine resorts. He asserts that it will bring certainty to the alpine industry. In doing so, he implies that traditional owners do not have an interest in fostering and supporting development and industry. We know that this is not the case. We know that Indigenous people want to work constructively. We know that they very much want to be a part of that region and that they would add value to the alpine resorts. I suggest that the intent behind the land use activity regime is for traditional owners to have greater participation in state decisions concerning land, which increases the opportunities for traditional owners to become involved in economic development and accommodates the rights and interests of industry as well as those of traditional owners. This is a missed opportunity, and I am sad that the government and the Attorney-General have missed it. I am equally sad that we on this side of the house will support this legislation.

This clause is a sad chapter in this Parliament's history, and I reluctantly wish this piece of legislation, and particularly clause 16, a speedy passage.

Mr BULL (Gippsland East) — I rise in support of the Traditional Owner Settlement Amendment Bill 2012. I start by saying that this government is committed to the fair and timely settlement of native title claims through negotiated outcomes, which are clearly the best avenues to achieve this. In relation to native title, this bill is being amended to manage the state's liabilities, to streamline processes for industry, to increase the chances of reaching settlement and to better facilitate communities in relation to economic development. It is not in Victoria's interest for the government, traditional owners or any other parties that might be involved in this process to spend years and in some cases decades involved in Federal Court native title determination processes if that can be avoided by achieving solutions through negotiation. A negotiated settlement can enable the redirection of resources to social, economic and cultural benefits for traditional owners while at the same time providing certainty and clarity for users and potential users of Crown land.

The bill provides a basis for standard conditions in a land use activity agreement for the management of state liabilities. It will assist in preventing the duplication of cultural heritage processes and will streamline processes for access to resources. It will also establish a secure environment for investment in the development of alpine resorts and enable sequestration projects and uses of flora and forest produce to be authorised through a settlement, which is very important. I will outline how that will occur.

The bill increases the ability to reach such settlements by broadening the eligibility of members of a traditional owner group to exercise their rights under an agreed natural resource order. It is important to note that these amendments have been developed in consultation with traditional owner representatives and traditional owner representative groups, those being Native Title Services Victoria and the Victorian Traditional Owners Land Justice Group. It is important to note also that the majority of the amendments will not have any effect on Crown land users or any existing uses of Crown land — for example, there will be no impact on Crown land leaseholders, park visitors and tourism operators. In fact some amendments will be to the benefit of people seeking to use Crown land, particularly for projects that may support economic benefits for a number of rural and regional areas.

The use of binding standard conditions in a land use activity agreement will reduce not only the financial but also the negotiation burdens on people seeking to undertake activities on Crown land. The application of a community benefits formula to those activities will streamline processes. It will also assist in unlocking, for want of a better expression, what has been dormant Crown land, which in turn and as was mentioned earlier will assist the economies of a number of rural and regional areas and also assist with regional development.

The bill ensures that people proposing significant land use activities will not have to go through a long and often drawn out cultural heritage process to negotiate outcomes, as those matters will be dealt with under the Aboriginal Heritage Act 2006. Applicants for prospecting licences may also accept a set of standard conditions included in land use activity agreements so that they do not have to negotiate with a traditional owner corporation. Once again, that streamlines a process for another of the groups of users of our Crown land areas.

It is interesting to note that in 2010 there were 14 native title claims before the Federal Court. Since the passage of the Traditional Owner Settlement Act 2010 no new claims have been lodged and 6 of the 14 have been resolved or discontinued. This government is also negotiating for the withdrawal of 4 of the 8 remaining claims, which is important to note. The principal act also has a number of flaws and deficiencies which the bill seeks to remedy. The bill amends the definition of 'traditional owner group' and makes it clear that for the purposes of this act a traditional owner group is one that has or is able to have a native title settlement — that is, a group that can enter into a registered and legally binding Indigenous land use agreement to withdraw native title and compensation claims and not lodge any in the future. This definition ensures that the government has settled with the right people for the right country and that the settlement can provide legal finality and some ongoing certainty.

The bill strengthens the framework for land use activity agreements, which are the means by which traditional owner procedural rights over certain future land use activities are given effect. There are not yet any land use activity agreements in the state, and a number of amendments are required to ensure that there is sufficient certainty for investment in and development of Crown land. We have heard from previous speakers about the importance of this. We must ensure also that there is a limit to the future liabilities accrued by the state for its significant land use activities on Crown land, that there is no duplication of processes across different acts and that the system is broadly comparable with the procedural rights available under the Native

Title Act, which is necessary for reaching agreement with the traditional owners.

By this bill the government is enabling an authorisation order to allow certain commercial uses of flora and forest produce by traditional owners. I know that in my electorate of Gippsland East, where there is a very large Indigenous community, forest produce is used by a wide array of extremely talented artists who show their wares. The act will not be able to be used to authorise the use of resources that are already fully allocated, as this would of course have a detrimental impact on some industries or resources that are subject to competitive allocation processes. That includes timber, which is a significant industry in my electorate; water, which has implications right across the state; and our fishing sector. Natural resources under the act do not include minerals or petroleum. However, traditional owners may be authorised to access flora and forest produce for commercial uses. As was touched on before, this is a quite common practice in my electorate. Those uses include bushcrafts, firewood sales, beekeeping and a number of eucalyptus products. Of course any commercial use would be subject to sustainability assessments. The bill reduces red tape for the government and traditional owners by enabling commercial uses to be negotiated and authorised through a settlement process.

In summary, the bill clarifies the definition of 'traditional owner group'; enables land use activity agreements to specify conditions as to prospecting, community benefits and Aboriginal cultural heritage; provides that a land use activity agreement cannot specify a land use activity as a negotiation or agreement activity if the activity is to take place in an alpine resort; includes a wider range of permits, licences and agreements, adding far more flexibility in the system; allows natural resource agreements to authorise some commercial uses of natural resources by traditional owner groups, which is a very important point; provides for orders authorising the commercial use of flora and forest produce under a natural resource agreement, which will certainly be welcomed in a number of rural and regional areas of Victoria; and provides for the minister to make directions regarding consultation with traditional owner group entities. I note that the bill has the support of the opposition. It is a progressive, common-sense bill, and I wish it a speedy passage through the house.

Mr EREN (Lara) — I am pleased to speak on the Traditional Owner Settlement Amendment Bill 2012. Before going to the bill I will refer briefly to the Wathaurong Aboriginal Co-operative, which is in my electorate. I get on very well with the Wathaurong community in my electorate in particular, and that is why I am very pleased to be speaking on this bill today.

Many of us go to various schools in our electorates to speak to students. When speaking to young people and others you start by acknowledging the traditional owners of the land on which you meet and paying respect to their elders past and present. You do that for many reasons, one of which is genuine respect. Then you explain why we do that. Every time you reinforce that message, you think about it.

Each and every one of us follows a philosophy to a certain extent and belongs to a certain religious group, tradition and/or culture. Each of those various traditions, cultures and religious groups preaches about the best life to lead on earth. To a certain extent, the various cultures that make up our community all contribute to us having a wonderful life here in Australia. When you think about that in the biblical sense, you realise that biblical history goes back about 5000 years.

When you look at the historical perspective of the Aboriginal people who have occupied this land for more than 50 000 years, you realise that that is a very long time to have survived and to have told the story to all their generations to this day. We are all here in this Parliament making the laws that we do to make a better life for all Victorians so that we can move forward and make sure that all who are part of the generations that come after us will have a good life.

The Aboriginal people have occupied this earth quite comfortably for over 50 000 years. You cannot survive for 50 000 years without having been able to adapt to a certain lifestyle that allows you to survive for that long. I only hope our civilisation produces generations well beyond 50 000 years in the future, but there is progress — or some people call it progress. When various cultures and traditions collide, respect for one another is born out of legislation that comes out of places such as this, where issues are debated by representatives of large groupings of people.

With that said, I understand the purpose of the bill, but I want the government to be mindful of how sensitive these matters are, particularly for a group of people who have survived for so long in this country.

The bill before the house makes a number of changes. Before I turn to them I would like to discuss a letter the Business Council of Australia was good enough to send me along with a couple of booklets. I want to put on the record what the council said in its letter, which refers to

the Business Council of Australia 2012 annual review entitled *One Country, Many Voices*. The letter states:

> I am pleased to enclose a copy of the Business Council of Australia 2012 annual review and a summary report of our 2012 survey of member company Indigenous engagement activities.

The letter further states:

> The 2012 Indigenous engagement survey, which was completed by a record 81 per cent of our membership, reveals 76 per cent of member companies are now undertaking Indigenous engagement activities. This is strong testimony to the commitment of CEOs to supporting economic development opportunities for Indigenous Australians.
>
> It is a privilege to lead an organisation whose members are so active in contributing their skills and experience to promote enduring prosperity for all Australians. I commend these publications to you in this spirit.

Having said that, this very large and influential organisation has gone down the path of cooperation and discussing certain issues relating to the business needs of the nation and sensitive issues regarding Indigenous Australians. That mix is occurring.

Native Title Services Victoria (NTSV) has written to the Attorney-General in relation to some of the concerns it has. Its first issue relates to clause 4(2). In relation to this clause, Native Title Services Victoria states:

> This clause intends to define the membership of a traditional owner group as the persons on whose behalf an Indigenous land use agreement (ILUA) is 'entered into'. As the people represented by the signatories do not enter into an ILUA themselves, they authorise certain persons to execute it, NTSV has requested a change to this wording.

As I understand it, according to the letter I have, the minister has replied in a positive way to that request and has made some amendments accordingly. Including this request, Native Title Services Victoria has three main concerns; the other two were eloquently explained by the member for Derrimut. They relate to clauses 16 and 19 of the bill.

Putting that matter to one side, my electorate of Lara is one of the fastest growing areas in the nation. It includes Wyndham Vale, which has a growing population, and the lovely suburb of Lara itself, which has a population of about 13 000. In terms of its population it has progressed further than was forecast, so it is bursting at the seams at the moment. One of the concerns in the area is that it needs a new shopping centre. There was a bit of a deadlock in relation to negotiations that possibly could have occurred under an Indigenous land use agreement. At that time some Crown land was involved. A lot of investment was made by the previous government in the area of Lara. When you build it, they will come, and more and more people moved to the area, which prompted the people to say they wanted a — —

Mr Mulder — Despite the local member.

Mr EREN — I think it was because of the local member! More and more people were contacting my office saying we needed to do something about the inadequate shopping centre, and therefore discussions were required. Some deep and meaningful discussions took place between government and the relevant stakeholders, which included council, and at that time there were some disputations about which grouping of Indigenous communities were the Wathaurong. There were two groupings of communities in dispute, which meant that there was a bit of a deadlock in relation to reaching an agreement about progressing the needs of the town in relation to building a new shopping centre.

I can tell the house the groups understood the politics of it as well. I had some deep and meaningful discussions with the organisations about moving forward as quickly as we could. They wanted to move forward, but there was a legal issue. In the end we resolved it. If you put your mind to it, and you are innovative in the ways you deal with communities, you can resolve these issues. Hopefully we will turn the sod on that particular site very soon, and the people of Lara will have a shopping centre.

Having said all that, I know these are very sensitive matters, and I understand the sensitivities involved in relation to some of these issues. As we on this side have said, for obvious reasons we are not opposing the bill before the house, but we need to be mindful of the sensitivities of the matter.

Mr MORRIS (Mornington) — I am very pleased to rise this afternoon to support the Traditional Owner Settlement Amendment Bill 2012. The starting point of all this, which is very much on the government's mind, is the government's commitment to a timely but, more importantly, fair settlement of native title claims. Central to that is the importance of a negotiated outcome, which is clearly essential.

In his second-reading speech the Attorney-General identifies that in 2010, when the principal act was debated, there were some 14 claims on foot before the Federal Court. The passage of the principal act has meant that no more claims have been submitted, and now 6 of the 14 claims have either been resolved or discontinued. When the debate on the original legislation occurred in August 2010, the coalition, then

in opposition, made it clear that it had some concerns with what was proposed. During the debate we proposed a reasoned amendment, which clearly was not successful. Some of the deficiencies we identified during that debate remain, and to an extent this bill seeks to deal with those issues.

The bill amends the principal act and related legislation in a number of ways. It manages the state's liabilities, streamlines processes for industry, increases the chances of reaching a settlement — that is particularly important — and also facilitates economic development. It is important to say that the amendments to the principal legislation have been developed not in isolation but in consultation with traditional owner representatives, including Native Title Services Victoria and the Victorian Traditional Owner Land Justice Group. Above and beyond that consultation a number of the amendments address issues that were raised by industry and other parties during the consultation process, which occurred during the development of the templates for land use activity agreements and Indigenous land use agreements. The cornerstone of this bill is the principal act, the Traditional Owner Settlement Act 2010.

I want to again recognise the work that was done by Professor Mick Dodson and his committee in 2008 in preparing the initial report on the Victorian native title settlement framework. That was handed to the former government in 2008, as I indicated. For some reason known only to members of that government, it magically took almost two years to get the legislation to the Parliament. I think I made the point during the debate on the bill that would become the principal act that it was a great pity that the legislation was being debated only days before a federal election and very much in the shadow of a state election. I said then, and I repeat it now: we have to make the most of the opportunity that comes with the native title debate. It is an opportunity not only for the Indigenous community but for all Victorians. These opportunities need to be grasped and embraced. The outcomes need to have the support of all members of the Victorian community.

Before I turn to the detail of the bill I want to make a couple of observations. The opposition has raised some issues, particularly during the contribution of the member for Richmond yesterday evening, who at the end indicated that the opposition would not be opposing the bill, and I certainly welcome that. I also note that the Scrutiny of Acts and Regulations Committee reported on the bill in *Alert Digest* No. 14 of this year and in fact made no comment beyond providing a description of the bill.

I further note the house amendment that was circulated by the Attorney-General yesterday evening. That will make some changes to the definition of 'traditional owner group' — and I think the member for Lara and others have referred to this issue — to ensure that the group is taken to be inclusive of all potential native title claimants and not restricted to a particular group. I think that is important because it is possible for these things to get bogged down in an unnecessarily bureaucratic process and we need to make sure that all those who are eligible are able to be part of the process.

As I think I may have mentioned earlier, the amendments proposed under division 2 of the bill relate to land agreements. They deal largely with what was clearly an unintended situation where the grant of land to a traditional owner group entity could have perhaps been interpreted as extinguishing native title. That is clearly unintended and clearly not appropriate. In addition, a grant of land in Aboriginal title potentially limits the ability of the government to enter into agreements to have Crown land used to facilitate carbon sequestration, and that is obviously an issue we need to address.

An important aspect of this bill is that it strengthens the framework for land use activity agreements — that is, the means by which traditional owners can gain procedural rights over certain future land use activities. It is important that that framework is as strong as it can be. It is early days yet, it needs to be said. There are not in fact any agreements in operation, but it has been recognised that the structure is deficient and we need to get it fixed. We need to make sure that there is sufficient certainty for both sides in such an agreement, and it is appropriate to limit future liabilities for the state; it is appropriate to make sure that there is as little duplication as possible between the acts; and it is also appropriate to make sure that the system is, as broadly as possible, comparable with procedural rights available under the commonwealth Native Title Act 1993.

The bill will have a minimum impact — probably no impact — on users of Crown land. Crown land users, existing interest groups, leaseholders, tourism operators, park visitors et cetera will not be affected. However, some of the amendments will benefit those who seek to use Crown land, and I think that it is important because it is about streamlining processes. It is about unlocking the potential in dormant Crown land, and that of course has significant flow-on effects for regional economic development in particular. The bill ensures that anyone who proposes substantial activities will not have to negotiate about Aboriginal cultural heritage. That is already covered appropriately under the Aboriginal Heritage Act 2006, and there is no point

in people having to jump through the same set of hoops twice in order to achieve something. It simply puts off potential investors.

The member for Richmond raised an issue regarding the alpine resorts, and an important part of the bill is about providing greater certainty for development in alpine areas. The resorts were established under that legislation many years ago — 1983, I think. They currently attract 1.5 million visitors a year and there is $700 million in infrastructure in the alpine resorts. There are 9500 jobs that hang off them. Clearly alpine resorts are very important in terms of the regional economy and regional employment.

We need to make sure that any proposed developments can proceed with certainty. I note the member said, 'Whilst you can pursue a native title claim, its potential for success is extremely limited'; I am quoting from *Hansard* there. The point about it is the option is still there. Potential investments can be delayed. Business is tied up in unnecessary, potentially protracted negotiations. If they are prepared to stay the course, they will probably win — that is implicit in the statements of the member for Richmond — but it will be an expense and it will drive people away from potentially trying to do that. It is simply not helpful to have a process which will almost inevitably lead to the need for approval being used to subject potential investors to significant and pointless delays. While I appreciate the sentiment behind the member's comments, I do not support them and I do not believe there is a significant issue there.

I welcome this legislation. It very much deals with a number of the issues that were raised by the opposition when the principal act was debated. It will provide a far more robust framework, and I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Traditional Owner Settlement Amendment Bill 2012. I welcome the introduction of this bill to the Parliament, as the origins of the need for the bill come in part from the electorate of Benalla. To me the bill represents another instance of common sense being brought to regulation by the coalition government. In this case the key principles in the bill are about protecting traditional owners' rights and making sure that we settle with the right people for the right country, but in addition the bill is about facilitating responsible development, particularly as it relates to the alpine resorts in my electorate.

If we look at the issue of the right people for the right country, in the electorate of Benalla and north-eastern Victoria in general we MPs relate to a number of Aboriginal groups. In the electorate of Benalla, for example, we have the Yorta Yorta, the Bangerang and the Taungurung, and I have had considerable dealings with each of those groups. We also have the Waywurru. Then in terms of the alpine resorts in my area, the traditional owners of the Falls Creek resort are the Dhudhuroa, the traditional owners of Hotham are the Gunaikurnai and the Dhudhuroa, and the traditional owners of Mount Buller and Mount Stirling are the Taungurung. Each of those resorts, along with the Lake Mountain resort, is in my electorate. Then of course we have the other alpine resort of Baw Baw down in Gippsland.

We interact with a considerable number of traditional owners at a clan level and we interact with a number of very key people at an individual level who have been extremely good to work with over my 10 years as the local member. In particular we have dealings with Sandy Atkinson, a member of the Bangerang, and Wally Cooper. Sandy comes from Mooroopna and Wally comes from Glenrowan. Both of those gentlemen had their decades of work recognised just a fortnight ago by their names being placed on the Victorian Indigenous Honour Roll. I congratulate them on that recognition of their work but more importantly on the work itself, because it shows that we can work together, we do work together and the outcomes are significant. They are role models for younger people. In Benalla we also have Chris Thorne, who does a lot of great work at the individual and community level.

In relation to this bill and its impact on the alpine resorts, the issues relating to the Traditional Owner Settlement Act 2010 and its impact on resorts was raised with me by Jim Attridge, the CEO of Mount Hotham. Jim could see that under the legislation as it existed there was a great likelihood of development being frustrated in the alpine resorts, in particular in the Mount Hotham resort, where a project was in the wind. Significant consultation and negotiation would have been needed to allow the development of a parcel of land to occur. As members would appreciate, we are in an environment in which times have been rather tough, with the global financial crisis, so if we are looking for investor dollars, then any hurdle that exists is going to make investors less likely to want to invest — in this case in our alpine resorts — particularly when they have other options either in other jurisdictions within Australia where these constraints do not apply or internationally. The great concern was that unless the bill was amended there was going to be a limiting of investment in our alpine resorts, and in particular in the Mount Hotham resort.

Jim Attridge, who is as I said the CEO of the Mount Hotham resort, put together a significant document and the resort management board obtained significant legal advice. They presented that document to me and to the Minister for the Environment and Climate Change, who has overarching responsibility for the alpine resorts, as well as to the Minister for Aboriginal Affairs. The Attorney-General was also put in the picture, because this legislation is within his bailiwick. That excellent work was then built on by the Attorney-General having a discussion with the concerned parties and recognising the impact. Following on from that, we now have this legislation in place. I have received a communication in just the last day from Jim Attridge, the CEO of Mount Hotham, and he and the Mount Hotham board and potential investors — the people who put their money on the table — are very pleased with the action that has been taken by the Attorney-General and the coalition government on this matter.

The other issue involved in picking up on the principle of the right people for the right country is more within the responsibilities of the Minister for Aboriginal Affairs. It is the issue of recognising clans that claim ownership and ongoing links to land. In our area, for example, the Yorta Yorta have been recognised as the registered Aboriginal party for much of north-eastern Victoria; however, the Bangerang feel that they have a strong claim to traditional ownership or custodianship. Interestingly, a parliamentary inquiry report looking at this matter has come out recently, and I know the Minister for Aboriginal Affairs is very keen to ensure the fulfilment of the principle espoused in the second-reading speech — the principle of right people speaking for right country.

This legislation addresses part of one of the complex issues of traditional ownership. The Minister for Aboriginal Affairs is committed to addressing other parts. When we have this amended legislation in place and down the track the Minister for Aboriginal Affairs puts in place an assurance that people who have longstanding relationships with their land can have a voice and speak up, we will have an outcome that people will be very comfortable with. I certainly know that will be the case at a local level. The member for Rodney is sitting here with me today. He and I both have a lot to do with Sandy Atkinson — Uncle Sandy — and we know that Uncle Sandy will be particularly pleased when that part of the jigsaw is also put in place.

As I said, this legislation is a common-sense approach to the issue. It is part of listening, hearing that there was a problem and taking action to address it. I am very pleased to be able to support this bill as it makes its passage through the Parliament.

Debate adjourned on motion of Mr CRISP (Mildura).

Debate adjourned until later this day.

LIQUOR CONTROL REFORM AMENDMENT BILL 2012

Second reading

Debate resumed from 14 November; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms D'AMBROSIO (Mill Park) — I rise to make a contribution on the Liquor Control Reform Amendment Bill 2012. I wish to state on behalf of the opposition that we will not be opposing the bill. In terms of the nature of the bill and what it seeks to do, clause 3 introduces a new power into the Liquor Control Reform Act 1998. It does this by amending section 128 of that act to authorise Victoria Police officers, protective services officers (PSOs) on duty at a designated place and gambling and liquor inspectors to tip out and dispose of alcohol whether in an open or unopened container. This authority to tip out alcohol is a discretionary power.

The discretionary power that clause 3 provides for is allowable only in particular circumstances. The power can only be exercised at the authorised person's discretion once they have seized alcohol from a person who is reasonably believed to be under the age of 18 in accordance with the stipulations of the legislation. The tipping out of alcohol can occur, as I said, whether the liquor was contained in an open or unopened container. In the event that a police officer, a protective services officer or a gambling and liquor inspector decides to tip out seized alcohol, they are required to execute that decision, if you like, as soon as is practicable. Currently any seized alcohol must be retained and stored until a court determines that an individual was under the age of 18 and in possession of liquor in contravention of the act. The government has indicated that providing this power will make the handling of seized liquor more manageable by removing the need to transport and store any given amount of alcohol that is seized.

Protective services officers can exercise this power only while on duty. The bill does not apply this restriction to gambling and liquor inspectors. In his second-reading speech the minister stated that both protective services officers and gambling and liquor inspectors would exercise this power only when on duty. I also note that

existing section 128 of the act does not clarify the matter and does not indicate specifically that gambling and liquor inspectors would need to be on duty to exercise such functions. I seek a simple explanation from the minister, if he can provide one, to clarify whether this is a discrepancy or whether there is a straightforward explanation for this. Certainly it is important that the minister clarify this matter so there are no unintended consequences. It may simply be that there is an explanation for this that can be found elsewhere.

I sought and received advice from the minister's office clarifying another point, for which I am grateful. It was to do with how the tipping out of alcohol would be treated with regard to any evidence that may need to be presented in any court proceedings that may arise out of a particular seizure of alcohol and any charges that may arise. As I understand it, the information is that where an authorised officer tips out alcohol and intends to lay charges, section 135 of the Liquor Control Reform Act will apply. I understand that that section would allow the use of the averment provision, where questions of what the factual issues are will be determined by a court. This issue would certainly be considered by way of evidence given by a police officer, protective services officer or gambling and liquor inspector.

I also wish to note that the second-reading speech states:

> This amendment will lessen current operational concerns related to the seizure of liquor and will assist in reducing alcohol-related harm and risky drinking behaviour by under-age young people.

We on this side of the house do not quibble with those objectives; they are important objectives to state, and any positive steps that can be taken ought to be taken to mitigate risky behaviours that can sometimes arise through the consumption of alcohol or the abusive consumption of alcohol, especially among our young people. We certainly support moves that would help reduce risky behaviour by young people when it comes to alcohol consumption. However, I suggest that it will probably be hard to assess the impact of the discretionary power of being able to tip out alcohol in terms of meeting an objective. Nevertheless, as I said, the opposition does not oppose this move. It will be interesting to see how those actions will unfold when used at the discretion of authorised persons.

I note also from the second-reading speech that training will be provided to authorised persons to assist them in determining whether or not they ought to tip out alcohol once they have seized it. Tipping out alcohol may have the potential to heighten tensions, and training that would help authorised persons make the right choices is critical in situations which are often very charged, if you like. I do not simply refer to the colloquial use of the word 'charged' when it comes to alcohol consumption; emotions can sometimes run high when people are under the influence of alcohol, perhaps resulting in an intervention by authorised persons that may be unwelcome.

I wish to comment that the government is yet to release its whole-of-government Victorian alcohol and drug strategy. It promised to release it earlier this year, and we are at a bit of a loss to understand why there has been a delay. A strategy that one would hope would provide a clear, whole-of-government direction from this government as to how it intends to tackle the big issues confronting the community is something that is much anticipated. I must say that after two years in office it seems the government is having some difficulty in managing these big issues — the hard issues — because although we are not opposing the bill, as I said, we have a bill here which really does only a little bit of tinkering. It assists by way of administrative streamlining of processes for police, liquor and gambling inspectors, PSOs and the like. It may, through the action of tipping out alcohol, send a message of some sort to younger people who are consuming alcohol in a risky way and who are under age. That, however, is not really a replacement and certainly does not come anywhere near satisfying what would other otherwise be satisfied through the release of an alcohol and drug strategy.

