

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 13 March 2014**

**(Extract from book 3)**

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## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development . . . . .	The Hon. P. J. Ryan, MP
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Minister for Police and Emergency Services, and Minister for Bushfire Response . . . . .	The Hon. K. A. Wells, MP
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Cabinet Secretary . . . . .	Mr N. Wakeling, MP

## Legislative Assembly committees

**Privileges Committee** — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

## Joint committees

**Accountability and Oversight Committee** — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.  
(*Council*): Mr O'Brien and Mr Ronalds.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Assembly*): Mr Burgess, Mr McGuire and Mr Shaw. (*Council*): Mrs Peulich and Mr Ronalds.

**Education and Training Committee** — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

**Electoral Matters Committee** — (*Assembly*): Mr Northe. (*Council*): Mr Finn, Mrs Peulich, 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 Madden and Ms Ryall.  
(*Council*): Mrs Coote and Mr O'Brien.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, and Mrs Peulich.

**Independent Broad-based Anti-corruption Commission Committee** — (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller. (*Council*): Mr Viney.

**Law Reform, Drugs and Crime Prevention Committee** — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

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

**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*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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The Hon. CHRISTINE. FYFFE (from 4 February 2014)

The Hon. K. M. SMITH (to 4 February 2014)

**Deputy Speaker:**

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

**Acting Speakers:** Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson.

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The Hon. D. V. NAPHTHINE (from 6 March 2013)

The Hon. E. N. BAILLIEU (to 6 March 2013)

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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
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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 <sup>6</sup>	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 <sup>1</sup>	Broadmeadows	ALP	Naphtine, 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	Prahan	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan <sup>2</sup>	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	Pakula, Mr Martin Philip <sup>7</sup>	Lyndhurst	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane <sup>8</sup>	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page <sup>9</sup>	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James <sup>3</sup>	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin <sup>4</sup>	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer <sup>5</sup>	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

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

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

<sup>3</sup> Resigned 18 February 2013

<sup>4</sup> Resigned 27 January 2012

<sup>5</sup> Elected 21 July 2012

<sup>6</sup> Elected 19 February 2011

<sup>7</sup> Elected 27 April 2013

<sup>8</sup> Resigned 7 May 2012

<sup>9</sup> LP until 6 March 2013



# CONTENTS

## THURSDAY, 13 MARCH 2014

### BUSINESS OF THE HOUSE

<i>Notices of motion</i> .....	731
<i>Adjournment</i> .....	732

### PETITIONS

<i>Family violence</i> .....	731
<i>Pound–Shrives roads, Hampton Park</i> .....	731
<i>Casey central east primary school</i> .....	731

### DOCUMENTS.....

### MEMBERS STATEMENTS

<i>Roy Higgins</i> .....	732
<i>Geelong Highland Gathering</i> .....	732
<i>City of Greater Geelong Diversity Cup</i> .....	732
<i>Station Lake Road</i> .....	732
<i>Men’s and Women’s Oates Victorian Open</i> .....	732
<i>Celebrating CFA Women</i> .....	732
<i>Bayswater Cricket Club</i> .....	733
<i>The Basin Theatre Group</i> .....	733
<i>Clean Up Australia Day</i> .....	733, 737
<i>ChillOut Festival</i> .....	733
<i>Ballarat Begonia Festival</i> .....	733
<i>Cultural Diversity Week</i> .....	733
<i>Hazelwood mine fire</i> .....	734, 739
<i>Nepean electorate funding</i> .....	734
<i>Boorai Centre, Ocean Grove</i> .....	734
<i>Bellarine Agricultural Show</i> .....	734
<i>Family violence</i> .....	735
<i>Hawthorn Relay for Life</i> .....	735
<i>City of Moreland planning zones</i> .....	735
<i>Road toll</i> .....	735
<i>Olympic Village child and family centre</i> .....	736
<i>Business Victoria mobile centre</i> .....	736
<i>Ferntree Gully North Primary School</i> .....	736
<i>Ferntree Gully electorate schools</i> .....	736
<i>Knox Chinese Elderly Citizens Club</i> .....	736
<i>Eildon Park Cricket Club</i> .....	737
<i>World Water Day</i> .....	737
<i>Amber Wilson</i> .....	737
<i>East Gippsland police vessel</i> .....	737
<i>Nungurra Youth Crisis Accommodation Centre</i> .....	737
<i>Hon. Peter Hall</i> .....	737, 739
<i>Gippsland fires</i> .....	738
<i>Courtenay Gardens Primary School</i> .....	738
<i>Brentwood Park Primary School</i> .....	738
<i>Cranbourne-Pakenham rail corridor</i> .....	738
<i>Victoria Street Gateway</i> .....	738
<i>Wangaratta Young Women’s Career Breakfast</i> .....	739
<i>Numurkah Red Balloon Day</i> .....	739
<i>Wangaratta Girl Guides</i> .....	739
<i>Rotary Club of Brimbank Central</i> .....	739
<i>Moonee Valley Festival</i> .....	739

### TRANSPORT LEGISLATION AMENDMENT (FURTHER TAXI REFORM AND OTHER MATTERS) BILL 2014

<i>Statement of compatibility</i> .....	740
<i>Second reading</i> .....	742

### CORRECTIONS AMENDMENT (PAROLE) BILL 2014

<i>Statement of compatibility</i> .....	744
---	-----

<i>Second reading</i> .....	746
-----------------------------	-----

### ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014

<i>Second reading</i> .....	747, 761, 792
<i>Third reading</i> .....	792

### QUESTIONS WITHOUT NOTICE

<i>Child protection</i> .....	753, 755, 757, 758, 759, 760
<i>Regional rail link</i> .....	754
<i>Regional and rural investment</i> .....	756
<i>Cranbourne-Pakenham rail corridor</i> .....	757
<i>Multiculturalism</i> .....	758
<i>Regional sporting initiatives</i> .....	760

### SUSPENSION OF MEMBER

<i>Member for Monbulk</i> .....	760
---------------------------------	-----

### PERSONAL EXPLANATION.....

### MENTAL HEALTH BILL 2014

<i>Second reading</i> .....	780
<i>Consideration in detail</i> .....	782
<i>Third reading</i> .....	791

### HEALTH SERVICES AMENDMENT BILL 2014

<i>Second reading</i> .....	791
<i>Third reading</i> .....	791

### EDUCATION AND TRAINING REFORM AMENDMENT (REGISTRATION OF EARLY CHILDHOOD TEACHERS AND VICTORIAN INSTITUTE OF TEACHING) BILL 2014

<i>Second reading</i> .....	791
<i>Third reading</i> .....	791

### GAME MANAGEMENT AUTHORITY BILL 2013

<i>Second reading</i> .....	791
<i>Third reading</i> .....	791

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2014

<i>Second reading</i> .....	791
<i>Third reading</i> .....	792

### ADJOURNMENT

<i>Northern Melbourne Institute of TAFE</i> .....	792
<i>National Celtic Festival</i> .....	793
<i>Victorian Commission for Gambling and Liquor Regulation</i> .....	793
<i>Winemakers of Rutherglen</i> .....	794
<i>Hurstbridge rail line</i> .....	795
<i>Mildura Base Hospital</i> .....	795
<i>Melbourne General Cemetery staffing</i> .....	796
<i>Main Street, Mordialloc</i> .....	797
<i>Glenburnie Road emergency response</i> .....	797
<i>City of Stonnington planning zones</i> .....	798
<i>Responses</i> .....	798



**Thursday, 13 March 2014**

**The SPEAKER (Hon. Christine Fyffe) took the chair at 9.32 a.m. and read the prayer.**

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

**The SPEAKER** — Order! Notices of motion 10 to 26 will be removed from the notice paper unless members wishing their motion to remain advise the Clerk in writing before 2.00 p.m. today.

**PETITIONS****Following petitions presented to house:****Family violence**

To the Legislative Assembly of Victoria:

The petition of the undersigned concerned members of the public of Victoria draws to the attention of the house our serious concern that dowry demands, demands for money and gifts in the context of a new marriage (up to seven years) is a significant contributor to family and domestic violence within certain cultural communities of Victoria. We are concerned that this pattern is similar to the one reported in India, with documented extensive evidence of serious domestic violence in the context of demands for dowry and gifts by the groom and his family.

The petitioners therefore request that the Legislative Assembly of Victoria amends the Family Violence Protection Act 2008 — section 6 titled ‘Meaning of economic abuse, examples’ as soon as possible to add the words ‘Dowry or coercive demands for gifts or cash in the context of a new marriage (up to seven years)’.

**By Mr BAILLIEU (Hawthorn) (173 signatures).**

**Pound–Shrives roads, Hampton Park**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria who use the intersection of Pound and Shrives roads draws to the attention of the house the traffic congestion, accidents and delays that motorists experience at this intersection.

In particular, we note:

1. there is considerable traffic congestion at the intersection of Pound and Shrives roads in Hampton Park;
2. the intersection has a worsening accident record;
3. motorists avoid turning at the intersection by driving through a service station located on one corner creating safety hazards within the service station;

4. the Baillieu government has refused repeated requests to provide funding for safety improvements to the intersection.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to provide a funding commitment for safety improvements at the intersection of Pound and Shrives roads.

**By Ms GRALEY (Narre Warren South) (58 signatures).**

**Casey central east primary school**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government’s failure to provide funding for construction of Casey central east primary school.

In particular, we note:

1. there is considerable overcrowding of local primary schools;
2. the city of Casey is a fast-growing community, with many families moving in and building their homes in new estates, creating strong demand for new schools and putting further pressure on existing schools;
3. the state government has refused repeated requests to provide funding for construction of the school.

The petitioners therefore request that the Legislative Assembly urges the state government to provide a funding commitment for construction of Casey central east primary school.

**By Ms GRALEY (Narre Warren South) (112 signatures).**

**Tabled.**

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

**Ordered that petitions presented by honourable member for Narre Warren South be considered next day on motion of Ms GRALEY (Narre Warren South).**

**DOCUMENTS**

**Tabled by Clerk:**

*Crown Land (Reserves) Act 1978:*

Order under s 17B granting a licence over Millars Creek Bushland Reserve

Order under s 17D granting a lease over Westerfolds Park Reserve

*Financial Management Act 1994* — 2013–14 Mid-Year Financial Report incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2013.

## BUSINESS OF THE HOUSE

### Adjournment

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I move:

That the house, at its rising, adjourns until Tuesday, 25 March 2014.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Roy Higgins

**Dr NAPHTHINE** (Minister for Racing) — I wish to pay tribute to the late Roy Higgins, a champion jockey and a champion person. He was born in Koondrook on 5 June 1938, and he died on 8 March after a short illness. In 1953, when he was aged 15, he became an apprentice to Denilquin horse trainer Jim Watters. On 22 August 1953 he had his first ride on Cherry Girl at Denilquin, which finished last. Two months later, on 5 October 1953 at the same track, he recorded his first win on Statutory in the Diggers Handicap. In the next five years Roy rode almost 300 winners across the Riverina district of New South Wales and north-east Victoria, claiming a leading apprentice title in both areas. He made his first mark in Melbourne on the racing stage on 5 April 1958 when he rode a double — Triage and Gay Saxon at Flemington. Shortly afterwards, Rollo Roynance, chief racing writer for the *Sporting Globe* dubbed Roy ‘The Professor’ after the character in *My Fair Lady*.

He rode a total of 2312 winners during his career, and he won the Melbourne jockey’s premiership a record-equalling 11 times. He rode two Melbourne Cup winners, a Cox Plate winner, and claimed a Caulfield Cup, four derbies, four Blue Diamond Stakes and five Victoria Racing Club Oaks Day titles. Throughout most of his career he was at the heavyweight end of the jockey spectrum.

After his racing career, he contributed as a radio and television commentator, educator and horse owner. He was a great horseman and a magnificent jockey. He had beautiful balance, and he was a great judge of pace and racing conditions. Our thoughts are with his family and his many friends in the field of racing in Victoria and around the world.

### Geelong Highland Gathering

**Mr EREN** (Lara) — I have had a busy couple of weeks. I recently attended the 57th annual Geelong Highland Gathering. The day was a comprehensive display of Scottish culture, livestock and music folklore, with lots of men in kilts and the wonderful sounds of bagpipes.

### City of Greater Geelong Diversity Cup

**Mr EREN** — I also had great pleasure in attending the grand final of the City of Greater Geelong Diversity Cup 2014, a local soccer tournament. Congratulations to the hosts of this year’s cup, North Geelong Warriors Soccer Club, which won the cup on a penalty shoot-out after a 1-1 draw with Corio at Elcho Park in my electorate. In the match for third place, the Geelong Rangers surprised Geelong with a 2-0 victory. I congratulate and thank all of those teams and volunteers involved in organising a successful five-week event.

### Station Lake Road

**Mr EREN** — I also had the pleasure of officially opening Station Lake Road in Lara, with local councillor Tony Ansett. This opening signified a step forward in the Lara town centre expansion project. The road needed to be completed before construction could commence on the new long-awaited supermarket and surrounding specialty stores.

### Men’s and Women’s Oates Victorian Open

**Mr EREN** — I had great pleasure in attending the 2014 Men’s and Women’s Oates Victorian Open played at 13th Beach Golf Links. The event was a great success with crowds of over 20 000 attending to see the professionals in action. History was made when 30-year-old Victorian Matthew Griffin endured a three-hole play-off to secure his first professional PGA Tour of Australasia title on home soil.

### *Celebrating CFA Women*

**Ms VICTORIA** (Minister for the Arts) — One of our most valuable predominantly volunteer organisations celebrated a milestone last week. The Country Fire Authority launched its wonderful new publication *Celebrating CFA Women*, which, as the name suggests, is all about the women who drive the organisation and inspire others to join. Congratulations to all those who contributed to this book. It is a wonderful way to honour some of our unsung heroes.

### Bayswater Cricket Club

**Ms VICTORIA** — Paul Creed and the enthusiastic team at Bayswater Cricket Club have truly outdone themselves. The result of fundraising from the annual Pink Stumps Day in aid of the McGrath Foundation breast-care nurses program was the stunning amount of nearly \$9000.

The rooms looked perfectly pink, and the sponsors and donors ensured that there was a seemingly never-ending supply of raffle prizes. Congratulations to everyone who made this success possible.

### The Basin Theatre Group

**Ms VICTORIA** — Question: what could be better than a great story-line, lovely sets and a cast of actors enjoying themselves? Answer: a full house of theatregoers who were so entranced that they barely moved.

I was lucky enough to go to the Basin Theatre last week to see the Basin Theatre Group present *Quartet*. I would like to extend my congratulations to the director, Graham Fly; the main actors, Betty Davis, Graeme Doyle, Nick Martin and Alison Minty; the superb choir, Singularity; and all those who made this production happen. I thank them so much for a wonderful night out.

### Clean Up Australia Day

**Ms VICTORIA** — Nearly 30 volunteers turned up last weekend to help clean up Australia, or more specifically Bayswater Park. All ages were involved, and I want to thank the local girl guide and scout leaders who supervised their young teams. I thank them very much.

### ChillOut Festival

**Ms KNIGHT** (Ballarat West) — Over the recent long weekend I was privileged and honoured to have the opportunity to participate in two parades. The first, on Sunday, was the annual ChillOut Festival held in Daylesford. This is a fantastic celebration by the gay, lesbian, bisexual, transgender and intersex community. I would like to acknowledge the presence of my parliamentary colleague the member for Albert Park, who also participated in the parade. The place was packed, and everyone had a fabulous time. I really have to comment on how wonderful all the floats were — a lot of work and a lot of glitter went into that parade. I was very proud to walk with Rainbow Labor members and supporters. I would like to congratulate all the

organisers on what was a very successful ChillOut Festival.

### Ballarat Begonia Festival

**Ms KNIGHT** — The second parade, held on Monday, was the annual Ballarat Begonia Festival parade. I was proud to join the Ballarat Regional Trades and Labour Council's float along with my colleague the member for Ballarat East. Many different unions were represented, and we got a lot of love from the crowd as we marched.

The parade originated in 1883 as a procession commemorating the 8-hour work day, and the organising committee from that procession developed into the Ballarat Regional Trades and Labour Council. I think the flyer from Ballarat trades and labour council says it all:

While Monday may now host the Begonia Festival parade, the holiday was brought to the people of Ballarat and Victoria by the unions, and the hardworking men and women who put their hands up to stand together to defend their rights and liberties.

One hundred and 31 years after the first procession through the streets of Ballarat, local unions continue to fight for the fair treatment, safety, pay and conditions — —

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

### Cultural Diversity Week

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — I wish to remind members that next week is Cultural Diversity Week. It is a week in which we celebrate and promote our cultural diversity and differences, but also the fact that there are many similarities that bind us as one state and one nation. It will begin on Saturday night with the Premier's gala ball, where the Premier will be in attendance with the Leader of the Opposition and many members of this house. There will be over 1300 people in attendance, and as I have said previously, about 300 to 400 people are on a waiting list.

During the week there will be between 200 and 300 events across Victoria, which will include local councils and local schools, to celebrate our cultural diversity. Cultural Diversity Week will finish next Sunday at Federation Square with the Viva Victoria Festival, which again is about bringing all the different groups together to say, 'Yes, we are different, and yes, we can work and live together in peace and harmony'.

It is very important that we say to those critics that we can have unity through diversity. You should be proud

of who you are and proud of your heritage but also a proud Australian and proud Victorian. Cultural Diversity Week is all about showcasing why Victoria is the multicultural capital of Australia. I encourage all members of this house to participate in events right across the state.

### **Hazelwood mine fire**

**Ms HALFPENNY** (Thomastown) — I was pleased to visit Morwell on Thursday, 6 March, when I travelled to Traralgon to attend a fantastic International Women's Day event organised by the Gippsland Women's Action Coalition. I left the next day with a sore throat and cough. It is hard to imagine the health problems, current and future, that Morwell residents are suffering and will suffer as a result of the Hazelwood coalmine fire.

Congratulations to Heather Dawes and Simon Ellis, who have been organising the community in the face of this crisis. The government has failed the residents of Morwell, providing little information or support and few of the services that are needed in the face of this fire and the insidious ash and smoke that is everywhere.

Last Tuesday I met the members of a Morwell South family in Parliament, who had travelled from Morwell to Melbourne because they are so concerned about the health of their children. The three children in this loving family all suffer from asthma. The family were forced to leave their home in South Morwell and are now living in a tent to avoid the polluted air. The children have been unable to attend school because of the relocation, and their father uses their only form of transport to get to work to earn a living.

The fire might be out, but the members of this family must still contend with ash that has infiltrated their house — there is ash in their mattresses, ash in the ceilings and ash in the carpets and curtains — and also the ongoing worry about what effect this coalmine fire will have on their health.

### **Nepean electorate funding**

**Mr DIXON** (Minister for Education) — The coalition government has been delivering for my electorate of Nepean. Examples include a \$485 000 capital grant to improve mental health services facilities at Bayview House, which is part of Rosebud Hospital. This development will greatly enhance mental health service delivery in the local area. I thank Peninsula Health for its hard work in securing the funding. A \$38 000 grant has been made to help preserve native revegetation through the removal of

woody weeds and the propagation of replacement native species. Gunnamatta Beach and the Betty Cliff Reserve in Rosebud will benefit from this grant. There has been a \$10 000 grant to enable Sorrento kindergarten to complete and enhance its recent renovation and expansion. A \$19 000 grant over two years has been given to the Friends of Flinders Coastline group to allow it to continue the great regeneration works it has been undertaking for some time now. A \$2000 grant has been given to Mornington Peninsula Shire Council youth services to enable it to work with local young people to run the National Youth Week short film festival.

Eleven local Landcare groups will benefit from a total of \$23 000 to protect and restore the local environment. For example, one project involves the removal of woody weeds in roadside and foreshore vegetation, which has the dual effect of reducing the fire risk through the removal of the highly flammable polygala while allowing the regrowth of fire retardant native species such as Bower Spinach. My favourite is a \$10 000 grant to the Victorian branch of Golden Retriever Rescue Incorporated, which is based in my electorate, so it can continue working to protect the welfare of homeless and neglected golden retrievers. There are so many ways the coalition is delivering for the Nepean electorate.

### **Boorai Centre, Ocean Grove**

**Ms NEVILLE** (Bellarine) — I was delighted to join many young families to celebrate the recent opening of the Boorai Centre in Ocean Grove. This was a project I was pleased to be involved with and able to get funding for under the Labor government in 2010. It was a great pleasure to see it completed. The centre will provide families with a range of services and supports all under one roof. It will be a wonderful resource for the community and will meet the needs of many children now and into the future. Services at the centre include a kindergarten, long-day care, playgroups, a toy library and maternal and child health services. The project is an excellent example of state and local governments working together in response to the needs of the community. I particularly congratulate Cr Jan Farrell, who was able to secure funding from council of \$8.5 million.

### **Bellarine Agricultural Show**

**Ms NEVILLE** — It was an honour to again officially open the Bellarine Agricultural Show on Sunday in Portarlington. The show has developed into a highlight of the region's calendar of events, showcasing the importance of agriculture on the Bellarine, both

historically and into the future. As in past years, there was a great crowd of people from across the Bellarine as well as visitors, including tourists, to the region who came to be part of the festivities. Meticulously restored vintage machinery was exhibited, and of great interest were the popular competitions involving show horses, cattle, photography, food and produce. Our great volunteer organisations the Country Fire Authority and the State Emergency Service were also represented. Congratulations to the president, Graeme Brown, to Rod Balance and Kerry and Rick Peacock, and to all the volunteers involved for their hard work and commitment.

### Family violence

**Mr BAILLIEU** (Hawthorn) — I note the petition seeking to include coercive demands for dowry in the economic abuse provisions of family violence legislation. It was compiled by Dr Manjula O'Connor of Melbourne University. She is a champion for the rights of abused women, particularly Indian migrants. This is not an Indian community issue alone, but the issue of coercive demands for dowry is real. I have met many women she has supported. They have been pressured for dowry and have suffered domestic violence, depression, family breakdown and worse. I congratulate Dr O'Connor. I have joined her before to send a powerful message, and I do again. Violence against women is a crime. It is unacceptable. It must not be tolerated. Multicultural Victoria respects cultural diversity, but understanding the balance between cultural heritage and the human rights of women is critical. This petition and Dr O'Connor's work deserve careful consideration.

### Hawthorn Relay for Life

**Mr BAILLIEU** — Hawthorn's Relay for Life is a grassroots event that has raised nearly \$900 000 for cancer research in eight years. It has done so with dedicated survivors, individuals and teams walking through the night, lighting candles for lost loved ones and sharing stories and hope. This has been achieved with the love, tears, passion and commitment of many people, and none more so than that of the chair, Graeme Jacobs. Each step taken is a step closer to finding a cure. As patron I congratulate all involved and thank Graeme and his family for their contribution. This year's event will be held on 23 and 24 March in John Gardiner Reserve. Join us there or at [hawthornrelayforlife.org.au](http://hawthornrelayforlife.org.au).

### City of Moreland planning zones

**Ms GARRETT** (Brunswick) — I rise to acknowledge the groundswell of community action that has taken place in Brunswick regarding the proposed application of new residential zones in my electorate. Late last year Moreland City Council put out for consultation a proposed application of these zones, which were strongly rejected by the Brunswick community, particularly in Brunswick West, where a vast proportion of the area was slated as a residential growth zone. Hundreds of people attended public meetings as part of the consultation process, as well as sending letters and attending protests.

Yesterday I tabled a petition in this house, which over 1000 residents had signed, expressing their concern about the level, scope and extent of the proposed rezoning in the community. I am pleased to advise that last night Moreland council listened to the concerns of the community and adopted a revised model for the application of the growth zones. This will now be put out to the broader community for feedback and will then be forwarded to the state government for approval after an independent panel process.

The concerns that are being raised by my community with regard to the application of these zones are significant and real. Our local neighbourhood character needs to be respected and reflected in any amendment, as does the impact of the level of density on already stretched services and on livability. With a revised application of the new residential zones being presented to state government, I ask —

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

### Road toll

**Mr WELLER** (Rodney) — My thoughts and deepest condolences this week are with the families, friends, witnesses and emergency services crews impacted by two horrific road accidents in the Rodney electorate over the long weekend. The close-knit communities of Colbinabbin, Elmore, Rochester and Kyabram have been left reeling as a result of such wasteful tragedies, and the aftershocks will continue to be felt for a long time.

On Saturday night four people were killed in a shocking head-on collision near Colbinabbin on the Heathcote-Rochester Road. Two of the victims were from nearby Rochester, another from Elmore and the fourth from Bendigo. Another three people were hospitalised with serious injuries. Both vehicles were

destroyed in the fiery smash, and police are investigating whether speed and alcohol were a factor in the collision. On Tuesday a 24-year-old woman from Kyabram was killed in a single-vehicle accident on Trevaskis Road near Wyuna. Police believe the woman's vehicle struck a tree at high speed before bursting into flames.

It has been a hellish weekend on the roads in my electorate, which is an unacceptable situation. In fact it has been a hellish weekend right across Victoria, with nine deaths in four days. The lives of so many have been irrevocably changed in the worst way imaginable, and we cannot let it continue. We all have a role to play when it comes to road safety. The road toll is everyone's problem, and we all need to stand up and accept responsibility for it by taking enormous care every time we sit behind the wheel of a vehicle, by respecting the road rules each and every time we switch on the ignition, by obeying speed limits, by not using a mobile phone, drinking alcohol or using drugs when driving and by being incredibly and deliberately mindful of the task at hand.

### **Olympic Village child and family centre**

**Mr CARBINES** (Ivanhoe) — I again rise to seek action from the Napthine government to build the Olympic Village children's hub in West Heidelberg. This project was announced in May 2012. The government committed over \$1 million to the project, and I secured funding of \$750 000 when I was a councillor on the Banyule City Council representing the West Heidelberg community. Two years on, construction of this project has not started. Despite my raising this matter in Parliament in November last year, seeking a please explain from the responsible minister, the Minister for Children and Early Childhood Development, it took three months to get a response. Minister Lovell blamed Banyule City Council in a letter to me of 15 February in which she said:

The Department of Education and Early Childhood Development has advised me that the project was delayed during negotiation of the funding agreement and lease arrangements between the department and Banyule City Council.

The minister claims the project will be completed by the end of this year, yet not one sod has been turned. I believe the council will not deliver the full project that has been promised to the West Heidelberg community. The project has been mismanaged and scaled back by the council, denying West Heidelberg families access to this vital child and family centre. The Napthine government should take back control of delivering this project. In the West Heidelberg community, services

delayed are services denied. For two years there has been no progress, no accountability from the council and no accountability from the government, and there is no facility. I have no confidence that this government or the council will deliver this project that was promised to the West Heidelberg community two years ago. There is nearly \$2 million sitting idle and this project needs to be delivered to the West Heidelberg community. It is time the government took responsibility — —

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

### **Business Victoria mobile centre**

**Mr WAKELING** (Ferntree Gully) — I would like to thank the staff of Business Victoria for recently locating the mobile business centre at the Mountain Gate Shopping Centre in Ferntree Gully. Staff members Sassi and Kevin were able to discuss with a number of local businesses a range of programs that the Victorian government has developed to help grow local industry. The government recognises the benefits of small business and is committed to working with this important sector.

### **Ferntree Gully North Primary School**

**Mr WAKELING** — I would like to thank the grade 5 and grade 6 students at Ferntree Gully North Primary School who recently engaged with me in a broad-ranging discussion about the Australian political system. The students demonstrated a strong understanding of the operation of the three levels of government, and I congratulate their teachers for facilitating the discussion.

### **Ferntree Gully electorate schools**

**Mr WAKELING** — It has been my privilege to present school leadership badges at many local schools. I congratulate all leaders and would particularly like to acknowledge the school captains at Knox Gardens Primary School, Daniel Fain and Kshipra Vaidya; school captains Nathan Chong and Mia Ward at Knox Central Primary School; and school captains Sarah Wainwright and Mitchell Davies at Mountain Gate Primary School.

### **Knox Chinese Elderly Citizens Club**

**Mr WAKELING** — I was pleased to join with members of the Knox Chinese Elderly Citizens Club to help celebrate their Chinese New Year celebrations. The event was well attended and a fitting tribute to the work of this important local community organisation. I would particularly like to recognise the work of

William Wai, who has been a strong advocate for the Chinese community within the city of Knox.

### **Clean Up Australia Day**

**Mr WAKELING** — I thank my staff and the many community volunteers who assisted with Clean Up Australia Day on Sunday, 2 March, for at Jenola Reserve in Wantirna. It was wonderful to see so many people take pride in their local park. Knox residents take great pride in their local parks and waterways, and I have been honoured to host a local clean-up site in Knox for many years.

### **Eildon Park Cricket Club**

**Mr WAKELING** — I congratulate the committee of the Eildon Park Cricket Club in Rowville on its recent Pink Stumps Day, where the club raised significant funds for the McGrath Foundation.

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

### **World Water Day**

**Mr FOLEY** (Albert Park) — Saturday, 22 March, is World Water Day. This year the focus is on the interconnectedness of energy and water. The themes for 2014 will be water requires energy and energy requires water, and growth in energy demand means growth in water use; supplies are limited and demand is increasing; saving energy equals saving water; more than 1 billion people globally require urgent access to water and sanitation services and to electricity; and improving water and energy efficiency is imperative, as are coordinated, coherent and concerted policies.

This last lesson is one the government might pause to consider as its water policy centrepiece, the Office of Living Victoria (OLV), is rapidly becoming a showpiece of how not to deliver coordinated, coherent or concerted policies. Instead OLV is a train wreck in slow motion, blighted by becoming a home for Nationals hacks seeking to dish out huge amounts of taxpayers money to consultants and mates as they try to justify an overtly unscientific and uneconomic magic pudding water policy model. We have a Minister for Water bent on a political policy of demonising the water savings and water security measures of the governments of both persuasions that went before him. He is determined to create his own personally controlled empire, paid for by water users across the state. To cap it all off, we have the doublespeak Fairer Water Bills plan, which will loot the reserves of the state's independent water agencies to prop up the state

budget, resulting in the sacking of staff and scrapping of investments.

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

### **Amber Wilson**

**Mr BULL** (Gippsland East) — Last week I met seven-year-old Amber Wilson from Bruthen, who decided to cut off her long hair and donate it to the Pantene Beautiful Lengths program, which makes wigs for those impacted by cancer. In the process Amber also decided she would raise some money through sponsorship for Melon's Cottage in Lakes Entrance. Melon's Cottage provides accommodation for families who have a young family member affected by illness. To date Amber has raised over \$3000 from the East Gippsland community — a wonderful effort.

### **East Gippsland police vessel**

**Mr BULL** — East Gippsland water police have a new \$2.2 million state-of-the-art police vessel, which I had the honour of launching on Friday at Paynesville. The new vessel is an incredible boat. It has infra-red imaging equipment, side-scan sonar and the latest radar. It is powered by jets and has a top speed of 83 kilometres per hour. It will patrol the waterways from its home base of Paynesville through Lakes Entrance, Marlo, Cape Conran and Mallacoota.

### **Nungurra Youth Crisis Accommodation Centre**

**Mr BULL** — I recently had the honour of opening the new \$2.54 million Nungurra Youth Crisis Accommodation Centre in Bairnsdale, which provides support and accommodation for young people who are experiencing homelessness or at risk of homelessness. This is a fantastic facility for all the youth of East Gippsland, from towns like Mallacoota, Cann River, Lakes Entrance, Orbost, Bairnsdale, Paynesville, Omeo and Swifts Creek, to name a few. The facility was well received by all staff members, including the manager, Liz Noone, who was very proud of her new facility.

### **Hon. Peter Hall**

**Mr BULL** — I would like to take this opportunity to extend my congratulations to Peter Hall on a wonderful career, given his announcement this week that he will soon be leaving Parliament.

### Gippsland fires

**Mr BULL** — I am pleased to report to the house that all fires in East Gippsland are now under control for the first time in a number of months.

#### Courtenay Gardens Primary School

**Ms GRALEY** (Narre Warren South) — I recently had the pleasure of attending the badge ceremony for the 2014 student leaders at Courtenay Gardens Primary School. Congratulations to school captains Jaymi Muzzicato and Ayden Dahmes; school vice-captains Shania Berryman and Jobe Bass; house captains Wenuka Bandar, Caitlin Zealley, Jarrod Goodinson, Courtney Scilley, Mason Heeger, Jo Jo Zheng, Riley Smithett and Shakira Dawkins; and house vice-captains Cristian Castillo, Olivia Featherston, Max Inns, Eva Pateras, Aman Rana, Nethmini Botheju, Corey Provan and Albelyn White.

#### Brentwood Park Primary School

**Ms GRALEY** — I also attended the badge ceremony at Brentwood Park Primary School. Congratulations to school captains Zoe Prvulj and Lewis Hill; school vice captains Adelle Pool and William Mortimore; house captains Lara Parks, Matthew Norris, Jai Neal, Hailey Buckman, Georgia Shacklock, Matthew Shaw, Apryl Tonkin and Heath Taylor; student representative councillors Megan Kennedy, Hannah Smith, Chanelle Hurley, Chloe Jones, Ricky Prvulj, William Smith, Leonara Azemi, Olivia Poulton, Faith Hastie and Jai Williams. These students are all young leaders with a great future who are serving their school and the local community. I know their parents are rightly proud of them.

Aung San Suu Kyi, an inspiration to me and many others, once said, 'By helping others, you will learn how to help yourselves'. This is the wise advice I passed on to the school leaders, as well as advising them to have some fun too. They are our young stars. It was a joy to present them with their badges, and I know they will lead their school communities onwards and upwards to good things. I look forward to catching up with them throughout the year.

#### Cranbourne-Pakenham rail corridor

**Mr BLACKWOOD** (Narracan) — The announcement last week by the Premier and Minister for Public Transport of a \$2.5 billion upgrade of the Cranbourne-Pakenham rail corridor is fantastic news for Gippsland commuters. For 11 long dark years Gippsland rail patrons were ignored by the Labor

government. True to form, the previous government broke a 2006 promise to build a third dedicated line between Dandenong and Caulfield, and when it developed plans for the regional rail link, Latrobe city — a major regional area — was deliberately excluded.

The multibillion-dollar project will create more than 3000 jobs, deliver 25 new next generation high-capacity trains, and 21st century high-capacity signalling on the Pakenham and Cranbourne lines, which will enable more trains to run more often. The high-capacity signalling system will increase the capacity of the network, allowing the provision of more services to Gippsland commuters. Four level crossings will be removed at Murrumbeena Road, Murrumbeena; Koornang Road, Carnegie; Clayton Road, Clayton; and Centre Road, Clayton. The removal of level crossings will allow a smoother journey with less chance of interruption for Gippsland passengers and is an essential precursor to the south-eastern rail link that will deliver a dedicated, dual-gauge rail freight link between the south-east and Dynon. Ultimately the ability to run more services from Gippsland to the city can be substantially expanded once the south-eastern rail link is in place, as this will create a dedicated route for regional and freight trains. It has taken a coalition government, particularly its Premier and its Minister for Public Transport, with great vision and courage to once again right the wrongs of Labor governments.

#### Victoria Street Gateway

**Mr WYNNE** (Richmond) — I commend the new Victoria Street Gateway. I urge members to come down to see this wonderful addition to Richmond and to enjoy the cultural delights of the precinct. Award winning company Gregory Burgess Architects designed the gateway. The firm has designed a beautiful entrance to Victoria Street at Hoddle Street which is evocative of and pays tribute to the Vietnamese migration to the area and the cultural contribution the Vietnamese migrants have made not only to the precinct but to our city more generally.

The Gillard federal government provided \$500 000 for the project, and the Brumby government promised \$1 million for it — a commitment subsequently supported by the incoming government, which I acknowledge — in addition to \$500 000 from the City of Yarra and an extraordinary \$100 000 raised by the Richmond Asian Business Association. I look forward to the official opening and lighting of the gate tomorrow night. I acknowledge the work of Mr Vinnie Le, the president of the Richmond Asian Business Association, and of all his traders, who have done so

much to achieve this wonderful addition to our streetscape. When you drive down Victoria Street at night, heading out to the east, you will see this beautifully lit-up gateway as a wonderful entrance to Victoria Street, which is a cultural destination for so many people. Congratulations to all those involved in the project.

### **Wangaratta Young Women's Career Breakfast**

**Mr McCURDY** (Murray Valley) — Well done to the Zonta Club of Wangaratta on the success of the eighth annual Young Women's Career Breakfast held in Wangaratta last week to coincide with International Women's Day. I attend many functions in my local region and in Melbourne, and the presentations by the young women to the year 11 classes were absolutely outstanding. Well done to ex-Wangaratta students Clare McCracken, Kristy Saunders and Clare Schultz, who shared the stories of their careers. Jane Derrick, Carol Myles and the entire Zonta team should be proud of their celebration of International Women's Day.

### **Numurkah Red Balloon Day**

**Mr McCURDY** — Recovery efforts are continuing at Wunghnu and in the surrounding areas following the large grass fire that claimed homes, property, farmland, fencing and machinery. A red balloon day was held in Numurkah recently to thank and celebrate our local fireys, who did a wonderful job to combat the blaze. Fundraising from community barbecues and activities will result in significant donations to our local Country Fire Authority brigades. I, too, want to thank sincerely all fireys who worked to contain the fires in our region.

### **Hazelwood mine fire**

**Mr McCURDY** — I also thank Country Fire Authority staff and volunteers from across the Murray Valley who have come together to assist with fighting the fire at the Hazelwood mine over the past month. They include Cobram Fire Brigade Captain Adrian Hilder and firefighters David Beard and Jamie Rowlands from Wangaratta.

### **Wangaratta Girl Guides**

**Mr McCURDY** — It was terrific to join Wangaratta Girl Guides leader Alex Lewis and the girl guides acting state commissioner Lynne Emblin for the unveiling of a plaque to mark renovations of the Hazel Smith Guide Hall recently. The renovations were made possible by a state government grant. The hall's origins go back to 1959, with major extensions undertaken in

1986, all with the assistance of the Lions Club of Wangaratta.

### **Hon. Peter Hall**

**Mr McCURDY** — Congratulations to Peter Hall in the other place for his outstanding service to the Gippsland communities over the last 26 years.

### **Rotary Club of Brimbank Central**

**Mr CARROLL** (Niddrie) — I rise to congratulate the Rotary Club of Brimbank Central on its recent annual golf charity day and subsequent dinner auction held on 28 February, which raised some \$12 365 for local community projects. This was my introduction to the Rotary Club of Brimbank Central, and it was wonderful to see firsthand what a committed, community-focused organisation it is, like so many other Rotary clubs throughout Victoria. The annual golf charity day has been going strong for 15 years, and an amazing \$92 577 has so far been raised.

I take this opportunity to thank and congratulate the following Rotarians on their outstanding efforts in making the annual golf charity day such a success: golf committee members; Jack Watson; program chairman John Rafter; Barbara Rafter; Richard Carthew; Rotary president Bert Mom; the master of ceremonies, David Bennett; and finally the auctioneer for the night, Alan Puli, who did an outstanding job in raising the money on the items donated. The Rotary Club of Brimbank Central is in good hands, and I wish it another 15 years of success with its annual golf charity day and dinner auction.

### **Moonee Valley Festival**

**Mr CARROLL** — On Sunday, 23 February, thousands of people converged on Queens Park to enjoy the 37th annual Moonee Valley Festival, Moonee Valley's largest free community celebration. A fun summer day full of excitement was had by all, with market and food stalls, roving performers, entertainment stages, business expo sites, community activities and displays. I take this opportunity to thank everyone involved in supporting the 2014 Moonee Valley Festival, especially City of Moonee Valley staff, the volunteers, the generous sponsors and of course the local community.

## TRANSPORT LEGISLATION AMENDMENT (FURTHER TAXI REFORM AND OTHER MATTERS) BILL 2014

### *Statement of compatibility*

#### **Mr MULDER (Minister for Public Transport) 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 Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014.

In my opinion, the Transport Legislation Amendment (Further Taxi Reform and Other Matters) Bill 2014, 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 provides for a taxi fare notification and publication scheme for taxicabs operating in the regional and country zones. The Taxi Services Commission (TSC) will publish the notices provided to it by taxi operators on its internet site.

The bill provides that the TSC must establish a public register of taxi industry participants and post the register on its website.

The bill also contains provisions which support the TSC's compliance and enforcement functions. These include a requirement that the TSC put in place a policy dealing with how it will support and maintain compliance with, and enforce, commercial passenger vehicle laws.

The bill deals with the appointment of taxi compliance officers. The bill provides officers with certain powers, including power to enter and inspect vehicles and commercial passenger vehicle premises in certain circumstances, and to undertake associated compliance and enforcement activities.

#### **Human rights issues**

##### *Entry, search and seizure powers*

Part 2 of the bill includes a range of entry, search and seizure powers which are inserted into part VII of the Transport (Compliance and Miscellaneous) Act 1983 (new provisions relating to the requirement for the TSC to have a compliance and enforcement policy are inserted into part VI of that act). These powers have the potential to impact upon the privacy right in section 13 of the charter act, which provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Entry, search and seizure powers properly exercised are essential to ensuring compliance with laws regulating taxis, hire cars and other commercial passenger vehicles, and detecting non-compliance. This is important not only to protect and promote the rights and interests of consumers, but also the interests of the taxi and hire car industry generally.