Many community issues involving alcohol and young people confront us all — for example, young people in nightclubs, alcohol in energy drinks and the availability of alcohol. Another issue has been highlighted on a handful of occasions in recent months when young people have had too much to drink and have ended up having photos taken in a nightclub that under different circumstances they would not have allowed to be taken, and those photos have then been posted on the venue's website without their authorisation, only for the young people to learn about it the next day and be very regretful.

There are a lot of issues out there that need to be dealt with, and we need a response from government that starts to address some of those community concerns. What the government is doing about those issues is a very important question that we on this side of the house are keen to pursue, especially, as I said, in light of this bill, which is yet another reminder of the policy deficiency in this government's agenda when it comes to a strategy for tackling alcohol and drug abuse. Rather than exemplifying a considered approach to problem

drinking, this bill represents the policy you have when you do not have a substantial policy or a strategy to speak of. As I said earlier, it is no substitute for the government's long-promised strategy.

What else has the government done or not done in this area? It is important for us to reflect on this. When the opposition was in government it had established a series of ministerial advisory committees, one of which was the Liquor Control Advisory Council. On the evidence it seems that the work of this committee has effectively been stopped. My understanding is that the government has not called a meeting of the advisory council since early 2011, almost two years ago. The Baillieu government has not publicly stated why it has not allowed the council to meet, and the council has not been given directions as to the types of activities it could be focusing on to assist the government in formulating strategies or policies. Importantly, a question remains as to why there has been no organised, high-level industry and community engagement on critical issues to do with alcohol consumption in the two years that the government has been in office.

Something is terribly amiss here. Alcohol consumption is one of the biggest issues facing Victorians, especially young Victorians. We know, of course, that abuse of alcohol is not healthy for a developing body, and it is important that all adults play a role in educating young people about the types of harm associated with alcohol consumption. The opposition is committed to ensuring that alcohol is consumed responsibly, which is why it had a dedicated strategy to tackling this when it was in government. When alcohol is consumed in moderation and is a normal part of life, that is fine. Understanding the difference and what are the tipping points are important lessons for young people, especially in terms of teenagers becoming familiar with and understanding the responses of their own bodies and when enough is enough, as well as understanding the situations in which they need to be able to demonstrate better management of alcohol consumption.

The abuse of alcohol can ruin lives, can damage communities, can disrupt families and can have irreversible consequences in very extreme cases — and some of those are exemplified in drink-driving matters and the accidents that can result. We are seeing significant increases in levels of alcohol abuse and in the incidence of people drinking to become very drunk. The age between the teens and the late 20s is a particularly vulnerable period. Educating our young people to make the right decisions, therefore, is very important.

I mentioned that the Labor government had some strong policies in place. We had a Victorian alcohol action plan that involved about $37 million. It was a long-term strategy for addressing alcohol-related harm that was released for the period 2008–2013. It involved a lot of things, including important campaigns that sent important messages about how to handle alcohol and how mates could look after each other — how young people could look after one another when it came to alcohol consumption. We also had a good sports program to assist community sporting clubs with responsible alcohol service and management. These are important educational tools that were promoted by this side of the house when Labor was in government. They were important ways of addressing this problem in our community. The community response to those campaigns was very positive. As I said, we had a wealth of actions; there were 35 actions in the area of health, community education, liquor licensing and enhanced enforcement. These were all important ways to tackle what was and continues to be a problematic area for the community, and which remains a challenge and an area for serious government policy development and response.

I would encourage the government to move quickly to finalise and release its strategy so that the community can start benefiting from a whole-of-government strategy. It should do that rather than rely on very limited bills such as the one we have before us, which, as I said, plays around the edges, tidies up a little bit, makes some administrative changes and does very little beyond that.

Before I finish my contribution I wish to comment on some other aspects of the bill. The bill makes a number of other amendments, the purposes of which, may I suggest, are fairly perfunctory but are still important in terms of squaring it off. These amendments provide for the closure and evacuation of licensed premises for fire and emergency purposes. It also enables, under part 8B of the Liquor Control Reform Act 1998, the Victorian Commission for Gambling and Liquor Regulation to delegate powers to a single commissioner.

The principal act was amended in mid-2010 to provide powers for the closure and evacuation of licensed premises for fire and emergency purposes. It was a very important change. At the time those amendments were being developed it was thought that perhaps this regime might ultimately be incorporated into different legislation addressing fire safety in public buildings in broader terms. The provisions were to have been repealed on 22 March 2013. The government has decided that it is more appropriate for these provisions to remain in the Liquor Control Reform Act, and this

amendment is really a technical one that removes the sunsetting provision for these powers. The amendment simply provides for the continuation of these important powers for the closure and evacuation of licensed premises in the event of fire or emergency situations arising.

In concluding my comments, I understand through speaking with a number of stakeholders that there is general acceptance of the bill and there seem to be no adverse views concerning its objectives, but I wish to say that we need to see a lot more from this government. There has been very little of substance when it comes to a strategy for dealing with alcohol abuse amongst young people or amongst under-aged people. We cannot see this bill as being in any way an interim measure to deal with the lack of an alcohol and drug strategy, which the government promised earlier this year. We are yet to see it; we are yet to hear from the government as to when it will be released, even though 2013 is nigh. It is no excuse to allow a stated commitment on the part of this government to meander along until 2013 with no mention or detail of what a strategy will look like and when it will in fact come about.

Sadly that seems to be the hallmark of the actions — or should I say inactions — taken by the Baillieu government. It is an attitude that permeates the broad policy areas of the Victorian government. I will finish my contribution, Speaker, and thank you for the opportunity to speak.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Liquor Control Reform Amendment Bill 2012. This bill performs some important functions. It amends the Liquor Control Reform Act 1998 and introduces powers that authorise Victoria Police members, protective services officers who are on duty at designated places and gambling and liquor inspectors to tip out alcohol that has been seized from a person who is under the age of 18 whether it is in an open or unopened container. There are also some minor amendments with respect to part 8B of the principal act which provide for the closure and evacuation of licensed premises for fire and emergency purposes. It enables the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to delegate powers under part 8B of that act to a single commissioner.

There is great concern around the use of alcohol by our children. There is no doubt about that, and I am sure many other members will speak about that from a personal perspective. As a parent of two teenage children, I know we have to be very vigilant about the dangers of consuming alcohol and make sure that from a legislative perspective we put a framework in place to protect our minors. At the same time, as parents we also have a responsibility as members of the wider community.

There is no silver bullet to address this issue, but, as I say, it is important to initiate these reforms and strengthen legislation, and that is what we are doing today. In response to the comments that were just made by the member for Mill Park I will speak further about some of the reforms this government has made in this term of government. Some of the strategies that have been put in place over a number of years include the responsible serving of alcohol and the setting of designated areas across Victoria. Going back further we saw the introduction of .05 and 0 alcohol content for people driving on our roads. They were important initiatives, as are the amendments we are proposing today.

In regard to some of the comments made by the member for Mill Park, who seemed to suggest in her contribution that this government had not done much in relation to some of these provisions, time precludes me from going through it all in great detail, but I note some of the initiatives the government has put in place. They include transferring some of the liquor licence functions to the independent regulator, the VCGLR, which is an important initiative this government undertook. We also introduced the 5-star rating system that essentially rewards licensees who do the right thing and have great compliance histories. If they do the right thing and have a good compliance history, they are deemed to be eligible for a discount on their annual fees. Within that rating system we have introduced a demerit points system. Again that targets licensees who may breach particular aspects of their licences. I think that is a good system, and it has been well regarded by the industry as a whole.

We have also introduced changes to licence categories — for example, the wine and beer producers licence. Digressing slightly, I happened to be at a function at a local venue recently where the licensee told me that he was a bit concerned that some of the conditions of his licence might have been dispensed with. That was not the case at all. What had transpired was that he had received a significant discount and his paperwork was now confined to basically one page. He was concerned that the paperwork was not legitimate, but when I explained that the changes were the result of changes this government has made to liquor licensing, he was reassured in that regard.

With this bill the government has also recognised the live music industry — and I heard the member for Prahran interjecting boldly about that earlier. In contrast with the approach of the former government, we have amended the Liquor Control Reform Act 1998 to ensure that the live music industry is recognised in that act. We have also made some changes to conditions for packaged liquor licences to better reflect community expectations. In dealing with some of the antisocial behaviour related to alcohol, we have done a number of things. We have doubled the penalties for people who behave badly while drunk and disorderly or fail to heed a direction to leave a licensed premises. We have established new offences for patrons who remain in the immediate vicinity of licensed premises to which they have been refused entry. We have also created new powers to enable licensees and police to bar troublesome patrons from entering or remaining in a venue for a specified period of time if they are drunk, violent or quarrelsome or pose a safety risk to themselves or others.

In our latest reforms we have also dealt with the issue of the secondary supply of alcohol to minors. Those reforms prohibit the supply of liquor to a minor in a private residence unless a parent, guardian or spouse over the age of 18 years provides the alcohol or the supplier has obtained the consent of the child's parent, guardian or spouse over the age of 18. The government has put a range of initiatives in place which should dispel some of the commentary from the member for Mill Park.

It is also important that there be local solutions for local issues. From a local perspective, in the Morwell electorate we have the well-established Traralgon CBD Safety Committee, which consists of members of Victoria Police, owners and licensees of local venues in the entertainment precinct, local business owners, and taxi and bus operators. They have all come together to try to deliver initiatives in the Traralgon CBD. We have been able to introduce some great initiatives through that forum, which this government has supported over a long period of time. Some of those initiatives include the installation of closed-circuit TV in and around the Traralgon CBD. We have seen the introduction of a late-night bus service to neighbouring townships on a Sunday morning for patrons who might have been at nightclub venues in Traralgon. They are now able to catch a night bus service to Morwell, Moe and Churchill. This is a great initiative which this government has supported, unlike the former government.

There are a number of other initiatives, which include licensees getting together to develop a liquor accord and having a great conversation. In terms of initiatives and programs we have in place, when you consider where we were and where we are now, you realise things are much more advanced than they were three or four years ago, and that is terrific. The bill also affords new powers to police, protective services officers and gambling and liquor inspectors which allow them to tip out alcohol that might be in the possession of a minor. As the member for Mill Park pointed out, currently if that liquor is seized it cannot be tipped out; it needs to be stored in case it needs to be produced to a court for a determination at a later time. Obviously that is a slow and cumbersome system, so the provisions in this bill which introduce the tip-out laws make sense. Having liquor tipped out in front of them also creates an embarrassing position for the minor who might be in possession of that alcohol. It might be a costly exercise for them as well, so these are very sensible provisions.

With regard to fire provisions, the bill makes minor amendments to maintain the operation of part 8B of the Liquor Control Reform Act 1998. Currently fire safety inspectors, whether they be with the Country Fire Authority or the Metropolitan Fire Brigade, are able to shut down a licensed venue where a dangerous situation with respect to a fire or an emergency might present itself. They have the power to enter and search premises. Unfortunately we have seen a number of tragedies occur as a result of fires in venues, more so overseas than in Australia, so it is important that authorised personnel have those powers. Those powers are due to sunset on 22 March 2013; however, that sunset provision will be removed. It makes sense to do that.

The bill also makes sure that one commissioner can make a determination rather than the decision being made by the Victorian Commission for Gambling and Liquor Regulation as a whole. With those few comments I commend the bill to the house

Mr McGUIRE (Broadmeadows) — Alcohol consumption is a major social issue facing Victoria's youth. This is graphically shown each year and was evident again recently during schoolies week when we saw the impact that binge drinking can have. Concerns are raised by many in the community about the impact of alcohol, particularly on young people and under-age drinkers in particular. We know that alcohol is not healthy for a developing body, and it is important that adults play a role in educating young people about the harm associated with alcohol consumption.

The Labor Party is committed to ensuring that alcohol is consumed responsibly, especially amongst young people, so we will not be opposing this bill. However,

we note that we are seeing significant increases in levels of alcohol abuse and are finding that people are drinking to become drunk and not so much for enjoyment. The purpose of many young people is to drink to get heavily intoxicated, and that is seen particularly amongst the age group of 14 to 29 years. Young people have a name for it; they call it having 'pres' — 'Let us have pre-drinks before we go out to a function'. This loading up with alcohol before going out to a function is an evolution that is concerning, and we should be looking at how to deal with it, particularly because scientific research increasingly says that the human brain is not fully formed until young people are in their early 20s. The phenomenon of drinking to get drunk has a direct impact on young people's futures and on their maturity, and those are the issues we are looking at in this bill.

Clause 3 of the bill introduces the new so-called tip out provision. This measure is an attempt at a practical solution to dealing with police officers having to store seized alcohol. As the Minister for Consumer Affairs said in his second-reading speech, the use of the tip-out power will be at the discretion of authorised officers. This provision will allow for an operational decision to be made to tip out alcohol at its point of seizure or to take it away. The tip-out power may be used in circumstances where police members, protective services officers or gambling and liquor inspectors encounter minors in possession of alcohol in public places, such as recreational parks, train stations, on licensed premises or in the vicinity of licensed premises. While police members will be able to exercise the power at any time, protective services officers and gambling and liquor inspectors will be able to do so only when on duty. According to the minister, this is consistent with powers these three groups of officers already possess.

We need to understand the practical nature of this provision. As the member for Morwell said, it could have a social impact due to the embarrassment young people may feel if they are caught red-handed. However, we must also look at what accountability measures are in place if things go wrong and move in a way other than has been presumed. A slight issue is raised here.

This is the final sitting week of the year, and I want to make this point. We are looking at a major social problem, so what we want to see from the government is a coordinated strategy that looks not just at punitive action on this issue but also at putting in place a preventive strategy. The critical issue is that we are now halfway through this government's term. If government members want to look at other measures that have some utility, then they should look at the causes of under-age drinking and binge drinking and their harmful effects. The bigger picture strategy right across a whole-of-government approach should focus on how to address these issues. That is the substantive matter.

I hope this legislation is not yet another example of what this government does, which is engage in gesture politics — that is, the government makes a gesture, provides another short, sharp media story that really does not go to the heart of the matter and then treats symptoms, not causes. That is the issue I want the government to address. At the halfway mark of this government's term I want to see what else the government has. Here we are in the final sitting week of Parliament; is this as good as it gets from this government? Is that all there is?

The major creative response to an issue such as alcohol consumption is to have a strategy that goes right across all the departments of government and uses media involvement. It should focus on how to bring different stakeholders to the party and all the rest of it. Where is the education component to make sure that young people know about the dangers caused by the social change of having pre-drinks? It is young people loading up before they go out that is becoming a problem. There is also the issue of people drinking to get very intoxicated that is at a really dangerous level. This is the bigger picture that I am asking the government to bring to the Parliament so that we can see a coordinated strategy right across this whole issue. The government's strategy should not just be punitive and narrow but should have a preventive side as well and look at the social issues that are at play. The strategy needs to look at the social mores of young people, including the way they view the use of alcohol, so that this issue can be addressed.

Labor will not be opposing this bill, because the bill is trying to make a difference. Nevertheless in this last sitting week of Parliament I am still at a loss. Particularly given the time of year — we are moving into the festive season when people drink more — this was a chance to send a bigger message to the community. That message should have included a considered and coordinated strategy that is not only punitive but also preventive. That would be in the best interests of Victorians.

Mr BATTIN (Gembrook) — I rise to support the Liquor Control Reform Amendment Bill 2012. This bill is part of a full reform the coalition government is undertaking in the area of alcohol consumption throughout Victoria, including providing regulations and rules to ensure that people who want to enjoy

alcohol can do so responsibly, particularly as we approach the festive season. I note that the member for — —

Honourable members interjecting.

An honourable member — Broadmeadows.

Mr BATTIN — Broadmeadows — —

An honourable member — He doesn't go to his electorate; it would be hard to know.

Mr BATTIN — I was going to say that. The member for Broadmeadows was talking about the government not putting out a plan. Let me tell him about some of the measures the coalition government is putting forward. This is a prime opportunity to get out there and have a say on what is going on in liquor licensing and what is happening with people and drinking throughout Victoria.

In the very short time we have been in government — two years — I would say there have been more changes in liquor control in Victoria than there had been in the previous 11 years. Some of these changes so far are the transfer of liquor licensing functions to an independent regulator; the introduction of a 5-star rating system and a demerit point system for liquor licensees; a new wine and beer producers licence; action to recognise the importance of the live music industry; action to improve competition in the supply of packaged liquor; action to tackle public drunkenness; and the prohibition of the secondary supply of alcohol to children without parental consent. They are a few of the things this government has put through to make sure measures and processes are in place in relation to drinking in Victoria, something that happens more often during the festive season.

I can speak from experience about some of the measures that have come to this place and have been very well accepted within the industry. To start off I will speak specifically about the 5-star rating system — our new demerit point system for liquor licensees. I worked in liquor licensing in Melbourne in a section that at the time was called the regional licensing unit within Victoria Police. At that stage I worked mainly in Chapel Street, in Prahran, and along King Street in Melbourne — I suppose they are two of the most well-known areas in Victoria for alcohol consumption and alcohol-fuelled violence. During the time I was in the police force quite regularly you would have to deal with nightclubs and pubs in relation to under-age drinkers. There were many under-age drinkers in the areas in which I worked, and there were also issues with licensed venues. We needed to ensure we had control.

Prior to coming to government I had my say with the now Minister for Consumer Affairs. I explained some of the processes and some of the difficulties. When I worked in liquor licensing we would just go into a licensed premises and issue a fine — there was not a lot more we could do. For licensees in poorly performing venues or in venues that caused the most dramas, it was just a monetary fine and they were not overly fazed about the consequences. However, the introduction of a demerit point system hits the pubs and clubs that cause the most problems where it really hurts. It has been the ideal change, which is why we introduced it. This system operates in the same way as the demerit point system for drivers licences — that is, good performers are rewarded and poor performers have their ability to sell alcohol reduced to the extent that they can be closed.

This is an opportunity Victorians would appreciate — that is, the opportunity to get rid of the rogue traders who are out there. To be honest, I think the licensing industry overall would appreciate that, because most licensees in Victoria are good operators. A lot of them run small restaurants and cafes. Many of our clubs and pubs do a very good job of controlling the liquor they serve, and they ensure that their staff are qualified in the responsible serving of alcohol. Many of them do a fine job and are good at what they do.

The amendments in the bill deliver on our commitment to strengthen the powers of police to deal with minors who are in possession of alcohol, whether in licensed premises, in public or out in the street. The bill extends the tip-out power to three different groups. Victoria Police members can exercise it whether they are on duty or not; basically at any time a member of the Victorian police force can use this power to tip out alcohol. Protective services officers must be on duty at a designated place to exercise this power. A designated place is somewhere like Parliament, the Shrine of Remembrance or the other major places in Melbourne where PSOs are currently operating, including railway stations.

That is another fantastic commitment that has been delivered by this government. PSOs are being rolled out across the metropolitan railway system and at major regional stations across the state, and I look forward to having them in my electorate, hopefully in the near future, so we can ensure the safety of commuters and travellers in the Gembrook electorate.

Whilst we are on the topic of PSOs, I want to say on the record that they do a fantastic job. The training they receive is of a very high calibre; it is to the same level as members of Victoria Police. The training they get to work at our train stations for the safety of our community is of a very high level. It is something I have been through myself, and I heartily endorse it. I think it gives us a fantastic opportunity to improve safety on our public transport network. We have seen changes already in areas like Dandenong. I am sure the Dandenong PSOs will be very pleased to use this power when the bill comes into effect. Already they have made changes to the level of violence in Dandenong. Victoria Police have come out and said that they have had some Friday nights recently when they have not even been called to the Dandenong railway station, which I can tell you would never have happened during my time down there — that is where officers spent most of their time.

Gambling and liquor inspectors can also use this power. They must be on duty to exercise it, but there are no restrictions on where they can exercise the power. I think it is important that they can use that out there. Sorry, I will just rephrase that. To clarify: the powers of gambling and liquor inspectors are focused on licensed premises rather than on public places. The use of the tip-out power would not be a focus for inspectors, whose focus remains on minors in licensed premises.

The things we do in government in relation to under-age drinking are not just about the acts. They are not just about the laws that come in; they are about an education process. It is about getting a message out there about what is acceptable and what is not acceptable. In addition to the laws relating to the secondary supply of alcohol to children without parental consent, the tip-out laws send a message to young people that drinking under the age of 18 is not tolerable.

You have to be very cautious these days, including in giving parental consent. We have had a rise in alcohol-fuelled violence and we have had a rise in issues to do with under-age drinking at parties. I live in the growth corridor through Narre Warren, Berwick and Pakenham, and we have had recent incidents of out-of-control parties. We are getting the message out there that we will not tolerate this in Victoria. We want to ensure that everybody in Victoria can go out and have a good time. You should party safely and make sure that you drink responsibly — or do not drink at all if you are under the age of 18 and not in a position where you should be drinking. As I said, we would like to continue to get that message out there as clearly as we can.

The member for Broadmeadows also mentioned pre-loading, which is something that has been spoken about for a long time. Pre-loading is drinking prior to going out to a party or a nightclub. A lot of people find that it is a way to get drunk more cheaply than going to a nightclub and drinking whilst there, but turning up to a club drunk can cause many issues. It makes it more difficult for licensed operators when they have young people coming into the venue already intoxicated. It only takes one drink in there and they are well and truly over the limit. Some of them manage to pull it off and make it seem as though they are not as intoxicated when they walk into the venue, but when they get in there the violence can start. It makes it very difficult to control what happens inside the venue.

In my short contribution today, I want to say that I wish the bill a speedy passage. I want to ensure that we continue our efforts not just at a government level but at an individual level as well. I want everybody in the house to get the message out in their electorates, especially in the period coming up. We have just had schoolies week, and we have some big events coming up over the next few weeks, particularly Christmas and New Year's Eve. It is important that we keep the message out there that if you are going to drink, you should drink responsibly. If you are not of drinking age, do not drink; it is not worthwhile. Do not get in a car and drink and drive — that is very important.

With the indulgence of the Acting Speaker, I would also like to very quickly wish my darling daughter, who has come in here today, a happy birthday.

Ms BEATTIE (Yuroke) — It is a bit difficult to follow birthday greetings, but I shall attempt to do so. Happy birthday to you. We do agree on some things in the house, and one of them is that birthdays should always be celebrated.

An honourable member — It is my birthday, too.

Ms BEATTIE — Birthdays everywhere!

Labor does not oppose this bill, although we do have some concerns about it. We know we should set an example to young people in relation to the consumption of alcohol. There is the old saying 'everything in moderation', and certainly alcohol is one of the things that should be taken in moderation. It is perhaps particularly pertinent that we all remember that saying at this time of the year. However, it is easy to get caught up in the moment and have a few too many drinks, especially when you are young, impressionable and perhaps vulnerable as well.

We know it is not healthy to overindulge. Certainly the ability of a young person to recover after a bout of drinking is much better than that of somebody who is older, but, having said that, we know it has long-lasting effects on the developing bodies of young people. As I said, in moderation drinking can be a normal part of life, and it should be a normal part of life. But when too much alcohol is consumed, we know from the figures that it can ruin lives, it can damage communities and it can disrupt families. Often in domestic violence situations there is a degree of alcohol involved.

Having reflected on television ads about young people drinking I recall one in which the father sends his son to the fridge to get more alcohol. Then you see the child grow up just like his dad, sending his own son to get more alcohol. When we were in government members of the then opposition criticised us for advertising. They said it was all about government advertising. I dispute that. If advertising points out some harmful things and corrects behaviour, it benefits all of society. However, we are seeing increased levels of drinking and alcohol abuse, particularly amongst young people between the ages of 14 and 29. That lower figure of 14 is very disturbing indeed because it suggests that four years before the legally allowable age young people are getting alcohol and getting drunk. Other speakers have spoken about the tendency to pre-load — that is, to go to a function already having had a few drinks — and then build upon that. Once you start doing that, your ability to make good decisions is severely impacted upon.

I particularly want to talk about young women. I have heard about clubs that turn young people out on the streets when they have had too much to drink. I urge owners of clubs and licensed premises to think seriously about that. It could have disastrous consequences. If you are going to send somebody out, you need to make sure that they have a lift home or that some other arrangements are in place so that young person is not in a vulnerable situation.

This bill gives Victoria Police members, protective services officers on duty at a designated place and gambling and liquor inspectors the power to tip out alcohol, whether it is in an open or unopened container. This is a discretionary power. I hope training will accompany this measure, but I do not see it. We all know when some people have too much alcohol they can become aggressive, so I hope there will be some training for these officers so they are able to recognise when a person is becoming aggressive.

Currently these officers have the power to seize liquor. Even if they reasonably believe a person is under the age of 18 and in possession of liquor in contravention of the Liquor Control Reform Act 1998, they do not have the power to tip out the alcohol. They have to seize the alcohol and store it until a court determines whether the person is under the age of 18 and in possession of liquor in contravention of the act. The government argues that this is practically and administratively cumbersome. As I said, I hope there is some training in how to handle aggressive behaviour should it occur.

Like the member for Broadmeadows, I would like to see more education strategies in place not only in relation to the punitive aspects, such as what the law can bring down on you when you have too much to drink, but also about the harmful effects of alcohol and strategies to help young people stand up to their mates when they pressure them saying, 'Come on, just have one more drink', or, 'Scull, scull, scull'. I would like to see some strategies to handle the peer pressure that occurs. In this area Labor has a proud history. The Step Back. Think. program was one of the ways the former government tried to alter how teenagers — certainly young men, although not only men — think about violence. However, as I said, this bill involves a bipartisan approach. Labor is not opposing the bill. It would be good, especially at this time of the year, if we could all step back and think about the consequences of having too much to drink. With those few words, I wish the bill a speedy passage.