The powers are exercisable in constrained circumstances, are directed at important regulatory purposes and are subject to a range of safeguards.

Most significantly, new section 228RI(1)(a) authorises entry, without warrant or consent, into commercial passenger vehicles when the vehicle's operator or driver is present, as well as onto certain commercial passenger vehicle premises during operational hours. However, the power is limited to premises and times in which individuals have a limited expectation of privacy, and concerns premises and vehicles operated by persons who have elected to participate in the taxi industry. Importantly, the definition of commercial passenger vehicle premises expressly excludes residential premises.

Further, the purpose for which warrantless and non-consensual entry to premises may be made is limited to those set out in section 228RI(3) — that is, ascertaining whether a commercial passenger vehicle law has or is being complied with, including whether an offence has been committed against such a law and whether a civil penalty provision has been breached, but only in relation to:

commercial passenger vehicles and equipment ordinarily on or in a commercial passenger vehicle; and

payments made or due under driver agreements, or payments and charges for hiring a taxicab, but only where the officer believes it is necessary to do so to prevent concealment, loss or destruction of evidence.

New section 228RM gives the officer the powers necessary to search and inspect premises, vehicles or non-cash payment processing devices. I acknowledge that the powers are able to be exercised without any suspicion of an offence or of non-compliance. However, in my view these powers are necessary to ensure compliance with the regulatory scheme and to detect non-compliance. The powers are only exercisable for the purpose for which entry is effected.

The ability to enter and search any other premises, including residential premises, or conduct broader searches can only occur with the consent of the occupier or pursuant to a warrant. The procedure for entry with consent to premises is prescribed.

The bill also authorises the seizure of certain items and documents. Seizure may occur in accordance with a search warrant. New section 228RO extends that power of seizure to other things that are discovered during the course of a search that will afford evidence of an offence or breach of a civil penalty provision (that is, which could have been included in the warrant) and it is considered that it is necessary to seize the item to prevent its concealment, loss or destruction, or its use in the commission of further offences or breaches.

New sections 228RR and 228RS empower officers to seize, copy and examine various items, equipment and documents, which potentially contain personal information. However, the powers are directed at obtaining and preserving evidence of a relevant breach and are necessary for the detection and prosecution of breaches of the regulatory scheme. Also, seizure of an applicable device may only occur if it is not practicable to put information in documentary form nor to copy the information onto another disk, tape or storage device.

Again, these provisions are limited to ensuring compliance with the regulatory scheme and to detect non-compliance.

It is also important to note that division 4 of part 2 of the bill provides that the TSC is required under the bill to develop, maintain and review a monitoring, compliance and enforcement policy and to publish that policy. The TSC must consult with Victoria Police, the privacy commissioner, VicRoads and representatives of taxi industry participants when developing and reviewing the policy and persons involved in compliance, monitoring and enforcement activities must have regard to the policy when performing duties and exercising functions, so far as is reasonably practicable.

I consider that any interference with privacy occasioned by the entry, search and seizure provisions of the bill is neither arbitrary nor unlawful and, accordingly the provisions are compatible with the right to privacy in the charter act.

#### *Information-gathering powers*

Section 25(2) of the charter act provides for minimum guarantees in criminal proceedings. The right is engaged where the privilege against self-incrimination is abrogated.

Section 25(2)(k) protects the right to be free from self-incrimination. This means that a person charged with a criminal offence may not be compelled to testify against himself or herself or to confess to guilt. This is also an important element of the right to a fair hearing. At the investigation and pre-trial stage, this includes the right to remain silent. Evidence obtained compulsorily may offend this right.

A number of provisions of the bill require individuals to provide information and documents. Most significantly, new section 228RY empowers a TSC commissioner or taxi compliance officers to direct persons to provide a range of information or documents, for compliance and investigatory purposes. New section 228RZD expressly abrogates the privilege against self-incrimination in respect of a direction under new section 228RY, as well as any other directions under new division 4ABA.

However, the privilege against self-incrimination is protected by providing both a direct and indirect use immunity which ensures that neither the person's answer, nor evidence obtained as a consequence of that answer, can be used against that person in a criminal proceeding or in proceedings which might make a person liable to a penalty (such as civil penalty proceedings), other than a proceeding in respect of the provision of false information.

An exception to this is where the information or document that is obtained directly or indirectly as a consequence of the answer is information or a document that is required to be kept under the regulatory scheme, or is contained in such a document — that is, information or documents required to be kept and which, as a result, are discoverable in any event.

To the extent that the exceptions in section 228RZD limit the privilege against self-incrimination, I consider they are reasonable and justified.

Pre-existing documents (as opposed to oral testimony) and information required to be kept under a regulatory scheme are generally accorded less protection under the privilege against self-incrimination. They are documents that a person is required to produce and keep as a consequence of their election to participate in the regulatory scheme. Ensuring that they are made available for investigatory and regulatory

purposes, and ensuring they are able to be used in criminal proceedings and proceedings for a civil penalty, including against those required to keep them, is essential to achieving compliance with the regulatory scheme.

#### *Maintenance and publication of register*

Clause 35 of the bill inserts new subdivision 6A into part VI of the Transport (Compliance and Miscellaneous) Act 1983. The clause provides for a register of taxi industry participants. This authorises the inclusion and publication of personal information including name and business contact details. While this potentially interferes with an individual's privacy, there is the ability for a person to apply to the TSC to restrict public access to personal information (new section 169ZF), and to review decisions of the TSC (new section 169ZI).

#### *Price notification*

Part 3 of the bill contains provisions about the notification, publication and monitoring of taxi fares and hiring rates in regional and country zones. The provisions require notification and publication of fares and hiring rates.

These provisions may interfere with an individual's ability to carry on his or her business and related commercial enterprises, which could potentially limit an individual's freedom of expression (freedom of expression not solely applying to certain types of information or ideas or forms of expression). However, commercial expression is treated as of less importance than political or artistic expression, with restrictions on commercial expression generally subject to less scrutiny as commercial expression serves private, rather than public, interests. I consider that the provisions are compatible with the charter act rights.

#### *Presumption of innocence*

Section 24 of the charter act guarantees the right to a fair hearing in both criminal and civil proceedings. In addition, specific minimum guarantees in criminal proceedings are provided in section 25 of the charter act, including the right to be presumed innocent. This right can be affected where an accused, rather than the prosecution, bears a burden of proof in relation to a criminal offence.

New section 228RM(4) of the Transport (Compliance and Miscellaneous) Act 1983 provides for an offence of refusing or failing to comply with a direction under new section 228RM(1), namely to provide certain information, documents or things, unless the person has a reasonable excuse. The accused will bear the burden of adducing or pointing to evidence to establish a reasonable excuse. Once sufficient evidence is presented, the prosecution bears the burden of proving the absence of the reasonable excuse beyond reasonable doubt.

Similarly, new section 228RY(6) provides for an offence of refusing or failing to comply with a direction to provide certain information, documents or devices, unless the person has a reasonable excuse. Again, the accused will bear the burden of adducing or pointing to evidence to establish a reasonable excuse and, once presented, the prosecution bears the burden of proving the absence of such an excuse beyond reasonable doubt.

I consider that the imposition of an evidential burden on the accused with respect to establishing a reasonable excuse in

each case is reasonable and justified, and is therefore compatible with the right to be presumed innocent.

The reasonable excuse will be within the knowledge and control of the accused, and it will be relatively easy for the accused to present evidence of it. In contrast, the prosecution may not know what excuse the accused will assert, and given the array of potential excuses that could be advanced it would be difficult or even impossible for the prosecution to prove an accused had no reasonable excuse.

### Conclusion

The bill provides essential monitoring, compliance and investigative powers for Victoria's taxi and hire car industry, and contains other essential matters in respect of the regulatory scheme. The reform of the industry and its regulation has been recognised as necessary, not only for the benefit of consumers, but also in the interests of participants in the taxi industry generally.

For the reasons set out in this statement, I consider that the bill is compatible with the charter act. I consider that, to the extent that some provisions may limit charter act rights, the limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Terry Mulder, MP  
Minister for Public Transport

### *Second reading*

**Mr MULDER** (Minister for Public Transport) — I move:

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* in accordance with resolution of house:**

It is no secret that taxi services were not up to scratch in Victoria and that the industry has had significant problems.

The user satisfaction rate for taxis when the coalition government came to power was very low at 56 per cent and problems were evident throughout the industry.

This government wants the best taxi industry and the best taxi services in the country.

This aim and the problems we inherited explain why we moved decisively to comprehensively reform the industry to reverse the serious decline in services that started and took hold under the previous government.

This is a reform program that we are determined to complete in the interests of our local community and the interstate and overseas visitors who come here, no matter how tough things get.

This bill is a key part of our reform program.

It builds on the government's earlier initiatives and drives further important transformational improvements to taxi and hire car services across the state.

### **The taxi industry inquiry**

The house will recall that the government established the taxi industry inquiry in 2011 under Professor Allan Fels to review Victoria's taxi and hire car industry. The inquiry conducted the most thorough review of the sector in the state's history and consulted widely with the community, industry and other stakeholders for 18 months.

The inquiry released a draft report in May 2012 titled *Customers First — Service, Safety, Choice*, which contained extensive recommendations for reform. I tabled the final Fels inquiry report in the Legislative Assembly on 12 December 2012 and the government allowed further public consultation. After thorough review of the inquiry findings and public feedback, we announced the government's response on 28 May 2013.

### **The foundation reforms**

Members will recall that the government moved swiftly to commence the implementation of the reforms after that extensive consultation process. I introduced the first bill into the Legislative Assembly on the same day the government responded to the Fels inquiry. The Transport Legislation Amendment (Foundation Taxi and Hire Car Reforms) Act 2013 was passed by Parliament in late June 2013 after wide debate and is now on the statute books.

As the name suggests, the statute set the platform for foundation reforms which are helping to restore world-class taxi and hire car services in Victoria. These include service and customer-focused reforms which transform the supply, quality and affordability of services across the state, including by making major improvements to:

- taxi and hire car licensing and zoning;
- taxi fare setting;
- taxidriver engagement and payment;
- taxi non-cash surcharges;
- the industry regulator.

A number of these important reforms have already started or preparations for their commencement are well advanced.

One of the more visible reforms in this initial package was the major reduction in taxi credit card surcharges which the government brought forward as a priority. The house will recall that the Foundation Reforms Act cut the previous 10 per cent surcharge set by industry by a full 5 per cent on 1 February this year. I note that the surcharge may fall even more after a future review by the Essential Services Commission.

I am pleased with the industry's response to this important reform. The surcharge is now the lowest in Australia, and its reduction has led to substantial hip pocket savings for many taxi users. Like many of the government's reforms, the measure has attracted national attention and has set a lead that is likely to be followed soon by other states and territories in coming months.

**The reforms in this bill**

The new bill before the house includes further significant reforms which continue our transformation of taxi and hire car services across Victoria.

*Price notification*

The taxi industry inquiry recommended replacing government regulation of taxi fares in regional and country zones with a price notification scheme.

This measure is tied to another key reform which gives taxidrivers at least 55 per cent of the fare revenue they generate. Giving country and regional operators the freedom to set their own taxi fares means that these operators can ensure that their fares reflect the increase to driver payments and enable them to remain operating. The scheme also allows operators to compete more effectively with each other for local business.

The price notification scheme allows operators in those areas to set their own fares by notifying the Taxi Services Commission which must then publish the fares. Taxi operators must inform customers about the fares in accordance with methods set in regulations. The regulations will be made soon after this bill is passed, after appropriate consultation with industry and the community.

I note that the government has ensured that the bill gives the Essential Services Commission a watchdog role over the operation of this important reform. The ESC will monitor prices, costs and returns on assets in the taxi industry in the country and regional zones, particularly in the early stages of the reform. It will work closely and cooperatively with the TSC and keep consumers informed about the economic performance of the industry. As part of that role, the ESC will keep a close watch out for potential misuses of market power. It will also prepare an annual report on its activities and issue special reports if needed.

*Red-tape reduction*

The Fels inquiry made many observations about the significant problems with the current regulatory regime for taxis. It was particularly critical about the excessive red tape which holds the taxi industry back from improving its performance for the benefit of the community.

For example, the final report observed that 'one of the core findings by the inquiry was that the existing regulatory regime governing taxis and hire cars in Victoria is overly complex and prescriptive'.

The government agrees with that observation. Overregulation has held the industry back for years. We are determined to release the industry to compete, innovate and evolve by reducing as much unnecessary red tape and regulation as possible.

*Reducing the burden of taxi industry accreditation*

Accreditation is a key area where red tape must be reduced urgently.

Accreditation requirements introduced by the previous government in the mid 2000s created heavy red-tape and cost burdens on the taxi industry. Paradoxically, these

requirements did nothing to help improve taxi services as they are a largely unnecessary layer of regulation.

It is clear that this type of red tape must be reduced if the taxi sector is to improve. Accordingly, the bill implements a number of key inquiry recommendations by:

repealing taxi licence holder accreditation requirements while retaining the requirement for licence-holders to maintain up-to-date name and contact details;

repealing unnecessary and onerous taxi operator accreditation requirements supported by complementary changes to subordinate instruments;

enabling accreditation burdens on taxi network service providers to be reduced by adjusting subordinate instruments; and

enabling taxi network affiliation requirements to be removed once details of subordinate instruments changes are resolved.

The remaining recommendations of the inquiry will be implemented through the future Taxi and Hire Car Reform Bill I have signalled previously and which is being developed.

This current bill introduces changes recommended by the inquiry for taxi operators and network service providers. The operators and networks will be subject in future to permit and authorisation processes which involve even less regulation and red tape and which will be far more effective than what applies currently.

*Abolition of mandatory affiliation*

A further reform connected with industry accreditation relates to statutory provisions put in place by the previous government which support so called mandatory affiliation.

The removal of this requirement, both statutory and administrative, for taxi operators to affiliate with network service providers was a key taxi industry inquiry recommendation. Again, this step will free taxi operators from unnecessary regulation, promote greater industry competition and reduce costs for operators.

The inquiry set out strong evidence that existing network service providers benefit greatly from the market power provided by the existing mandatory affiliation requirement. The providers have capitalised on the requirement by offering procurement, financing and vehicle services which bind taxi operators to particular networks and which impede competition and innovation.

As a result, a large proportion of taxi operators are effectively tied to particular networks in the short to medium term. It will therefore take several years for the benefits of removing mandatory affiliation to become evident. For this reason, early action is essential to enable this reform to start taking effect as soon as possible.

*Improving the regulator's powers*

The TSC is conferred with a range of coercive powers under existing legislation. However, the taxi industry inquiry found that these powers are not sufficient. It called for an improved set to be developed so that the regulator was better equipped to monitor and compel industry compliance.

This work is complex and detailed. The bill contains a new interim suite of powers which improves the TSC's entry, search and seizure powers. I note that these powers are largely drawn from powers which are available to other transport regulators.

A final range of powers and sanctions is being developed and will be contained in the forthcoming Taxi and Hire Care Reform Bill along with the remaining reforms to be delivered from the inquiry process.

These interim compliance and enforcement powers are important. They provide the tools to the TSC to help it improve its performance as an industry regulator which is effective enough to deal with all levels of the taxi and hire car industry, from the road to the boardroom, and help drive an improved industry and improved services.

#### *Other matters*

Finally, the bill makes other important changes arising from the recommendations of the inquiry to further improve taxi and hire car services and related matters.

These include tightening probity checks for taxi and other commercial passenger vehicle drivers by introducing a more traditional and stringent fit and proper person test as a more fail-safe suitability test in response to reform calls from the inquiry.

The new test will operate in conjunction with the existing disqualifying offences scheme. It will be administered in a way that better ensures that drivers are permitted to be accredited only if they meet proper community suitability standards.

In addition, the bill includes amendments included as a result of industry feedback which will assist competition. The amendments give the TSC power in specific circumstances to allow taxis licensed to operate in particular zones to accept pre-booked work in other zones.

Other matters in the bill include:

providing for taxi zones to overlap at Avalon Airport to increase the availability of cabs at the airport and to minimise 'dead running' where taxis are forced to return empty to other zones;

establishing a public register of taxi industry participants in the interests of transparency;

procedural improvements which assist the resolution of disputes by the TSC, the small business commissioner and VCAT about matters concerning taxidriver remuneration and conditions;

a mechanism to avoid potential inconsistencies in regulatory requirements including in respect of taxis and buses where vehicle types and related requirements may overlap;

direct amendments to the Transport (Compliance and Miscellaneous) Act to provide a secure statutory foundation for reducing wheelchair-accessible taxi licence fees for greater Melbourne taxi licence release licences;

some small technical adjustments to confirm and clarify the broad coverage and operation of taxi non-cash surcharge control provisions.

The opportunity has also been taken in the bill to make some minor, miscellaneous and machinery changes to other areas of transport regulation, including in relation to the Public Transport Fund and the National Heavy Vehicle Regulator.

The bill is complex in parts. Accordingly, detailed information about its provisions is set out in the explanatory memorandum for the benefit of members.

#### **Conclusion**

This bill is critical.

It is another important and timely step in the process of restoring first-class taxi and hire car services in Victoria following the most thorough inquiry into the industry in the state's history.

The bill builds on and continues the government's reform agenda, and it will increase competition and efficiency.

Most importantly, it helps to significantly improve on-the-ground taxi and hire services in the interests of all Victorians and the tourists who visit our great state.

For the good of the community, this bill deserves the support of every member of this Parliament.

I commend the bill to the house.

**Debate adjourned on motion of Mr NOONAN (Williamstown).**

**Debate adjourned until Thursday, 27 March.**

## **CORRECTIONS AMENDMENT (PAROLE) BILL 2014**

### *Statement of compatibility*

**Mr WELLS (Minister for Police and Emergency Services) 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 Corrections Amendment (Parole) Bill 2014.

In my opinion, the Corrections Amendment (Parole) Bill 2014 (the bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will amend the Corrections Act 1986 to limit the circumstances in which the adult parole board may order the release on parole of Julian Knight, a prisoner sentenced in 1988 to seven life sentences with a non-parole period of 27 years. Mr Knight pleaded guilty to 7 counts of murder and 46 counts of attempted murder arising from his indiscriminate

shooting which killed or injured 26 people in Hoddle Street. His offending was described by the sentencing judge in the Supreme Court as 'one of the worst massacres in Australian history'.

Under the bill, the adult parole board can only make an order for the release on parole of the prisoner, Julian Knight, if:

an application for parole is made to the board by or on behalf of the prisoner;

the board is satisfied, on the basis of a report prepared by the Secretary to the Department of Justice, that:

- (a) the prisoner is in imminent danger of dying, or is seriously incapacitated, and as a result he no longer has the physical ability to do harm to any person; and
- (b) the prisoner has demonstrated that he does not pose a risk to the community; and

the board is further satisfied that, because of matters (a) and (b) above, the making of the order is justified.

#### **Charter rights that are potentially relevant to the bill**

##### *Section 21 — Right to liberty*

Section 21(1) of the charter act provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds and in accordance with procedures established by law.

It is well established that the right to liberty of the person in section 21(1) is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The liberty of Julian Knight has been limited by a court's sentence of imprisonment. The bill does not increase that limitation caused by the court's sentence.

This bill does not alter the head sentences of imprisonment imposed by the Supreme Court under which Julian Knight is detained. It alters the conditions on which the adult parole board may order his release on parole during the currency of the sentence and after the expiration of a non-parole period. The bill does not require the cancellation of parole for Julian Knight if it is granted.

A prisoner has no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole throughout their sentence. In *Crump v. New South Wales* (2012) 286 ALR 658 at 670, French CJ stated that: 'The power of the executive government of a state to order a prisoner's release on licence or parole or in the exercise of the prerogative may be broadened or constrained or even abolished by the legislature of the state'.

The changes to the parole scheme effected by this bill do not change the position that Julian Knight has been deprived of his liberty and lawfully detained for the duration of the head sentences imposed by the Supreme Court after conviction of serious offences in a fair hearing. In those circumstances, in my view, the bill does not limit the rights in section 21 of the charter.

##### *Section 12 — Freedom of movement*

The right to freedom of movement is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence. This bill does not add to that limitation arising from the sentence.

##### *Section 8(3) — Equality before the law*

Section 8(3) provides that every person is equal before the law and is entitled to equal and effective protection against discrimination.

Discrimination under the charter act is limited to discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act 2010, such as age, disability or sex. The bill does not give rise to any discrimination based on a relevant attribute and hence does not limit the right in section 8(3) of the charter act to equal protection of the law without discrimination.