Mr NEWTON-BROWN (Prahran) — The member for Yuroke commented in her contribution to the debate that police currently have the power to seize alcohol from minors. Indeed that is the case. I think the member said the government believes it is cumbersome or inconvenient for police not to be able to tip out that alcohol. What an understatement! Picture this: it is Saturday night in Chapel Street. Tens of thousands of people have converged on the area, as they do every weekend. Many of them are under age and cannot get into venues because of that. Some of them are able to get hold of alcohol and end up at the skate park or one of the parks around the area. The kids are causing a bit of a nuisance, and the police arrive. There are no serious crimes, other than the kids are drinking alcohol when they are under the age of 18.

The police seize the liquor and intend to charge the kids. Then imagine the police get a call to a serious assault down the road. All members in the area are summoned urgently to the scene. The police who have intercepted these kids who are drinking illegally have their hands full with half a dozen stubbies that are half finished and maybe a couple of paper cups of cask wine. They know that for a prosecution to be successful

they need to hang onto these containers. They need to take them with them — not just the containers but the alcohol inside the containers.

What do they do? They either abandon their prosecution or they get into the divvy van and put the stubbies and cups of wine into their cup holders and hang onto them until the end of the shift, at which point they check the alcohol into the station and store it for the purposes of it appearing in court maybe some months later. Even worse, imagine if you were on foot patrol and you had to carry all those stubbies and paper cups with you. It is a ludicrous situation that has existed for many years. It is amazing that the former Attorney-General allowed that to continue. How could he not have taken the very easy steps that have now been taken to make the work of the police more functional and make it much easier for them to perform their tasks as they should? The bill has only a few simple pages, but it addresses something that was not done for many years.

It is not as if members of the Labor Party can say they did not know about this, that it is some obscure provision hidden in a piece of legislation and that it is not a problem. This was actually an issue on which the then Baillieu opposition campaigned before the last election. This is yet another of our election commitments being met. While the then Premier took up many of the good ideas of the then opposition, I do not think this was one he copied in the course of the 2010 election campaign. It is a simple amendment and one that should have been made many years ago.

The provision applies also to protective services officers (PSOs) and gambling and liquor inspectors. Given that very soon PSOs will be deployed at all railway stations after dark, stations will be much safer. It will mean that if under-age kids are drinking on stations, the PSOs will be able to tip out their alcohol. It is a very sensible piece of legislation which will have a good impact on public safety in Victoria.

The provision also applies to private residences, so if police are called to a party where under-age kids are drinking, they will be able to quickly control the situation by tipping out all the alcohol. They will be able to attend a premises and deal with such a situation and then move on to other more serious matters.

With powers such as those the bill provides, obviously safeguards must be put in place. Despite what the member for Yuroke said in her contribution, there will of course be comprehensive training for officers about the extent of their powers and how they can use them responsibly. Where police are dealing with minors the situation is clearly sensitive. It is important that procedures be followed and that events be recorded properly — and that is the intention of the bill. This legislation is essentially about protecting children from the harmful effects of alcohol. The new powers are consistent with the harm-minimisation principles of the Liquor Control Reform Act 1998.

This is not the first piece of legislation that the Baillieu government has introduced to deal with the issue of the harmful effects of alcohol on children. Acting Speaker, you will recall that earlier this year a piece of legislation made it illegal for alcohol to be served to minors without parental consent. In effect kids at a party cannot be served alcohol by an adult without parental consent. All of these measures are about protecting children from the harmful effects of alcohol.

The member for Mill Park suggested that there has been inaction in the area of liquor reform. I have only a few minutes left for my contribution, but I will briefly run through some of the many things that have been done in the area of liquor reform in the past two years. There has been the introduction of demerit points and the application of the 5-star rating system to liquor licence-holders. We have put the onus back on the licensees to be responsible, but we have also given them incentives to be responsible and have rewarded good operators with lower licensing fees. We have put a freeze on new late-night venues. The big late-night venues particularly were found to be a source of problems with alcohol-fuelled violence. We acted on that evidence and have put a freeze on new big late-night venues.

Many hundreds of thousands or even millions of dollars have been spent on closed-circuit television (CCTV) cameras. In my area certainly hundreds of thousands of dollars have been spent, and CCTV cameras are out there spread across the state, protecting us and dealing with the issue of public drunkenness. With things such as barring orders we have given new powers to licensees so that they have the tools to properly undertake their responsibilities within their premises.

As far as policing goes, we have doubled the penalties for drunk and disorderly behaviour and failure to obey directions to leave licensed premises. We have also created new offences, such as that associated with not meeting the requirement to immediately leave the vicinity of licensed premises if refused entry. We are not just blaming the licensees for the problems of alcohol; we are actually giving them the tools to enable them to run their venues more appropriately.

These are all very sensible measures. If you look at the history of the previous government, you see that being sensible was not a very high priority in its initiatives. I refer for example to the 2.00 a.m. lockout.

Mr Nardella interjected.

Mr NEWTON-BROWN — The member for Melton is heckling me yet again. He was supportive of the 2.00 a.m. lockout. Acting Speaker, you will recall that tens of thousands of people rallied against that ridiculous initiative. There was the 'Make Brumby history' campaign, with T-shirts, the Facebook page and the bumper stickers. Talk about one of the biggest political miscalculations of all time! The previous government was forced to back down on that. It was a knee-jerk reaction. The government did not actually address the issue; it just came up with a simple solution.

Another example is Labor's treatment of live music venues, which was nothing short of appalling. In fact I am sure it was partly that shabby treatment that led to the fall of the last government. It certainly lost its members the votes of many of the younger members of our community. Live music is a very important part of life in Melbourne and of our economy, providing more than 17 000 full-time-equivalent jobs. Labor members just thought, 'Look we've got a problem. We'll stop the live music and then everyone will stop punching each other up'. The fact of it is that live music does not cause violence.

Premier Brumby must have got his ideas from that classic 1980s movie *Footloose*. Acting Speaker, you will recall the plot: teenager moves from the big city to a small town and finds that rock music is banned. He rallies against this. The climactic scene of the movie shows the whole town cutting loose. The Liberal Party had its own Kevin Bacon in the member for Malvern. He similarly rallied against the then administration. He led an uprising against the fun police in the Victorian government. He led the charge and made the case that live music does not cause violence. That was another successful campaign initiated by the community and supported by the then opposition. It was a monumental mistake that Premier Brumby made. It was on that glorious day, 27 November 2010, the Victorian people cut loose John Brumby and his fun-sponging government.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak in the debate on the Liquor Control Reform Amendment Bill 2012. From the previous contribution you would think that this two-and-a-half-page bill will set the world on fire. It is an important bill, and the opposition will not oppose it; it is part of what we need to do to change behaviour. The member for Prahran spent 7 minutes talking about everything other than the bill. I like the member for Prahran, but every time I go to Southbank and look at the cafe bar that he used to run — —

Mr Newton-Brown — Not mine any more, mate.

Mr PANDAZOPOULOS — It is not yours anymore; that is right. You could not run a successful cafe bar — that is the point. Every time I go by it is chock-a-block now, with the responsible serving of alcohol. I keep thinking of you, in the coffee capital of Australia — —

Mr Walsh interjected.

Mr PANDAZOPOULOS — It is part of our Melbourne, mate. In the coffee capital of Australia, the member for Prahran could not even run a successful coffee shop — and he lectured us about the responsible serving of liquor!

Yes, we do have issues, but let us remember that most people who drink alcohol, including young people, do so responsibly. However, there are elements of the community who abuse things. That is why we have laws and that is why this bill is an important part of the evolution of laws around changing behaviour. Clearly young people nowadays have a bit more money — a few more may be working in part-time or casual jobs or maybe mum and dad are giving them a bit more money — and they can purchase alcohol. In the past some of us had to flog it from dad's fridge, if he did not notice how many bottles he had. All kinds of things happened. Generally young people have greater access to alcohol, whether it be through families or because they have a higher earn and spend money they have earnt themselves or have received from parents, but it is also because of the accessibility and availability of alcohol.

Most liquor outlets, including packaged liquor outlets, do the responsible thing, but we know that there is a culture of people tanking up before going out, which is partly driven by the cost of alcohol in the venues. When you talk to young people, they say that before they go out they load up the back of the car and have a few drinks before they head off into town. They park the car in town or somewhere on the outskirts of town — they have a designated driver — and they then walk into town having had a few beforehand, so they are already a bit on the way, enjoying themselves, not having to pay the prices you pay at pubs and bars nowadays. We have to acknowledge that that is a factor that young people are responding to, whether it is fair or not.

We need these provisions, and we need this law to be able to change that behaviour. The police come across people who offend by drinking in public places. There is also the growth of parties. When we gatecrashed parties, they tended to be a lot smaller. You might have called up a few mates or you might have found them at the house. Nowadays everyone has a mobile phone and access to social media, so there is a bigger problem of people gatecrashing parties. This is a very serious problem in the outer suburbs, where there may not be a lot of opportunities for young people to go to other venues, so the way they entertain themselves is by going to their friends' places.

This is a useful law for the police. It will help them to enforce and drive this change. There are problems with people over 18 who are still young but can legally drink, and there are problems with people under 18 who illegally drink. This bill clarifies the rules for police about how to deal with people who are under age versus young adults who may be drinking in inappropriate places or causing a nuisance. As part of a range of measures, this will be extremely useful in activity centres in the central business districts in large rural towns, but also in the outer suburbs. It is inappropriate to tank up in public places, be a nuisance, leave your empties behind or smash stubbies. When you walk around parts of the Dandenong CBD you can see where people have been drinking because of the empties or broken glass.

The bill will give the police the ability to enforce the law where necessary, and that will drive a change in behaviour in our community. Young people who are caught doing the wrong thing — and this is the case in relation to all laws — will not like it. None of us likes getting caught doing the wrong thing, but we know it is the wrong thing, and if we are caught, we might change our behaviour in the same way that most of us have reduced our level of speeding on the roads. We are much more careful on the roads than we ever used to be because our police enforce the road safety laws. Our road safety laws have evolved according to our changing society and the changing expectations society rightly has. We want people to enjoy alcohol, but we do not want them to abuse it. We do not want alcohol to cause problems, put people at risk or create a nuisance for the broader public.

At the end of the day young people are always innovative; they will try to find a way around things, and of course they will. Like all of us, young people will experiment and make some mistakes along the way. The guidance of adults and public law enforcement officers helps young people to learn the right thing to do as they experiment and risk-take for good or bad. The reality is that we have all been in such situations. As young people most members of this house, including me, were much more fortunate than young people nowadays, who are subject to a totally different regime around driving and alcohol consumption than we were subjected to when we were growing up. We need to respect that sometimes young people will think that older people are a bit hypocritical about these things, including in the way they consume alcohol. When they see older people, members of their family and friends at functions at their own houses, they will think they are hypocritical in the way they consume alcohol. They will see older people at public events, sporting events and other public events misusing alcohol. Logically they will see us as hypocritical because there was one rule for us when we were growing up and now there is a different rule for them.

This is part of an evolution we have to go through. Alcohol has become more accessible and young people are able to afford more. They spend more on hospitality than we did. They can communicate more easily with their friends, and larger groups can get together. Generally everyone brings a bit of grog to a party and that will mean a heck of a lot of grog is available. Suddenly parties have a lot more alcohol around. Cars are loaded up so that people can tank up before they go to a venue or a bar. Parties end up having a lot more alcohol at them than the parties we went to when we were young. When we were young it was about trying to steal four cans from the old man to see if you could get away with that versus going out and buying your own stuff.

Mr Hodgett — Borrow — you borrowed them.

Mr PANDAZOPOULOS — Some borrowed and some stole; it is a matter of whether you got caught or not. This is an important evolutionary reform. It will have its teething problems, like all these situations. Young people and others will say that it is unfair, that it is intervention and interference by a nanny state. I do not think that is the right interpretation of this. This is an important area of clarification that will support our police and any action they choose to take if they think it is required, even if it is of a serious nature. That decision will be left to the discretion of police officers who are doing that enforcement. They will have the certainty that they can enforce the law with reasonable confidence that they will be supported by the law, by the hierarchy and by the courts, and that is why we are not opposing this bill.

Ms WREFORD (Mordialloc) — I move:

That the debate be now adjourned

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, 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	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms
Hennessy, Ms	Trezise, Mr
Herbert, Mr	Wynne, Mr
Holding, Mr	

Motion agreed to.

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Orders of the day

Dr NAPTHINE (Minister for Ports) — I move:

That consideration of government business, orders of the day, items 3 and 4, be postponed until later this day.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, 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	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms
Hennessy, Ms	Trezise, Mr
Herbert, Mr	Wynne, Mr
Holding, Mr	

Motion agreed to.

ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012

Statement of compatibility

Dr NAPTHINE (Minister for Ports) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Assisted Reproductive Treatment Amendment Bill 2012.

In my opinion, the Assisted Reproductive Treatment Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is as follows:

(a) to provide that gametes and embryos which are kept in storage at the commencement of the bill are lawfully stored despite the expiry of the statutory storage period;

(b) to permit the patient review panel to extend storage periods for gametes and embryos in exceptional circumstances where the person who produced the gametes is unable to provide consent or the storage period has expired;

(c) to increase the statutory storage period for gametes from 10 years to 20 years where the gametes have been obtained from a child or from a person who has been certified as at reasonable risk of premature infertility because of a medical condition or procedure;

(d) to permit removal of gametes and embryos from storage within three months after expiry of the storage period; and

(e) to alter the constitution of the patient review panel and make other amendments to improve its operation.

Human rights issues

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

Right to recognition and equality before the law — section 8 of the charter act

Section 8 of the charter act establishes a series of recognition and equality rights. The right to recognition as a person before the law means that the law must recognise that all people have legal rights. The right of every person to equality before the law and to be entitled to the equal protection of the law without discrimination means that the government should not discriminate against any person and the content of all legislation ought not to be discriminatory.

The new sections 31(1)(b)(ii) and 31(1)(b)(iii) provide that there is to be an initial 20-year storage period for gametes produced by children or persons who have been medically certified as at reasonable risk of premature infertility. This is a longer storage period than the 10-year period which applies to the storage of all other gametes. This differential treatment of children and persons at risk of premature infertility does not amount to discrimination under section 8 of the charter act as the purpose of the longer storage period is to protect the interests of this particular group. The provision of a 20-year storage period ensures that the storage period for gametes of children and persons at risk of premature infertility does not expire at a time when this group may not yet be focused on the use of their gametes for family formation.

Protection of families and children — section 17 of the charter act

Section 17(1) of the charter act provides that families are the fundamental unit of society and are entitled to be protected by society and the state. Section 17(2) provides that every child has the right, without discrimination, to such protection as in his or her best interests and is needed by him or her by reason of being a child.

The new sections 31A(2), 31A(3), 33A(2) and 33A(3) provide that in exceptional circumstances, the patient review panel can extend the storage period for gametes and embryos without written consent or where the application for extension is made after the expiry of the statutory storage period. The new sections 137 and 138 provide that gametes and embryos stored beyond the expired statutory period at the commencement of the act are deemed to be lawfully stored. The amendments will provide additional discretion and flexibility to the patient review panel to approve extensions of storage where appropriate, which will promote the right of families to be protected by society and the state under section 17 of the charter act by ensuring that people retain the opportunity to use or donate their gametes or embryos for family formation.

The right to be presumed innocent — section 25(1) of the charter act

Section 25(1) of the charter protects the presumption of innocence in criminal proceedings.

The bill amends sections 31(1), 32(2) and 33(2) with the effect that persons will not commit an offence under these sections if the time for removal circumstances in the new sections 31B or 34A apply, or where there is an approval for a longer storage period by the patient review panel or tribunal (the effect of which means embryos and gametes are lawfully stored).

The purpose of the new time for removal from storage provisions is to enable ART providers and persons responsible for storage of gametes to carry out the removal and disposal of gametes and embryos more efficiently and in compliance with their obligations under the act. The effect of the new removal provision creates an evidential onus on the person accused under section 31, 32 or 33 to present or point to evidence that the new section 31B or 34A apply (section 72 of the Criminal Procedure Act 2009). As a consequence, these amendments engage the presumption of innocence under section 25(1) of the charter act.

The new provisions are designed to benefit ART providers and persons responsible for storing gametes and ensure the efficient and effective operation of the scheme. The new provisions place an evidential onus on ART providers and

persons responsible for storing gametes as they are in the best position to establish the facts of their compliance with 31B or 34A as they are entities in possession of relevant administrative laboratory logs and patient records. The provisions are unlikely to limit the right to be presumed innocent, and in any event, any such limitation would be justifiable.

Conclusion

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon Denis Napthine, MP
Minister for Ports

Second reading

Dr NAPTHINE (Minister for Ports) — I move:

That this bill be now read a second time.

The storage of gametes and embryos for use in assisted reproductive treatment is regulated under the Assisted Reproductive Treatment Act 2008. The act specifies the length of the storage periods and the circumstances in which storage can be extended. Storage can be extended by the gamete/embryo owner who must apply to the patient review panel. It is a criminal offence punishable by up to two years imprisonment for a person or an assisted reproductive treatment (ART) provider to allow gametes and embryos to remain in storage beyond the permitted statutory storage period, or where it is known that the person who produced the gametes has asked for those gametes, or embryos made from them, to be removed from storage. The purpose of these provisions is to ensure that gametes and embryos do not remain in storage against the wishes of the gamete providers and to prevent the build-up of unwanted stores of gametes and embryos.

In June 2011, the government became aware that gametes were being stored for longer than Victoria's permitted statutory storage periods. This arose in the context of the patient review panel handling of applications for extension of gamete storage that had been received following the expiry of the storage period. The panel took the view that the gamete and embryo storage provisions should not be interpreted to enable a further extension of the storage period once the permitted statutory period had expired, as this would allow the routine commission of offences by the person storing the gametes or embryos. Patients that made applications for extension of storage following the expiration of the permitted statutory storage period were advised by the panel that it could not deal with these late applications as they were made following the expiry of the permitted statutory period. This situation gave rise to publicly raised concerns that gametes stored beyond the permitted statutory period may be destroyed. Following this, the Minister for Health engaged Dr Andrew Perrignon to undertake an independent review (the Perrignon review) of the issues in relation to long-term storage of gametes.

There are currently a significant number of gametes stored in Victorian assisted reproductive treatment clinics and hospitals beyond the permitted storage periods under the act. Many of these gametes were taken from young persons at risk of premature infertility as a result of medical treatment, usually for cancer. In a number of cases, the gametes are held beyond the expired storage period because of administrative errors relating to monitoring of storage time and failure to ensure that the patient's application for extension of storage is made in time. In some cases, individual patients are unable to be contacted to ascertain their wishes and clinics are reluctant to remove gametes from storage in these circumstances.

The difficulty now facing those persons whose gametes stores have expired is that pursuant to the act, their gametes cannot be used in any treatment procedures and should be removed and destroyed. This is obviously undesirable in those cases where the persons whose gametes are stored still wish to retain the opportunity to use these gametes to have their own biological children or extend their family.

Dr Perrignon completed his review in December 2011, making a number of recommendations for amendments to the act, to ensure a fair and patient-centred approach to the long-term storage of gametes, and that patients whose gamete stores have expired are not disadvantaged. These recommendations are:

deeming gametes stored beyond the permitted period to be lawfully stored for 18 months from the commencement of any amendment and permit applications for extension of storage to be made during this 18-month period;

the panel can determine applications for extension of gamete storage in exceptional circumstances where statutory criteria cannot be met;

enabling a 20-year initial storage period for gametes stored by patients who are medically certified as prematurely infertile or likely to become prematurely infertile; and

creation of a three-month statutory disposal period immediately following the expiry of an authorised storage period for gametes, which allows for orderly removal from storage by clinics.

The bill adopts these recommendations and extends these to deal with embryos where appropriate. Whilst the Perrignon review focused on the storage of gametes, it found that similar issues applied for embryos. There are a substantial number of embryos held outside the permitted statutory period for which ART clinics do not have clear instructions from the owners of the embryos or the donor providers of gametes used to form the embryos. Extending the proposed amendments to the act to deal with embryos will also give ART clinics the opportunity to deal with these excess stores of embryos lawfully and enable patients to continue to use them or donate them for family formation.

In order to ensure that the risk of administrative errors relating to the long-term storage of gametes and embryos is reduced, ART clinics and relevant hospitals have already undertaken efforts to audit and improve procedures and have committed to developing best practice storage guidelines. The Department of Health is assisting clinics in the development of the guidelines to facilitate the development and drafting process amongst the clinics. The guidelines will cover clinics' responsibilities for: information provision to patients, maintenance of patient contact details, communication requirements with patients about storage periods and extensions, record-keeping standards, and procedures and systems for managing storage. This work is under way and will be completed following the passage of the bill.

The bill

To rectify the current undesirable situation for a group of patients who currently cannot access their stored gametes and embryos as the storage period has expired, the bill will deem expired gamete and embryo stores to be lawfully stored for a period of 18 months. During this time patients of these stores will be able to either use or donate their gametes or embryos, or apply to the patient review panel for a longer storage period if desired. After the 18-month period, any gametes or embryos for which a patient has not sought a further extension of the storage period from the panel must be removed in accordance with the act, otherwise these stores will again be unlawfully stored and the person storing them will be committing an offence. This will enable patients with expired gamete and embryo stores to avoid the mandatory removal and destruction of these and therefore retain the opportunity to use or donate these in the future, in addition to providing clinics with the opportunity to tidy up their gamete and embryo stores.

The Perrignon review has undoubtedly facilitated positive improvements amongst ART clinics and hospitals to guard against future instances where contact with gamete providers lapses solely through administrative errors. It is anticipated, however, that even with improved procedures and guidelines, there may be rare situations where such administrative errors occur. In the event of future lapses in administration, patients who have stored gametes and embryos should not be disadvantaged. As an additional safeguard against any similar situation arising in the future, the bill includes new provisions enabling applications for extension of storage of gametes and embryos in exceptional circumstances. The new sections 31A(2), 31A(3), 33A(2) and 33A(3) provide that in exceptional circumstances, the patient review panel can extend the storage period for gametes and embryos where the written approval of the gamete provider cannot be obtained or where the application for extension is made after the expiry of the statutory storage period.

These new provisions will permit the panel to grant an extension of storage application, in exceptional circumstances, where:

> the written approval of the person who produced the gametes cannot be obtained or the person is unable to provide written approval in a timely manner prior to the expiration of the storage period; or
>
> the application for extension of storage is made following the expiration of the permitted statutory storage period.

In addition to protecting patients from rare administrative errors, it is intended that these provisions will enable ART clinics to preserve a patient's use of the stored gametes and embryos in circumstances where the gamete provider's written approval to continued storage is not able to be obtained prior to the expiry of the permitted statutory period, for example:

> the gamete provider experiences temporary incapacity from an accident or illness and is unable to advise on further storage in the lead-up to the expiration of the storage period;
>
> a clinic has had some contact from the couple and it is apparent the couple need more time to decide what to do with their remaining embryos or are unable or reluctant to make the difficult decision to have them removed; or
>
> a donor gamete provider's consent to continued storage cannot be obtained prior to the expiry of the permitted statutory period because the donor cannot be found or contacted by the clinic.

In utilising these new provisions it is expected that clinics will follow their usual process of notifying patients about the approaching expiry of the storage period. If clinic notifications are received by patients and they ignore notifications from clinics, they will risk having their gametes or embryos removed from storage as they have not provided further consent to a longer storage period. In circumstances where the clinic cannot locate or contact patients, the clinic may apply for a short extension (e.g., 12 months) on the patient's behalf to preserve the stored gametes or embryos and ensure that they are not in breach of their obligations whilst they undertake further reasonable efforts to ascertain the intentions of the patient. If at the conclusion of the further storage period granted on exceptional circumstances grounds the clinic has not been able to ascertain the intentions of the patient, then the storage period will expire and the clinic will be obliged to remove the gametes or embryos from storage. This first category of the exceptional circumstances provision is about providing clinics the opportunity to lawfully preserve patients' stored embryos and gametes to enable further efforts to obtain clear instructions from patients about the future storage or disposal of their stores.

Throughout the Perrignon review it was evident that there was some confusion amongst ART providers about the extent of a donor gamete provider's involvement in decision making once an embryo is formed. Section 32 of the act provides that it is an offence to store embryos unless the persons who produced the gametes from which the embryo has been formed have consented to its storage for the purposes of later transfer. In circumstances where donor gametes have been used to form the embryo and the donor cannot be located in a timely manner prior to the expiration of the storage period, an extension of storage under the exceptional circumstances provision may be granted by the panel in order to preserve the recipient couple's access to their embryos, whilst the clinic undertakes further reasonable efforts to locate and obtain written approval from the donor.

It is also intended that the exceptional circumstances provision also provides the panel with a broad discretion to approve a longer storage period if it considers there are exceptional circumstances for doing so in a particular case, such as where the donor cannot be found to provide written approval to a specified longer storage period. This will enable storage of embryos to be managed consistently with the National Health and Research Medical Council ethical guidelines on the use of assisted reproductive treatment in clinical practice and research that provide that once fertilisation has taken place the persons for whom the embryo has been created have responsibility for decision-making about its use, storage or disposal. This will ensure that such couples are not disadvantaged by donors who cannot be contacted, or generally demonstrate apathy to further involvement following their initial donation.

It is not intended that the operation of the provision result in gametes and embryos being stored indefinitely as clinics will have to exercise judgement in deciding whether to make an exceptional circumstance application on the patient's behalf.

The second category of the exceptional circumstances provision will enable the panel to consider and determine an extension of storage application in circumstances where the permitted storage period has expired. The purpose of the second category is to protect the patient from an administrative error of the clinic by enabling them to preserve their gametes. Even if the panel is satisfied that there are exceptional circumstances for approving an application for extension of the expiry period — the person responsible for managing the store will still be liable for the offence of storing gametes or embryos beyond the permitted statutory storage period. This is necessary to ensure clinics and hospitals assertively manage their stores to ensure appropriate patient consents are sought, applications are made within time, and to discourage poor administrative practices.