It is not clear whether the statement in section 8(3) that every person is equal before the law is a separate right which is not limited by the concept of discrimination based on an attribute. If it is, then I consider that the right is limited in relation to Julian Knight because the bill makes unique provision for him alone. I consider that the limitation on any such right is reasonable and justified because of the egregious circumstances of Julian Knight's 7 murders and 46 attempted murders and because he continues to represent a danger to the community (as the adult parole board found in July 2012, some 25 years after the shootings). That Mr Knight still presents a danger to the community so long after such serious offending means he should not be released on parole while physically capable of doing harm and this justifies the imposition on him of special restrictive conditions for the granting of parole.

##### *Section 10 — Cruel, inhuman and degrading punishment*

In *Vinter and Others v. UK* (9 July 2013), the European Court of Human Rights held that a whole-of-life prison sentence with no non-parole period was incompatible with the right to be free of 'inhuman or degrading treatment or punishment' (under article 3 of the European Convention on Human Rights) unless there was both a prospect of release and a possibility of review of the continued detention. The court considered that the possibility of release if a prisoner was terminally ill or physically incapacitated and other criteria were met was not sufficient to comply with article 3. The decision has been strongly criticised by the UK government and others.

Section 10(b) of the charter provides that a person must not be treated or punished in a cruel, inhuman or degrading way. In my opinion, section 10(b) of the charter does not apply to life sentences with no non-parole period in the way the European Court held that article 3 applied in *Vinter's* case. In *DPP v. Hunter* [2013] VSC 440, the Supreme Court imposed a life sentence with no non-parole period after considering *Vinter's* case and the charter act. That sentence was upheld by the Court of Appeal (*Hunter v. The Queen* [2013] VSCA 385). It follows that the application in *Vinter's* case of article 3 to whole-of-life sentences with no prospect of parole has not been followed in relation to the charter act section 10(b) by the Supreme Court of Victoria. Accordingly, I consider that the bill's imposition of restrictive conditions on

the making of a parole order in relation to Julian Knight does not limit the right in section 10(b). If a sentence of life imprisonment with no possibility of parole is not cruel and inhuman punishment in Victorian law, a sentence of life imprisonment with a limited possibility of parole under statutory conditions cannot be cruel and unusual punishment.

I therefore conclude that the bill is compatible with the rights set out in the charter act.

I note that it is possible that a court may take a different view than I have as to whether the bill is incompatible with charter act rights. In this exceptional case, the charter act will be overridden because of the need to ensure that the life sentences imposed by the Supreme Court for these egregious crimes are fully or almost fully served and to protect the community from the ongoing and real risk of serious harm presented by Julian Knight. The bill will provide that the charter act does not apply to the special conditions in the bill for making a parole order for Julian Knight.

The Hon. Kim Wells, MP  
Minister for Police and Emergency Services

*Second reading*

**Mr WELLS** (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The Corrections Amendment (Parole) Bill 2014 implements a key commitment of the Victorian coalition government in relation to community safety — to make certain the government's commitment to protect the community from Julian Knight by keeping him in jail until he can pose no threat to the community.

The bill changes the preconditions for Julian Knight's eligibility for parole in Victoria to have the effect of preventing Julian Knight from being released on parole unless the parole board is satisfied that he is in imminent danger of death or seriously incapacitated and as a result that he lacks the capacity to harm another.

Changes the Victorian coalition government has made to the adult parole system in Victoria already make it the toughest in Australia. We have passed legislation so that serious sex and violent offenders who have committed further such crimes are subject to automatic cancellation of their parole. We have passed legislation making it a criminal offence to breach parole, with a possible jail term to be served on top of any other time owing. We have legislated to enshrine the principle that parole is a privilege not a right and that community safety must be the paramount consideration of the adult parole board in determining whether to grant parole. We continue to implement the recommendations of former High Court judge Mr Ian Callinan, AC,

following his comprehensive review of Victoria's parole system last year.

The changes made by the coalition government have toughened and improved the Victorian parole system and help to make Victoria a safer place.

This bill builds on the coalition government's achievements by protecting the Victorian community from Julian Knight forever.

Julian Knight committed one of the most heinous crimes in the history of Victoria. Victorians can rightly expect that the government will do whatever we can to ensure Julian Knight is never released until he can do no harm, and with this bill, this government is delivering on that commitment.

On 10 November 1988 Julian Knight was sentenced to life imprisonment, with a non-parole period of 27 years. That non-parole period is due to expire later this year. This bill means that Julian Knight will never be released except in very restrictive circumstances, essentially mirroring preconditions contained in New South Wales legislation upheld by the High Court in the decision of *Crump v. New South Wales* (2012) 247 CLR 1. The effect of these provisions are that Julian Knight will die in jail, or will be in such a condition on release that he will be a threat to no-one.

These preconditions are that: the adult parole board must be satisfied on the basis of a report prepared by the Secretary of the Department of Justice that he is in imminent danger of dying, or is seriously incapacitated, and as a result no longer has the physical ability to do harm to any person; and that he has demonstrated that he does not pose a risk to the community; and the adult parole board is further satisfied that, because of those circumstances, the making of the order is justified.

By essentially mirroring the preconditions contained in the New South Wales legislation we are seeking to ensure the constitutional validity of the bill. These provisions change the preconditions on which the adult parole board must be satisfied before it can grant parole to Julian Knight. These same preconditions have been upheld by the High Court in the Crump case.

The bill also includes a provision making it clear that the Charter of Human Rights and Responsibilities Act 2006 does not apply to the new section 74AA, and that this override provision does not need to be re-enacted every five years. Although the government considers that the bill is compatible with the charter act, it is possible that a court may take a different view. In this exceptional case, the charter act is being overridden and its application excluded to ensure that the life sentences

imposed by the Supreme Court for these egregious crimes are fully or almost fully served and to protect the community from the ongoing risk of serious harm presented by Julian Knight. To provide legal certainty and to avoid a court giving the bill an interpretation based on charter act rights which does not achieve the government's intention, the bill provides that the charter act does not apply to the new section 74AA which sets conditions for any parole order for Julian Knight. This provision is intended to serve as the override declaration envisaged by section 31(1) of the charter act but goes further to make clear that the charter act does not apply to section 74AA at all and that the override and non-application of the charter act do not expire after five years under section 31(7) of the charter act.

With this bill the Victorian community can be certain that they are protected forever from the possibility that Julian Knight will one day be free to commit another atrocity.

I commend the bill to the house.

**Debate adjourned on motion of Ms NEVILLE (Bellarine).**

**Debate adjourned until Thursday, 20 March.**

## ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014

*Second reading*

**Debate resumed from 6 February; motion of Mr R. SMITH (Minister for Environment and Climate Change).**

Ms NEVILLE (Bellarine) — I rise to speak on the Environment Protection and Sustainability Victoria Amendment Bill 2014. I must say that every time there is an environment bill before this house Victorians ask, 'What is the next backward step that this government and minister are going to take in regard to the environment?'. Much of this bill — not all, but much — represents no exception to that concern. There are a couple of changes in the bill that we are supporting, but the other changes are definitely backward steps when it comes to the environment, and overall we cannot support the bill. I will touch on those areas we support, but I will also touch on those areas we have very significant concerns about.

Although the bill and second-reading speech are very much focused on some of the waste management arrangements in Victoria, there is also a big change that

is being made in the bill in relation to the environment and resource efficiency plans (EREPs) program that was established quite a number of years ago. I make it clear that Labor is opposing the removal of these plans. These EREPs, as they are known, were applied to 250 businesses that were the largest users in Victoria of energy and water. The program required companies to implement energy and water savings that had payback periods of less than three years.

The program itself was reviewed by the Environment Protection Authority Victoria (EPA), and the government's own report demonstrated it had achieved savings of at least \$90 million each year for those businesses. The cost savings have been achieved through the use of less energy and water, the production of less solid waste and lower liabilities under the carbon tax. Around three-quarters of the savings were being achieved in the manufacturing sector, and at no other time than now has it been more important for government to work with Victorian manufacturing industries and help them achieve reductions in costs to try to assist them to stay here. In fact one of the big recipients of savings as a result of this program was SPC Ardmona; it received quite a lot of assistance through this program. Overall the food manufacturing sector saved around \$21 million through the program. These are not figures I am making up; this is from the government's own report.

The EPA found that even where relevant measures were cost-effective, these were often not implemented without a government program. In terms of the argument that the options are available to industry to continue to use, the report found that often businesses will not achieve the savings without a government program to support them. The program has played a significant role in assisting particularly our manufacturers in bringing down their costs quite significantly. As I said, the estimate of savings was put at around \$90 million a year, and there was the view that that very likely could increase to around \$145 million the year.

The government is claiming a couple of things about these EREPs. Firstly, it is claiming that getting rid of them will result in a red tape saving of \$3.5 million to \$4.7 million over 22 months. It is great to reduce red tape, but compared to the savings being achieved by the businesses that utilise this program, that red tape saving is miniscule; it is tiny. In terms of the savings to those industries we are talking about from the EREPs, the savings for the food manufacturing industry alone was about \$21 million, compared to which over a 22-month period all of the organisations that were part of the

EREPs program together may have a red tape saving of around \$3.5 million.

It does not seem to make much sense that we are removing what has clearly been, and what the government's own report has said, is a very successful program. The other claim the minister made at the time was, 'We are going to remove these because we no longer need them because of the carbon tax', and that the carbon tax was going to be a tool with which businesses would have the incentive to reduce their energy, water use and costs et cetera, and that there were other, federal, programs like the energy efficiency programs that would mean this was duplicated. I am not sure if the minister has noted this, but it appears that at some point, probably this year, the carbon tax will no longer be with us — so if that was the incentive to assist these businesses to reduce their costs, that will not be there — and the energy efficiency programs the minister has referred to will also be abolished sometime this year.

We have a great program that has worked. The minister is talking about small, red tape savings out of this. Businesses will lose the opportunity to make real savings for their businesses, the justification for which is based on the carbon price. It is clear that the minister and this government are a bit suspect when it comes to the issue of whether climate change is real. That is probably what is partly driving the ideology behind getting rid of the EREPs program. In fact, very concerningly, this was backed up recently when the environment commissioner, Kate Auty, resigned before her term was up. One of the issues she had in relation to the government was that there was a lack of leadership in relation to climate change. According to her it got to the point where public servants were being told that they could not use the words 'climate change' and had to use the words 'climate variability'.

There is quite a big difference between those terms. What 'climate variability' really means is, 'Climate has changed, but we do not think that in any way man has contributed to changing the climate, nor should we have to take any action'. We have seen that through what was perhaps one of the worst adaptation plans that any state government has produced when it comes to climate change. This is just another example of this government saying, 'Climate change is not real. We do not believe we have any leadership role to play. However, we will use the carbon tax, which we always opposed, to justify getting rid of successful programs that made a real difference to businesses and certainly made a big difference to manufacturing'.

Coming from a community where we are seeing our most significant employers leaving in droves, the impact of which we are about to see, I am particularly disturbed to see what impact the removal of these EREPs will have on other manufacturing businesses in my community, let alone right across Victoria.

I move on to the other focus of the bill, which relates to waste services and the landfill levy. Putting it into context, as the minister mentioned in the second-reading speech, a ministerial advisory committee produced a report called *Getting Full Value — The Victorian Waste and Resource Recovery Policy*. That report was handed to the minister nearly 12 months ago, so this has taken a little while. That is not unusual; we seem to find that a lot with the minister. Why it has taken a while to get to this point might become evident later. In the bill we see there has been some fiddling with the landfill levy, which I will talk about shortly. Maybe the minister needed a little bit of time to get that fiddling right.

One of the recommendations of the ministerial advisory committee was for the amalgamation of 12 regional waste and resource recovery services down to 6. We are strongly supportive of this change and some of the changes that happened previously in metropolitan Melbourne. The changes provide some real opportunities for better governance, improved ways of managing our waste and a consolidation of good practice. As I said, the opposition is strongly supportive of those amalgamations. However, a couple of concerns have been raised with me as the shadow minister. They have come particularly from our three large regional centres of Geelong, Bendigo and Ballarat.

It is probably obvious that by far the largest producers of waste in the regions where Geelong, Ballarat and Bendigo sit would be those regional cities. There is a massive difference between the waste that is produced and managed in those regional cities and that produced in some of the smaller rural areas of those regions. Unfortunately with the way the new boards are being structured there is no guarantee that those regional cities will be represented on the boards. Those cities are very concerned about this, given the pressure on them to manage waste — and the amount of waste.

The ideas behind the landfill levy have always been about how to drive down the production of waste and how to develop new options and ideas for recycling and for waste reduction. Obviously these are the three regional cities that have most at stake in that sense, yet they may not be represented on the boards. They are very concerned about that. I raised that in the briefing I received, and I know the three cities have also raised

this with the minister's office. There could have been a small change to the legislation to ensure that the voices of those three regional cities were taken into account, but unfortunately the minister's office is not willing to make that amendment.

In addition to the fact they are not guaranteed a place on the board, the other issue is that the three regional cities have also been told by the minister's office that the main organisational structure for those boards will be based not in the regional cities but at the other end of the regions. Again, if these bodies are about trying to achieve better governance and ensure that there is good practice and better ways of managing waste, they absolutely need to have the three regional cities as part of them. Certainly it is the view of the three regional cities that the main organisation should be based in their region. As I said, these changes have the potential to be very positive; however, not guaranteeing our regional cities a place in that governance structure I believe — and they also believe — will undermine some of the positive outcomes that could be achieved.

The bill also makes changes to the landfill levy. As I am sure most members are aware, this is one of the few hypothecated funds that exist within government. The Treasurer, who is at the table, probably does not like that — Treasurers tend not to like hypothecated funds. I am sure that when this one was introduced there was a similar debate from the then Labor Treasurer and the Department of Treasury and Finance. As it is, we have a hypothecated fund.

**Mr O'Brien** interjected.

**Ms NEVILLE** — That is right. The Treasurer has lost at that point. We have a hypothecated fund. With this bill the government has announced that the landfill levy will be indexed, which we support, and that that indexation will take effect in the 2015–16 financial year. Certainly the government has heaped a fair bit of praise on itself for indexing the landfill levy, but I want to remind the house that in fact the first bill — or perhaps it was the second — the Minister for Environment and Climate Change brought in increased the landfill levy quite substantially from what had been previously proposed. This commenced in 2011–12, and just to give members an idea of how much it has increased, in 2011–12 the landfill levy raised about \$44 million from metropolitan areas, in 2012–13 it was \$48.4 million and in 2013–14 it is \$53.2 million, and this is just for municipal waste, not industrial — you can double it for industrial. In the coming budget for the 2014–15 financial year it will go up to \$58.5 million. These are substantial increases.

Rural areas have experienced similar increases. In 2011–12 the landfill levy raised \$22 million, and in this next financial year it will be almost \$30 million. That is in the municipal waste area. These increases are obviously a cost to consumers and ratepayers. Ratepayers are covering the cost. They will see from their rates bill every year that it continues to increase. It is great that the levy has been indexed, but the government cannot hide the fact that it has caused a lot of pain to councils and ratepayers and will continue to do so in the next financial year. Despite the government's promise when in opposition to reduce cost of living pressures, straight off it imposed this huge impact on ratepayers. However, as I said, we welcome the introduction of indexation, which will kick in in the 2016–17 financial year.

We have a number of concerns in relation to the other components of the landfill levy. There is information on the Environment Protection Authority Victoria (EPA) website about how the landfill levies are paid out. Just to be clear, the levies are paid into the Environment Protection Fund and the money is distributed in accordance with the Environment Protection (Distribution of Landfill Levy) Regulations 2010. The funds are shared between regional waste management groups, Sustainability Victoria and the EPA. Those regulations are pretty clear about how these funds are to be distributed. In fact I had a look at some other states, and they are even more prescriptive than Victoria. People in other states know that the levy money is going back into programs that achieve what the landfill levy set out to do, which is to promote new technologies, new ways of dealing with waste, waste reduction methods, improvements in recycling and all of that. The other states have very specific guidelines; people know where the money is going.

This bill in fact makes even less specific how these funds will be spent in Victoria. I can tell members that if they spend any time speaking to stakeholders in the waste industry — from recyclers and industrial waste industries through to councils — they will hear that there is already a lot of concern about how the landfill levy is currently being spent. It is the view of most in the industry that the landfill levy is not being used for its specified purposes. At least on one level we currently have some level of transparency. We have regulations, and as members know, Parliament can look at regulations and disallow them where appropriate. There is a level of transparency, and there is an opportunity for the community, for the stakeholders and for the Parliament to oversight and have a say about what is, as I said, a very rare sort of hypothecated fund which has specific purposes.

This bill says that we are not doing that anymore; we are not going to put the distribution of these funds into regulations. We are going to remove that requirement, and basically the expenditure and the decisions about the expenditure of this fund will rest solely with the minister and the Premier. There were some recommendations regarding the levy made by the ministerial advisory committee, but this was not one of them. The committee did not mention this. This is a decision that the minister, the Premier and maybe the Treasurer had some input into.

It is a little bit of a slush fund now — although it is not that little. Some of the figures I read out confirm that we are talking about quite a lot of money that goes into this fund each year. That money is now going to be spent at the discretion of the minister and Premier and will not be available for the community, councils or the stakeholders of this Parliament to have a say about. As I said, to me it seems that this is about creating a slush fund with no scrutiny perhaps to prop up other parts of the environment budget or other parts of government. In the end what will be undermined is the main purpose of the levy, which is to see reductions in waste and landfill developments.

As members of Parliament we all know that no-one wants to live next to a landfill site. Ultimately as we grow and produce more waste as a community, we have to manage waste better; we have to reduce it, and we have to look at new ways of recycling and new technologies for better recycling. That is part of the purpose of this landfill levy. Now there are serious concerns about whether the landfill levy will actually achieve any of this and whether it will go back to where it is supposed to go.

If you look at what happens in the other states, particularly New South Wales and South Australia, you see that they are very specific — as they should be — about where their landfill levy is going, and I think Victorians deserve nothing less than that. Ratepayers and our industrial waste bodies deserve nothing less than to know and have a say about how and where these landfill levies they are paying are being utilised. This is a major step back. The reason it was in our regulations in the first place was that it was such a rare thing to have a hypothecated fund, and people were concerned that it was going to go into consolidated revenue rather than being used for the purposes for which it was collected. That is an area in which we strongly opposed the amendment that is contained in the bill, and with that, combined with the EREPs changes, it was our view that despite the other positives in the bill around the amalgamation of the waste bodies, such as the new boards and some other red-tape

changes, those other changes are so significant that we cannot support the overall bill.

I just mentioned the red-tape changes. As I said, we do not oppose these changes; we support them. For example, some of the changes include giving the EPA the power to grant works approval exemptions where there are no adverse environmental impacts and allowing waste transport permits to be issued for up to five years. However, given that there are a whole range of other reporting mechanisms that already exist, this was a duplication. Nevertheless some of these changes are sensible and will assist businesses that at the moment are required to complete those sorts of permits and annual returns.

Early in my contribution I mentioned that this bill is no exception in relation to taking Victoria backwards even further when it comes to the environment. Year after year we have seen significant changes being made to Victoria's environmental laws and protections. Really, for the first time in decades, we have seen Victoria going backwards rather than taking steps forward. All Victorian governments before this one took positive steps forward in relation to environmental protection.

As I mentioned before, in addition to this silliness from the coalition around climate change and calling it climate variability, there are questions about whether we are going to have a renewable energy target. We have the government that is walking away from programs that are actually not only positive for the environment but also assist businesses through the EREPs. We also have a government that, in cahoots with the federal government, is introducing cattle back into the Alpine National Park, despite the Minister for Environment and Climate Change having previously lost the case in the Federal Court. Apparently the cows are 'mobile fuel-reduction units', and apparently our national parks are now cow paddocks. We are now seeing private development in our national parks, with large hotels being built in them. For the first time, people will have to pay fees for camping in remote areas where there are no services — —

**The DEPUTY SPEAKER** — Order! I remind the member for Bellarine that while lead speakers are given some latitude, I think she is pushing the boundaries. I invite her to return to the bill.

**Ms NEVILLE** — I thank the Deputy Speaker for that guidance. I was talking about how many backward steps this government has taken, but the list is so long because it grows each time I speak on environment bills and I have to keep adding to it. I could go on for a while, so I will move on.

One of the other concerns that I raised in relation to this bill concerns changes to the landfill levy arrangements, and even the EREPs and their further impact on the EPA. As I said before, under the current landfill levy regulations the EPA receives some of the levy funds in relation to waste-monitoring arrangements. The bill will provide the Premier and the minister with sole discretion, and this will decrease the EPA's ability to fulfil its functions. In fact we saw recently in Morwell a couple of very hardworking EPA officers in Morwell did not have the resources to be able to provide — —

**The DEPUTY SPEAKER** — Order! I remind the member that while I give lead speakers latitude, the member is starting to range widely. She should confine her comments to the bill at hand.