The Perrignon review concluded that a longer default period for storage of gametes is warranted for those individuals storing gametes prior to medical treatment which will render them, or risk rendering them, prematurely infertile. The principal argument in support of a longer default storage period for these people is that many of them store gametes prior to undergoing treatment for cancer when relatively young. The shorter 10-year default period often expires for these individuals in their mid–late 20s, at a time when they may not be focused on the use of their gametes for family formation. The review concluded that the application of the default 10-year storage period may have hazardous consequences for this group of patients and that a more flexible approach for this group is warranted. The bill provides that there is to be an initial 20-year storage period for gametes produced by children or persons who have been medically certified as at reasonable risk of premature infertility.

A further issue raised by ART clinics in the Perrignon review was the current requirement under the act for the immediate removal of gametes and embryos from storage upon the expiration of the storage period. The ART clinics argued that this requirement poses

significant compliance challenges and is unnecessarily inflexible and rigid in its application. The ART clinics require two scientific staff to be present when disposal occurs in order to fulfil the statutory requirement of removal to safeguard against errors in disposal, and this is difficult to arrange during school holiday periods or outside business hours.

In response to this issue, the proposed bill will amend the act to permit the removal of gametes and embryos from storage at any point up to three months after the statutory permitted storage period has expired. This will enable ART clinics to carry out the removal and disposal of gametes and embryos to more efficiently manage their compliance obligations under the act.

Since the commencement of the act on 1 January 2010, the panel has received many more applications than was initially envisaged. The volume of applications has put a strain on the operation of the panel in various ways. The difficulty with the act at present is that it provides no mechanism to deal with absences of the chairperson or deputy chairperson, which can occur due to leave, hospitalisation, illness or incapacitation. This lack of flexibility has resulted in extended periods when hearings have not been able to be scheduled. As a consequence, the panel has not been able to conduct hearings as expeditiously as it is required to under the act, resulting in a backlog of applications from time to time. Further, there is no governance mechanism in the act to account for situations where the chairperson or deputy chairperson may have a conflict of interest in hearing a particular application.

The proposed bill will amend the act to provide for a revised model for the panel, which will enable the panel to operate more flexibly and efficiently than is currently allowed for under the act and to retain the current practice of rotating members for hearings. The proposed changes to the operation of the panel are as follows:

the appointment of up to three deputy chairpersons so that there is greater flexibility when constituting a panel;

clarify that a hearing of the panel is a division of the panel to be constituted by the chair, a deputy chair and three ordinary members, at least one of whom has child protection expertise and the chair is to select the members who will constitute the panel for the purposes of a particular hearing;

to provide for the appointment of an acting chairperson; if the chairperson is unavailable or unable to perform his or her functions under the act, a deputy chairperson may be appointed in their absence;

enable applications for extension of the storage period to be determined by a single member of the panel to ensure that these time-sensitive applications are heard as expeditiously as possible.

This bill will protect the interests of patients who store gametes and embryos, providing a legal solution to the current problem of expired stores, and will establish safeguards to ensure patients are not disadvantaged in the event similar situations arise in the future.

I commend the bill to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until Wednesday, 26 December.

ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012

Statement of compatibility

Mr O'BRIEN (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Energy Legislation Amendment (Flexible Pricing and Other Matters) Bill 2012.

In my opinion, the Energy Legislation Amendment (Flexible Pricing and Other Matters) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purposes of the bill are to:

amend the Electricity Industry Act 2000 and Gas Industry Act 2001 to repeal electricity and gas industry cross-ownership restrictions; and

amend the Electricity Industry Act 2000 to make amendments in relation to the scope of advanced metering infrastructure orders in council; and

amend the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 to address regulatory inconsistencies; enable the Essential Services Commission to enforce contraventions or likely contraventions of relevant laws, instruments and codes; and make other miscellaneous amendments.

Information sharing

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by law that is accessible and precise.

Clause 7 of the bill inserts a new section 46D in the Electricity Industry Act 2000 and provides that the Governor in Council may, by notice published in the *Government Gazette*, make orders with respect to various matters. These matters may include requiring a relevant entity to keep confidential specified customer information and provide such specified information to another entity for the purpose of the second entity complying with other requirements made by an order (sections 46(2)D(x) and (y)). The other requirements contemplated principally include the provision (by the second entity) of relevant metering and tariff information to the individual customer in question.

The provision of customer information from one entity to another is for the important purpose of ensuring that customers are able to be given all relevant information in relation to metering and tariffs. This will enable customers to make informed choices between service options. The collection and sharing of information as provided by new section 46D therefore does not involve any unlawful or arbitrary limit on the right to privacy.

Clauses 19 and 25 insert new sections 28A and 34A in the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008 respectively. These provisions permit the Australian Energy Regulator to provide certain information, including information given in confidence, to the Essential Services Commission in relation to certain contraventions or likely contraventions by electricity and gas distributors of their distribution licences.

It is not anticipated that the information shared by the Australian Energy Regulator with the Essential Services Commission will include the personal information of customers, who would have an expectation of privacy. In any event, the provision of information to the Essential Services Commission pursuant to sections 28A and 34A is only where reasonably required by the Essential Services Commission for the purposes of performing its functions, duties or exercising its powers under the Essential Services Commission Act 2001. New sections 28A and 34A complement the functions of the Essential Services Commission to make and serve orders for compliance pursuant to section 53 of the Essential Services Commission Act 2001 on electricity and gas distributors in respect of certain regulatory laws or instruments. Accordingly, sections 28A and 34A do not limit the right to privacy.

Powers, functions and duties of the Essential Services Commission

Clauses 17 and 23 insert new subsections 24(2)–(4) and 29(2)–(4) in the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008 respectively. Those provisions provide that the Essential Services Commission has every function or power under a specified law or instrument necessary for it to perform a function or duty or exercise a power under the Essential Services Commission Act 2001. The effect of these provisions is to re-confer on the Essential Services Commission certain functions and powers in relation to regulation of the energy distribution sector. The commission initially had these functions and powers; however, they had since been conferred on the Australian Energy Regulator instead. Although the commission ceased to have the functions and powers in relation to the regulation of the energy distribution sector, it retained them in relation to regulation of the energy retail sector and other regulated industries.

The nature and content of the functions, duties and powers of the commission therefore remain unchanged. However, their scope for application is extended by new subsections 24(2) and 29(4) of the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008, respectively. It is therefore necessary to consider the functions, duties and powers of the commission under the Essential Services Commission Act.

Section 37 of the Essential Services Commission Act provides the commission with a general power to obtain information and documents from a person, and to require that a person appear before the commission to provide the information or document. A person who fails to comply is guilty of an offence. Part 5 of the Essential Services Commission Act provides for the powers of the commission to conduct an inquiry and to provide a report to the minister on the inquiry. The general power of the commission to obtain information and documents or appear before the commission applies to inquiries conducted by the commission.

A number of rights can be engaged where a power is conferred to compel a person to appear, and to provide information and documents. These rights are as follows: privacy (in the sense that information provided may be personal), freedom of movement (in the sense that a person is required to attend personally before the commission), and freedom of expression (in the sense that the right may include the freedom not to impart information).

To the extent that the commission's power to obtain information and documents raises privacy or freedom of movement issues, any disclosure of personal information or requirement to attend before the commission will be necessary for the purpose of fulfilling its regulatory functions. In addition, appropriate safeguards exist, such as restrictions on the circumstances in which the commission can disclose information, and appeal rights in relation to a decision by the commission to require a person to provide information or documents, and to appear before the commission. Section 37 will not limit the right to freedom of expression in section 15 of the charter act by requiring a person to divulge information, as it is essential to the effective administration of the commission's regulatory functions, and therefore reasonably necessary for the protection of public order in accordance with section 15(3) of the charter act.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Michael O'Brien. MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The Energy Legislation Amendment (Flexible Pricing and Other Matters) Bill 2012 will amend various acts within the energy and resources portfolio to further the implementation of energy market reform in this state.

Victoria has consistently been a leader in energy market development. Our energy sector was disaggregated and privatised in the 1990s. Full retail contestability was established in electricity and gas in 2002, allowing all households to choose their energy supplier. Retail price controls were removed in 2009. We now have one of the most competitive energy markets in the world and Victorians are willing to take advantage of this by exercising their right to switch energy retailers in pursuit of a better deal.

Victoria is also upgrading to advanced metering infrastructure, of which electricity smart meters are an integral part. Having inherited major problems in the program, including significant cost blow-outs and a lack of community support borne of a failure to engage households, the Victorian coalition government undertook an extensive, independent review of the smart meter program upon coming to office.

Following the review the government announced major changes to the electricity smart meter program.

The smart meter review found, given the significant sunk costs already incurred by Victorian households and businesses, that the option to deliver the greatest benefit to consumers is to pursue a significantly improved rollout with a greater focus on the needs of consumers, reining in program costs and bringing forward benefits to consumers. These benefits will include helping consumers better understand and control their energy consumption through devices such as in-home displays and providing households and businesses with more flexible pricing options.

In short, it is time that smart meters started to pay their way.

In supporting the flexible pricing reforms that the coalition government is introducing, this bill will help to achieve this end.

Clauses 5 to 9 of the bill amend the Electricity Industry Act 2000 to enable, by order in council, the implementation of appropriate consumer protections where energy retailers choose to make available flexible pricing plans to their electricity customers.

More Victorians will have the option of moving to flexible pricing plans for electricity from the middle of 2013. Wider availability of flexible pricing plans is designed to provide energy customers with more options to reduce their own power bill, while also taking the pressure off everyone's power bill by reducing the need for expensive network upgrades and new generating plants.

Victorians currently utilise around 25 per cent of the value of our electricity infrastructure on the equivalent of only six days a year. This problem of peak demand means that a significant component of the network and other charges on electricity bills is devoted to rarely used infrastructure.

This is expensive, inefficient and adds unnecessarily to electricity bills. A more efficient use of the electricity infrastructure that Victorians have already paid for would reduce the pressure for expensive network and generation augmentation in the future, leading to downward pressure on bills.

The independent cost-benefit analysis on the smart meter rollout, commissioned by the coalition government in 2011, found that a key benefit of smart meters was the ability to introduce widespread flexible pricing options, which could deliver economic benefits of up to $229 million.

Flexible pricing will offer pricing incentives to better utilise our electricity networks by offering customers the choice of plans based on off-peak, 'shoulder' and peak times of the day. At present most customers pay a flat rate for the electricity they use and do not have access to off-peak rates. With flexible pricing, households and small businesses will be able to consider pricing plans that better match their usage patterns and which can save them money. Alternatively, they might choose to shift the times at which they use some appliances or equipment in order to reduce their energy bill by moving consumption to discounted periods.

Customers who want to try the new flexible pricing plans will be able to do so with confidence. Importantly, households who prefer to stay on their flat rate will not be forced to change; the default position will be that households remain on their current tariff and will not move to a flexible pricing plan unless they have specifically provided informed consent to do so. The decision and the power will remain with the customer.

There will be a 'safe try' period up until 31 March 2015 during which households will be able to move to a new flexible price offer with their current retailer with the confidence that they can switch back to their previous tariff without penalty if they are uncomfortable with the change. The coalition government will also support consumers during the introduction of flexible pricing plans with independent price comparison tools, information and advice.

Flexible pricing will offer Victorian households and businesses the opportunity to access off-peak electricity rates across the year and across the variety of household appliances.

Flexible pricing will start to tackle the problem of peak demand and make the structural reforms we need to start to rein in the spiralling costs of electricity.

Flexible pricing will begin to put smart meters to work, finally, for Victorian consumers.

Implementation of these measures will be facilitated through the amendments to the Electricity Industry Act 2000, to be made by this bill.

I turn now to the other provisions of the bill.

Clause 13 of the bill will also support Victoria's advanced metering infrastructure program by allowing national rules related to electricity metering and pricing proposals to be modified where these provisions are inconsistent with Victorian specific rules put in place for the purposes of the advanced metering infrastructure program.

Responsibility for monitoring and enforcing compliance with Victorian energy sector rules (which include the national energy laws) is currently divided between the national economic regulator, the Australian Energy Regulator, and the Essential Services Commission of Victoria. Clauses 14 to 25 of the bill will improve the ability of the commission to enforce distributor compliance with Victorian energy sector rules including rules in relation to the advanced metering infrastructure program by enabling a ministerial order to specify those provisions which are properly the enforcement responsibility of the commission and not the responsibility of the national Australian Energy Regulator. The bill will also facilitate the exchange of information between these two regulators in relation to the enforcement of regulatory obligations.

Clauses 3, 4 and 10 of the bill repeal the cross-ownership provisions of the Electricity Industry Act 2000 and Gas Industry Act 2001. These restrictions were first enacted in the early 1990s, at the time of privatisation of the energy sector, to prevent vertical integration of production and distribution infrastructure and to ensure open access and competition. Discussion papers published by government in 2005 and 2011 recommended removal of these restrictions in favour of reliance on the merger provisions of the Competition and Consumer Act 2012 (formerly the Trade Practices Act 1974).

Finally, clause 26 of the bill will make a technical amendment to the National Gas (Victoria) Act 2008 to allow a declaration of a distribution system or transmission system to relate to a specified provision of the National Gas (Victoria) Law. As currently worded, the relevant section does not allow declarations to be made for different purposes depending on whether a distribution system or transmission system is or is not part of the wholesale gas market.

I commend the bill to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until Wednesday, 26 December.

STATUTE LAW AMENDMENT (DIRECTORS' LIABILITY) BILL 2012

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (Charter Act), I make this statement of compatibility with respect to the Statute Law Amendment (Directors' Liability) Bill 2012.

In my opinion, the Statute Law Amendment (Directors' Liability) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will implement one of Victoria's commitments under the Council of Australian Governments (COAG) National Partnership Agreement to Deliver a Seamless National Economy 2008. The aim of this reform is to ensure that provisions imposing individual criminal liability on officers of companies when a company commits an offence are appropriate having regard to the regulatory objectives of the act and to the nature of the offences. The bill amends certain acts which at present provide a 'blanket' approach to applying liability to directors, regardless of the nature and type of offence.

The bill does not amend the underlying offences committed by a body corporate or the penalties for offences in any act. Instead, it sets out in what circumstances an officer may be held liable for the commission of an offence by a body corporate and enacts model provisions to ensure consistency in directors' liability provisions in these acts. It is intended that the model provisions will be adopted for future use in acts where it is considered appropriate to impose criminal liability on officers of bodies corporate.

The model provisions provide for the following types of liability:

> accessorial liability — where an officer of a body corporate authorised, or permitted, or was knowingly involved in, the offending conduct;
>
> type 1 directors' liability — where an officer failed to exercise due diligence to prevent the offending conduct by the body corporate (type 1 DLP);
>
> type 2 directors' liability — where an officer is deemed liable for the commission of the offence by the body corporate unless the officer can point to evidence that suggests a reasonable possibility that he or she exercised due diligence to prevent the offending conduct by the body corporate (type 2 DLP);
>
> type 3 directors' liability — where an officer of the body corporate is deemed liable for the commission of the offence by the body corporate unless the individual can prove that he or she exercised due diligence to prevent the offending conduct by the body corporate (type 3 DLP).

A type 2 DLP imposes an evidential onus or burden on the officer. A type 3 DLP imposes a legal onus or burden (to prove a defence on the balance of probabilities) on the officer.

There are also provisions in the bill that ensure an officer can avail themselves of the same defences that are available to the body corporate. The relevant offence provisions already apply both to bodies corporate and to individuals. Some of those existing defences to underlying offences may contain reverse onuses. But this bill does not affect the underlying offences or their specific defence, so I have not included in this statement an analysis of the compatibility of each and every specific defence which is available to an officer who may be prosecuted under the directors' liability provisions of the bill.

Human rights issues

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

Presumption of innocence (section 25(1))

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a statutory provision shifts a burden of proof on to an accused in a criminal proceeding.

Many of the amendments proposed by this bill strengthen the right to the presumption of innocence to the extent that the bill repeals many reverse onus provisions in the acts being amended by the bill. The bill removes absolute liability offences and significantly reduces the number of type 2 and type 3 DLPs in a range of acts.

Type 2 and type 3 DLPs have been retained in some acts — principally those which essentially relate to the health or welfare of the community, or are necessary to protect public revenue.

Type 2 DLPs — imposing an evidential burden of proof

The bill applies a type 2 DLP (which imposes an evidentiary burden of proof on an accused) to offences in the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 which relate to the illegal sale of certain chemicals and high-risk activities related to aerial spraying (see clause 4, proposed section 72C) and to offences in the Liquor Control Reform Act 1998 which are associated with alcohol-related harm (see clause 27, proposed section 53C).

Whether an officer exercised due diligence to prevent the commission of the offence by the body corporate is a matter peculiarly within the knowledge of the officer. Officers of bodies corporate are best placed to provide evidence as to whether and how they exercised due diligence.

In my view, these provisions are compatible with the right to be presumed innocent. The provisions impose only an evidentiary burden on an accused — that is, a person is not required to prove on the balance of probabilities that the defence applies. Once the accused has pointed to some evidence to suggest a reasonable possibility that he or she exercised due diligence to prevent the body corporate committing the offence, the burden is on the prosecution to prove the contrary, and a person cannot be convicted if there is a reasonable doubt.

Type 3 DLPs — imposing a legal burden of proof

The bill retains or reapplies a type 3 DLP (which imposes a reverse legal onus of proof on the accused) to offences in the Food Act 1984, Dairy Act 2000, Taxation Administration Act 1997 and Duties Act 2000. The type 3 DLP requires that the prosecution must first prove beyond reasonable doubt that the body corporate committed the offence. The officer has a defence if they can prove on the balance of probabilities that they exercised due diligence to prevent the commission of the offence by the body corporate. This places a legal burden on the accused to prove their defence. I consider that in relation to the offences in each of these acts, the imposition of a legal burden is compatible with section 25(1).

(a) Food Act 1984

Currently all offences in the Food Act attract a type 3 DLP. Following a detailed review of the Food Act, this bill will reduce the number of offences which attract type 3 liability.

Clause 23 of the bill (proposed section 51B) applies the type 3 DLP to those offences that are central to the regulatory regime established by the Food Act, and which relate to food handling and safety measures.

For almost all of the proposed offences, the maximum penalty is a fine. In the case of the most serious offences against the act (sections 8, 9 and 10), the maximum penalty is two years imprisonment. These offences essentially involve a food business knowingly selling, or handling for sale, food that is unsafe.

The other offences to which the type 3 DLP will be applied (and for which the maximum penalty is a fine), relate to unsafe food handling, handling food in a way that could cause

harm, preventing food-borne disease and acting so as to avoid scrutiny by local government of these matters (sections 11–15, 39C, 16, 19, 19AA, 19A, 19B, 39B, 44E, 19CB, 19F, 19GB, 38F).

The purpose of all these provisions is to protect public health and safety. There are significant health consequences of breaches of food safety standards. It is in the public interest that officers of a corporation exercise due diligence to prevent the commission of these offences.

(b) Dairy Act

Currently all offences in the Dairy Act attract a type 3 DLP. Clause 14 (proposed section 55C) of the bill will apply the type 3 DLP only to offences which protect public health and safety and are central to the regulatory regime designed for the handling and safety of dairy food. The remainder of the offences will be subject to accessorial liability or to a type 1 DLP.

A type 3 DLP will be applied to offences, for which a maximum penalty is a fine, contained in the following sections of the Dairy Act:

> conducting a business as a dairy farmer, manufacturer, food carrier or distributor or operating a vehicle that carries dairy products without a licence, where licensing requirements are to ensure that dairy products are handled safely (section 22);
>
> sale and delivery of dairy food that has not been pasteurised, packed or sealed as required (section 36); and
>
> failure to comply with orders to handle dairy products safely (sections 50, 53).

Dairy foods are regarded as high risk products and the considerations set out above in relation to the Food Act generally equally apply to the use of type 3 DLPs in the Dairy Act. These offences serve the important purpose of ensuring public welfare and safety.

(c) Taxation Administration Act 1997 and Duties Act 2000

Currently all offences in the Taxation Administration Act and the Duties Act attract a type 3 DLP.

Clause 45 (proposed section 130C) of the bill will apply a type 3 DLP to only the most serious offences in these two acts:

> tax evasion and intentionally or negligently giving false or misleading information to tax officers against the Taxation Administration Act (sections 57 and 61);
>
> the unauthorised endorsement of instruments against the Duties Act (section 268).

These offences impose penalties and the most serious of these offences, tax evasion, also imposes a maximum penalty of two years imprisonment.

Applying a type 3 DLP to these offences serves to protect state revenue from tax avoidance and deception and to assure the fundamental integrity of Victoria's taxation system.

In relation to sections 57 and 61 of the Taxation Administration Act, truthful and full disclosure is essential to tax administration, because the proper imposition and collection of tax relies on the quality of the records kept and information provided by the taxpayer. The commission of these offences undermines state revenue and public confidence in the tax system. Similarly, the offence in section 268 of the Duties Act targets the fraudulent endorsement of instruments on which duties may be payable.

Type 2 and type 3 DLPs — overall summary

There are sound policy justifications for imposing type 2 and type 3 DLPs on officers for these offences.

The proposed provisions provide defences where officers have exercised due diligence. This limits the exposure of officers to cases where they have not taken reasonable care to prevent the commission of the offence by the body corporate.

Whether and, if so, how an officer exercised due diligence to prevent the commission of the offence by the body corporate is a matter peculiarly within the knowledge of the officer. Officers of bodies corporate are best placed to prove whether they exercised due diligence. It would be very difficult for the prosecution to have to negative every possible due diligence action the officer might have taken without requiring the officer to point to evidence of the due diligence they undertook (type 2 DLP) or affirmatively prove the due diligence they undertook (type 3 DLP).

For those offences which concern serious risks to public health and safety, and the integrity of the state taxation system, type 3 DLPs are justified to ensure that officers must affirmatively prove that they undertook due diligence.

Conclusion

For the above reasons, I consider that the imposition of type 2 and type 3 DLPs is demonstrably justifiable and compatible with the charter act.

The Hon. Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill will implement reforms to legislation that imposes personal criminal responsibility on directors and officers of corporate entities for offences committed by those entities. This bill substantively implements one of the national regulatory reform items agreed to by the Council of Australian Governments (COAG) under the National Partnership Agreement to Deliver a Seamless National Economy 2008.

Following a four-year review, the Commonwealth Corporations and Markets Advisory Committee released a report in 2006 commenting on the unsatisfactory manner in which Australian jurisdictions imposed, through legislation, personal criminal liability

on directors and other officers of corporate entities. The report found that there was a need for a more consistent and more principled approach to imposing personal liability on directors and officers for corporate offences across commonwealth, state and territory laws. The review noted that such an approach would reduce complexity, aid understanding, increase certainty and predictability, and assist efforts to promote effective corporate compliance and risk management.

The concern, based on a survey of directors' liability provisions in various acts across and within jurisdictions, was that such provisions had blanket application to all offences without regard to the fact that corporations and directors are distinct legal persons, and without regard to the nature of the offence for which a director was being held liable and the relationship or proximity between the director and the activity resulting in the commission of the offence by the corporate entity.

In 2009, COAG agreed on six common principles that jurisdictions should take into account before imposing personal criminal liability on directors and officers. In summary, the six principles are as follows:

1. where a corporation contravenes a statutory requirement, the corporation should be held liable in the first instance;

2. directors should not be liable for corporate fault as a matter of course or by blanket imposition of liability across an entire act;

3. a 'designated officer' approach to liability is not suitable for general application;

4. the imposition of personal criminal liability on a director for the misconduct of a corporation should be confined to situations where there are compelling public policy reasons for doing so, the liability of the corporation is not likely on its own to sufficiently promote compliance and it is reasonable in all the circumstances for the director to be liable. In doing so, consideration should be given to whether the director has the capacity to influence the conduct of the corporation in relation to the offending and there are steps that a reasonable director might take to ensure a corporation's compliance with its legislative obligations;

5. where it is appropriate to impose liability on directors, they could be held liable where they have encouraged or assisted in the commission of the offence or have been negligent or reckless in relation to the corporation's offending;

6. in addition, in some instances, it may be appropriate to put directors to proof that they have taken reasonable steps to prevent the corporation's offending if they are not to be personally liable.

In 2011, COAG established a dedicated reform committee under the COAG Business Regulation and Competition Working Group. The working group developed detailed guidelines around the six COAG principles setting out the circumstances in which it was appropriate to impose liability on directors and managers and when more stringent directors' liability provisions should apply. These guidelines were approved by COAG on 25 July 2012.

In order to better reflect the COAG principles for directors' liability, the government has developed template provisions to ensure that as far as possible, the wording used in Victorian acts follows a uniform approach. These template provisions provide for four types of liability that can be used in acts where it is appropriate to impose criminal liability on directors or officers. These will form the standard tests for criminal liability for directors or officers in cases of corporate offending under Victorian legislation.

The first proposed type of liability — officers' liability arising from a failure to exercise due diligence — will require the prosecution to prove that the officer failed to exercise due diligence to prevent the commission of the offence. In determining whether or not an officer failed to exercise due diligence a court may have regard to a number of factors. These factors are what the officer knew or ought reasonably to have known about the commission of the offence by the body corporate, whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence, what steps the officer took or could reasonably have taken to prevent the commission of the offence and any other relevant factor. The officer could be prosecuted regardless of whether or not the body corporate is prosecuted or found guilty of an offence. However, the officer can rely on any defence that the body corporate could have relied on, had it been prosecuted. The COAG guidelines refer to this liability as a 'type 1' directors' liability provision.

The second proposed type of liability is officers' liability arising from a failure to exercise due diligence with an evidential burden of proof on the accused. This will presume that if the body corporate commits an offence the officer also commits the offence unless the

officer presents or points to evidence suggesting a reasonable possibility that he or she exercised due diligence to prevent the commission of the offence by the body corporate. This provision requires the accused to show evidence that would suggest to a court that there was a reasonable possibility that he or she exercised due diligence with the applicable standard of proof for the accused being on the balance of probabilities. Once that evidence is raised by the accused, the burden will shift to the prosecution to prove, beyond reasonable doubt, that the officer did not exercise due diligence. In determining whether or not the officer exercised due diligence a court may have regard to the same factors that are listed for a type 1 directors' liability provision. The officer could be prosecuted regardless of whether or not the body corporate is prosecuted or found guilty of an offence. However, the officer can rely on any defence that the body corporate could have relied on, had it been prosecuted. The COAG guidelines refer to this liability as a 'type 2' directors' liability provision.

The third proposed type of liability is officers' liability arising from a failure to exercise due diligence with a legal burden of proof on the accused. This will presume that if the body corporate commits an offence the officer also commits the offence unless the officer proves he or she exercised due diligence to prevent the commission of the offence by the body corporate. This is a reverse onus provision. In determining whether or not the officer exercised due diligence a court may have regard to the same factors that are listed for a type 1 directors' liability provision. The officer could be prosecuted regardless of whether or not the body corporate is prosecuted or found guilty of an offence. However, the officer can rely on any defence that the body corporate could have relied on, had it been prosecuted. The COAG guidelines refer to this liability as a 'type 3' directors' liability provision.

The final type of liability — officers' accessorial liability — will require the prosecution to prove that the officer either authorised or permitted, or was knowingly concerned in, the commission of the offence by the body corporate. The officer could be prosecuted regardless of whether or not the body corporate is prosecuted or found guilty of an offence. However, the officer can rely on any defence that the body corporate could have relied on had it been prosecuted.

The COAG guidelines provide that as a general rule, where personal criminal liability is to be imposed on directors or officers, a directors' accessorial liability provision or a type 1 directors' liability provision is preferred as the prosecution should bear the burden of establishing the case against the accused. The use of a type 2 provision or a type 3 provision should be confined to circumstances where there are sound public policy reasons for using these provisions and where the relevant offences are central to the regulatory objectives of the particular act. The COAG principles are clear that directors' liability provisions should not apply as 'blanket' provisions in any act.

This bill will amend 18 acts to either repeal directors' liability provisions or to replace these provisions with directors' accessorial liability. Where there is a policy justification for retaining directors' liability provisions, the bill will amend acts to ensure that the most stringent forms of directors' liability, such as type 2 and type 3 provisions, are restricted in application to those offences that are central to the regulatory objectives of the particular act and are sufficiently grave to warrant holding directors and officers to account for corporate offending. The scope of this bill is limited to amending the directors' liability provisions in these acts. It does not amend existing offences and existing penalties, and it does not amend the type of person or entity who is primarily capable of committing an offence. As the COAG reform does not extend to the civil liability of directors and officers, this bill does not amend any civil liability arrangements for directors and officers.

Two acts that are not being amended by this bill, being the Occupational Health and Safety Act 2004 and the Environment Protection Act 1970, were originally excluded from the directors' liability project by COAG on public policy grounds. In addition, the government is not amending the directors' liability provisions in the Judicial Proceedings Reports Act 1958 on public policy grounds. The government has already reformed the directors' liability provision in the Port Management Act 1995 through the recently enacted Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Act 2012.

Overall, the reforms contained in this bill and the future use by the Victorian government of the COAG guidelines will help ensure that the imposition of personal criminal liability on directors and officers in Victorian legislation will be targeted appropriately to the circumstances of the legislation and the offence concerned.

I commend the bill to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until Wednesday, 26 December.

LIQUOR CONTROL REFORM AMENDMENT BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms WREFORD (Mordialloc) — I rise in support of the Liquor Control Reform Amendment Bill 2012. This government came to power after 11 dark, wasted years under Labor. Members of the former government took their eyes off the ball in so many ways, not the least of which was in regard to law and order, and in particular to alcohol-related laws. ALP might well have stood for Alcohol Lunacy Party. The streets were a mess.

We all remember the chaos over proposals around night-life and events such as the famous Corey Worthington party. The police were powerless to stop these sorts of things, and Labor refused to act. Members of the coalition government are not opposed to adults having a drink; however, we are opposed to irresponsible drinking and under-age drinking which can lead to health issues and to violence.

In only two years this government has made great advances in dealing with alcohol-related issues. We have made drinkers more responsible for their actions by giving police more power to pursue individuals rather than only punishing the venues. We have doubled the penalties for drunk and disorderly behaviour and for failure to obey a direction to leave a licensed premises. We have introduced new offences for patrons who remain in the immediate vicinity of licensed premises to which they have been refused entry. We gave police, licensees and responsible persons the power to issue barring orders, and we have introduced a 5-star rating system and a demerit point system for licensed venues so that the good venue operators are rewarded and the troubled ones are not. We have recognised the importance of live music, and we have fixed problems faced by small wine and beer producers. We have introduced equality in packaged liquor outlet regulations, and we have introduced secondary supply laws and much more.

The result is that we do not read about big brawls around nightspots every weekend, and there has not been another Corey Worthington-type incident. People in my electorate are certainly safer; however, there is much more we need to do. This bill is another step in a whole suite of actions this government is taking to help manage antisocial behaviour around liquor consumption. This bill will allow the police, PSOs (protective services officers) and gambling and liquor inspectors to confiscate and tip out alcohol where they believe the person in possession of the alcohol is under-age. This is an important step to stop teens drinking in parks, on the streets and generally in public.

I do not know if any members read the article in the *Age* about pre-loading, which is a new culture in alcohol consumption. Young people are drinking many drinks before they even enter a licensed premises. If they are drinking alcohol in parks and public places — and especially if they are under-age — police can now take some action. This measure sends a strong message.

The bill also means that police will no longer have to carry around confiscated alcohol; they will simply be able to tip it out. It will mean less messing around with the storage of confiscated alcohol, which police currently have to do. Currently police, PSOs and gaming and liquor licence inspectors can seize alcohol, but they cannot tip it out — they must store it until a court makes a determination, which is not a logical thing to do. In some cases police have found alcohol, confiscated it and then have had to carry it with them, sometimes while teens put up a fight. These situations are ridiculous.

This bill provides police — and PSOs and gambling and liquor inspectors whilst on duty — with the ability to confiscate alcohol and tip it out in certain limited circumstances should they feel it appropriate. The measure will apply in public places such as parks, railway stations and so on, as well as near licensed premises. The management of each of the police, PSOs and gambling and liquor inspectors will develop guidelines to ensure that the various officers take a consistent approach to the confiscation and tipping out of alcohol. This all fits in perfectly with the harm minimisation principles of the Liquor Control Reform Act 1996.

In addition, this bill removes the sunset clause relating to closure and evacuation due to fire and emergency. This provision was introduced in 2010 as a temporary measure and was due to be repealed in March next year. Finally, this bill allows the Victorian Commission for Gambling and Liquor Regulation to delegate its powers on this matter to a commissioner as it delegates its powers on similar matters. This is another good, common-sense initiative which will assist authorities to reduce the risks to both drinkers and the community.

In summary, Labor took its eye of the ball in many respects, especially in regard to alcohol, over the 11 years it was in power, and the streets were in a mess. In just two years the coalition government has made great advances in dealing with alcohol-related issues.

Melbourne is safer, but there is much more that we can do. The long-term challenge is to change — —

Mr Nardella interjected.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I note that the member for Melton is to be the next speaker. I ask him to wait for his turn.

Ms WREFORD — The long-term challenge is to change the cultural status of alcohol in Victoria and to reduce the social pressures to drink excessively, especially amongst our youth. That is a long-term challenge and very difficult to do, but this government is taking steps, and this is one of them. We need to take a strategic approach to reforms around the abuse of alcohol, and we are doing that with a suite of reforms, this bill being one of them.

This bill will allow the police, PSOs and gambling and liquor inspectors to confiscate and pour out alcoholic drinks in the possession of under-18-year-olds in public places. Officers will no longer have to carry drinks around and store them until the court takes action. The bill will also remove the sunset clause on evacuations due to fire and emergencies. This is another good, common-sense initiative to assist authorities to reduce the risks to both drinkers and the community. I commend the bill to the house.

Mr NARDELLA (Melton) — It is amazing! The last three speakers on this bill were new members. The thing that really gets to me is that not only do they not know history but they think they become historians after getting into this place, and they make up history. On this particular bill they continue to just run the lines. They have got their own bill book; they have got their notes. Somebody has written their notes for them — we all do that. I have been in government, and I understand this; we all do it. But you have to use some judgement when you are reading your bill book, because if the bill book is rubbish, if the notes that the bill book provides are absolute garbage, you do not use the bill book. It is easy for ministerial advisers to put political lines in there that sound really good, but it is not — —

The ACTING SPEAKER (**Mrs Victoria**) — Order! I ask the member for Melton to come back to the bill.

Mr NARDELLA — I am talking on the bill. I am responding to what honourable members have been saying about this bill. I have been here during the debate on this bill virtually since it began. When they are dealing with this bill, members on the other side of the house need to understand that the history they are putting together — that they are manufacturing — is in fact incorrect.

Liquor reform has been a continual process ever since the first brewing of mead back in the ancient ages. The rules, regulations and legislation have changed markedly, even in my lifetime. In the short period of time that I have been here — a very short period of time! — I have gone through the 6 o'clock swill. Back in the 1960s you would go into a pub, and at 6.00 p.m. the bar would close. You would have four or five pots in front of you — not that I ever attended this such events, by the way — and you would stay there until you had drunk them all, because after that time you could not get anything further to drink. In the 70s you could not buy liquor after 10 o'clock. It was impossible to buy liquor anywhere in Melbourne after that time.

Changes were made to liquor legislation by the Honourable Brian Mier and the Honourable Theo Theophanous when they were ministers responsible for liquor control back in the late 1980s. Instead of just having restaurants where you could take along your BYO, this opened up the whole liquor industry. There were also changes in the Kennett years. I am happy to acknowledge that there have been changes throughout history, and the 1998 legislation that this bill amends is part of that. We also put together some changes in our term of government. A brief history lesson for the makers of fake and mythological history is relevant to this bill.

The member for Mordialloc said this legislation is about making Melbourne safer. We all want to make Melbourne safer, but the reality is that under this government, under the leadership of the member for Mordialloc, the minister and the Premier, the crime statistics show that Melbourne is not safer. This mob has not made the streets of Melbourne, Melton, Bacchus Marsh or anywhere else in Victoria safer, and this bill does not build on the reforms that we put in place.

Those opposite are very happy to criticise the things we did, and one of their criticisms was of the lockout trial. We attempted to deal with very serious situations on King Street and in the city of Melbourne. We tried to do that in partnership with a range of people. But the thing that really stands out is that the Liberal Party at that time opposed those measures. We were desperately trying to work with the police and with good nightclub operators. It was not about shutting down the music industry whatsoever. It was about making the streets safer, and it was about the liquor action plan that we had instituted. It is easy to criticise. I am very good at criticising; I am happy to acknowledge that. Criticising

is the easiest thing to do. I acknowledge that there are some good things in this legislation; there is no doubt about that. As honourable members have said, it is common sense to have a situation where alcohol can be taken from people under the age of 18 on the streets of Victoria. I acknowledge that that is a sensible thing to do. But do not rewrite history. Some people have accused me of rewriting history, but we will not go there.

This is certainly about the responsible use of alcohol, but it is also about trying to reduce the harms of alcohol. One of the things I would urge the government to do is to develop and release a whole-of-government Victorian alcohol and drug strategy. It is imperative that instead of dealing with these things in silos bit by bit the government actually do some work — I think it probably has done a bit of work — and then releases that strategy and works towards some targets. One of the things I would put in that strategy is that more than anything else we need to change people's attitudes to alcohol. We have done it with cigarettes. I know because I smoke, and I understand this stuff. It is an awful habit, but the changes that all governments for a long period of time have put in, with the assistance of Quit and VicHealth, have altered attitudes to smoking and have helped reduce the take-up of smoking and therefore the damage it causes. The same thing needs to occur with alcohol. It is imperative that we get people to change the attitude that you can get blotto and do whatever you want without any responsibility. I commend the government on doing that part of it through this legislation. There are also problems in terms of liquor outlets. There are a lot of liquor outlets now in my community and in a number of communities around Victoria. The alcohol-related crime that comes out of that is not good at all.

I want to briefly talk about Leigh Clark. The death of Leigh Clarke, a 15-year-old boy, through the excessive consumption of an essence of alcohol was a tragedy that hit hard in the township of Melton. Those things are tragic for the family involved and for the community. This bill goes part of the way to trying to stop those types of things happening. The legislation is another good step towards trying to control alcohol, whether it be through police, protective services officers or licensing inspectors.

The legislation builds on the things that the former government did, such as the Victorian alcohol action plan, education measures including the program called 'Will you handle your alcohol? Or will alcohol handle you?', measures such as Safe City taxi ranks, the police powers we put in place and some licensing conditions. To counterbalance the mythology, the Bracks and Brumby governments did a number of things to deal with alcohol-related problems, as did the Kennett and the Cain and Kirner governments. I support the bill. It is a good piece of legislation, but let us not create a myth.

Mr MORRIS (Mornington) — It is a pleasure to rise to support the Liquor Control Reform Amendment Bill 2012, and it is also always a pleasure to follow the member for Melton. The subject of this bill is a government election commitment. It came out of the coalition plan for liquor licensing, which was released well prior to the election. It is about strengthening police powers for dealing with minors who are in possession of alcohol. It amends the principal act, the Liquor Control Reform Act 1998. There are also some changes regarding fire provisions. It authorises Victoria Police members, protective services officers and gambling and liquor inspectors to confiscate alcohol, whether in open or unopened containers, and to dispose of that product. It also meets our commitments regarding fire safety measures. It follows on from a raft of significant liquor policy reforms.

We are all aware of the circumstances of the last few years. We have heard much about liquor reform. My argument would be that while much of it has been effective and overdue and the measures introduced in the mid-Cain years were founded on good ideas, the shift to a consumer affairs-based approach simply did not work. We have seen a significant rise in assaults in the CBD in the last few years. We have seen many more police deployed in the CBD at night as a consequence of the alcohol-fuelled violence. We have had ongoing licensing difficulties. Upon taking office the government had to tackle those issues. I am not saying that the former government did not do anything; it did make some changes but it did not go anywhere near far enough.

This government has introduced a number of reforms, both industry-focused reforms and consumer-related reforms. On the industry side we have introduced a 5-star rating system. Licensees who have a good compliance record are rewarded with discounted annual fees. If you have achieved a 4-star rating, you get a 5 per cent discount. A 5-star rating gives you a 10 per cent discount, which is not to be sneezed at. It is a useful carrot. We have introduced a demerit point system. Licensees can be issued with a non-compliance notice for one of the six most serious offences under the principal act, which include things like supplying liquor to an intoxicated individual, supplying liquor or permitting liquor to be supplied to an under-age person, and permitting a drunk and disorderly person or an under-age person to remain on licensed premises.

The government has also introduced a new licence category for wine and beer producers. The old vignerons licence was outdated and very inflexible. There has been recognition of the importance of the live music industry, including the live music round table. We all remember the events that occurred in the live music industry. It has also been important to deal with matters relating to the supply of liquor. Stand-alone bottle shops can no longer obtain a general licence because if they have a general licence, they have a significant competitive advantage. They need to obtain a package liquor licence, and that allows them to operate on the same basis as the competition.

There have also been a number of consumer-related reforms. We have taken action to deal with antisocial alcohol-related behaviour. The penalties for drunk and disorderly behaviour and for failing to obey a direction have been doubled. New offences have been established for patrons who remain in the vicinity of licensed premises once they have been ejected. That is important as well because a significant degree of alcohol-related violence occurs outside premises while people are waiting for public transport, taxis or that sort of thing. If you can get people who are affected away from the immediate vicinity, you have a greater chance of minimising violence. Finally, just over 12 months ago, the government introduced legislative reform regarding the supply of alcohol to minors in private homes and other places, which shows we recognise the difficulties caused by the abuse of alcohol. That is not news to anyone, of course.

In 2010 the Drugs and Crime Prevention Committee released a report into strategies to reduce assaults in public places. That was a direct response to the violence we had in the CBD. I had the pleasure of serving on that committee throughout the 56th Parliament. After that inquiry the committee made a whole series of recommendations and 17 of them, a considerable slab, dealt with regulation or modification of drinking environments and regulation of the availability of alcohol, which is a significant contributor to violence. It is important, though, that we keep the pressure on, and that is what the government is seeking to do.

In the Mornington electorate, particularly in the main street of Mornington, we have a significant entertainment district, with late-night licences and lots of people. We have an important ingredient: a very strong local liquor accord, which works as effectively as I believe a liquor accord can. People work closely with the police and generally keep public order issues under control. I commend the efforts of the operators and licensees and the work they put in, together with Neil Aubert and the team at the Mornington police station, who work very hard on that as well.

We also have very strong local laws on liquor consumption in public places. Some of them date back — although they have been updated — to my time as a member of a predecessor council. People are prohibited from consuming alcohol in public parks, in the main street, on the beaches and so on. The police do a roaring trade in the summer festival season picking up containers from people who should know better. One of the specific problems with the festivals has been that the police have had to retain the alcohol they confiscate in order to prove that an offence has been committed. They have had to transport the alcohol to the police station, and if you have foot patrols, that is not particularly practical.

The proposal that is before members this afternoon to allow officers to tip out the alcohol is significant because apart from anything else it provides options that may be more effective in enforcing the harm minimisation measures of the act, which is important. Officers will not be compelled to discard the alcohol; they can choose to do so or not. A set of guidelines and safeguards will be put in place, because clearly we do not want to run any risk of property being seized unlawfully. Already safeguards and operational instructions on seizing alcohol are in place. Additional safeguards for the tipping out procedures will be put in place. They will provide guidance to ensure that officers make not only lawful but ethical and professional decisions.

The bill also makes amendments to the fire and emergency provisions for licensed premises. Those provisions would have sunsetted on 22 March next year, but the bill extends them permanently. There is a bit of history here. I can certainly recall as a member of the Drugs and Crime Prevention Committee visiting premises in the city of Melbourne in company with Metropolitan Fire Brigade and council officers as well as police. During the day the people in the premises had alcohol put away and fire exits were nice and clear, exactly the way they should be. However, when they were operating, on some occasions the situation was very different, and fire exits, which are critical in the event of an incident, were blocked. Clearly the rogues who operate that way are a minority. That is not satisfactory, and if it is not policed hard, if there is a fire or some other event such as that, it could lead to a significant number of deaths very quickly, so it is important that we get that right too.

The bill continues the fine tradition which has been established by the government in terms of protecting

our community, to the extent it is possible, from the scourge of alcohol. I welcome these further initiatives and commend the bill to the house.

Mr SCOTT (Preston) — I also rise to speak on the Liquor Control Reform Amendment Bill 2012. As has been noted previously, the Labor Party will not oppose the bill. The main purpose of the bill is to introduce a power to authorise Victoria Police officers, protective services officers (PSOs) on duty in designated places and gambling and liquor inspectors to tip alcohol out of containers that are open or unopened. This will be a discretionary power. Currently a slightly anomalous situation exists by which these officers have the power to seize alcohol if they reasonably believe a person under the age of 18 is in possession of liquor in contravention of the Liquor Control Reform Act 1998, but they do not have the power to tip it out.

Frankly, it seems sensible to change the current situation in which the alcohol must be retained and stored until a court determines an individual under the age of 18 was in possession of liquor in contravention of the act. The government has argued, and the opposition concurs, that this is an administratively cumbersome and impractical situation. The main part of the bill deals with Victoria Police officers, PSOs and gambling and liquor inspectors having that new tip-out power, That seems to be a sensible reform and one that does not offend. It is our understanding that it is not opposed by key stakeholders in the area.

Other provisions in the bill make further amendments to the principal act. One removes a sunset provision relating to the operation of part 8B of the act regarding the closure and evacuation of licensed premises for fire and emergency purposes. Another provision enables the Victorian Commission for Gambling and Liquor Regulation to delegate powers under part 8B to a single commissioner.

Returning to the substantive amendment made by the bill, which relates to tip-out powers, under-age drinking is a very serious issue in our community. Unfortunately Victoria, like other places that essentially have cultural similarities with northern Europe or North America, has significant problems with under-age binge drinking. I am sure that like other members I certainly tasted alcohol before the age of 18. At that time there were issues with binge drinking in the community in which I grew up, and I am sure that there were in the communities of other members. I will not argue whether they are now better or worse, but they are issues that continue to face our community to this day.

One of the matters I raise relating to these issues is that there is a significant cultural element to under-age drinking and its associated problems, in particular alcohol-related violence. It is possible in some parts of the world — and I think of Japan, where there are issues such as sexual harassment — to be on a subway train with people falling down drunk around you but without any air of the violence that can attend similar situations in Australian, northern European or North American communities, where there is clearly a much stronger relationship between alcohol and violence. That hits upon the fact that when we change laws in these areas we do it not simply to enforce them but to send a cultural message.

Like previous Parliaments, this Parliament is sending a message with much of the work that has been done in this area relating to what is acceptable behaviour in the community. These laws will be enforced by the various responsible officers, whether they be protective services officers, police officers, gambling and liquor inspectors or others, and that will send a message to the community about what is acceptable behaviour in the community.

We have often seen members of our community involved in very dangerous binge drinking and behaviours that, setting aside violence, have led to accidents. There have been many tragic cases of under-age people affected by alcohol being seriously injured and even dying. There is a lot of evidence of the damage binge drinking and the serious abuse of alcohol can do to developing minds and can have on the intellectual capacity and health of young people. This is a very serious issue.

For good reason, Victoria has slowly moved away from the wowserism of moves like the 6 o'clock swill or other forms of regulation from past generations. Victoria is finding the correct balance in allowing responsible adults to enjoy alcohol consumption. It is a really important part of our culture, and one that is enjoyed particularly through the small bar culture and other developing aspects of our community. We need to ensure that the enjoyment that comes with the responsible consumption of alcohol is not directly correlated with the negative impacts of inappropriate use of alcohol, particularly by under-age persons.

I see this law as part of a trend of legislation. I am sure it will not be the last piece of legislation we see regulating the consumption of alcohol or the licensing of alcohol provision, because as society evolves and as legislation evolves in this area, further requirements and refinements will be needed to ensure that the community is best served. We have to keep in mind the

legitimate right of adults to consume alcohol in moderation and enjoy the benefits of alcohol. Unlike cigarettes, alcohol is something that can be consumed safely. There is no doubt at all that there is no safe consumption level for cigarettes and no benefit derived from smoking them. There are some arguments about its veracity, but some research shows that moderate consumption of alcohol can be beneficial to a person's health.

Mr Nardella — Unless you are obese.

Mr SCOTT — Unless you are obese, I heard the member say.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I will suspend the sitting for dinner. It sounds like a very good time to do so.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Dr SYKES (Benalla) — I have been looking forward to making a contribution to the debate on the Liquor Control Reform Amendment Bill 2012. I wish to note with amazement and adulation the presentation by the mellow member for Melton, who provided his version of history, which, to his credit, did include some acknowledgement of the coalition's contribution to the responsible consumption of alcohol. The key point that has been made by the member for Melton and other speakers is that it is really about attitudinal change, and this piece of legislation contributes to that. We have achieved that sort of attitudinal and cultural change with smoking, but we need to learn from that experience and apply the same strategies to the excessive consumption of alcohol.

As we know, everything in moderation — or most things in moderation — is good, and that includes alcohol consumption. That should be encouraged, especially when you are consuming the magnificent wines and boutique beers produced in north-east Victoria. They are best consumed in beautiful north-east Victoria in conjunction with the regional foods for which our area is so famous.

This bill is rather simple in that it empowers police to tip out alcohol seized from people who are reasonably believed to be under the age of 18 and in contravention of the Liquor Control Reform Act 1988. As other speakers have indicated, it is absolutely critical that we address under-age drinking. I know that in my electorate there is an issue with a proportion of young people. I think it is a proportion that is sometimes blown out of proportion, but there are young people who really do knock themselves out and that leads to consequences they probably do not anticipate or do not think about, whether it is violence, whether it is ongoing behaviour and becomes addiction to alcohol, whether it is just making some silly decisions or whether it is a failure to look after their mate. A whole series of consequences are often associated with the irresponsible consumption of alcohol.

I should say that to the credit of our many young people most of them do take it seriously, and if some are going to have a drink, generally there is a culture of looking after your mates and generally there is a culture of having a designated driver, which is very important, particularly in rural Victoria. But we need to send a message loud and clear that excessive consumption of alcohol and under-age consumption of alcohol are not acceptable.

This legislation builds on a number of other initiatives that have been implemented by the coalition in its couple of years in power. That includes the 5-star approach to encouraging the responsible serving of alcohol through which licensees who serve responsibly and look after their patrons are entitled to a reduction in their liquor licence fees. Similarly, we have had some common-sense legislation that removed the excessive liquor licence fees applied by the previous government to B & Bs (bed and breakfasts) and other businesses that basically made available some complimentary wine as part of the experience of going to a B & B, buying some flowers or having your hair done.

This simple piece of legislation that we are debating will complement the other legislative provisions we have put in place, but as others have said, it is absolutely critical that we achieve a cultural change. That requires not only legislation but also that we — some of the older ones who have perhaps done some damage to ourselves in times gone by — attempt to pass on to the younger generation that it is not a good idea. We need to set an example, and I am sure all the members in this house will set that example, both as we come to the end of the parliamentary sitting schedule and as we come into Christmas. We also need to encourage our children and grandchildren to consume alcohol responsibly, to enjoy it for what it is and enjoy the pleasures, as I said earlier, of the beautiful wines and boutique beers produced in north-east Victoria.

I should welcome the mellow member for Melton, who has come into the house and whose praises I sang at the commencement of my contribution.