**Ms NEVILLE** — On a point of order, Deputy Speaker, this bill is about removing funding that goes to the EPA. The issue of funding to the EPA is quite central to the bill.

**The DEPUTY SPEAKER** — Order! That is still straying, and I advise the member to come back to the bill.

**Ms NEVILLE** — This bill will impact on the resources available to the EPA and its ability to fulfil its functions under the legislation. The current regulations are very clear about the distribution of the landfill levy, which includes a distribution to the EPA and its resourcing, and without the resources it cannot fulfil its functions, which include monitoring landfills for safety, smells, dust and all of those issues.

**Mr Noonan** — Odour.

**Ms NEVILLE** — And odour — all of those things that impact on people's quality of life and in some cases can impact on their health. EPA workers do a fantastic job. They are already underresourced. There were significant cuts to the EPA in the last state budget and the one before, and this will make their job even harder.

The opposition strongly supports the principle of the new governance model and regional waste and resource recovery services being amalgamated down to six. However, we really encourage the minister to have further discussions with the Geelong, Bendigo and Ballarat councils to ensure that they have a guaranteed position on the board.

**Mr O'Brien** interjected.

**The DEPUTY SPEAKER** — Order! The minister will behave.

**Ms NEVILLE** — Let us just be clear about this. As I understand, the City of Greater Geelong — the council — —

**The DEPUTY SPEAKER** — Order! The member for Bellarine knows it is out of order to respond to interjections.

**Ms NEVILLE** — I am just clarifying my mention of Geelong. The City of Greater Geelong, as a whole, has expressed its concern about not being on the board, and I encourage the minister to reconsider for the three regional — —

**Mr R. Smith** — They are all Labor candidates.

**The DEPUTY SPEAKER** — Order! The minister is out of order.

**Ms NEVILLE** — The minister can take Geelong, Ballarat and Bendigo for granted, but this is a significant issue.

**Mr R. Smith** interjected.

**The DEPUTY SPEAKER** — Order! I warn the Minister for Environment and Climate Change.

**Ms NEVILLE** — Despite this, we do support it and the indexation — finally — which comes after the cash grab that the government has had out of the hypothecated landfill levy arrangements over the last three years and the one to come. However, we are strongly opposed to the removal of environment and resource efficiency plans. We believe these have played and could continue to play a very important role in achieving cost savings, particularly for our manufacturing industry. We are very strongly opposed to landfill levy distribution arrangements being removed from regulations and the money generated being used as a slush fund for the minister and Premier.

**Mr BATTIN** (Gembrook) — It gives me great pleasure to rise to support the Environment Protection and Sustainability Victoria Amendment Bill 2014. While we had a very interesting contribution from the shadow Minister for Environment and Climate Change, we have also had three and a half years so far of her in the role of shadow minister, and to date we have not seen any ideas or policies come from that side in relation to the environment, other than the shortening of the word 'environment' to 'enviroment' by removing 'n' in the letterhead that she released, which was a bit disappointing.

What we will talk about today is the issue raised by those opposite in relation to council support for people

who are going to be on the boards, and the previous speaker raised the councils of Ballarat, Bendigo and Geelong. I have been with the minister when he has met with members of those three councils, and after his meetings the opinion was that the council representatives left feeling quite content with the position of the government put forward at the time. The one complaint that came through was from Cr Andy Richards. However, it must be noted that this complaint came from a person who is not standing up and representing his council or constituents but is standing up on behalf of the Labor Party with his strings being pulled by the puppet masters on that side. He is actually a candidate who will be running in the upcoming state election against the member for South Barwon. His complaint had nothing to do with anything that was brought up in that particular discussion; it was solely about his being a puppet and having his strings pulled by those on the other side. It is something we see quite often from those on the other side, where there are the puppet masters — men and women behind the scenes — pulling the strings.

The other issue brought up by the member opposite related to discontinuation of the environment and resource efficiency plans — EREPs — program. This program has been running for a while, and a decision was made back in February 2013 for this program to be discontinued. It is important that those opposite do a bit more research on why the decision was made to withdraw the program. It was a decision made while there was talk about the rationalisation and removal of duplicate programs, and the decision originally came from the then federal minister Greg Combet.

**Ms Neville** interjected.

**Mr BATTIN** — That kind of language is rarely appropriate in Parliament. Congratulations to the shadow minister on that language. It is absolutely appalling. What a disgrace she is.

**The DEPUTY SPEAKER** — Order! The member for Gembrook knows it is unparliamentary to respond to interjections, and the member for Bellarine knows that she should not interject.

**Mr BATTIN** — Or swear in Parliament, but we will put that one aside as well. The removal of the EREPs program was in relation to support from Greg Combet, who came out and talked about rationalisation and the changes that the federal government would need to put through in order to support that at the time. What I will put on the record is that since coming to government in 2010 the Minister for Environment and Climate Change has worked within his department to make changes to

the form of red-tape reduction, improvements to the environment and to better working with our local community groups. He has also facilitated the climate change and adaptation programs and some fantastic partnership programs. That is something we should stand by.

The partnership programs are about getting out there and working with community groups, councils and government to ensure that we have not just a whole-of-government delivery but also a whole-of-community delivery. This bill puts in place a lot of those programs. We are working with our community groups to ensure that they have a say in what happens with the environment going forward.

Although the program in this bill is directly related to landfill, the partnerships program we have going forward is something I know the minister is very keen to continue while working within our local community groups. It is something that gives us as members of Parliament the opportunity to interact with, find out about and listen to what our community members want in relation to the environment. There are many areas in the Gembrook electorate that are very relevant to the environment portfolio. We are continually supporting and working with community groups up there in relation to environment programs, such as for the protection of the helmeted honeyeater and working with other groups. Bringing together a group to protect the Leadbeater's possum is one of the biggest changes we have had.

I will provide a quick summary of the bill. The bill amends the Environment Protection Act 1970 and the Sustainability Victoria Act 2005 to facilitate the implementation of several government decisions. These are government decisions about which there has been widespread consultation. I know the minister has ministerial advisory committees. They have the opportunity to go out to speak to the community, not just in Melbourne but also in regional towns. They go out to the regional councils as well. They get the information, feed it back and make recommendations to the minister's office.

As I said before in relation to this, three of those councils raised concerns at the time. The minister did not just ignore them, like the opposition would like to say happened. He met with those councils, sat down with them and explained the position of the government. When they left that room the councils were happy with the way we were going forward and implementing this particular bill to make sure that we strengthened the landfill resources in Victoria.

The bulk of the amendments give effect to the key commitments in the Victorian government response to the report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform. The recommendations that came through from that report encouraged the minister and his staff to start pushing this forward to see where we have to go in the future and how we can reduce red tape and use resources that are available. Reducing the number of boards around Victoria and making sure they have a better impact and stronger say within regions gives economies of scale to those bigger groups representing larger areas.

Economies of scale, as we all know, are how you end up with the best savings and the best ideas. Having other councils working together and having the boards merging brings more ideas to the one table with a better resource base to implement programs. Their target is simply to reduce waste and to look at different recycling programs. We spoke about the levy; that levy is to be put back into these programs so we can improve them and get a better response in our waste management.

I have spoken with some of the community groups in my area, particularly Outlook, which runs a fantastic e-waste program. The e-waste program looks at computers et cetera and ensures that we can recycle or reuse any of the facilities in our e-world — that is, our world of computers, TVs et cetera — which generates a lot of waste products. We use a program like Outlook to handle that waste. Outlook employs disabled people throughout Victoria to go out and work with councils. They have got some very big contracts. That is the kind of program we see going forward. If we can get community groups and boards working together, we will see more implementation of programs like this. We will have better facilities and resources so they can effectively resource these programs going forward.

As I said, the bill strengthens the regions, which is what we wanted to do. The consolidation of the current 12 groups into 6 will strengthen and build their capacity to improve and get full value through the economies of scale and better coordination of market-based solutions for waste and resource recovery infrastructure and services. It reinforces what this government has been on about the whole time: cutting red tape, getting better infrastructure and getting better services.

This is the sort of change that needs to be implemented. The opposition needs to get on board with changes like this and support them. The regions are getting on board with this. The councils are coming on board with it. Those opposite should not listen to just one councillor,

who is getting strings pulled on their side, who wants to oppose it. I know the member for South Barwon will be speaking on this bill later. I am sure he will have more to say about Cr Richards. It is important that we do not forget that Cr Richards is not standing up for the residents of Geelong. He is definitely not standing up for Ballarat or other areas around there. He is standing up solely to ensure that he secures his numbers for preselection — not that they would have a preselection on that side; he would have been chosen from in town — and it is very important that we get that message out there. He is a Labor stooge trying to get a message across and is falsely standing up for the community of Geelong.

The reforms, as I said, seek to build regional capacity for a greater role in facilitating joint procurement of the waste and resource recovery infrastructure and services of local government. They also seek to enhance the waste planning role, as the new waste and resource recovery groups will now undertake planning of all waste systems. The Environment Protection and Sustainability Victoria Amendment Bill 2014 is a positive step forward in waste recovery and red tape reduction in Victoria. It is a positive step forward on behalf of the boards and a positive step forward for resource recovery. I commend the bill to the house.

**Business interrupted under standing orders as varied by resolution of house.**

## QUESTIONS WITHOUT NOTICE

### Child protection

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister for Community Services. I refer to reports that for 18 months organised paedophile gangs have been infiltrating the child protection system and specifically to the case raised in this house yesterday of a 16-year-old girl being driven to New South Wales for sex in return for drugs. Now that the minister has had a day to look into this report and her records, I ask: when was the minister first briefed on this specific and shocking case?

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the Leader of the Opposition for his question. Once again, it is abhorrent behaviour where individuals or groups target vulnerable children in out-of-home care, or wherever they might be, in relation to sexual exploitation. It is unacceptable. I think everyone on all sides of the house would agree it is important to do the work to make sure that children are kept safe and that these perpetrators are identified, found and held to account through our justice system

and put into jail, which is the work that happens on a daily basis.

With this particular case, I received an alert on 10 December, and that has been followed up subsequently with the weekly summaries. These are our mechanisms that we have put in place so we have an alert system for specific issues which are very clear in relation to when issues occur. We then have mechanisms by which we follow-up issues, so that there is an accountability to these alerts that happen and these incidents that are reported. We have accountability back to the department and accountability back to the community sector in terms of the actions that are taken to keep children safe. We respond to the incidents that have occurred. We can then learn from those incidents, either individually or collectively, so that we can make sure the policies and practices are improved into the future.

### Regional rail link

**Mr KATOS** (South Barwon) — My question is to the Premier. What are the benefits to Victorians from the regional rail link project and how has this been recently recognised as building a better Victoria?

**Dr NAPTHINE** (Premier) — I thank the member for South Barwon for his question, for his interest in the regional rail link and for his interest in building key infrastructure that will build a better Victoria, deliver better services and make life better for all Victorians. I am pleased to advise the house that last night Victoria's massive regional rail link project was awarded Project of the Year at the National Infrastructure Awards. I congratulate all those involved, especially the Regional Rail Link Authority and its contract partners.

I also pay tribute to the Minister for Public Transport, because when we came to government we found a project in absolute chaos; it was an absolute mess. It was underfunded, underscoped and had no provision for a rail project. Under the previous government there was no provision for any trains. There was no provision for any signalling on the trains. There was no provision for any grade separations on the whole project. When the minister came to office, he found a project left by the Labor government in chaos, in an absolute mess, but the coalition rolled up its sleeves, got on with the job and is fixing the problem it inherited from the previous Labor government.

*Honourable members interjecting.*

**Dr NAPTHINE** — The project has become fully funded under this government and has got back on

track. This is a \$4.8 billion project that will separate our regional V/Line services in the west and the north-west from the Metro Trains Melbourne services. As we remove the V/Line services from the Metro services we create the opportunity to increase capacity on the Metro service on the Werribee, Altona, Williamstown, Sunbury and Craigieburn lines. This project will deliver dedicated V/Line tracks into Southern Cross station, improving the punctuality and reliability of our V/Line services and increasing the opportunity for further capacity growth on those services.

The project will deliver three new stations: in Tarneit, in Wyndham Vale and in West Footscray. It will provide for upgraded stations at Footscray, Sunshine and Tottenham, and it will provide a freeing up of capacity on the Metro services in the west and the north-west to provide the opportunity for an additional 23 services each morning and evening peak to cater for an extra 50 000 passengers. This builds on the extra 1078 services per week being delivered by the Minister for Public Transport and the coalition government. This government does not just talk about public transport; it delivers public transport upgrades.

*Honourable members interjecting.*

**Dr NAPTHINE** — We are delivering the regional rail link. We are delivering the Cranbourne-Pakenham-Dandenong train corridor. I am pleased to advise the house that this project is ahead of schedule and operating within budget, which is quite a contrast to the major project management under the previous government. We are fixing the problem. We are making sure that we have effective management on major projects that delivers real services to Victorians, builds a better Victoria and delivers value for money. This is an absolute contrast to the Labor government, which proved time and again that it simply could not manage money and could not manage major projects, whereas the coalition government produces award-winning projects on time and on budget.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Leader of the Opposition to wait a moment. That behaviour from both sides of the house was disgusting. I do not think one member did not interject. The Minister for Ports will cease interjecting, so will the member for Footscray. There are 20 names here; it is ridiculous. I ask members to control their behaviour. There are people in the gallery watching them.

**Child protection**

**Mr ANDREWS** (Leader of the Opposition) — My question is again to the Minister for Community Services. I refer to reports that children in state care are now actively recruiting other children on behalf of organised paedophile gangs, including a 12-year-old with a mental disability who performed sexual acts in exchange for a packet of cigarettes, and I ask: when was the minister first briefed about this specific and shocking case?

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the Leader of the Opposition for his question. We can go through individual cases, case by case, with over 1000 incident reports that I get every year, but the focus is on how we are reforming the system to take account of the failures that were left to us by the Labor government. Clearly the reform — —

*Honourable members interjecting.*

**The SPEAKER** — Order! For the last time I ask members to cease interjecting.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Ms WOOLDRIDGE** — On coming to government what we had was some clear advice from the Ombudsman over a series of reports — —

**Mr Andrews** — On a point of order, Speaker, the answer to the question ought be direct for it to be in accordance with the standing orders. It was a question about a specific case, and I ask you to draw the minister back to answering that question in accordance with the standing orders of the house.

**Dr Napthine** — On the point of order, the minister is entitled to set the context, and the context is clearly the appalling Ombudsman's report under the previous government, highlighting a crisis — —

**The SPEAKER** — Order! Standing orders require that answers be direct, factual, succinct and relevant. The minister was being relevant to the question that was being asked. I do not uphold the point of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! Any dissension from a ruling by the Chair must be given in writing or by substantive motion.

**Ms WOOLDRIDGE** — As I was saying, we had very clear advice from the Ombudsman. First of all there was the November 2009 report in terms of our child protection system, where we found out about the absolute failure of staff to work with children in child protection. We found that a priority was not being given to cumulative harm, which was legislation that the Labor government had put in place but failed to deliver. We found out that the system was stretched beyond its capacity, and the litany of failures went on.

The Ombudsman then reported in May 2010 in relation to the out-of-home care system. Sexual exploitation of young people in the out-of-home care system was a significant issue, in contrast to the head-in-the-sand approach we saw from the Leader of the Opposition on television yesterday, and from the minister at the time. Instances of children being placed — —

**Mr Andrews** — On a point of order, Speaker, in relation to your last ruling, I think you made it clear that answers need to be direct, and I put it to you that this answer is not direct in terms of the question that was asked. It was a specific case: when was the minister briefed? That is what we are entitled to get an answer to.

**Dr Napthine** — On the point of order, Speaker, it is very relevant to the question to set it in the context of the child protection system. That is what the minister is doing — looking at this situation in the context of the challenges facing the entire child protection system. The minister is being relevant to the question. She is setting the context. She understands the situation and the problems that were inherited under the previous government and the significant improvements being made by this minister through the Cummins report, through additional funding and additional staffing, and that is the context in which she is setting her answer.

**The SPEAKER** — Order! The Leader of the Opposition is correct when he says answers must be direct, but standing orders say: direct, factual, succinct and relevant. Standing orders do not say — and you cannot separate those four words — an answer must just be direct. It is direct, factual, succinct and relevant, and I believe the minister was being relevant to the question. The minister has over 2 minutes left to answer the question.

**Ms WOOLDRIDGE** — In addition to sexual exploitation that was occurring under the former government, children were being placed with adult friends who engaged them then in sexual acts, there was inadequate reporting and there was inadequate communication between the department, the medical

profession and the police — and the list goes on. In contrast to that, what the coalition government has done has been significant.

The Cummins inquiry was a substantial and wide-ranging review led by very distinguished individuals, with hundreds of representations from right across the state. There is \$650 million in additional funding to provide support to vulnerable families, including \$200 million for out-of-home care services, the establishment of the independent Commission for Children and Young People, with Bernie Geary being the principal commissioner, and a commissioner appointed specifically for Aboriginal children and young people — the first in Australia, which is a very significant reform and a very significant improvement.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Pascoe Vale will cease interjecting, as will the member for Melton.

**Ms WOOLDRIDGE** — One of the very significant changes we have made, and one of the things that was not in place when the member for Pascoe Vale was the minister is actually having a reporting system where the minister knows what is going on in the system across the board.

**Ms Campbell** — On a point of order, I ask the minister to withdraw. That is an incorrect statement, and I ask her to withdraw.

**The SPEAKER** — Order! The practice of the house is that if a member is offended by a statement or word, they can ask for it to be withdrawn.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have difficulty ruling on this because — —

**Ms Campbell** — I take offence, and I ask the minister to withdraw.

**Ms WOOLDRIDGE** — I am prepared to withdraw the statement. In response to the question, we have a reporting system that ensures that the minister is informed, the minister's office is informed, the independent commissioner for children and young people is informed, and the department is informed.

**Mr Merlino** interjected.

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

**Ms WOOLDRIDGE** — As the incident report comes in and as these issues happen they are aggregated into weekly summaries, which gives us the capacity to then know what has happened. It gives us the capacity to hold people accountable in relation to the performance of keeping children safe and to be able to understand the themes and issues, which is how we identified where there were multiple issues for individual children in targeted areas. So this reform by the coalition government is fundamentally changing the way we work with vulnerable families and the way we ensure that children are safe in the child protection system.

**Mr Merlino** interjected.

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

### **Regional and rural investment**

**Mr BULL** (Gippsland East) — My question is to the Minister for Regional and Rural Development. How is the coalition building a better Victoria by investing in industry, jobs and infrastructure throughout regional and rural Victoria?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for Gippsland East for his question. Despite the difficult global economic times that Victoria and the rest of Australia face, Victoria continues to outperform all other states in terms of economic activity and job creation. In the three months to January 2014 employment in regional Victoria increased by 4700 — the strongest of all the states in Australia. Over the year to January 2014 employment in regional Victoria increased by 22 800 jobs, which is substantially more than half of the 39 400 jobs created in the regions of Australia — that is 22 800 out of an Australia-wide category of 39 400.

The unemployment rate in the regions of Victoria is 5.4 per cent on the rolling three-month average. It remains well below the Australian regional average of 5.9 per cent, and it is significantly lower of course than the 6.3 per cent it was when Labor left office. The government's strategic regional investment programs, which are led of course by the \$1 billion Regional Growth Fund, are building better regional communities, creating jobs and ensuring a much greater future for the regions of the state.

You could not see that better exemplified than in the SPC Ardmona arrangement, where we have been able to supply a package of \$22 million into a total investment of \$100 million to enable the future of that

great company to be secured. I might say that this, if ever there was one, is a great example of how success has many fathers and failure is an orphan. There is only one government that stood the line to look after this company — the Victorian government can point to 22 million reasons why this company has been able to survive. There are many others who lay claim to having achieved this outcome, but in fact there is only one government that stood the line for this company — and it is this Liberal-Nationals coalition government.

That has in turn enabled the deal that has been done this week, whereby over five years \$70 million will be provided to SPC through the arrangements with Woolworths. All of that was made possible because we in the first instance worked with Coca-Cola Amatil to secure the future of SPC. That is but one example of the work we have been able to do through the investments provided by not only the Regional Growth Fund but also our other programs. This particular one of course has enabled thousands of jobs to be secured.

There are many other examples. We recently provided \$400 000 to assist Sky Software in Geelong. This company already has its headquarters in that great city. It has developed software technology to enable it to teach the English language in 64 nations around the world. The contribution we have made to its recent investment provides for another 40 jobs, and interestingly this adds to a group of companies doing this style of work — technologically based — out of the great city of Geelong and employing literally hundreds of people.