An honourable member — And the member for Lowan.

Dr SYKES — The member for Lowan would like to be welcomed to the house too. The member for Lowan for a number of years was a representative on the VicHealth board. I think the member for Lowan's slogan is 'More people, more often'. The only problem with the member for Lowan is that he has done a knee. That aside, I wish this bill a speedy passage because it is a common-sense approach to encouraging young people to drink responsibly.

Debate adjourned on motion of Mr ANGUS (Forest Hill).

Debate adjourned until later this day.

RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012

Second reading

Debate resumed from 24 October; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms D'AMBROSIO (Mill Park) — I rise to provide a contribution to the debate on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I indicate that the opposition will not be opposing this bill. The bill deals with fairly discrete matters, important though they are. The bill requires prescribed fact sheets to be given to prospective retirement village residents by retirement village operators. This initiative has arisen from a discussion paper and some consultations that were initiated last year seeking to improve consumer protections for retirement village occupants. The initiative to require the provision of fact sheets very much boils down to a commitment made by the government to require more detailed information to be given to prospective occupants of retirement villages so they are better able to make well-informed choices. Fact sheets can play an important role in providing that detailed information. I note from the briefing that was provided to us that the government will be introducing further legislation sometime next year, so we eagerly await further improvements with respect to retirement villages.

With respect to the objectives of the bill, as I have mentioned, the current regulations do not require fact sheets to be made available before a particular point in the process of entering into a contract. In a nutshell, the bill provides that new regulations will be made to prescribed information to be provided through fact sheets. The form of the fact sheet will be determined by the director of Consumer Affairs Victoria. The bill will also require the director to prescribe documents that prospective residents can expect to receive.

I note that in the 2010 pre-election period the then opposition spokesperson on consumer affairs introduced the policy document in relation to this as a commitment to actively promoting a better understanding of retirement village residents' rights and obligations both prior to entering and also while in residence in a village. The coalition committed to working with peak bodies representing village owners and residents to develop protocols to encourage a more consistent approach to dealing with contentious issues across Victoria's retirement villages, including marketing procedures on the vacation of a resident from a retirement village and the charging of fees following vacation. There have been quite significant commitments made, and we certainly await the fulfilment of those commitments in legislation to be brought forward in 2013 and note that the bill before us deals with a small but nevertheless important component.

I mentioned earlier that the government issued a discussion paper in October of last year entitled *Retirement Villages — Contract and Information Disclosure Options* that canvassed a range of issues in the retirement village sector and provided an opportunity for key consumer advocates and individual members of retirement village communities to engage with its contents to improve consumer rights. The discussion paper included the issues of information provision to prospective residents, precontract disclosure and the complex details of retirement village contracts, including standardised layout and the provision of condition reports. This was the array of areas of interest that were canvassed.

Submissions followed. I note that submissions from the industry were in the main opposed to condition reports and standardised the layout of contracts. Several submissions went so far as to claim that standardising contracts might drive investment out of the state, and they made some reference to New South Wales. Leaving that aside, there were other consumer advocacy groups that would have liked to see a broader understanding of what was included in retirement villages because there are a number of sectors that are strictly not classified as retirement villages and could be beneficiaries of increased protections. The legislation before the house is discrete and minimalist, but it expands the kinds of information that must be made available to prospective residents before the stage where they sign a contract or enter into a financial arrangement.

Consumer advocates had a particular desire to see such reform introduced. They have many examples where prospective residents have entered into contracts that

have not really had full disclosure of information which would have allowed them to make a fully informed choice. That has sometimes led to great disappointment of a financial kind in terms of not being aware of costs associated with being part of a particular retirement village and sometimes even difficulties in being able to fulfil obligations once they have entered into contracts. This is important, and it is good to see that the bill responds to that and requires that certain information is made available ahead of the point where prospective residents can either become emotionally attached to a retirement village or financially committed to it. It gives prospective residents an opportunity to consider things by allowing for at least 21 days for information to be provided to them before they can sign a contract. That is a good period of time to allow for, if you like, reappraisal and reflection on potential choices when it comes to retirement villages.

There are several key pieces of information that must be given to potential residents, and these were mentioned by the minister in his second-reading speech. I will just touch on them. They include facilities and services that a village makes available to residents; ongoing costs; the particular costs associated with departing a village, being exit fees and the like; the financial status or condition of a village, being whether it is in a healthy financial state and whether there are liabilities for which a resident or prospective resident may carry or accrue some liability; the number of units; the sizes of units; and whether there are plans for future development on the site and therefore costs that may be accrued to a prospective resident. It is now required that those details of information be disclosed, and that is a good thing. As I said, the government has indicated that the contents of the fact sheets will be prescribed by the director of Consumer Affairs Victoria — that is, the form within which those details will be contained will need to be approved by the director.

Essentially the bill creates two basic requirements. One is that fact sheets will be made a requirement through regulations. The other is that a set of prescribed documents be provided to prospective residents before signing a retirement village contract. Those are positive improvements. The fact sheets must be provided within 7 days to any person who requests them, but they must also be provided to prospective residents at least 21 days before a contract is signed in the event that one is signed. The fact sheets must also accompany any targeted promotional material that is sent to retirees but excludes a mail-out or letterbox drop. That makes it clear that they are to be specifically addressed to the particular people inquiring about a retirement village. There is no specific point at which the fact sheets must be given to retirees but they must be provided at some point along the way. One potential difficulty with that is that if an inquiry is made 12 months beforehand, that would certainly satisfy a requirement by the operator to provide that information. One would hope that to avoid any doubt or confusion about whether such information has been provided the operator will simply provide a repeat, if you like, of that information. Hopefully that will work as intended and not need to be addressed at some later stage.

Further to the above information which is required to be issued via fact sheets, the other prescribed documents need to be made available. A person intending to enter into a retirement village may request specific prescribed documents, which again will be determined by the director of Consumer Affairs Victoria. These documents must be provided free of charge within 7 days, and the manager of a retirement village must also inform the potential resident of their right to inspect these documents 21 days prior to signing the contract. Those are positive steps that are clear, and it should be very straightforward to communicate them to the industry.

Those are some of the important points of the bill. I want to make reference to some of the issues raised by submissions on the discussion paper that was released last year. It is important for us to reflect on the views that are held by community advocates regarding the need for further improvement in consumer protections for people in retirement villages, and it is also important for us to reflect on what a retirement village is. One view has been raised by two groups in particular. The Consumer Action Law Centre and the Housing for the Aged Action Group are both of the view that there are people living in parts of residential parks which in effect act as retirement villages, but because residential parks are covered by different acts and regulations the consumer protections afforded to those residents are not as strong as may exist for those covered by the Retirement Villages Act 1986.

It is important for us to reflect on that. The retirement village and residential park sector is changing; it is growing. There is a greater number of residential parks and, of course, a greater uptake of people choosing to live in residential parks when retiring. It is important for decision-makers to take into consideration the fact that the way we see retirement villages at the moment may not be an adequate fit for the current situation.

I refer to parts of the Consumer Action Law Centre submission. The centre says clearly that it is supportive

of the moves that are reflected in the bill we have before us. Its submission states:

> We support the Victorian government's commitment to improve transparency of retirement village contracts and precontractual disclosure. However, the effectiveness of these changes will be limited because they will only affect businesses regulated by the Retirement Villages Act. Many other businesses, which are regulated under the Residential Tenancies Act 1997 (Vic) but are for all intents and purposes a 'retirement village', will not be affected.

The Housing for the Aged Action Group, as I say, shares in that commentary.

The Consumer Action Law Centre's submission then presents a number of responses to the discussion paper. Following the extract I just read out, the submission states that the centre 'recommends that Consumer Affairs Victoria … consider more comprehensive reforms to provide that all businesses which effectively operate as retirement accommodation are regulated consistently'. Further the CALC submission says:

> The changes proposed in the discussion paper have capacity to relieve complexity and improve competition in the retirement accommodation market. However, the effectiveness of these changes will be limited because they will only affect those developments regulated under the Retirement Villages Act. Many other businesses (such as some residential parks —

not all, but some —

> and rental villages) are regulated under the Residential Tenancies Act but are for all intents and purposes a 'retirement village', so will not be affected.

I think those are important statements, and I would hope the government will be able to consider those comments in its forward planning with respect to further reform in retirement villages.

The other matter I wish to touch on is a meeting I had with the Housing for the Aged Action Group, which has campaigned for a long time for reforms enabling improvements in consumer rights in residential parks. When Labor was in government some significant strides were made in providing increased protections to residents in residential parks. Labor had flagged that if it were re-elected, further work would be done in that space. The matters improved by changes to legislation included security of tenure — the provision of a five-year minimum in new parks, starting from September 2011. That was just one of the key issues, and a number of other improvements were made.

There are some other, more detailed issues which I wish to mention in passing and which remain of concern to the Housing for the Aged Action Group. The group says there are practices in parks that are either unregulated or inadequately regulated. That goes back to the point raised by the Consumer Action Law Centre — that there is inconsistency across the two acts and that consumer protections are better in one than in the other. Other issues that were articulated to me by the Housing for the Aged Action Group include accreditation for park managers, which the group believes is important. The group says there is a litany of allegations of abuse and intimidation of residents, and I note that the previous member for Preston, assisted by the current member for Preston, had a very notorious set of examples at Summerhill Residential Park. Some of those concerns remain and need to be addressed, hopefully in the not-too-distant future.

Some parks do not have emergency plans. Another concern is the manner in which operators are allowed to advertise their products, with one example of a prospective resident who had entered into a contract to reside in a residential park only to discover that the conditions of the contract and general conditions were not as he had envisaged. Both the Consumer Action Law Centre and the Housing for the Aged Action Group very strongly and clearly take the view that there needs to be better alignment of the protections available to the different groups of residents under the Retirement Villages Act 1986 and the Residential Tenancies Act 1997 when it comes to the sector of businesses that act like retirement villages but are not classified as such.

As I said, the opposition does not oppose the bill. The bill introduces minimal change, although I do not want to trivialise it. It is important to ensure that good, detailed information is available so that prospective residents are able to make fully informed decisions that do not upset their financial viability and that allow them to fully enjoy the benefits and services they believe they will receive by joining a particular retirement village. I will leave my comments at that.

Mr NORTHE (Morwell) — It gives me pleasure to rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. The purposes of the bill are quite simple. It delivers on the coalition government's election commitment to make sure there is a better understanding of retirement village residents' rights and obligations, not only while residents are residents but prior to their entry into a village. The bill also makes regulations in relation to part of that commitment, which involves making sure a fact sheet containing village information is available to prospective retirement village residents and that they are able to inspect relevant documents held by the village operator when they are investigating and comparing villages before entering into an agreement

and signing a contract with a village. As I said, Acting Speaker, this is an election commitment. It is absolutely imperative that we promote a greater understanding of the rights and obligations of residents of retirement villages. I know that the member for Rodney and the member for Benalla are very interested in the provisions that we are debating this evening.

It is vitally important that seniors understand their rights, are able to compare the options available for different retirement villages and have confidence that there are effective dispute resolution processes in place. In the Victorian Liberal-Nationals coalition's plan for consumer affairs we made strong reference to improving information and information disclosure around retirement villages.

In October 2011 a discussion paper entitled *Retirement Villages — Contract and Information Disclosure Options* was made available to the community. Various industry groups subsequently commented and made submissions on that options paper, and the feedback they provided was very clear — that information provided to prospective residents was insufficient, particularly at that precontract stage, and that retirees and seniors were not able to view documents and get the relative information to compare retirement villages at an early stage. That was a very clear point. The minister subsequently released two other documents entitled respectively *Retirement Villages — Good Practice To Address Key Issues* and *Retirement Villages — Internal Dispute Resolution Guidelines for Owners and Managers*. Both of these are important documents, particularly when you consider that there are around 30 000 residents who are living in retirement villages at this point in time.

The parliamentary library has produced a very good research document on this particular bill, as it always does. It provides insight into the numbers of residents in retirement villages across the state. From a local perspective, 168 residents live at the retirement village in my electorate of Morwell, which may seem modest in terms of the number of people residing in the electorate overall, but these villages play an absolutely key role, particularly in regional Victoria.

Mr Weller — Hear, hear!

Mr NORTHE — Hear, hear! I agree with the member for Rodney. His electorate is somewhere up there in regional Victoria, and there are 200 retirement village residents living there. He is most interested in this legislation.

When people are viewing retirement villages at the precontract stage it is important for them to understand the terms and conditions and the benefits of each and one so that they can understand what suits them. I speak from a family perspective as my mother is one of those 168 Morwell residents who live in a retirement village. My dear mum, who turned 71 last week, is very active and her village offers people the opportunity to participate in a number of different activities. I know she has been on a number of trips away with the other residents of that particular village. There are many activities, including walking groups, and there are great amenities. It is a very important decision for prospective residents, and making sure that we arm them with the right information is critical. That is what this bill seeks to do.

The bill amends the Retirement Villages Act 1986. What comes out of those amendments are three requirements for retirement village operators: firstly, that prospective residents are provided with the fact sheet that I referred to earlier; secondly, that they are able to inspect important village documents from that precontract stage — both of these elements are prescribed; and thirdly, that there is a standard layout of retirement village contracts, which is again a key component to this legislation.

In summary the aim of the legislation is to provide a mechanism whereby prospective residents can assess and compare villages and get information on ongoing costs, entry costs and departure costs. It is important that we have this in place. The bill also seeks to improve internal dispute resolution guidelines. Again it is imperative that we have that clarification available not only for residents but also for owners and managers because contractual arrangements can be quite complex and having a good dispute resolution process in place is critical.

Consumer Affairs Victoria is currently updating its publication entitled *Retirement Villages — A Guide to Choosing and Living in a Retirement Village*, and a number of information sessions and seminars are being provided on retirement village living. It imperative that prospective residents have all the facts available to them, and again I reiterate the point that they must be available at that early stage and not after people have committed to a particular village. Various organisations and industry groups have sought enhancement through these amendments and with the fact sheet and the document inspection before determination and prior to signing a contract.

What is on the fact sheet is critically important. The fact sheet might give information about a retirement village,

including the number of units, the size of the units, some of the services that are available, some of the facilities that are in place, any proposed future developments that might be proposed for that village, and, as I reiterated earlier, not only the entry costs and ongoing costs but departure costs. Information about the financial status of the villages is also critically important.

The fact sheet and the document inspection, where a prospective resident requests them, must be supplied at that point in time. If they are not requested, they are still required prior to the signing of the contract. Either way those important documents should be available and must be provided where prescribed. As I said earlier, they must be included in any marketing by the retirement village unless they have been provided previously, as noted by the member for Mill Park in her contribution.

For retirees the decision to embark on such a journey — the purchase of a property in a retirement village — is massively important. Without going too deeply into personal circumstances I know that for my mother that important decision was very difficult even with the assistance of family and advice from others. The provisions in this bill will help prospective residents of retirement villages enormously in the future.

A number of factors must be considered. They include an understanding of what it is like to reside in a retirement village, the contracts of various villages and what they have to offer, and the financial requirements involved in determining whether or not to enter into contractual arrangements. With those few words I commend the bill to the house.

Mr SCOTT (Preston) — I rise to contribute to the debate on the Retirement Villages Amendment (Information Disclosure) Bill 2012. As previously stated by the lead speaker, the Labor Party is not opposing this bill. As has been canvassed, essentially the legislation deals with the provision of a prescribed fact sheet to persons seeking to move into retirement villages. Retirement villages, as has been discussed by other speakers, are a significant part of community life in Victoria, and the decision to enter a village is a difficult and often challenging one. I note there are a number of members here who have been campaigning for the rights of the elderly, particularly legal rights. The provision of information to those who are seeking to enter retirement villages is a small step in achieving what is often referred to as the sunlight principle — providing information that shines a light on the conditions that are available.

The member for Mill Park touched upon the fact that there are significant issues relating to areas of habitation which, although they appear similar to retirement villages, are not legally classified as such. She was talking about something that is referred to as a residential park. There is one in my electorate called Summerhill Residential Park, and it is not covered by the provisions in the bill. Although there was significant and very useful legislation introduced during the term of the last government which provided greater legal protection to residents of residential parks, these parks are often proxy retirement villages. This is an area of law that needs further exploration in order to ensure the protection of the rights of people, often seniors, who move into residential parks.

For the benefit of the house I should explain that these residential parks are places where people purchase what are considered demountable homes, although frankly they are often permanent dwellings, and I know there are some in the Mornington area. People rent the site on which what is considered their demountable but often in practice is their permanent home is located. Residential parks often act as de facto retirement villages, particularly for people of more modest means. This bill does not touch on the regulation of those areas, but this is something that needs to be considered further by the Parliament, because the issues that arise for residents of retirement villages also arise for residents of these residential parks.

I note that the Acting Speaker and the Minister for Education, who is at the table, have a number of such places in their electorates. They can be very nice places, but there are serious issues in relation to the consumer rights of people who live there. Consideration should be given to further consumer regulation, in part along the lines of this bill but also in relation to other aspects of the habitation of persons living in those areas, because they deserve the attention of the Parliament. These persons are effectively living in what are proxy retirement villages, but they are not covered by the various acts of Parliament that deal with retirement villages. As I said earlier, an act was passed in the past Parliament which provided greater rights to such residents, but this is an issue that deserves greater attention.

I would like to place on record my appreciation to Wyn Stenton and Marian and Lionel Foster, who live in Summerhill Residential Park, which is in effect a retirement village but is not legally classified as such. They have been campaigning tirelessly for the rights of persons living in the most difficult circumstances. In the 55th Parliament my predecessor made some very colourful remarks about the operator of Summerhill,

Mr Stephen Wellard. He highlighted the imbalance of power that can exist in circumstances where people who often have limited resources are making very important decisions about their future. In the case of residential parks people rent the land upon which the dwelling they own is located, and they sometimes share the worst elements of renting with the worst elements of buying a property.

This is a very serious matter which the bill does not touch upon. The provisions in the bill relating to providing further information to those entering retirement villages is an idea that has merit, and therefore the opposition is not opposing the legislation, but I essentially rise to highlight the issue of those who live in analogous circumstances and are not being afforded similar protection. I am not proposing any particular solution to those issues, but this is a situation that deserves consideration by both the government and this Parliament going forward. The people who live in these villages are often salt of the earth types. They are genuine people who are trying to build a life for themselves, often in their later years, and they are living in circumstances where they cannot afford to move into a retirement village covered by this bill. They are forming legal arrangements which create an analogous situation, but they are not covered by legislation such as this.

Again I pay tribute to those who fight for the rights of people in such environments. HAAG, the Housing for the Aged Action Group, has done fantastic work fighting on behalf of such residents, particularly as I mentioned earlier. Members of the group including Wyn Stenton and Marian and Lionel Foster have campaigned tirelessly in often difficult circumstances for the rights of such tenants. They are tenants although they own quite substantial buildings that in many cases are really homes, not caravans.

It is important for the Parliament to reflect on the positive aspects of legislation such as this and consider why it does not apply to these worthy members of our community who in many instances are living in very difficult circumstances and are unable to engage in legal action to protect their rights due to their financial circumstances. These people are often pensioners of modest means who have not been able to afford to move into retirement villages; however, they deserve the same protection and rights afforded to those who live in retirement villages.

With those comments I state again that the opposition does not oppose this bill. The provision of further information to those who move into retirement villages is a reasonable course of action and has merit, but I highlight the anomaly that exists where people who live in analogous circumstances and are poor or of modest means and unable to afford to move into retirement villages — and who may, for example, have moved into a residential park — but are proud and honest folk who deserve the rights that are accorded to those who live in retirement villages would not be covered by this legislation. That is a matter that should be considered in the future.

Mrs VICTORIA (Bayswater) — It gives me great pleasure to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I have been passionate about the subject of retirement villages for many years, indeed since I had two constituents come to me in 2009 with some genuinely worrying cases. I will give an examples of those cases in a moment, but first I want to touch upon what the government is achieving with this bill.

These amendments to the Retirement Villages Act 1986 ensure that fact sheets are provided to potential residents when they go to have a look at retirement villages. The legislation prescribes the information that needs to be on the fact sheet, and includes a list of items that potential residents may need to look at. That is not the law at the moment, so currently new residents enter into contracts and in some circumstances are blind to the consequences. It would be better if potential residents were able to look at a plain English version of their contracts, including the provisions concerning entrance and exit fees and such things. I suggest that potentially residents should take their contracts to a lawyer beforehand. If people had spent a few thousand dollars doing so beforehand — which of course is a lot of money for some people — that might have saved them an awful lot of heartache later on. I will give some examples in a moment.

When I was reading about potential residents of retirement villages having the ability to compare apples with apples, I was reminded of a show I saw recently. It is John-Michael Howson's fabulous new play called *More Sex Please … We're Seniors!* Predominantly it is the story of two couples who decide to go into a retirement village. They meet up on an open day and try to compare apples with apples. The name of the place they end up settling in is Guantanamo Palms, which I think is quite lovely.

The purpose of the fact sheet is to ensure that the rights and obligations of potential residents can be laid out plainly before they enter the village or sign a contract. The fact sheet will talk about their obligations as residents as well as the village's obligations to its owner and tenant residents. The owner or manager must

provide a fact sheet and any other documents requested by prospective residents to ensure that they are fully across the situation before they sign on the line. Once people are better informed fewer mistakes are made.

The legislation provides that entry costs will have to be explained, as well as ongoing costs. It may be the case that a nurse-on-call service is provided on the premises or that there will be payments for recreational facilities, outings and that sort of thing. However, also incredibly important — and this is the matter that brought this entire situation to my attention — are the departure costs, which can be extremely severe. I think there were some anomalies in retirement village contracts that have since been ironed out, and I will talk about them in a second.

The idea behind this legislation is that contracts will be standardised so that comparisons can be easily made. Those of us who do not have legal minds would like to see information in plain English but in a manner in which we can be assured that we have all the information. The bill provides that there will be a prescribed basic set of mandatory rights and responsibilities which will have to be on show for potential residents as well as owners or managers, and will be new dispute resolution guidelines. Let me tell members that this is a major breakthrough. I am delighted about this, and the constituents I dealt with a few years ago are also excited.

Some people look at going into a retirement village when they are young. They are not looking for aged care per se but for somewhere to live out some healthy years. They tend to consider their lifestyle needs more than necessarily what may happen once they have to leave a retirement village. Potential residents need to understand the financial commitment they are making and not be duped by the bells and whistles of what a village may have on offer. The bill provides that a fact sheet will include the number and size of units in a retirement village, any proposals for further development in the village, services and facilities available to residents, the range of entry options — because obviously one size does not fit all — ongoing and departure costs and the financial status of the village, which is a very important factor.

The documents that need to be made available to prospective tenants or owners to inspect include the site plan of the village, construction plans, planning permissions, financial statements and blank forms of the contracts that will need to be signed. All of these are incredibly important. Potential residents will be able to bring along family members and a lawyer to have a look at the contract and the retirement village before making up their minds.

I want to talk a little bit about two constituents who came to me with issues relating to retirement villages. Catherine came to me in 2009, as did Joyce. Catherine came in great desperation. Her parents had bought into a retirement village in Knox and had purchased their unit for $90 000. Catherine wanted to sell the unit in 2009 as both of her parents, who needed care, had moved into aged-care facilities. In 1992 when her parents purchased the unit they were told that if they were to die or leave, they would receive a minimum of 90 per cent of the purchase price, which was $90 000. Working on the law of averages — and real estate values supposedly double every 8 to 10 years — if a unit was worth $90 000 back in 1992, then it would certainly not be worth $90 000 now. The company in question, Stockland, had offered $75 000, but the unit was put on the market for between $240 000 and $250 000. It was on the market at the same time as Stockland was offering a settlement of $75 000. That is not to mention the fact that the unit probably needed refurbishment — it had not been touched in some 17-odd years — and the family was probably going to have to pay for that as well.

As Catherine said to me at the time, a great deal of stress was caused. If the family had had to sell the unit to provide a bond for a nursing home, there was no way that $70 000 would have cut it at all; it just would not. It took a lawyer, me and some round table talks, shall we say, several months and a lot of stress to end up reaching a settlement. Unfortunately I cannot reveal the amount because it is in confidence. It was certainly better than the $75 000 that was initially offered but not even half of what the unit was worth.

A very similar thing happened to Joyce. In fact Catherine and Joyce shared a lawyer, which is how Joyce came to see me. She said, ‘I believe you have been helping out a lady, and our lawyer has said to come to you because you are doing the same thing for her’. Joyce’s parents had bought a unit and were offered, as she put it, a ridiculous figure of $72 000 in 2009. She had an independent valuation of $270 000 to $300 000 from a local real estate agent, and before all of this was settled the agent had onsold the property for $286 000 and was offering Joyce $72 000. As Joyce said, that would not have paid for a bond in an aged-care facility.

Joyce said it was awful at the time because her father had gone into hospital and was quite ill, but her hope was that the hospital would find a place for her father, as she could not afford to. Unfortunately her father died

before the matter could be resolved, and they settled at a much diminished amount, which I think was shameful. The contracts Stockland had in place were all about money; it was not about lifestyle or the care of aged people. It was not about doing the right thing. It may have been part of the contract, but it could not be morally upheld in my eyes. I found what they were doing despicable. As I say, those sorts of contracts are now outlawed, and I am so delighted.

Every year Consumer Affairs Victoria receives many inquiries and complaints about retirement villages. Hopefully what we are doing here will help iron all that out so that people will know their rights and also their responsibilities, so that those who are potentially amongst some of our most vulnerable are not taken advantage of in the future as they have been in the past, and so that people like Joyce and Catherine and their families will not have to go through more pain and heartache, and will be able to do the right thing by their parents when the time comes for them to go into a retirement village. I commend the bill to the house and I commend the minister for proposing it.