There are many, many other examples of where we have been able to assist through the Regional Growth Fund in particular. About \$394 million had been invested out of that fund up until the end of January this year, supporting some 1380 projects and \$1.5 billion worth of investment. These investments in the regions of the state of Victoria have been made because on this side of the house we are absolutely committed to ensuring that rural and regional Victoria flourishes. It is a fact that when the regions of the state of Victoria do well the whole of Victoria does well.

### Child protection

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister for Community Services. Can the minister confirm that both she and the commissioner for children and young people receive each and every report on category 1 child protection incidents?

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank very much the Leader of the Opposition. We have put in place a very clear process to manage the reporting of category 1 incidents. These are incidents that are of concern, whether it be in relation to child protection, out-of-home care, disability, youth justice or housing — across the entire Department of Human Services sector.

In addition, we have appointed an independent commissioner for children and young people — a person who has independent oversight in terms of the system. This is something that had been called for by the sector for 10 years and had never been implemented previously. It was legislation we committed to in opposition, and it is legislation that we have delivered in government because we do what we say and we have an intent and a purpose to improve the system of child protection to make sure children are safe. We have a protocol in place that every incident is reported to me and my office and every incident is reported to the commissioner for children and young people.

### Cranbourne-Pakenham rail corridor

**Mr BURGESS** (Hastings) — My question is to the Minister for Public Transport. What benefits will the government's major upgrade to the Cranbourne and Pakenham lines bring to commuters, and is the minister aware of any commentary about this project?

**Mr MULDER** (Minister for Public Transport) — I thank the member for Hastings for his question. As the Premier touched on earlier, this is a fantastic outcome: the regional rail link project is an award-winning project, which we picked up from the former Labor government in tatters. Of course for the history of this type of projects one need only look at the Frankston line, which was running at about 60 per cent punctuality before it was picked up by the coalition government and pushed up to around 90 per cent punctuality. Now an extra \$100 million has been allocated to that project.

Then there is the Pakenham-Cranbourne-Dandenong corridor. A lot was said about this project back in 2006, when members of the Labor government sang the praises of the third track between Caulfield and Dandenong. I remember the member for Oakleigh had an awful lot to say about the project that the Labor government said it was going to deliver. Indeed the member for Mulgrave in the former government sang the praises of the cure for the Pakenham-Cranbourne-Dandenong line. But what happened? The project was consigned to the dustbin of history; it never went forward and the coalition

government was left to clean up yet another mess from the former government, which did nothing.

We are on the scene. We have allocated \$2 billion to \$2.5 billion to this project to provide 25 new generation trains and high-capacity signalling — more trains to move more people more often along the corridor. There will be grade separations at Murrumbena Road, Koornang Road, Clayton Road and Centre Road and planning and preconstruction money for a further five. There will be new stations at Clayton, Murrumbena and Carnegie. You would not want to see the member for Clayton standing up there with a sign saying, ‘Honk for Hong’, indicating he had something to do with this because nothing has been delivered by the member for Clayton.

**The SPEAKER** — Order! The minister must refer to members by their proper names.

**Mr MULDER** — One in 10 Melburnians use that corridor, and 13 out of 25 load breaches occurred along it. There were 200 000 passenger time hours lost in 2013 because of the signalling system. We are getting on with the job and fixing up that corridor. V/Line Gippsland services will be more reliable. A new train maintenance facility will be built at Pakenham, which will be the size of AAMI stadium. There will be 300 jobs and 100 ongoing jobs as a result of that part of the project. There will be 3000 jobs on the project in its entirety as it is being rolled out. There will be power upgrades and track modifications. The new trains will be accompanied by eight Siemens trains that will be converted to accept high-capacity signalling, as will some of the V/Locity trains, to make sure that regional services are far more reliable than they were under the Labor government.

In terms of endorsements, the *Moorabbin Glen Eira Leader* of 12 March states:

Public Transport Users Association president Tony Morton hailed the decision as a ‘big dose of good news’.

The *Pakenham Gazette* of 12 March quotes Shire of Cardinia mayor Graeme Moore as saying:

This is a fantastic announcement for our residents ...

An article in the *Age* of 3 March quotes the member for Altona as saying:

Funding commitments should be made now.

That was three days before we made the commitment.

Members need only go back and look through *Hansard*. On 31 May 2006 the member for Oakleigh

said she was a very regular user of that corridor. She said:

It needs to be done and it needs to be done now.

Then on 1 June 2006 the member for Mulgrave said:

It will also deliver an upgrade of the Dandenong rail line and provide expanded peak period services ...

It never happened. You cannot trust Labor governments. They cannot handle money; they cannot handle projects.

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

### Child protection

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister for Community Services. In light of the minister’s previous answer, can she explain why yesterday the commissioner for children and young people said that he had no information that for the past 18 months gangs of organised paedophiles have infiltrated the child protection system?

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the Leader of the Opposition for his question. I have long wanted mind-reading powers to understand why people might say things, particularly people on the other side of the house. I do not know. If the Leader of the Opposition wants to know the answer to that question, I suggest he ask the person who said it — the independent commissioner for children and young people.

### Multiculturalism

**Mr WATT** (Burwood) — My question is to the Minister for Multicultural Affairs and Citizenship. How will the recently launched multicultural policy, Victoria’s Advantage — Unity, Diversity, Opportunity, contribute to building a better Victoria?

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — I thank the member for Burwood for his question and for his continued support for multiculturalism in this state. Australian multiculturalism is unique. It is different from multiculturalism in every other part of the world. It is special. It has evolved over time and will continue to evolve. We have gone from assimilation to integration to what I call interaction. Multiculturalism is very much part of our history, it is very much part of our present and it will very much be part of our future.

It is important that governments put in place programs and policies to ensure that they meet the needs of all Victorians. In March 2009 the Labor government put out the All of Us multicultural policy, which was accepted by the community. Last week, with the Premier, we launched the next phase of this policy, Victoria's Advantage, which goes on with the good work that has occurred in this state for the last 20 or so years. Three themes form this policy. The first theme is about citizenship, participation and social cohesion. How do we get new migrants and refugees to participate and be active in their local community? How do we make them feel engaged and part of the community? How do we teach them to live in peace and harmony with each other? That is the first theme.

The second theme is to provide responsive and accessible services to all Victorians. It is okay to go out there and talk about how we encourage and promote and open our arms to new migrants settling in all parts of Victoria, but unless we provide the services they need, life will be difficult, so we have a responsibility to ensure that the services and programs that can be used by such people are the best they can be for the community.

The final theme of course is: how do you get the benefits that come with our cultural diversity? In Victoria and in Australia we have people from all over the world with specific skills and expertise who help us grow our economy and grow Victoria. We have had a number of trade missions overseas, which were conducted in consultation with the ethno-specific chamber of commerce, because its members are the ones with the knowledge of how to sell the products overseas. We have to utilise the strengths that come with our cultural diversity.

As well as those three themes, for the first time we have included indicators — milestones — so that the community as a whole can see whether governments have ensured that their outcomes have met targets, and if they have not, then governments can be criticised for that. For the first time we have said, 'We believe in this, and our work will be trialled and tested by the community, and if we do not deliver we will be criticised'.

This policy has received great support. The Ethnic Communities Council of Victoria (ECCV) put out a press release last week headed 'ECCV welcomes new policy commitments to multicultural Victoria' which quoted ECCV chairperson Eddie Micallef, who members will know is a former member for the then seat of Springvale, as saying:

We thank the Victorian government for its continued commitment to multiculturalism, and its guarantees to monitor how the state is faring in providing services, in maximising the benefits of diversity and in citizenship, participation and social cohesion ...

In its state election manifesto, the ECCV called for parties to commit to developing and implementing a culturally and linguistically diverse ... data collection system ...

That is exactly what we have done. We believe in it, we support it, we promote it, and I encourage all members to continue to fly the flag and ensure that Victoria remains the multicultural capital of Australia.

### Child protection

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister for Community Services. I refer to the minister's earlier answer and her claim that she 'knows what is going on' and to her consistent claim that all category 1 incident reports go to her and to Commissioner Geary. I again ask her: in light of Commissioner Geary's very clear statements that he had no knowledge that a ring of paedophiles had infiltrated child protection, how can the minister explain that, given her earlier claims?

**Ms WOOLDRIDGE** (Minister for Community Services) — I thank the Leader of the Opposition. One of the very proud achievements of the coalition government is the establishment of the independent Commission for Children and Young People. It was a promise in opposition, delivered in government and put in place — a new independent commissioner. Then we appointed also a new independent commissioner for Aboriginal children and young people. These are very significant, Australia-leading actions that we are very proud of and that we are delivering on.

We have regular conversations, both formal and informal, in relation to the activities of the commission, the activities of the child protection service, the policy reforms and so on. As I said yesterday in the media very clearly, we had a discussion three to four weeks ago on child sexual exploitation — on exactly these issues. At that point we agreed. He suggested he was going to do an independent, own-motion inquiry, with powers we put in place so that we could get that independent oversight, and I supported him in that recommendation.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition has asked his question and should listen to the answer.

**Mr Merlino** interjected.

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

**Ms WOOLDRIDGE** — I supported that recommendation. I encouraged him and said we would provide all information that could assist in that process. As he said yesterday, that work has already been going on for three weeks in relation to the sexual exploitation of children. Clearly these are issues that are discussed, that are engaged on and that are investigated, because we want to make sure that children are safe and that we are taking appropriate action. We have been working on the exploitation of children for three years — since we came to government and since it was identified in the Ombudsman's report in 2010 — —

**Mr Merlino** interjected.

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Monbulk

**The SPEAKER** — Order! I have asked the member for Monbulk about five times today to cease interjecting. He will leave the chamber for half an hour.

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

## QUESTIONS WITHOUT NOTICE

### Child protection

**Questions resumed.**

**Ms Allan** — On a point of order, Speaker, the minister is offending against standing order 58 by starting to debate the question. The question was very clear; it was about issues and discrepancies in statements between her and the commissioner for children and young people, and we ask her to come back to answering that question and not to provide a history lesson about what she thinks has gone on in the past. It was a very carefully worded question, and we would like her to answer the question that was asked, not the question she would have liked to have had asked.

**Ms Asher** — On the point of order, Speaker, the question asked of the minister related, inter alia, to an issue relating to the information provided to the commissioner for children, who incidentally on radio this morning described the minister as a ripper minister.

The question related to information provided to the commissioner. The minister was being relevant to the question that was asked, and she is certainly able to set a context.

**Mr Andrews** — On the point of order, Speaker, I again put it to you that the minister is required to be direct in her answer and not to debate the matter. The question was about the clear discrepancies between the fact that she has known about this for 18 months and Bernie Geary saying yesterday he did not know anything about it. That is what the question was about, and the minister should explain that discrepancy.

**The SPEAKER** — Order! The Leader of the Opposition knows very well he should not repeat — —

**Mr Andrews** — She should directly explain that discrepancy, Speaker.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. The minister was being relevant and direct. The minister was answering a question that queried whether she knew why a commissioner said he did not have information. The minister has clearly stated that she had had meetings with the commissioner. I do not uphold the point of order.

**Ms WOOLDRIDGE** (Minister for Community Services) — These are issues that were identified in 2010. They are longstanding issues which we inherited from the former government and which we are working to address in very structured and constructive ways. We work very constructively with the independent commissioner, respecting his authority and his independence but supporting his work because we are focused on the safety and wellbeing of vulnerable children. That is what we will always do; that is our priority.

We have made the investment, we are doing policy reform and we are making good progress. There is always more to be done, as there will be in this system, but I believe this coalition government has made the substantial difference, in contrast to what was inherited from the Labor government.

### Regional sporting initiatives

**Ms McLEISH** (Seymour) — I have a question for the Minister for Sport and Recreation. How is the coalition government supporting regional sporting events and infrastructure, and how does this contribute to building a better and healthier Victoria?

**Mr DELAHUNTY** (Minister for Sport and Recreation) — I thank the member for Seymour for her longstanding interest in sport and recreation, particularly in her electorate of Seymour. Victoria has a proud reputation for conducting a wide variety of quality sporting events. They attract a large number of visitors to our state, and they provide an important stimulus to the economy of Victoria. More importantly, from my point of view they provide an inspiration for more people to be more active more often.

Last Sunday I had the opportunity to go to the Bendigo Stadium to see a fantastic basketball game in which Bendigo Spirit beat Townsville Fire, 94-83. There was a sell-out crowd of nearly 3000 people in the stadium, who were very loud and vocal supporters of Bendigo Spirit. More importantly from its point of view, the state government supported this event, as it did last year. Congratulations to Bendigo Spirit. It won the grand final for the second year in a row — back-to-back premierships — and it is the first time to my knowledge we have had a national final played in regional Victoria.

**Ms Allan** interjected.

**Mr DELAHUNTY** — Last year and this year. Both were supported by the Significant Sporting Events program of the Victorian coalition government. I want to thank the ABC for its enormous support for this game. ABC TV televised this event across Australia. It is promoting not only women's sport but also Bendigo, one of our large regional cities, along with a lot of our other regional cities.

**Ms Allan** — It is our largest.

**Mr DELAHUNTY** — It is not the largest. There are a lot of large regional cities, and all of them provide great sporting opportunities. We have had the golf down in Geelong, and we have had barefoot skiing up in Shepparton. Right across Victoria we have had significant sporting events. This event is fantastic not only for Bendigo and Bendigo Spirit but also because it inspires more women to be involved with basketball.

I congratulate Bernie Harrower and also his daughter, Kristi, for their leadership in bringing the team home last Sunday. This comes on the back of a soccer grand final played a couple of weeks ago. The Premier went along to the game where Melbourne Victory women's soccer team won the Westfield W-League grand final when it beat Brisbane Roar 2-0. We also have the Melbourne Vixens, which started off with two fantastic wins this year. I think this will be a golden year for women's sport here in Victoria. They are great

outcomes. These women are role models inspiring the next generation.

This goes hand in hand with the facilities the Victorian coalition government has developed right across Victoria. In the last three years through our community facility funding program we have put in \$58 million for 382 projects, not only giving facilities the opportunity to get people involved with sport but also creating more jobs in Victoria — more sport, more jobs, more economic activity in Victoria. We are not only increasing participation but we are also delivering health and social benefits right across Victoria. I advise all members of the house that tomorrow the next round of the community facility funding program, a major sports funding program, opens for applications. Again I encourage local members to speak with their local sporting groups.

**Mr Eren** interjected.

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

**Mr DELAHUNTY** — He's not worth listening to. I invite all local members to work with their local community sporting groups and local councils to get applications in. In closing I invite all members of the house to come along and congratulate Bendigo Spirit when I host the team in the Knight Kerr room at 1.15 this afternoon. Well done.

## ENVIRONMENT PROTECTION AND SUSTAINABILITY VICTORIA AMENDMENT BILL 2014

*Second reading*

**Debate resumed.**

**Mr PANDAZOPOULOS** (Dandenong) — It is a pleasure to speak on the Environment Protection and Sustainability Victoria Amendment Bill 2014. The opposition has a range of concerns with this bill which stem from the government's philosophical approach to environmental protection and planning as seen across a range of areas. They include getting rid of the Department of Sustainability and Environment and putting it into a new department, the Department of Environment and Primary Industries (DEPI), which this bill reaffirms. It is a department that now has less resources for environmental protection, less resources for protecting our natural heritage landscape and less resources in this particular area around monitoring and environmental protection.

We have seen what has happened with the fire at Morwell. There is no doubt that when the inquiry is

held by former Justice Teague he will find in relation to what the government has done in an attempt to reduce red and green tape — we all want less tape — that when you do that you run the risk that things will also go wrong. When you do not have the resources in place and when you do not have obligations placed on industry and when you do not have an appropriate level of money necessary for the Environment Protection Authority Victoria (EPA) and other government agencies to do their jobs, when things go wrong they can really go badly wrong. I think that is what we will find happened at Morwell.

This bill changes the framework for waste and resource recovery. It is an important area that needs continuous change and improvement. There are some areas of the bill that are extremely worthwhile and beneficial. Some of the reductions in red tape are logical. For instance, it is desirable to be able to grant five-year licences for vehicles that are moving prescribed waste et cetera. There is a bit of a history around some of these things now, and we can have some confidence about them.

There is great concern in other areas. As the member for Dandenong and as a former councillor in what was the City of Berwick, I have dealt with the significant issues of waste management for 27 years — certainly all of my political life. The city of Casey and the city of Greater Dandenong, like much of the south-eastern sand belt, have been at the epicentre of Melbourne's waste. It is generally fair to say that most of the waste facilities in Melbourne are located in Labor electorates, so we are well versed in and aware of the challenges of finding places to put our residential and industrial waste in residential areas.

Previous planning schemes allowed waste landfill facilities to be situated close to housing. Nowadays new landfill facilities have much larger buffer zones, but for a lot of the historic sites planning permits allowed houses to come very close to landfills, and yes, they cause problems. The number of truck movements alone is a problem. We move so much of our waste across the state by truck, and in the south-eastern suburbs they all end up on the same roads and pass the same houses. Clearly it is an issue for local residents even before the waste gets to the site.

Everyone accepts that we have to get rid of our waste and that we need to keep doing more to reduce, reuse and recycle waste, and that includes industry. The previous government created waste management groups at the regional level in partnership with local government, industry and government agencies in order to tackle these sorts of issues. They will always be areas of concern.

In the past, legislation imposed strict regulations on industry including self-regulation and performance-monitoring requirements. Those licensed to deal with waste are required to undertake environment and resource efficiency plans, rather than licensees having to be in their office all the time, keeping an eye on what happens in their waste and landfill operation every single day, as was required in the past. That is not a bad thing. Rather than having government looking at your business every day of the week, there are now performance requirements under the act. Businesses need to show how they are being efficient in reducing, reusing and recycling waste but also how they engage with the community in order to minimise the negative impacts for the broader community.

Unfortunately one of the opposition's areas of concern is that the bill repeals the provisions relating to environment and resource efficiency plans. They will no longer be an obligation on industry. We can say that we want to reduce red tape — and green tape is sometimes part of that — but having a tick-the-box approach to reducing red tape without looking at the consequences is an issue. Of course we all want to reduce red tape, but that is something businesses should be doing anyway, and they should be able to report it to government agencies such as the EPA. At the moment the EPA has fewer resources available to it at a time when the requirement for industry to report to it has been reduced. Maybe industries are reporting less because resources have been cut from the EPA. That is not good public policy if that is the basis for it.

Businesses want to be able to reduce, reuse or recycle because they now make money from every bit of extra waste material that they can identify and recover as a resource. There is a whole new industry being generated from waste recovery, and many people in Dandenong are employed in associated industries. Those industries are extremely useful but it is challenging for the operators as well. Labor is concerned that something that is good business practice and that business should be doing and in effect is doing will no longer be required to be reported to government. Government cannot monitor and share that information, probably because of cutbacks to the EPA's budget.

Another area of concern is that the government is getting rid of waste management groups at a regional level. It says it is going to merge all of the boards and create an overarching body. I can understand the rationale for that, but in reality that is why Labor set up the regional waste management groups. Our waste is regionalised. Whether we like it or not, waste is going

to the south-eastern suburbs and waste is going to the western suburbs. It is going to different parts of the state, and we need to take a regional approach. In terms of household waste, local governments have to cooperate with each other. Generally waste is transported from a whole lot of municipalities to a landfill site in one municipality, and so there is a need to cooperate.

The system that the bill seeks to get rid of has had a balanced approach with local government representation, community representation, industry representation and government representation. All areas of interest are protected and considered, with the regional waste management groups making the best possible decisions based on the need to recycle, the need to find waste facilities and to do that efficiently, as well as taking into account the needs of the local community and the conflict that exists at the community level. It also takes into account the need for the industry to keep doing the job it needs to do at the lowest possible cost. That localised approach has worked well.

To make the government look like it is reducing red tape it is going to create waste and resource recovery groups. What has previously been undertaken at a local level will now be much more centralised. The regional sensitivities that provided balance at the regional level will be lost. We will have people who have no engagement in or obligation to the regions; their only obligation will be to make sure that waste goes either to recycling or landfill. That is their only concern, but I understand that there are other concerns that will be lost as part of this process.

That is why the opposition is concerned. We believe this bill is just part of the broad philosophical approach that the government has toward the environment. Whether it be about the EPA, whether it be about what happens in our national parks, whether it be about cutting resources to Parks Victoria or whether it be about environmental regulation, the government is taking a hands-off approach that we have not seen for a very long time.