Mr DONNELLAN (Narre Warren North) — It is a privilege to talk on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I remember some years ago in Berwick the former member for Gembrook, Tammy Lobato, and I held a forum with the various retirement village residents in Berwick. There are about four or five different retirement villages in the area. What shocked me above all else at this forum, having come from the property industry where I had worked for some years, was the lack of knowledge within the community as to whether they had a licence, a lease or a freehold title. Many people in the room who had been in retirement villages for some years were still not sure what type of title they had purchased, what legal rights they actually had, how much they were going to get when they exited the retirement village and the like. I believe this bill is a good move forward. It is definitely good to have a standardised disclosure statement so that people actually understand, first and foremost, what type of title they are getting and what their rights are within that.

At that time there were many complaints about the management of various retirement villages in the area and questions about whether the amount residents were paying on a weekly basis and so forth was fair and proper. Each retirement village in Berwick had a different dispute resolution method. Some aspects of the management of that were very good and some of them were very ordinary in different retirement villages. I believe the standardisation of retirement village dispute resolution methods is pretty important.

Another thing which shocked me is that when I was doing valuations at RMIT many years ago — I did not finish the degree; I ended up having a fight with the head of the department — we had retirement village industry representatives come and speak to us. It was rather amusing that real estate agents who studied valuations were absolutely shocked and considered what the retirement village industry was charging at the time to be an absolute rip-off. This was in the early 1990s. Sometimes there are some less than desirable people in real estate — I was not one of them, of course — but the shock and horror from those in the real estate industry and from myself at what the retirement village industry was charging at that stage was quite surprising. It was not a large industry — it was run by about six or seven major operators in those days — but it certainly was cowboy country.

There have been improvements since the early 1990s, and this bill is certainly an improvement. It is definitely a move forward. A paper was prepared by a former upper house member for Southern Metropolitan Region, Noel Pullen, for the previous Minister for Consumer Affairs, if I understand rightly. It may not have been Noel Pullen, but someone did a paper for John Lenders, and some of the recommendations went to the Department of Justice. It has obviously taken a little while to get through the system, but it has come out the other side and I think it is a good piece of legislation. The opposition is not opposing this bill because it is definitely a move forward. Above all else, it is vital that people who are going into retirement villages understand the type of title they are getting, whether they are getting a lease, a freehold title or even just a licence, as well as the ongoing costs. The proposed legislation is a move forward and we support it.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Retirement Village Amendment (Information Disclosure) Bill 2012. I support the bill and note that the opposition is not opposing it. The purpose of the bill, according to the explanatory memorandum, is to amend the Retirement Villages Act 1986 to require the owner or manager of a retirement village to provide a summary of information relating to retirement villages and to make certain documents available for inspection by the residents. To put that in the context in which this bill operates, it amends the Retirement Villages Act 1986 to insert new sections to require retirement village operators to provide prescribed fact sheets and inspection of prescribed documents held by them to retirees inquiring

about their village who request it and to include a fact sheet in any village marketing material sent to the retiree. The amendment of section 19 of the act requires the retirement village's operator to provide the fact sheet and document inspection to prospective residents considering signing a village contract, unless they have previously been provided with the fact sheet.

The bill also amends the definition of 'disclosure statement' in section 3 of the act to provide for a formal statement that is approved by the director of Consumer Affairs Victoria, it amends section 20 of the act to make it an offence to knowingly include a false or misleading statement in a fact sheet, it amends section 43 of the act to permit the making of regulations to prescribe the information to be contained in the fact sheet and the documents to be made available for inspection, and it amends section 26 of the act to make a technical correction to the provisions regarding refunds of ingoing contributions. To put all this in context and to simplify it, the bill is designed to progress the implementation of the government's commitment in its 2010 plan for consumer affairs to provide a better understanding of retirement villages and residents' rights and obligations, both prior to their entering a village and also whilst they are in residence.

This is important. There has been a need for some consultation, and this process started over a year ago. In October 2011 the options paper went out, and by February 2012 some targeted industries and resident stakeholders were invited to a forum to thrash out some of those issues on which consensus had not been reached. By April the documentation on how to proceed was posted on the website, and by July Consumer Affairs Victoria was testing some standard layouts amongst consumer groups. This has been a long and careful process, as it should have been and needs to be.

Why is this important? Moving to a retirement village is a big decision in people's lives. With an ageing population and more people making that decision, we need to make sure that everything is understood. As the documentation the library has provided shows, 20 per cent of our population will be over retirement age by about 2036. There is significant use of these villages now, but that use will be even more significant in the future. We need to have issues relating to retirement villages laid out clearly so that as that ageing population comes through we can manage that surge.

You need to be able to make a decision such as this on an informed basis, and you need to be able to make comparisons. What you should get, and will get under this legislation, is important. What will you get? You will get a fact sheet containing important information about the village and you will be able to inspect the relevant documents, and you will get all of this in a standard layout. This is really important. This will enhance the current disclosure statement that must be provided to prospective residents. It must now include critical information about any entry costs, ongoing costs and departure costs residents will incur. This will standardise the structure of a retirement village contract, which will better enable prospective residents to compare contracts and enable current residents to locate their rights and responsibilities.

The standardised contract will prescribe the basic set of rights and responsibilities for residents, owners and managers. It will also ensure that any enhanced disclosure regime does not result in retirees and prospective residents being overwhelmed with information, and it will separate any enhanced disclosure regime between information that is relevant when retirees are comparing villages and that which is relevant at any stage when they are considering signing a contract. Some people may be concerned that this will bring about increased costs when they are going into a retirement village. However, this is a large investment, and being made aware of the summary of costs through a precontract disclosure statement will save people money.

As noted earlier, retirement villages are and will continue to be popular, and they can offer a wonderful lifestyle. Mildura has many retirement villages. I thank the library for providing the 2011 census data, which shows that Mildura has 471 retirement homes, which makes us 21 in the ranking of electorates. This is a considerable number, and it illustrates Mildura's popularity. Mildura has many attractions for retirees, including our fine weather, our wonderful sporting and cultural facilities and the fact that in most cases there are no waiting lists. We are spoilt. If you are inclined towards a sporting or cultural pursuit, you can generally just walk onto the golf course or the bowling green. There are also excellent air links to Melbourne, Sydney and Adelaide.

I must talk about a couple of the retirement villages in Mildura. In particular I will mention Princess Court, which is one of the major homes in Mildura. It is a home that contains a couple of my friends. One of them is the Honourable Ken Wright, who was a member of the other place for a long time. There is also Dudley Marrows, who at 95 hosted his friends for a birthday party at a restaurant on Saturday night. I will pay tribute to Dudley. There are not too many 95th birthdays where the person hosting the party can move around and engage in conversation. It was a splendid night.

Well done, Dudley. Dudley has a number of things that make him special, not just the fact that he is 95. He is Australia's most decorated marine pilot from World War II. He still keeps a pretty active eye on his local member, and he is a frequent writer of letters to the editor as well.

Both Ken and Dudley are doing well. Village life is active, and in most of these villages there are a wide range of activities for residents. Most of the villages I have been to have vegie gardens to be jealous of — gardening is one of the passions you do not get to have as a member of Parliament. I could name many more Mildura retirement villages, including the Vines, the Roses, the RSL, Carry On and the Masons. There are both for-profit and not-for-profit villages. It is a very active sector.

However, I need to return to some of the serious aspects of this bill. Even with all of this, disputes arise, and dispute resolution is extremely important. This is best understood in advance, before a dispute arrives. This is excellent legislation. It is also necessary legislation because we know we will have a lot more retirement villages and a lot more people in those villages as we go forward. These people need to have some protection. Everybody needs to go in with as many issues resolved as possible so they can have the lifestyle everybody wants and deserves. With that, I commend the legislation to the house.

Ms HUTCHINS (Keilor) — I rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. The bill simply provides for fact sheets to be made available and requires that these fact sheets be given to prospective retirement village residents. The form of the fact sheets will be determined by the director of Consumer Affairs Victoria, and the bill will also enable the director of CAV to prescribe documents that prospective residents may inspect.

Whilst I welcome the development of the fact sheets through this legislation, there are much bigger issues at stake not only for those who currently have arrangements with retirement villages but also to give legal protection to residents looking to move into retirement villages in the future. The government needs to ensure that retirees understand the complex and hefty contracts that are put in front of them when they sign up. These are not the usual type of sales that people have experienced previously. These are complex contracts that contain all sorts of variations which are not always clearly explained to people before they go into retirement villages.

In fact, after being elected to this place two years ago, the very first constituent who came through my door was from one of the retirement villages in my area. The men from the residents association told me horror stories about money being withheld after the sale of units and some coercion on tenants to pay for the upkeep of common facilities that really should have been looked after by the developer. As the previous speaker on this side alluded to, there are cowboys in the industry and developers out there who are not experienced in the ongoing management of retirement villages and have taken on that role without much success. Since opening the doors of my office I have had a lot of constituents come in with a range of problems they are faced with in their retirement villages and in trying to get out of their current contracts.

At the point of sale many new residents are promised a whole range of amenities that just never come to fruition after they move in. One constituent bought a property in one of the smaller villages connected to a larger retirement village 2 kilometres away. They were promised a daily bus trip between the two facilities so that they could enjoy amenities such as the swimming pool and bowling greens and other activities at the large retirement village. After they moved in the bus service was stopped, so they were cut off. When they got legal advice they found it was never written into the contract. At the point of sale they had been conned because they had been told they would get access to that facility.

Other stories that constituents have told me include the management of a retirement village holding onto up to 30 per cent of the sale price of a unit of a deceased resident. The family were told that they would not get that 30 per cent, which was around $60 000, until the property was brought up to a certain standard for sale and it was sold again. The unit languished on the market for two years. Again, when the contract for the purchase of that property was signed, that was not made clear.

Other issues that have been raised with me include the ongoing maintenance of properties and the grounds, the lack of timeliness in getting things repaired, putting the health of residents at risk and residents not feeling safe about walking around their village because lights had not been replaced or footpaths in the domain of the village had not been fixed. Over the past two years there has been a really big shift, with costs having moved from the developer's or management's pocket to the pockets of residents. Despite the fact that residents associations were collecting funds of up to 10 per cent to have a maintenance fund, the residents were stung for more money.

A constituent who came to see me recently had bought a unit in a retirement village in one of the fastest growing areas in my electorate. So that she could be close to her children and grandchildren, she made the move from South Australia to Victoria. She bought the unit from images that she was sent via emails. Unfortunately she was not able to inspect the unit before settling. When she moved to Melbourne, she found that the unit was nothing like what she believed she had purchased. In fact the photos of the unit that she had been shown were at least two years old, and there had not been a resident in that property for two years. The gardens of the retirement village were so overgrown that she could barely get to the front door. The facilities around the retirement village were dilapidated, not just those in her unit, where the blinds were broken and the carpets were stained. She was sold a pup and legally did not have a leg to stand on.

Unfortunately many residents of retirement villages are in that situation. They make a decision at a time in their life when they might be quite vulnerable. They may be unsure about their financial future, they may be recently widowed or they may have recently faced serious illness and have had to face the realities of needing to downsize their home or to downsize financially. They are sold an image by some of the unscrupulous salespeople involved, and they are told that they will have access to a whole lot of facilities that just do not come to fruition. Afterwards they do not have legal protection. It is good that some information flyers will be given to people, but what many of those residents really need is some legal advice, some legal protection and some support from Consumer Affairs Victoria.

Recently I received a letter that was forwarded to me by a local resident, Mr Charles Backhouse, who lives in a retirement village in Taylors Lakes in my electorate. It has with it a copy of some concerns that have been outlined by a Ms Vicki Lam from White Owl Advisor. I know she has written to the minister about a whole range of issues around retirement villages across the whole state. I will quote just some of Mr Backhouse's letter to me:

> The growth of this industry in recent years is now showcasing the various flaws in the many models of retirement living out in the community. It is imperative that the ageing population is protected from developers/owners/operators entering into the industry and placing burden on those of us trying to enjoy our twilight years.

Many of the whole range of problems that have been raised by constituents who have come to see me are probably summarised pretty well in Mr Backhouse's comments.

With the letter, he sent me a copy of matters outlined by Vicki Lam. She says that village contracts are often passed on from resident to resident and that there is a number of different contracts within a village, setting out different obligations, depending on the committee structure. There are ambiguities that are creating costs and burdens on committees and residents, and people are unclear about where they stand legally.

She says also that a lot of village residents are on pensions and receiving pensioner concessions and thus have limited funds, and people doing levy calculations must keep that in mind. The villages cannot afford large legal costs to sort out some of the day-to-day problems they face. There are ongoing disputes about things such as village roofs and gables rotting; village bridges and safety rails rotting and not being replaced; drains; air conditioning in common spaces; and trees that were planted many moons ago when the facility was built but have not been maintained and are affecting drainage, roads and roofs.

As has been outlined in the debate today, there are many issues associated with retirement villages. The bill is a step in the right direction, but a lot needs to be done to protect those who may find themselves in the situations that have been described. The government really has thrown up its hands and put seniors' concerns in the too-hard basket. It is a bit of a weak stance, considering the discussion paper that was released earlier this year. I note that Labor does not oppose the bill. However, this issue is not going away. We still have a lot more ahead.

I would also like to acknowledge that my mother is in the gallery tonight. I think it might possibly be because I am talking on this issue and one day she might have an interest in making sure that she has a safe and happy retirement.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. This bill looks to setting a better objective for retirement villages to ensure that the needs of those entering retirement facilities are met, that their lifestyle and budget requirements are made explicit to them, that they are provided with the necessary fact sheets of relevant information and that they are allowed to inspect relevant documents held by the retirement villages.

This bill is very important in that the decision one makes to enter a nursing home is a big one. Often a person making that decision has to forgo a lot of money, and they make that decision in relation to a place where they are going to spend the remaining

years of their life. Hopefully they will spend that period of time in the most comfortable circumstances possible and will have the facilities they signed up for when they looked at the various retirement facilities on offer.

Retirement villages have to market themselves in a competitive market. As you would expect in such a market, retirement villages aim to promote their facilities to ensure that they attract clients. This bill does two things. It amends the Retirement Villages Act 1986 to require retirement village operators to provide to prospective retirement village residents a fact sheet containing important information about the village and other relevant documents.

The bill will complement the implementation of the first stages of the government's retirement village commitment, as set out in its 2010 plan for Consumer Affairs Victoria, which was designed to actively promote better understanding of retirement village residents' rights and obligations, both prior to entry and whilst in residence. This complements the government's overall commitment to look at retirement village operations and to assist senior Victorians and their families to better understand what is involved in retirement village living, to better compare retirement villages when choosing one and to better understand their rights and obligations when they become residents. The bill will also assist senior Victorians in terms of dispute resolution within retirement villages.

There are some things that retirement villages need to disclose to potential residents, such as entry costs, ongoing costs and the services and facilities available in the retirement village. It is important that prospective residents know what they are getting and signing on for. It is the job of the Minister for Consumer Affairs to make sure that things are explicit in terms of contractual obligations. When you sign up to something of such a magnitude, quite often you have to put up a very big deposit, a big bond, and sometimes you have to forgo your family property and invest that money in the retirement home.

You would hope and expect that prospective residents get what they have signed up for. Things like the facilities on offer, extra services, tours, excursions, hairdressing facilities, swimming pools, gyms and physiotherapy are very important. Such details should be known to the person when they are looking at entering the facility. This bill ensures that this information will be available in a document that is signed off by the prospective resident before they take up the obligation.

I have spoken to a number of people about this, and they have suggested that it does allow for better consumer choice, and that is certainly very important. They also said that from a consumer's point of view these amendments would be welcome as they simplify what is often a very complex and lengthy formal document, which is normally a residents agreement. This is very simple and easy to understand. It is a fact sheet you can tick off, understand and take away with you, and certainly those obligations are spelt out very clearly.

Some facilities already have fact sheets which may not necessarily meet the terms outlined in the bill. They are used for marketing purposes, and they are not governed by any obligations. They are not there to provide consumer protection. They are a marketing tool for the facility, and they basically provide lists of common questions and answers. This bill takes those fact sheets and formalises them. It makes sure that there is a clear set of obligations, and for those facilities which are operating properly and which actually have good systems in place, this should be a walk in the park, as it ratifies the current practice. The amendments in the bill require the fact sheets to be mandatory as part of legal disclosure. As I said, good operators should have no problem with this, and it should just form part of good operating processes.

Many people have mentioned facilities in their electorates. In my electorate of Caulfield we have a number of facilities. We mostly have facilities at the nursing home end, with 427 residents in my electorate in nursing homes and 177 currently in retirement homes. The retirement homes in my electorate include those operated by of Catholic Homes, which runs a facility on Balaclava Road with 28 residents, a facility on Orrong Road with 40 residents and units on Curraweena Road with 30 residents. Many more of these smaller boutique operations are popping up to service the needs of clients.

I have found that the age at which people enter these facilities is increasing. What you used to find was that the average age of those entering them was about 65. I have been told that in some instances this has moved to around 80 or 85. People are making these choices later, and the services those in their eighties need will be different to those required by those in their sixties. However, there is now a move towards facilities having a hybrid model. The hybrid model comprises an aged-care component and a residential component. I know this does not specifically relate to this bill, but it is where aged care is going in the future. It means that we need to be more flexible and look at what consumers are looking for when they choose a facility.

A lot of these decisions are life decisions. They are certainly lifelong decisions in more senses of the word. You might start off in something that is self-contained and offers more flexible living, but then you may need more help and assistance as the years go by. I know it was very stressful for the people I spoke to when they were signing up. In cases I have heard of, people spent $400 000 or $500 000 on bonds and what have you and then had to move out and sell to move into more of a high-care facility. These are very important issues that we are going to look at down the track, and some of it certainly affects commonwealth law in terms of aged-care facilities.

In terms of retirement facilities, it is important that we have something which is explicit and simple and which residents can easily understand — a check box of what this legislation does. This is long overdue, and it is part of an overall strategy of the government to ensure that consumers are aware of what they are buying when they first move in. When they first shop around, they want to know what facilities are on offer, what the entry costs are, what the exit costs are, what services are available and exactly what they can expect to get when they move in, which is very important.

I know that facilities in my electorate like Emmy Monash, White Lodge, Kirkside and Sheridan Hall look at that sort of flexible living, and it is very important to them. I am sure they will welcome this legislation. As I said, I know these facilities look at best practice and try to improve the services they have. That is what this particular bill has to offer — best practice. It ensures that consumers know what they are signing up for, that it is explicit, that they can take the information away and that they can think about it before they make a very important decision.

I commend the Minister for Consumer Affairs on his good work in bringing forward this bill, and I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. The Scrutiny of Acts and Regulations Committee found that there were no specific human rights issues in relation to this bill and that the bill was fairly straightforward. This is fairly unsurprising, because this bill is a very light touch in terms of providing protection for people in retirement villages.

All we are debating here is a bill that provides that fact sheets in a form to be prescribed by Consumer Affairs Victoria will be made available, that they must be provided within 7 days to any person who requests them, that those fact sheets must be provided 21 days before any contract is signed and that the fact sheet must accompany any targeted promotional materials sent to retirees, excluding mail-outs or letterbox drops. That is nice. The retirement villages can blitz the Pascoe Vale electorate, promising everything — the best thing since sliced bread for a retirement village in Pascoe Vale. They can letterbox people, make whatever claims they like and people can be misled. When it comes to identifying exactly what is in any contract compared with the claims that have been made, this bill excludes mail-outs and letterbox drops. Finally, provided the fact sheet has been provided at some point, there is no specific point at which it must be given to the retiree.

The Pascoe Vale electorate has two retirement villages. The first is in Pascoe Vale itself and the second is in Gowanbrae. I am very familiar with each of these retirement villages as I attend each of them as least once a year, often twice a year, to talk to residents about how my electorate office can assist them. We are looking at about 460 people out of Victoria's retirement village population of 30 000. I can only talk about what has happened in my electorate. As a result of being aware of what was occurring in particularly the first retirement village, the one in Pascoe Vale itself, when I had quite a bit more to do with Consumer Affairs Victoria (CAV) I raised this as an issue and we began what has been an ongoing process.

My head and my heart are in this piece of legislation, and I would really like it to have some teeth. Quite frankly, I do not think that providing a fact sheet is going to be enough to ensure that the Retirement Villages Association's claim of looking after residents will be as strong as it should be. When you listen to the residents of retirement villages in Victoria and what they are saying about this legislation and what needs to happen, this bill really does not match up. The providers obviously want a very light touch provided by this legislation, and those who live in the villages want this legislation to be much stronger. It is not much consolation to get a fact sheet with a range of claims, for example, related to entry costs and ongoing costs if Consumer Affairs Victoria does not have the staff to police this legislation and launch prosecutions.

The member for Keilor gave some outstanding examples of what has occurred in her electorate. I was most concerned about retirement villages some years back and began some of the work we are looking at tonight because in the Pascoe Vale retirement village claims were made to prospective residents that if they came to this village, they would, for example, be provided with a communal recreational area. What they

were not told was that they might have to wait one, two, three, four, five, six or seven years until the operator got around to building it. People went in hearing that there was to be a recreational area only to find that some of them had moved out or passed on before such a facility was provided.

Claims were made that there would be low care provided at that retirement village. Again it took a considerable period of time — many, many years — before that was provided, yet people went to this retirement village in good faith. There was a flurry of activity at the beginning, but in my view that was only to get people to sign up, and they did. They bought their personal space and accommodation but the communal facilities and the low-care beds promised did not eventuate for a considerable period of time.

What Consumer Affairs Victoria is providing and suggesting in the way of a template for a fact sheet should include items such as, 'What happens when a person decides to sell their property?'. At the first retirement village I was describing, to sell your property you had to use the owner as your real estate agent. Members around the house are nodding. That is a really handy income earner when people move into retirement villages. The resident turnover can be around the five to six-year mark so it is a very handy income for the operator. If the operator, for example, says, 'Sure, you can sell, but we will act as the real estate agent and our commission will be, for example, 2, 3, 4, 5, 6, 7 or 10 per cent', whatever they stipulate, those people at that retirement village are caught and lose a lot of money. Whatever is happening with CAV and its fact sheets, it is essential that work be done to enable new residents, after hearing what is being said, to have it well documented.

The other issue is where a sale of property is through the retirement village itself often it is stipulated that you have to repaint and re-carpet, regardless of whether the people house or person had been in that accommodation for 6 months, 12 months or 2, 3 or 4 years. That needs to be stipulated because that is a big cost. I hope when Consumer Affairs Victoria considers *Hansard* it takes into consideration the real advice of what is happening on the ground in electorates.

Another example in that first retirement village in my electorate was that the operator decided that it was going to be a gated community. Around Pascoe Vale we are a fairly open, friendly group of people, and people like to go and visit their parents or their aunts or their neighbours, and they were able to do this very simply in the Pascoe Vale retirement village until gates were installed, and a number of people were really upset. It had never been stipulated, and the gates were put in about 10 years after the village began. It changed the nature of how people lived, and many of them were not comfortable about that very stark change.

Another point that is really important for residents — and we see this as members of Parliament when we visit retirement villages — is that a person whose home is in that retirement village has to seek permission for a visitor to go with them to the central living area. It is a person's home, and to deny, say, me or a family member access unless we are approved by the retirement village operator is a gross abuse of human rights. People with a range of impairments are not subjected to such draconian measures, yet in many retirement villages the residents are. This legislation is such a light touch it is embarrassing in my view. Consumer Affairs Victoria needs to get the fact sheets right.

Mrs BAUER (Carrum) — It is certainly a pleasure to rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I am really proud to stand up in this place to speak on the bill because the Baillieu government is committed to assisting retirees in our community. It is excellent legislation, which I commend the minister on. It shows his commitment to making clear and sensible legislation that will benefit people in retirement villages and make their lives a lot easier.

As the minister has mentioned, the bill aims to adequately inform prospective retirement village residents about retirement living. Retirement villages in the Carrum electorate are some of my biggest businesses. Only last week I attended a forum at Richfield Retirement Village. At the forum a lot of issues relating to management and day-to-day living were discussed. There were some grey areas — pardon the pun — in relation to maintenance and legislation and the information that prospective residents required. There were over 400 residents at this meeting, and I had a chat to some of them about this legislation. They were very keen to hear that we were making these changes to support the retirement village industry and residents in retirement villages.

This legislation will provide comprehensive information and fact sheets to any prospective residents of retirement villages before they sign a contract. This is really important. According to the census data in the Carrum electorate close to 16 per cent of our community is over the age of 65, so this legislation will impact a large proportion of my community. These fact sheets will certainly assist prospective retirement home residents, providing easy-to-understand, clear and

helpful information. It is common-sense legislation, which I believe will really assist people in my electorate with their day-to-day lives.

The legislation will help residents make the right decisions and choose the right retirement village for them. It is imperative that retirees understand and are fully informed about the contracts they are considering entering into before making decisions about them. Often contracts can be complex, and entering into them is a pretty daunting process I am told. Since I have been the member for Carrum and have been engaging with a lot of my retirement villages, people have often come to me and said that they signed contracts and did not understand the implications. Often by the time people in this situation go to see the local member of Parliament it is too late. The documents that they do not understand have been signed. This legislation, they believe, is going to be very helpful to them.

It is important that retirees are able to compare various retirement villages and, essentially, shop around. Equally important is that they understand their rights once they are residents in a retirement village. Once they have signed the contracts, moved in and become residents, they may have an issue with maintenance or management, and it is really important that they understand that and they are supported through that experience.

Unfortunately in everyday life disagreements can arise, including in retirement villages. As I mentioned earlier, as members of Parliament we often get correspondence or calls for assistance when this occurs. Internal dispute resolution guidelines were published earlier this year to assist residents with tricky issues that crop up in their retirement villages and need attending to. Only yesterday I received an email from Susanne, who wanted to share with me her experience. She said:

> The consumer affairs booklet was very valuable particularly to … chairman of the residents committee — we in fact had a very messy … resident grievance and the booklet laid out the process very well when the village manager had not followed proper procedure.

She was really grateful that there were dispute resolution guidelines to assist residents with these issues that crop up time and again.