The shame is that in the 1970s the Liberal Party was a leader in a lot of these environmental efficiency areas and in environmental protection, but it is a different Liberal Party nowadays. The same is true of Liberal Party members at the federal level. The Liberal Party has a very different approach to the environment. We all want regulations and we all want efficiency, but we do not want to lock the community out of the process. We want government to consult with the community to work through the difficult decisions about what we do

with our waste. That is why we are concerned about this bill, and that is why we are raising these issues.

**Mr KATOS** (South Barwon) — It is my pleasure to rise this morning to make a contribution in support of the Environment Protection and Sustainability Victoria Amendment Bill 2014. I have a lot of experience of the waste disposal industry. I was previously involved in the fish trade, and I have seen the waste disposal industry evolve over 20 years. When I first started in the fish trade, in 1990, everything went to landfill, no matter what it was. It was all put on the garbage truck. Whether it was cardboard, polystyrene, plastic or fish offal, it all went into the garbage truck and was taken down to either Corio tip or Drysdale tip.

We have seen a great evolution in the way waste is handled, and a lot of that is driven by costs. As the costs for the disposal of waste have risen, business has adapted and opportunities have arisen for businesses to be more innovative. In the fish trade fish waste and plastic are separated. Polystyrene is probably one of the worst things to try to get rid of. It is very difficult to handle. GDP Industries has set up a polystyrene recycling facility in North Geelong. It takes all the polystyrene, even when it is not in the greatest state — it may have had fish lying all over it — cleans it up and then recycles it back into beads. A great opportunity has arisen for that business. Obviously there is a cost to businesses in disposing of their waste that way, but it is a great opportunity because that waste is no longer going to the landfill.

Another change is that it used to be that the charges for the disposal of waste were based on the capacity of your truck measured in cubic metres. Our truck was 6 cubic metres, and we would pay for 6 cubic metres no matter what the overall weight of the waste was. These days the charges are based on weight; your truck is weighed when it goes in and it is weighed when it comes out. The less you put into landfill the better, and that will obviously be more cost-effective for you.

The bill amends the Environment Protection Act 1970 and the Sustainability Victoria Act 2005, and its amendments give effect to key commitments made in the Victorian government's response to the *Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*. This is the government's response to that. The bill makes significant reforms to the waste management sector. The amendments to the bill strengthen regional waste management and resource recovery services, and that will be done, as has been mentioned, by merging the 12 regional services into 6. I am sure that you, Acting Speaker, are interested that the Mornington service will

be grouped together with the metropolitan services. The merging of these services provides economies of scale and administrative savings, and it means there will be more money that can be invested back into waste management and resource recovery.

The bill introduces a new waste planning framework. There is an integration of metropolitan and regional planning, and that has links back to land use planning, which is something the member for Dandenong mentioned in his contribution. That means we will have that coordination when new landfill sites are looked at so that the planning around them takes into account residential areas, road networks et cetera. That coordination between the waste centres and the local planning regime is necessary.

These amendments improve the coordination and consistency of waste management, and also improve the administration of the landfill levy. Because I am from a regional area, one of the main benefits of the bill for me is the consolidation of those groups. Barwon Regional Waste Management will merge with another group, and that will improve the efficiency of those services, and following on from that we will be able to put more money into waste recovery.

The administration of the landfill levy has been touched on during the debate. That will now be handled by the minister. Previously it was done through regulation, but one of the issues there was that the agencies did not know what their funding would be until the regulation was made. Under this bill there will be a system where the agencies know what they are getting and will be able to set their budgets in a more timely manner. The landfill levy will also be indexed. A commitment was made to raise the base rate of the landfill levy for a 10-year period after July this year, and that will be indexed against CPI. A commitment has been made to not increase it any further. Obviously this gives businesses certainty in what the landfill levy will be, which is quite sensible. The member for Bellarine in her contribution said that Labor supports indexation and no further rate rises.

The elimination of red tape is important. Those opposite are generally known as the creators of red tape. They love bureaucracy and they love putting on backroom staff who do little more than pass notes and memos to each other. That is their idea of generating employment. Those of us on this side of the house believe the private sector should generate employment and government should encourage the private sector to take on employees. That is the way to generate employment, but government plays a role, as we have

seen, in infrastructure spending. We have created thousands of jobs on our several rail projects.

**Mr McGuire** — What was the point of all that? He just contradicted himself.

**Mr KATOS** — I will take up the member's interjection, although I know that it is disorderly to do so. I said that government can play a role, but we believe the private sector is the primary generator of employment.

With regard to red tape, as I have said, the bill will allow waste transport permits to be issued for up to five years. That will give the Environment Protection Authority Victoria (EPA) the power to amend clean-up notices. The EPA's current process is very cumbersome. At the moment it has to revoke a permit and then issue another one. This is normally done in circumstances where there is something beyond the control of the person who has been issued with a clean-up notice — for example, inclement weather might prevent the clean-up notice being completed within a specified time. So logically it would be much simpler to amend that permit purely to allow an extension on the time allowed to clean up.

Earlier I mentioned one company in my electorate involved in resource recovery, but I would also like to mention another company in Geelong, Australian New Energy, which has an exciting new resource recovery project. Australian New Energy is recycling wooden pallets that were destined for landfill. The company is based at Point Henry, and this project is fantastic. The company takes all of the wood that would have ended up in the landfill and uses it to fire furnaces. That project is a good example of industry innovating and taking waste away from landfills. With that, I am more than happy to commend the bill to the house.

**Ms D'AMBROSIO** (Mill Park) — I am pleased to join with my parliamentary colleagues the members for Dandenong and Bellarine, and others to come after me, in opposing this bill. We on this side of the house have very clear reasons for doing so. The bill the government has presented to us undermines very serious efforts that have been undertaken by all manner of governments across the country when it comes to energy efficiency programs, trying to reduce the costs of running a business and trying to reposition how communities and businesses respond to waste and the management of waste. Therefore the bill also potentially undermines initiatives by a number of organisations and businesses, but also local governments, to better manage waste that they produce at a local or regional level. There is also the very important function of reducing the costs of

energy and water and the impact that has on a cleaner and much healthier and safer environment for all of us.

I will go to the particulars of the bill and outline why the opposition has the views that it has. The bill abolishes the environment and resource efficiency plans program, otherwise known as the EREPs program, which was a groundbreaking program established by the previous Labor government. It targeted the 250 largest consumers of energy and water in Victoria's business community and set about through a constructive and collaborative partnership approach to assist them to understand their energy and water consumption levels and how they could go about reducing those, thereby reducing considerably the costs of their water and energy consumption. It has been a very successful program and has led to a reduction of costs of \$90 million a year for those businesses. That is a not insignificant amount of money. The previous Labor government worked hand in hand with the Victorian Employers Chamber of Commerce and Industry — a peak body for employer organisations — which embraced the program. We are now seeing that the program is going by the wayside under the semblance of an argument that somehow this duplicates similar programs that exist federally. Very clearly I can tell you, Acting Speaker, that there are no such equivalent programs nationally. The excuse that somehow the carbon tax would render the EREPs program a duplication of effort is just an excuse, because this government knows full well that the Abbott federal government is not committed to the carbon price and is in the throes of dismantling of it. That argument does not hold up at all and is just an excuse.

It is part of this government's rhetoric and ideology against energy efficiency and positioning businesses, households and the whole of the Victorian community to drive down energy and water consumption and help keep down energy and water costs. The EREPs program has sat alongside the Victorian energy and efficiency target (VEET) quite effectively as a complementary program. Again, VEET is another fine initiative of the previous Labor government in Victoria, which is not only helping to drive down energy consumption in Victorian households and small-and-medium enterprises but also is helping to save considerable costs on energy and water bills within those households and small-and-medium enterprises.

The EREPs program has targeted large businesses, which are the ones not captured by the VEET program. You only have to wonder what is the future of the VEET program if the government is prepared to

dismantle what has been an effective EREPs program that has targeted the large energy and water consumers in the way that it has. In fact there is evidence on the board to show that it has been doing what it set out to do. There is no replacement program for EREPs, no matter what happens to the carbon tax. It shows that this policy was written months ago and before Tony Abbott took office in Canberra, because back then the carbon price was still there. The excuse that somehow this duplicates that federal policy is not correct because it has not existed for months now. That is the reality. You really wonder when it came to government at the end of 2010 whether this government had in its back pocket a whole raft of programs that it was going to take a red pen to if it won the election.

We only have to look at how the evidence is stacked up. The VEET program is now under serious questioning by this government, despite the fact that it said it would double the emissions target set by the previous Labor government. Labor was going to do that if it had remained in government. It would have extended it to small-and-medium enterprises, kept EREPs, kept the renewable energy target and kept a variety of other programs that this government is now taking a red pen to. We are only waiting now to get a decision from the new Minister for Energy and Resources, whoever that may be come 3 o'clock today, as to whether the VEET program will also have a red mark next to it once we know the future of that scheme.

We also need to seriously consider the regional waste and resources recovery program and the way the government is looking at amalgamating, as it has put it, the representation, which would therefore affect the representation of a variety of councils to that body. The member for Dandenong made the very good point that this bill denies local governments in regional Victoria the opportunity to be involved in the future management of how waste is dealt with at the regional and local levels. I will pick up on a comment the member for South Barwon made in his argument. What local governments do is very important in terms of waste management and what local businesses do. I point out, however, that there is one vital area of developing waste for alternative uses that this policy could very well undermine.

Many local governments in Victoria are keenly pursuing options for converting waste to energy. If they are not going to have a seat at the table because of the amalgamations that are being forced on them by this government, it will take them away from having better input into how waste can be managed on a regional basis and how to better take up opportunities for looking at innovative projects that can convert waste to

energy. These are all vital initiatives that are going to be stunted by such a move by this government.

In the remaining minute I have available to me I will say that through this bill the government is turning towards the introduction of an indexation trigger to the landfill levy despite having already increased that levy considerably in the time the government has been in place. One really has to wonder about the bona fides of the government when it comes to that levy. As my final remarks I wish to say that we on this side of the house remain unconvinced by the arguments the government has put for the variations to the variety of programs and initiatives that this bill will affect. We believe the bill will seriously undermine the energy efficiency and sustainable waste management programs that were introduced by the Labor government. For those reasons I join with others on this side of the house in opposing this bill.

**Mr WELLER (Rodney)** — It gives me great pleasure to rise to speak in the debate on the Environment Protection and Sustainability Victoria Amendment Bill 2014. This bill will strengthen and build the capacity of regional waste management groups in Victoria. It will establish a statewide framework for waste and resource recovery infrastructure planning that links more effectively to land use planning and is integrated with regional waste and resource recovery implementation plans. It will change the mechanisms for specifying how landfill levy revenue is distributed from a regulation-based system to one of ministerial determination and streamline the administration of the Sustainability Fund, and it will focus Sustainability Victoria's role more fully on waste and resource recovery.

I listened to the contribution of the member for Bellarine. She was saying that later this year the carbon tax will be no more. I am just wondering whether she was flagging that Labor and the Greens — Labor federally — are now going to support the removal of the carbon tax. Labor is in here today saying that the carbon tax has gone. As I see it, the numbers in the Senate in Canberra at the moment will not allow it to be removed unless Labor, at least, agrees to it.

The member for Bellarine also spoke about Geelong, Bendigo and Ballarat not having as-of-right decisions on these committees. Just because an area does not have an as-of-right decision on a committee does not mean that people from that area will not be consulted. It does not mean that they will not be able to give their views on the best way forward. I believe that the three major centres in those regions will be consulted with and their views heard. You do not necessarily have to

have as-of-right status to do that. I could draw a parallel — —

**Mr Herbert** — Do it!

**Mr WELLER** — On the insistence of the member of Eltham, I will do so. The Labor Party members for Northern Victoria Region had no input into who their candidate will be in the northern region in the 2014 election.

*Honourable members interjecting.*

**The SPEAKER** — Order! I request that the member for Rodney return to the bill.

**Mr WELLER** — I thought I was being relevant to the bill, but I will go on. The member for Bellarine also spoke about members on this side of the chamber being climate change deniers. We on this side of the chamber believe in climate variability. If members look back through history, they will see that history shows that the climate has changed a lot over time. You only have to watch the news and you will hear that it was the hottest day since 1893, the wettest day since 1956 or the coldest day since 1904. All of these things have happened before; we experience a variable climate.

The member for Bellarine also spoke about alpine grazing. I do not know what that has to do with this bill, but what I can say is that we are into reducing landfill, and alpine grazing probably does not do much either way on landfill. I do not really understand why the shadow minister went there. The shadow minister also contradicted herself in her contribution. She said that fees were going to rise and that there was going to be more money, but she also said that there would be less money in the fund. I see that as a bit of a contradiction.

I agree that fees are going to rise. I have been in here for seven-odd years, and under the previous government bills went through the Parliament that raised the landfill levies. They are going to rise, and they are going to go up into the future. That is correct. The member for Mill Park also came in here scaremongering, saying there is going to be less money, yet the member for Bellarine in her contribution said that as the fees were going up there was going to be more money.

I turn now to some of the detail in the proposals. The bill establishes six new waste and resource recovery regions to replace the existing regional waste management groups. The Mornington Peninsula Shire Council municipal district is to be included in the Metropolitan Waste Management Group region, which is to be renamed the Metropolitan Waste and Resource

Recovery Group. The bill provides for the waste and resource recovery groups to be responsible for planning for all municipal and industrial waste infrastructure, other than for trade waste and hazardous waste. Currently only the Metropolitan Waste Management Group plans for industrial waste. This will be a new responsibility for waste and resource recovery groups in regional and rural Victoria.

The bill also aligns the governance arrangements of the six new regional waste and resource recovery groups with the Metropolitan Waste and Resource Recovery Group so that they will be similar to the current arrangements for the Metropolitan Waste Management Group.

The government has gone out and consulted with stakeholders, and the minister has had the Ministerial Advisory Committee on Waste and Resource Governance Reform report back to him on institutional and governance arrangements for the waste management sector. On this side of the house we consult with industry people before we make decisions and implement changes. The minister also wrote to Cheryl Batagol, chair of the Environment Protection Authority Victoria (EPA), about the government's reducing red tape statement of expectations. The government, then opposition, also gave commitments prior to the 2010 election to reduce red tape. That is a key part of this bill.

The EPA will be reducing red tape. One reform the EPA will implement is to its approvals process and environmental auditing work. The average time taken from receipt of a draft works approval application to acceptance of an application for assessment — that is, the pre-application period — will be reduced compared to 2012–13; thus businesses will get an answer more quickly. The percentages of proposals relating to works exempt from the requirement to prepare a works proposal will be in the order of 20 per cent, so there will be some minor works that will be able to be done without a works proposal being required. The average time taken from acceptance of an application for assessment of a works approval to decision will be reduced by a minimum of 20 per cent compared to 2011–12. Industry will be able to get on with the job rather than being bogged down with red tape.

A number of emergency approvals are issued under section 30A of the Environment Protection Act 1970. This will be reduced by a minimum of 20 per cent compared to the average number over the five-year period from 2008–09 to 2012–13.

Further reductions will be achieved in relation to clean up to the extent practicable (CUTEP) decisions. The average time taken by the EPA for a CUTEP decision following submission or notification from an environmental auditor will be reduced by 60 per cent to 56 days in 2013–14 compared to 135 days in 2010–11. The percentage of CUTEP decisions exempt from approval by the EPA — that is, a decision made by an auditor — will be 10 per cent from 2013–14 compared to 0 per cent currently. The government is assisting industry to get on with building the facilities which will reduce waste and the need for landfill.

The final measure the EPA has committed to reducing is in relation to environmental auditor appointments. The percentage of appointed auditors on longer appointment periods — that is, decreasing the number of appointments — is to increase by 150 per cent to 20 per cent by 2013–14 compared to 8 per cent in 2011–12.

The measures to be taken by the EPA to reduce red tape are set out in a letter signed by the chair, Cheryl Batagol, on 24 June 2013.

The coalition was elected to government with a commitment to reduce red tape, and in this bill it is indeed reducing red tape. We are also focusing on reducing the amount of waste that goes to landfill, which is what all Victorians want to see. I commend the bill to the house.

**Mr McGUIRE** (Broadmeadows) — Science appears to be an inconvenient truth to coalition governments. This is one of the subtexts of the Environment Protection and Sustainability Victoria Amendment Bill 2014 that I will refer to as the debate unfolds. At the outset I place on the record that Labor is opposing this bill. There are four key components to the bill. Labor is opposing the bill on the basis of two of the significant changes, but it supports the other changes. It is a bit like the curate's egg: good in parts and bad in others, as the saying goes.

The bill abolishes the environment and resource efficiency plans, a program established under the Labor government. Labor is opposing this amendment. These plans apply to 250 Victorian businesses which are the largest users of energy and water. It is of note that the Victorian Employers Chamber of Commerce and Industry played a major role in this program, so it was an important program that had the support of one of the peak representative business bodies. It required companies to implement energy and water savings that had payback periods of less than three years. The program was reviewed, and it demonstrated that it had

achieved around \$90 million in savings each year, especially in manufacturing. Three-quarters of the savings were in manufacturing. This was reviewed by the Environment Protection Authority Victoria (EPA), and it is of fundamental interest to me as the member for Broadmeadows, the capital of Melbourne's north, which produces one-third of the state's manufacturing exports. This is an issue of note.

To make it bipartisan, we can also see that SPC Ardmona received assistance and the food product manufacturing sector saved around \$21 million, and that is according to the government's own findings. I think that is a point the government should acknowledge and rectify. It is on the public record.

Other issues being looked at are that the bill amalgamates waste services, and Labor supports this amendment. This bill implements the recommendation of the Getting Full Value review into waste to amalgamate the current 12 regional waste and resource recovery services down to 6. It provides real opportunities for better governance and improved ways of managing our waste. That in and of itself is a good way to rationalise this sector and get a better result, better value for spend and better value for taxpayer dollars. That has won the support of the Labor Party.

But there are concerns about representation. The new boards do not guarantee that the large regional cities of Ballarat, Bendigo and Geelong will have a place on their relevant boards. These three cities, in their regions, are by far the biggest producers of waste, and to omit them would undermine the intention behind the amalgamations. In addition, the councils have been told that the main organisation in each region will not be based in those cities. This change has the potential to be positive; however, by not guaranteeing that these regional cities will be part of the governance structure in our view will undermine a key intention. I note the contributions by previous speakers for the government who said they will still be consulted so what is the problem. The way to fix the problem, which is supposedly the government's mantra, is by enabling the regional cities to be assured of direct representation by having their own representatives directly on the new boards. That issue could be resolved pretty quickly.

I turn now to landfill levy charges. This is another issue where Labor opposes this amendment. The government is saying that the fund, which is a hypothecated fund, will be indexed from 2015–16. This is welcome; however, this coalition government in 2011–12 increased the landfill levy by 10 per cent each year for four years. After promising cost of living savings, the government significantly increased this impost. It has

had a huge impact on ratepayers, so that is an issue of concern. Labor welcomes indexation, particularly after the coalition government has slugged consumers for the last four years.

The main concern with the landfill levy is the change to the process of allocating the levy. Currently parts of the fund are paid into the Environment Protection Fund and the Sustainability Fund. These funds will now be administered by the department, not the statutory authority. Distribution of the levy is currently done through regulation. Therefore decisions about this fund are transparent, and there are opportunities for Parliament to disallow. This comes back to a major theme that I keep hammering home: transparency, scrutiny, accountability and compliance are critical in the way that we handle issues. It should be a function that is reported to the Parliament and open to the media for further scrutiny. The bill removes this requirement and expenditure will sit with the minister and the Premier.

This was not a recommendation of the ministerial waste review, so that in itself raises questions about what the intent is and it raises the suspicion that this could create a slush fund for the minister with no scrutiny of expenditure. I repeat: for good financial management this should be open and transparent and come before the Parliament for scrutiny, accountability and compliance. It should be open to the media because the public has the right to know and should have the ability to find out the information. There are already questions from the waste industry and councils about how the current levy is being spent, and that underlines and underscores my proposition. Again, I call on the government to review that position.

On the red-tape changes, Labor supports these provisions. The bill provides the EPA with the power to grant works approval exemptions where there are no adverse environmental impacts. It allows waste transport permits to be issued for up to five years, but each movement of waste still has to be reported. It removes the need for businesses dealing with industrial waste to submit annual reports. They still have to report this, but the provision reduces the number of times they must do this. Even though we are reducing the number of times the businesses must submit reports, I still have an issue about scrutiny and accountability. We hope these are full and frank reports that give enough detail for scrutiny and accountability purposes. The bill gives the power to the EPA to amend clean-up notices and the ability to issue infringement notices. These all appear to be sensible measures as they either increase the tools available to the EPA or remove excess reporting requirements where businesses are already

reporting to the EPA through other mechanisms. If we can cut duplication and overlap, that in itself has merit.