As we heard earlier from the minister, close to 30 000 Victorians are living in retirement villages, and this will increase as the population ages. As a former member of the Family and Community Development Committee, which recently tabled a report into opportunities for senior Victorians, I know this is the case. We heard a lot of evidence from people who talked about their life experiences and making the decision to move into a retirement village. People said they felt very secure in retirement villages. Often people were moving out of their family home — their partner may have died — and saw it as an opportunity to make new friends and new connections and live in a very secure environment.

It is certainly a growth industry within the Carrum electorate. In my role as the member for Carrum I frequently visit our retirement villages, which continue to be places that people enjoy residing in. In my electorate I am very fortunate to have some very large retirement villages, even compared to the peninsula. Some of the ones that come to mind are Clarenvale Retirement Village in Chelsea and Berkeley Living Aged Care Retirement Village in Patterson Lakes, which is right on the Patterson River so it has a beautiful backdrop. Often on my morning walk I go past that retirement village and see the residents enjoying lovely cups of tea and reading the newspaper. Sometimes they are reading my electorate newsletter. I have a nice wave to the residents in the morning as I go past the retirement villages in Patterson Lakes. There are another three villages in Patterson Lakes, as we also have the Bayside Terrace Retirement Living and Aged Care facility, the Patterson Lakes Village and the Lake Illawong Retirement Village.

Elsewhere in my electorate there is the Long Island Retirement Village in Seaford and, as I mentioned earlier, the Richfield Village in Aspendale Gardens, which I visited last week. The residents there are certainly a very welcoming group; they very much enjoy a visit. If anyone is passing through Aspendale Gardens on a Friday afternoon, at about 4 o'clock the village has a lovely happy hour, and the residents are very welcoming. I must commend Richfield Village and thank the residents and staff for my recent visit. After I left the retirement village I headed to the Aspendale Life Saving Club and I had to get on a wave ski, which was a little bit interesting after my one sherry at the happy hour. I blamed the sherry for my balance.

I enjoy my visits to our retirement villages. The residents told me only as recently as last week that they are really going to embrace this new legislation. Anything we can do as a government to provide clarity and support to residents makes it easier for them to move in and deal with management. To have a terrific, concise booklet is something I am very proud as a member of Parliament to support, and I certainly commend the minister on this legislation that is travelling through the house. I wish the bill a very speedy passage.

Mr NARDELLA (Melton) — Let me give members a bit of a history lesson. A long time ago in a place far, far away — the Legislative Council, where I was a member back in 1995–96 — I had the great honour, which was not that fruitful but nonetheless an honour, of being the shadow minister for aged care and seniors. Quite a number of retirement villages, hostels, caravan parks and mobile home facilities were being developed at that stage, and I visited a number of them. In all those instances the people who moved into their new homes — and that is what this is about, moving into a new home — wanted the best. The member for Carrum and others have talked about this. People in these circumstances want the best, and their families want the best for them as well. As we progress in this particular area of housing and social policy it is incumbent on us to have a look at how we protect these residents.

One of the things that is important — other honourable members have talked about this, and this is what the bill is about — is giving people in residence in retirement villages and prospective residents information in plain language so they are able to make an informed decision about what they are going to do for the next part of the journey in their lives. Unfortunately it was made known to me through a 90-second statement that Molly Hadfield from the Broadmeadows-Glenroy area passed away the other day. She was 90. Molly was part of the Housing for the Aged Action Group. Molly was part of a group of older citizens who had a passion for protecting the rights of older people to have secure housing, to have affordable housing and to have appropriate housing for when they get older and things that used to work — and I can sort of understand this as I get older — do not work so well anymore. Certainly it is extremely important that there be accessibility, adaptability and the security that is absolutely necessary for older and senior Victorians to, in a sense, go down a cog and move into accommodation that is much more manageable.

This legislation goes part of the way. I do not think it is the total solution to the things I am talking about and other members have talked about. Unfortunately, as the member for Preston said, there are some very unsavoury people who develop and operate facilities. Certainly around Melton that is not the case; we have some really great operators in Melton who look after their residents — and that is what they are, residents. But like the honourable member for Preston said — and I was the chair of the Privileges Committee when that matter was referred to it via the previous member for Preston, Michael Leighton — we need to be cognisant of the responsibility that we have as law-makers to look after our senior community members in this area. The matters that residents have complained to me about relate to maintenance and moving out of their accommodation. They ask, 'What happens if I have to go into a nursing home? What happens if I have to move out for some other reason? If I become unwell, what are the things that I will need to do or that my family will need to do to look after me? What happens to my home?'. That is what it becomes — it becomes their home. The legislation may assist with part of that, but for people who are in that situation and are concerned about their personal wellbeing and about what their family will have to do to look after them, the protections we need to develop over time are much more than what this legislation provides. In regard to the plain English form and the way that we communicate what are in all instances extremely complex contracts for people who step down into these areas, it is really important that we look at developing better protections for them.

I am not necessarily one to look at overregulation; I am not suggesting that. I believe there needs to be appropriate regulation to protect vulnerable people who are at a stage in their life of change and the journey has brought them to a different place. Some of my friends in Melton live on a few acres. One particular gentleman lives on quite a number of acres near Kurunjang on the Gisborne-Melton Road. His wife has only recently passed away. His property has suited him for a long time, but he is now looking at going into a mobile home, a new home, after selling his property. It is extremely important that these people are protected. In that particular case the legislation will assist him to work through some of those very complex issues that I and other honourable members have talked about.

There probably need to be some further protections — not overregulation, but some easy protections — in case things go wrong. If someone is advocating for a resident in a home — and understanding that the home in these types of instances is classified as a mobile home; they are not mobile units and therefore the safeguards are sometimes not there — the ability for that person, such as a family member, a trustee or a carer to advocate for that resident if something goes wrong is extremely important. Again, I am not part of the brigade that says you have to overregulate, and therefore strangle, this industry. I do not believe that at all, because the industry is growing at an exponential rate, as our community is ageing at an exponential rate. You only have to read some of the statistics and commentaries to know that. The Australian Bureau of Statistics demonstrates that very often. This legislation is important and I certainly support it. It goes part of the way to — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Roads: Geelong

Mr TREZISE (Geelong) — I raise an issue for the Minister for Roads. My request of the minister is that he personally involve himself in resolving the ongoing and growing problem of traffic, and in particular trucks, using the Geelong central activities area to travel east and west. If allowed to grow unabated — and it currently is — this issue will drive people away from Geelong's central activities area to the detriment of local retailers, nearby residents and the city itself.

The issue of cars and trucks using streets such as Malop, Ryrie and Myers streets, in Geelong's central business district, and then McKillop Street, in a residential area, to travel east and west to and from the Bellarine Peninsula is, I would say, Geelong's no. 1 traffic priority. Because this is Geelong's no. 1 traffic priority, I do not flippantly or lightly call on the minister to directly involve himself. I believe this issue is important enough to Geelong's central business district, to its retail sector and to local residents to warrant the minister's personal and direct involvement.

At the moment it is estimated that about 60 trucks per hour rumble through Geelong's central business district, and in my mind that is totally unacceptable. It not only creates noise, pollution and ever increasingly clogged east–west major traffic arteries but perhaps even more importantly has created a real pedestrian safety issue. As the minister is well aware, heavy traffic movements combined with pedestrians attempting to use the same streets is a recipe for disaster, and I would put it to the minister that it is inevitable that while that traffic continues to use Geelong's central business district as a thoroughfare, sooner or later we will have a death on our streets.

Every year around 50 pedestrians die on Victoria's and roads — that is nearly one a week — and on top of that 700 are seriously injured. I would hate to think that through inaction another person is added to that toll on the streets of Geelong's central activities area.

In raising this issue with the minister I also recognise that this is not an issue that has eventuated just on his watch in the last two years. This has been an issue for many years. It was recognised by the Labor government, and in fact it was acted upon by the Labor government with its $63 million construction of the Breakwater bridge. This is another project that was opposed by members of the Liberal opposition but for which they happened to cut the ribbon six months ago. Although the new bridge is not the complete answer, I firmly believe the Breakwater bridge adds a vital link in terms of solving the east–west traffic issue across Geelong.

What I am looking for, then, is the minister's direct involvement in this issue. This is an important issue for retailers, for local residents and, as I said before, for Geelong as a city. I am therefore looking forward to the minister's direct and personal involvement and intervention in this matter.

Mental health: eating disorders

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Mental Health. It is that she give consideration to implementing the recommendations from both the eating disorder task forces when she receives them in the next few weeks. Eating disorders have a higher rate of mortality than any other mental illnesses, and more people die each year from eating disorders than are killed on Australian roads. A report by Deloitte Access Economics commissioned by the Butterfly Foundation found that in Australia 913 000 people are living with an eating disorder. This figure includes all eating disorders — anorexia, bulimia, obesity, binge eating and others. The mortality rate among those with eating disorders is twice that of the general population.

Whilst the brief of the eating disorder task force I chaired this year was specifically to look at anorexia and bulimia, we were very aware during all our discussions that there were other types of eating disorders, including obesity and disordered eating. The figures that I have quoted from Deloitte Access Economics cover all eating disorders. It is very difficult to get up-to-date eating disorder figures for anorexia and bulimia alone because the recording of deaths often refers to organ failure and not to the actual reason why the organs have failed. Nearly two-thirds of those who suffer from eating disorders are women, but unfortunately increasing numbers of males are suffering from the illness. The stereotype of eating disorders affecting women and adolescents is no longer true; they can affect all ages and both sexes.

The task force comprises highly respected professionals who all have experience and knowledge in the field. These professionals come from different health areas that frequently compete for the same funds and have different opinions of treatment methods due to the

complexity of the disease. However, there is unanimous agreement that early diagnosis and treatment are vital. Parents and siblings have to cope with difficult behaviour and with managing their loved ones. They frequently do not know where to turn for help, and often when help is sought the person who is suffering is way down the path of the eating disorder. It is very important to get early diagnosis and treatment.

The best thing that could happen is that the hospital beds allocated for this horrible disease are no longer filled, and that these eating disorders are diagnosed and treated. Parents have told me how they have sat for hours just trying to get their children to eat; even eating just 20 peas can take half an hour. I encourage the minister to seriously consider the report when she receives it.

Dingley arterial: noise barriers

Mr HOLDING (Lyndhurst) — The matter I wish to raise is for the attention of the Minister for Public Transport, and it concerns a matter in my electorate relating to the construction of the Dingley arterial. The action I seek from the minister is that he urgently intervene with VicRoads, which is managing and delivering this project, to make sure that the residential amenity, safety and long-term lifestyle of people living in the immediate surrounds of the Cheltenham Road overpass are protected, not only while this project is being delivered but more particularly once the road project is finished and traffic starts to operate on it.

As the minister would be aware, the Dingley arterial was a road project announced and commenced by the Labor government. It is a $74.6 million six-lane divided road between Springvale Road and Perry Road in Keysborough. It is a very important piece of infrastructure because it provides the connection that completes the road network between Westall Road and the Dandenong bypass. When this part of the project was originally conceived it was intended that there would be an intersection at Cheltenham Road, and then as a consequence of further consideration it was subsequently announced that there would be an overpass at Cheltenham Road to provide a better flow of traffic.

As a consequence this is having a significant impact on residents, particularly those living in the vicinity of Dryandra Crescent in Keysborough. The particular resident on whose behalf I wish to raise this matter, Ms Chris Keys, lives at 11 Dryandra Crescent. She wrote to VicRoads and received an email response today. Ms Keys is intending to meet with VicRoads staff tomorrow to further outline her concerns. Essentially she is saying that while she has been extremely patient during the construction phase with the very significant amenity issues that have been caused as a consequence, she is very concerned that when the project is finished the noise barriers that ought to exist in relation to this project, and which have been promised by VicRoads as part of its delivery, will not be sufficient to protect her residential amenity.

The action I seek from the minister is that he intervene to make sure that the residential amenity of those residents who live in the Dryandra Crescent area affected by the overpass at Cheltenham Road as part of the Dingley arterial is protected and that the long-term lifestyle impacts on these residents as a consequence of this project are not detrimental.

Benalla electorate: men's sheds

Dr SYKES (Benalla) — My issue is for the Minister for Community Services, and the action I seek is that the minister consider providing financial support to men's sheds in the Benalla electorate. By way of background there are quite a few men's sheds in the Benalla electorate, many of which I have assisted in getting funding for over the years.

There are men's sheds at Mansfield, Myrtleford, Benalla and Violet Town and the one at Mount Beauty is a work in progress. Men's sheds play an important role in our communities in terms of improving men's physical and mental health and also in terms of contributing to the community's wellbeing. On the physical side of things, by engaging in work that uses a range of equipment such as lathes, which require a degree of manual dexterity, the men remain fit and dexterous; and from a mental health perspective engaging with other men and doing the sort of problem-solving associated with, for example, making toys for Christmas or building park benches for the local community keeps the brain ticking. The social contact is really good for the men and helps them maintain their self-esteem at a time when they might enter a downward, depressive cycle if they did not have that contact.

From a community point of view the people using men's sheds do some great things. As well as making toys for Christmas and park benches they volunteer. They get involved in things like the L2P learner driver mentor program, and with that comes a level of mentoring which provides a link between the older generation and our young people. Everyone is a winner at the men's sheds, with the participants involved in a range of physical, social and community activities.

The issues that confront men's sheds include the need for safe and comfortable buildings, safe and functional equipment, administrative skills and support, and money. With funding, the Mansfield men's shed could improve its storage facilities for chemicals, provide an access ramp for a walkway and install dust extraction equipment and safety curtains, while the Myrtleford men's shed would be able to increase its work space and accommodate more people. The Violet Town's men's shed could use funding to improve its ventilation and dust extraction, which would promote a general sense of community wellbeing.

Pyrenees and Midland highways: speed limits

Ms EDWARDS (Bendigo West) — The matter I raise is for the Minister for Public Transport. The action I seek is that he make some time in his very busy schedule of visits to Liberal and Nationals-held electorates to visit my electorate of Bendigo West, meet with members of the Chewton and Barkers Creek communities and hear their concerns about the current speed zones along the Pyrenees Highway from Chewton to Elphinstone and along the Midland Highway between the Harcourt turn-off on the Calder Highway and Castlemaine.

The minister may recall that on other occasions in this house I have raised both of these requests by the communities to have the speeds reduced. I have also tabled petitions on behalf of residents calling on the government to seriously consider reducing the speed limits. The petition from the Chewton residents contained 82 signatures, being close to 100 per cent of the residents who live along the 6.2-kilometre stretch of the Pyrenees Highway. They are calling for a reduction from 100 kilometres per hour to 80 kilometres per hour. This would increase the travel time along that 6.2-kilometre stretch by a whopping 56 seconds. Some parts of this highway already have varying speed zones due to the winding nature of the road.

I drove along this section of highway recently and saw the aftermath of a B-double truck that had missed a bend and ploughed into the safety barrier. I met with a resident who indicated that double lines exist in many sections, but in the sections where they do not exist and the speed limit has become 100 kilometres per hour, people are speeding and overtaking at risk. This section of the Pyrenees Highway is also a wildlife corridor, and many kangaroos and wallabies are killed by speeding drivers.

The petition from the residents and concerned citizens of Barkers Creek contained over 200 signatures and called on the government to reduce the speed limit along a 7.2-kilometre stretch of the Midland Highway from 100 to 80 kilometres per hour. This section of the Midland Highway is the most frequently used entry road into Castlemaine and an increasingly popular tourist route. The petitioners are anxious to get the speed limit reduced as every day and night they see the close calls, risky overtaking and speeding that occur along this 7.2-kilometre stretch of highway. It is estimated that a reduction in the speed limit from 100 kilometres per hour down to 80 kilometres per hour for approximately 7.2 kilometres would mean an extra 65 seconds of travel time — 65 seconds of extra travel time that could save lives.

I have been advised that VicRoads has reviewed both these sections of highway and do not consider the sections warrant speed reductions. I have requested copies of those reviews but have not received a response. Residents do not raise these concerns for the heck of it. They live next to these highways and see the close calls and the risks that are taken every day. It is only a question of time before a fatality occurs.

If the minister is too busy to organise a visit, I am happy to organise it for him. Given the need to seriously address the rising road toll, particularly in regional Victoria, I ask the minister to meet with residents of Chewton and Barkers Creek to hear firsthand their concerns about safety on these two highways.

Wattle Park: playground tram restoration

Mr WATT (Burwood) — My adjournment matter is for the attention of the Minister for Environment and Climate Change. The action I seek is for the minister to ensure that the iconic trams at Wattle Park are restored to their original condition. The Wattle Park trams have been part of a beloved local playground since the early 1900s. For years the bodies of two vintage W-class trams have been used as playground shelters in the park. W-class trams represent part of Melbourne's history and are hugely popular with families and young children. As members may be aware, one of the trams was set alight by vandals in a vicious arson attack. I ask that the restoration of the tram be completed as it is a centrepiece of not only the Burwood community but also the wider community. Prior to these terrible and heartless attacks on a historical Melbourne icon, I frequently visited it with my two boys, who love pretending to ride the tram.

In 1915 the Hawthorn Tramways Trust purchased the land for Wattle Park from Mrs Eliza Welch for only £9000 on the condition that it would be used as public parkland. In the 1920s the Hawthorn Tramways Trust

began extensive planning of an electric tramway to the Riversdale Road and Warrigal Road intersection. There were plans to have a trolley park at the end of the line. The trolley park at the terminus was created to increase the number of weekend tram travellers. As a large part of this development, 12 000 wattle, native and ornamental trees were planted in the park. The features of Wattle Park were built to be associated with tramways. A Wattle Park chalet was built in 1928 from second-hand materials obtained from the demolished tram depots. Similarly within the picnic grounds tram bodies were used as shelters for picnic goers. Initially they were made of wood; however, they did not last in the Melbourne weather, and they were later replaced by the W-class trams that we have today.

Members can regularly pop down to Wattle Park to listen to the Melbourne Tramways Band. I encourage all members to do this, as the band does a great job. I urge the minister to ensure that restoration of the iconic tram is completed so that families can have a chance to play at the historic playground once again.

Buninyong Primary School: crossing safety

Mr HOWARD (Ballarat East) — I raise a matter for the attention of Minister for Public Transport relating to safety issues associated with traffic flow through Buninyong. I specifically ask the minister to take immediate steps to have flashing speed limit signs erected on the Midland Highway ahead of the school crossing on the Buninyong hill. The minister may recall that I raised this matter with him in March last year. I advised the minister then that many Buninyong Primary School community members and concerned residents had expressed to me their concerns about safety issues, especially for students of the school but also for other community members who attempt to cross the Midland Highway in the Buninyong area, either at the school crossing or further down the hill at the shopping centre. I add that the Buninyong Progress Association has been active in raising these issues and is keenly awaiting a traffic safety report for the town, which the regional manager of VicRoads has committed to producing.

Following my sending a letter to the minister last year, I received a response from the Parliamentary Secretary for Transport, Mr O'Donohue, a member for Eastern Victoria Region in the Council, advising that although VicRoads had placed flashing speed limit speed signs on the Midland Highway ahead of the school crossing near Magpie Primary School, similar signs could not be placed ahead of the Buninyong crossing as the policy guidelines had changed and only applied in situations where schools actually abutted the highway.
Mr O'Donohue advised that the matter was under review pending the completion of a year-long trial of remote crossing speed zones at some Melbourne schools. I note that the trial should have been completed early this year, and I am confident that it would have demonstrated great benefits in relation to the school crossings such as the Buninyong crossing.

I further add that if the minister is yet to be convinced, I would welcome a visit by him to Buninyong where he could meet with residents, representatives of the school community and me to hear of their concerns and see for himself the roadway as you come down the hill into Buninyong. I, along with many members of the Buninyong Primary School and the broader community, look forward to a prompt response to this renewed call for action. I also ask for the minister's support in ensuring that the promised traffic safety plan for Buninyong is released as soon as possible, that appropriate community consultation takes place and that real action follows. I look forward to the minister's response on this important issue.

Wangaratta District Men's Shed: air conditioning

Mr McCURDY (Murray Valley) — I wish to raise a matter for the Minister for Community Services. The action I seek is that the minister support the Wangaratta District Men's Shed in its application for the installation of a split system air conditioning unit so that over the summer period the men's shed can continue to achieve personal and community outcomes and continue to ensure that men from Wangaratta and surrounding areas will be able to participate year in and year out in this facility.

Men's sheds provide important opportunities for men to get involved and participate in their local community, as we all know, and Wangaratta is a fine example of this. Men's sheds give local men the chance to meet and talk as well as work on various projects, get involved with their community, learn about health and wellbeing issues and develop new skills. The growth and expansion of the men's sheds movement is a great example of how local communities are taking responsibility for their own aspirations and needs. Through the building of these men's sheds local communities have been able to support social connectedness by providing improved self-esteem, confidence and physical and mental health for vulnerable men. They also create pathways to further education, training and employment for others.

The Wangaratta District Men's Shed is described as a 'shed full of spirit'. I have been there on a few occasions and it is certainly a shed full of spirit.

President Russell Frankel does an outstanding job on behalf of the 40 or more members. Russell is quite ill at the moment and I wish him better health; I hope he improves very soon. Secretary Peter Patten and treasurer Fred Davenport glue the holes of the men's shed together between them and do a terrific job.

The shed is located in the former north-east rural expo building near the saleyards just out of Wangaratta. The rural expo group no longer runs the expo but it was responsible for helping the men's shed to get established. This is a classic example of a community establishment which is used by all the community. The building is not insulated and in the summer period across the north of the Great Divide, as members know, it gets quite warm, and on the hot days it is not possible for the men to do their work in the community shed. Air conditioning would assist them to be able to do that work and in the winter time it would assist in keeping them warm.

Eighty per cent of the men's shed members are elderly. They certainly enjoy getting together, having a chat and doing what men do in men's sheds. The men come from all walks of life; they are retired tradesmen, farmers, policemen and people with disabilities. They do some great work and are involved in many activities, but I think the best activity they do in Wangaratta is with the students from the special school and the high school. They have had a number of bikes donated and on my last visit I saw the work they do on them. It is truly a win-win situation. I ask the minister to support the men's shed in this venture.

Rail: Rosanna station

Mr CARBINES (Ivanhoe) — The matter I raise is for the Minister for Public Transport. The action I seek is for the minister to upgrade the Rosanna train station — not the Heidelberg West police station but the Rosanna train station — to a premium station. This is in keeping with the need for the Rosanna community in my electorate to be treated with the same respect and their station to be treated in the same way as have many other stations along the Hurstbridge line such as Macleod station, which was upgraded by the previous Labor government to become a premium station, and the Heidelberg and Ivanhoe stations. Thousands of commuters use the Rosanna train station on a daily basis.

We know that premium stations have open male and female toilets and toilets for people with disabilities. We know that premium stations have enclosed waiting areas and are staffed from first train to last train. These services are not provided at Rosanna station, a station used on a daily basis by thousands of commuters from my local community. The station is also a connector hub for the route 513 and 517 bus services.

It is a great disappointment to me that Rosanna train station has not been made a premium station, which would mean upgraded lighting, better security, better parking facilities, the capacity for people to purchase tickets, and information and customer service from first train to last. We still have the 1975 fibro train station platforms and buildings at Rosanna. As a Rosanna resident and regular train traveller from 1992 to 1994 when I got the train from Rosanna station on my way to university, and now on a regular basis to work in this place, I know nothing has changed.

Other stations in my electorate on the Hurstbridge line — Ivanhoe, Heidelberg and Macleod — were upgraded to premium train stations by the previous government. It is time, after some 40 years as a train station, for this government to make an investment and upgrade the Rosanna train station. The Rosanna Traders Association has a significant shopping strip. People should have the same services in my community of Rosanna. Given that the office of a member for Northern Metropolitan Region in the upper house, Matthew Guy, is near Rosanna station, I am sure he is someone the Minister for Public Transport could have some conversations with about the need to upgrade Rosanna train station so that people in the Rosanna community have the same access to services as those in other parts of my electorate.

Gippsland East electorate: men's sheds

Mr BULL (Gippsland East) — I also raise a matter for the attention of the Minister for Community Services. There is a great recognition of the importance of men's sheds in the chamber tonight, because the action I seek is also for more support for these facilities in my electorate of Gippsland East. As we have heard tonight, these are wonderful community facilities. I am sure all members are aware of the fantastic benefits of men's sheds, but they are particularly important in a number of our smaller and more remote rural communities as they often become the primary meeting place or location for social gatherings in those towns.

In my relatively short time in Parliament I have had the pleasure to be at the opening of the Alpine men's shed in Omeo and the Paynesville men's shed and also at a significant extension to the Stratford men's shed. At those openings you could clearly see strong recognition within those communities of the importance of these facilities and their great benefit to the men who attend them. I am a regular visitor to the men's shed in Maffra.

A lot of community donations go into the running of men's sheds — a lot of the tools and other materials used are donated. They also play a very important role in the community — for instance, in some of the men's sheds benches and seats are made for schoolgrounds and parks, which is of wider benefit to the community.

Due to the number of men's sheds groups and men's shed facilities that have formed over the last five years, the men's groups and local agencies have been telling us that they need support to redevelop or refurbish their sheds. I acknowledge that these facilities have had great bipartisan support over the journey, but there is a continuing need to redevelop and refurbish the sheds to meet increased community demand, for new activities to take place and also for an expansion of activities in these facilities. The Strengthening Men's Sheds Grants program has been put on the table to specifically meet this need, catering for existing men's sheds to make them more modern and to meet increasing demand. The program also assists in managing some of the issues that we heard about from the member for Benalla, including mental health issues and the ability to get together and socialise, which is so important in these communities.

The action I seek is for the minister, who I know has a strong appreciation of men's sheds and the great role they play in the community, to support these facilities in my great electorate of Gippsland East.

Responses

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — I will refer all matters raised to the appropriate ministers for their direct response.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 10.30 p.m.