There are some other issues raised by this bill. If we consider the cuts to the EPA, this raises the issue of cows in the Alpine National Park and the decision on 6 March by federal Minister for the Environment, Greg Hunt, to allow cattle back into the park. It raises the issue I alluded to at the start of my contribution about cows in national parks and where that goes. I am reminded of the Orwellian proposition we had in this Parliament, where the Mountain Cattlemen's Association of Victoria insisted that grazing is a key tool in reducing fuel loads, contrary to —

**Mr Katos** — On a point of order, Acting Speaker, the member for Broadmeadows is straying from the bill. There is no mention of cattle in the high country in this bill, and I ask you to draw the member back to the bill.

**Mr Herbert** — On the point of order, Acting Speaker, those members in the chamber who have been listening to the debate before you took the chair would know that the speaker before, the member for Rodney, spoke at length about alpine grazing and the national park.

**The ACTING SPEAKER (Mr Morris)** — Order! And he was asked to return to the bill.

**Mr Herbert** — Many speakers have raised this issue as part of the general approach to this legislation. It would be extraordinary that one member could be pulled up and another not.

**Mr Burgess** — On the point of order, Acting Speaker, for the sake of consistency it is right that the speaker returns to the bill.

**The ACTING SPEAKER (Mr Morris)** — Order! I do not uphold the point of order. The member's time has expired.

**Mr WAKELING (Ferntree Gully)** — It gives me pleasure to rise to contribute to this very important debate on the Environment Protection and Sustainability Victoria Amendment Bill 2014. From the outset I commend the minister and the hardworking team in his office for their work in this area. I congratulate them on what they have achieved. The purpose of the bill is to implement the legislative components referred to in the document entitled *Victorian Government Response to the Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*. The bill seeks to strengthen and build on the capacity of the regional

waste management groups, establish a statewide framework for waste and resource recovery with infrastructure planning and ensure that is linked more effectively to land use planning. The bill will change the mechanism for specifying how the landfill levy is distributed and it will focus the role of Sustainability Victoria more fully on waste and resource recovery.

As someone who has served in local government, as have you, Acting Speaker, I have a keen understanding of the significance of waste and waste management, which is largely borne by local government. I know it is important to ensure that we get the best use of landfill sites. We need to reduce the number of landfill sites in the state to ensure that we have better utilisation of waste recovery alternatives. This is something Victoria should be focusing on, and I congratulate the minister for the work done on this important issue because, not just in my community but throughout the state, it affects many people.

In my area Knox City Council has received a significant grant for its program to manage mattresses that have been disposed of. That is just one item, but the amount of hard waste is significant. In my community we have two hard waste collections a year, and a large percentage of it potentially ends up in landfill. Procedures need to be put in place to reduce the amount of waste that traditionally ends up in landfill.

The bill establishes six new waste and resource recovery groups to replace the existing regional groups. The Mornington Peninsula municipal district, which I believe is in your electorate, Acting Speaker, will fall under the Metropolitan Waste and Resource Recovery Group, and that is a positive step. I understand there has been some conjecture in the house about potential opposition to this move within regional local governments, but I am advised that that is not the case. However, there is one councillor in a municipality who is seeking to stand alone on this issue. I am reliably advised that he has moved away from the position of his own municipality and is seeking to tow a political line as opposed to a line that is reflective of the municipality he represents. That councillor needs to make a decision: is he speaking as a local councillor or representing his local community? Or is he playing a political role? That is a decision that needs to be addressed.

**Mr Herbert** — On a point of order, Acting Speaker, if the member wants to slag off a local councillor, there are other avenues. He has strayed from the bill, and he should be brought back to it.

**The ACTING SPEAKER (Mr Morris)** — Order! I would appreciate it if the member for Ferntree Gully would link his comments directly to the bill.

**Mr WAKELING** — I am happy to take your guidance, Acting Speaker. I was only making my comments as a result of previous comments made by others on the bill, and those comments related to a person's views with regard to the bill before the house.

The government has clearly said it will get on with the job of seeing what it can do to reduce the impact of waste within the broader waste stream, and coupled with that, the government has also set itself the important target of trying to reduce red tape. So part of the work we are doing through the bill is seeking to reduce the burden of red tape. Whether it concerns waste recovery or a whole breadth of areas where red tape affects Victorians, businesses and municipalities, the government is working as hard as it can to reduce that red tape, which will provide a boon for many.

In terms of the waste stream I, like many others, recently participated in Clean Up Australia Day at an event in Wantirna. That day gave us an opportunity to focus on the level of waste in our own communities. A percentage of the waste was clearly recyclable, so there is an opportunity to see how we can better extract that material and send it off to appropriate recycling facilities.

There are a whole range of options that governments of the future will be able to consider. In my previous life I had the opportunity of visiting an organisation called Huhtamaki, which has a manufacturing plant in the northern suburbs. It produces egg cartons. It was very interesting to see how the company converts volumes of recycled paper of various qualities — newspaper, photocopying paper — into a product. There were truckloads of paper recyclers dropping material into a hopper and then, through centrifugal force with water added, it went through the process of conversion. It was a simple exercise to see how we can take a resource, which traditionally ended up in the waste stream, and utilise it for another purpose.

These are the sorts of things the government is focussed on. It is about finding local solutions, like my example in Knox of the mattress recycling program. It is about identifying local solutions in order to put in place a mechanism to fund strategic programs to reduce these types of waste imposts. From my time on council I know that we bore significant costs, and we wanted government to show some leadership in terms of utilising the landfill levy appropriately. I have had meetings with the council and with the minister on this

issue during the current life of the Parliament, when this issue has been raised. The council was more than happy to pay the landfill levy because it understood there was a need for it, but it wanted to see strategic utilisation of the funds. My council is just one example, but there are a range of examples that have been utilised throughout the state.

I commend this very important bill. The minister has done a lot of work to achieve the outcome. He has taken advice and has been willing to work with affected stakeholders to deliver the outcome we see before us. I wish the bill a speedy passage through the house.

**Mr HERBERT (Eltham)** — It is a pleasure to speak on the Environment Protection and Sustainability Victoria Amendment Bill 2014. Labor has had a good look at the bill, and our position has been made clear by the shadow minister. There are aspects of the bill with which we have no concern and which we see as being sensible, but there are others which we see as being foolhardy and not in the best interests of the environment.

To start positively, we support the amalgamation of waste services, which results from the *Getting Full Value — The Victorian Waste and Resource Recovery Policy* report into waste, which recommends amalgamating the 12 regional waste and resource recovery services into 6. It provides opportunities for better governance and improved ways of managing our waste. We see that as a reasonable thing. However, as is the case with so many aspects of this government's administration, the devil is in the detail and we are not convinced that the government has the capacity to implement this provision in a way that genuinely reflects the needs of the communities.

In particular we note that that the large regional cities of Ballarat, Bendigo and Geelong are not necessarily guaranteed a place on the six new boards. They are the biggest producers of waste in regional Victoria. We would have thought that there would be a guaranteed place on those boards, but it appears that that is not the case. It also seems that the councils have been told that the main organisation for each region will not be based in those regional cities. How does that make sense? How is this a good implementation of what should be a sensible measure?

Aspects of the bill — such as not guaranteeing that our regional cities will be genuinely part of the governance structure — seem to be a blast from the past. It reminds me of the Kennett days when regional Victoria was treated as the toenails of the state.

We would hate to see that being the case, so we have concerns about that. We would urge the government to think about it and to ensure that those regional cities are represented on these boards and that the activities — that is, the organisations — are based in the cities. That just makes sense to us.

There are other aspects of the bill that we support in terms of red tape changes. The bill provides the Environment Protection Victoria (EPA) with the power to grant works approval exemptions when there is no adverse environmental impact. That sounds reasonable. It allows waste transport permits to be issued for up to five years. That is good, but it needs some safety measures. Each movement of waste still has to be reported, which is a reasonable thing in terms of the businesses we are concerned with here. It removes the need for businesses dealing with industrial waste to submit annual returns. They still have to report on this, but it reduces the number of times they have to report; that is probably a good thing. It also gives power to the EPA to amend clean-up notices and to issue infringement notices. That is a kind of a carrot-and-stick approach, but one which should reduce the regulatory burden without any impact on the environment. They are sensible measures, and we do support them.

However, there are some aspects of this bill that we will not support — and we will not support them for good reason. The bill abolishes the environment and resource efficiency plans (EREPs), which was a program established under Labor. I guess that is why the coalition wants to amend it and for no other reason. The plans apply to 250 businesses that are the largest users of energy and water. In fact the Victorian Employers Chamber of Commerce and Industry plays a role in this program. These are not unusual by world standards. A few years ago I had a good look at landfill and waste in a number of countries. Probably somewhere in the library in the dusty archives there is a report I wrote on this area when I was parliamentary secretary to the then environment minister. These are not unusual things. You have a body that looks at the big businesses and requires plans to be put in. But the government wants to remove this requirement. This is a program that was reviewed by the EPA and was demonstrated to have achieved \$90 million in savings each year, especially in manufacturing. SPC Ardmona saved around \$21 million a year through this program.

The paybacks of this program and this body are clear for everyone to see, and they have been independently evaluated. The government claimed at the time it made the announcement it was going to get rid of the EREPs program. It said it was not necessary because it was

duplicating the carbon tax and the federal energy efficiency opportunities. It said it was duplicating them, so we should get rid of them. I guess that is one argument; we do not agree with it, but it is an argument. But how is it justified now we have a federal coalition government that is foolishly dismantling the carbon tax? We have a federal government that wants to abolish it and has committed to abolishing it? How does the government's argument actually work?

**Mr Katos** — Hear, hear!

**Mr HERBERT** — We hear 'Hear, hear!' from the member for South Barwon, with little thought having been given to the future of residents in his constituency.

We say this measure is absolutely mind-boggling. The government talks of minor red tape savings, of \$3.5 million or so, but when you have a look at what this program saves and you look at all of the arguments the government has put forward, it simply does not stack up. In this chamber we should at least look at those arguments and see if they stack up and have the smarts to reverse our position when things change. When the context of what we are making policy about changes, we ought to have another look at it and have the smarts to change those policy positions. That is why Labor opposes this aspect of the bill.

We also oppose the landfill levy changes. The government is saying its hypothecated fund will be indexed from 2015–16. That is welcome, but let us look at the absolute facts: we have a government that has no concern whatsoever for cost-of-living increases, a government that has jacked up taxes in this state to fund its own ineptitude and incapacity to run proper programs efficiently. The government has increased the landfill levy by 10 per cent each year for four years — a 10 per cent a year increase! This makes a mockery of the government's wages policy, quite frankly, when it comes to public sector workers in this state. It has put a massive impost of a 10 per cent increase in the landfill levy each year for 10 years. We welcome indexation, but let me be clear: for four long, hard years the coalition government has absolutely slugged the consumers and businesses that pay this levy.

The bill raises some important issues, but I will just reflect on one thing not covered by it — and this was mentioned by others earlier on — which is the whole issue of commercial waste from shopping centres. I have raised this quite a bit in respect of the Nillumbik municipality and other areas. We have been pretty good. The Labor government implemented a very good regime of recycling waste and other products from our domestic households. The three-bin system is in place

in most areas of Victoria, certainly Melbourne. The landfill that comes from households has reduced substantially as larger and larger amounts of waste are recycled, whether it be garden, plastic or metal waste. That is all very well. However, if you were to look at the lanes at the back of our strip shopping centres, you would see just one big container into which everything gets dumped. There is no recycling of products, mainly because it is commercial waste; there is no legislative governance or council regulatory control for recycling that waste. It is a pity the bill does not cover that issue because it is a substantial one in suburbs right across Melbourne.

Governments should really have a good look at this and address it not only for equity reasons but also to ensure that our retail and commercial premises play their part in recycling and reducing landfill. With that, I will end my contribution to the debate.

**Dr SYKES (Benalla)** — I rise to contribute to debate on the Environment Protection and Sustainability Victoria Amendment Bill 2014. Firstly, I want to provide some context for the bill. Over the last decade or two we have seen a shift in society's approach to items and goods. In times gone by things were repaired; a lot of effort went into repairing and reusing things. Certainly many farms have a collection of old pieces of machinery that are used for spare parts to keep other pieces of machinery going. That approach is becoming a thing of the past as we shift towards throwing things out and buying something new to replace them. That has significantly increased pressure on our waste disposal areas.

Similarly, we are taking a much more careless approach to the management of litter. People carelessly throw things away, leaving litter for other people to pick up. This is particularly the case in our national parks, on our public land and along our roadsides. That is the downside. The upside is that community awareness about waste management is increasing. At the local level we often see community groups adopting a section of a highway or road and ensuring that every few weeks it is kept clean by picking up the mess left by the untidy members of our community. I pick up quite a bit of material along my section of Tatong Road.

Certain members of local government bodies also have a strong interest in improved waste management. For example, Cr Don Chambers from the Indigo Shire Council has a very strong interest in the recycling of waste. He has made representations to me on the legislation before us. Similarly, Cr Robyn Weatherald from the Strathbogie Shire Council has a significant interest in waste, particularly in the management of

green waste and trying to reduce the volumes that are clogging up our landfill through better handling of it. We see some people contributing to greater waste and we see others, including this government, recognising the importance of more effective waste management.

#### **Sitting suspended 1.00 p.m. until 2.01 p.m.**

**Dr SYKES** — Before the lunch break I was putting the issue of waste management in context in relation to this bill. One of the things I was talking about was littering in various places, which can sometimes occur after significant sporting events, when jubilant crowds express their jubilation with streamers, bells and whistles. It is perhaps very relevant that we have the players of Bendigo Spirit here today. We know that Bendigo Spirit won the Women's National Basketball League championship for the second year in a row, beating Townsville Fire. While that is not exactly on the bill, I am sure the entire house joins me in congratulating Bendigo Spirit on this outstanding effort.

**The ACTING SPEAKER (Ms McLeish)** — Indeed it does.

**Dr SYKES** — The bill puts in place the government's response to the report of the ministerial advisory committee that has been looking at waste and resource recovery governance reform. The key aspects include the strengthening of regions, as others have mentioned. We have gone from 12 regions to 6, which makes sense. With our modern technology and with efficient business and administrative practices it absolutely makes sense that both in regional Victoria and in Victoria in general we can manage with 6 regions rather than 12. In time gone by I was an agriculture department regional manager, and I know that by working together — with six regions in that case — and by using modern technology you can get good outcomes. In the carrying out of this change there has been a commitment to ensure that people who are currently employed will continue to be employed. That will require some management by the organisation to ensure that the people there can find rewarding and fulfilling jobs. I am confident, however, that with sensitive management on the part of the managers, existing staff can be looked after and we can end up with an efficient machine.

Over the lunch break Don Chambers, who I mentioned earlier in my speech, contacted me and indicated from his Indigo shire perspective, and given his strong interest in waste management, that this bill fits very well with what he sees from a grassroots and local government perspective. I think that will be in part because this bill ensures that there will be strong local

government representation, with the presence of four of eight members to be nominated by a forum of relevant councils and required to have skills, experience and knowledge in areas such as waste and financial and risk management. That is a hallmark of our coalition government: we are very much about putting in place people with the necessary range of skills so that we can see the range of programs that we are overseeing managed efficiently and delivering the outcomes we would hope for when utilising taxpayers dollars.

It is also interesting that at a local level there is a need for adjustment in relation to our local waste collectors and recyclers. In Benalla, Allan and Colleen Fleming have been collecting waste in their area for a long time. I know that they have experienced challenges as they have had to transition to different landfill requirements and different fees. As we know that is part of a strategy to try, as I said earlier, to encourage greater recycling of our waste, more efficient dealing with our green waste and minimising the rubbish that goes into landfill.

Also in north-eastern Victoria we have NevRwaste, which is working on these strategies. This is another example of a logical government response — a strategic approach that is ensuring that we have an integrated waste infrastructure planning framework, which is again to make sure that our landfill sites are located in areas that are sound in terms of soil structure and geographical location. Again in north-eastern Victoria, Mansfield shire, to give an example, now does not have landfill in its area but transports its waste to Benalla to use the landfill facility there. That is an example of local communities working together and making best use of the available landfill sites. By using larger sites, you can have efficiencies of scale.

Linked with that, there are fewer larger sites, and with this approach of having six regional management arrangements you are going to get greater consistency of approach to waste management. I would hope that greater consistency would also involve the use of best practice. I commend the bill to the house and look forward to hearing from other speakers.

**Mr LIM** (Clayton) — I am pleased to contribute to the discussion on the Environment Protection and Sustainability Victoria Amendment Bill 2014. The bill amends the Environment Protection Act 1970 to create a new planning framework for waste and recovery in Victoria. It also establishes new groups in the said area to manage recovery processes. The bill will also amend the determination of the landfill levy in accordance with fee units rather than dollar amounts, and amend the distribution methods of the levy. The bill will also provide exemptions for certain occupiers of premises

from the requirement to obtain a works approval and change the process for renewing permits to transport prescribed waste. It will amend provisions relating to clean-up notices and repeal those relating to environment and resource efficiency plans (EREPs) and to the requirement to lodge prescribed industrial waste returns annually.

The bill amends the Sustainability Victoria Act 2005 to alter the functions and membership of Sustainability Victoria, and it amends the Alpine Resorts (Management) Act 1997 to make consequential amendments to the act resulting from earlier amendments to the Environment Protection Act 1970. With the exception of parts 1, 2 and 5, this bill will commence from 1 July 2015 at the earliest.

A majority of the amendments proposed by the bill are a result of the recommendations of the *Getting Full Value — The Victorian Waste and Resource Recovery Policy*, with particular attention to the *Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*. The bill aims to discontinue existing environment and resource efficiency plans in order to reduce the regulatory burden on Victorian businesses and increase economies of scale. The Getting Full Value policy sets a 30-year vision for a waste and resource recovery system. The report is a result of consultation with the waste management industry, local government, waste management groups, Sustainability Victoria and the Environment Protection Authority Victoria (EPA). The amendments in the bill are aimed at achieving committee recommendations around legislative changes.

There are four main areas covered by the bill. They are: strengthened regional waste management and resource recovery service provision, integrated waste and resource recovery infrastructure planning, improved state agency focus and coordination, and improved administration of the Sustainability Fund and landfill levy.

The bill aims to strengthen regional service provision by reducing the number of regional waste management groups from 12 to 6. The bill also aims to modernise their service planning and delivery. The reduction in the number of groups is intended to reduce administrative and back-office work to allow for a greater focus on front-end service delivery. The waste planning role of the groups will expand to include all waste streams, including construction and demolition of commercial and industrial waste. The bill also enables local government representation alongside skills-based directors to be included in a new board structure.

Improvements to integrated waste and resource recovery infrastructure planning will be via better links to land use planning. The state waste and regional waste plans will have a focus on the infrastructure needs of their respective areas. There is an integration phase which requires that waste and resource recovery groups and Sustainability Victoria work together. Their plan will be referred to the EPA for comment to ensure that the new infrastructure meets environment protection standards.

Improved state agency focus and coordination is built on the review of Sustainability Victoria to amend the board of Sustainability Victoria. The new arrangements will make Sustainability Victoria the lead agency for facilitating waste and resource recovery market development initiatives. It will also make the body lead the development of a statewide community and business education strategy for waste and resource recovery. Improved administration of the Sustainability Fund and landfill levy is proposed by redirecting landfill levy revenue from the Environment Protection Fund under the Environment Protection Authority Victoria to a Department of Environment and Primary Industries account for distribution. The minister may determine landfill levy distributions instead of that being done through regulations.

As per the Getting Full Value commitment not to change the landfill levy rate for 10 years, the bill will provide for annual indexation of the levy to maintain the value of the levy in real terms. However, the bill will abolish the environment and resource efficiency plans program established by Labor. EREPs save 250 businesses \$90 million each year. The government's claim that EREPs duplicates the carbon tax and federal government funding programs is false, as these will be abolished. The government's new proposal will save only \$4 million over 22 months, 45 times less than what EREPs currently save. Where the number of regional bodies will reduce from 12 to 5, the Geelong, Bendigo and Ballarat councils are not guaranteed positions on the new board and are rightly very concerned.

The bill will take away support for the reduction of energy and water use. It is a blatant cash grab, no matter how you look at it, from the government wanting to use the landfill levy in any way it chooses. It ignores the interests of key regional councils and imposes the government's one-size-fits-all waste management model. I do not commend the bill to the house.

**Mr BULL** (Gippsland East) — It is with pleasure that I rise to make a contribution to the Environment Protection and Sustainability Victoria Amendment Bill

2014. As we have heard, this bill delivers the changes needed to implement several Victorian state government initiatives and decisions. The majority of the amendments relate to the implementation of the policy contained in *Getting Full Value — The Victorian Waste and Resource Recovery Policy*. Having a strong, clear, waste policy is critical in all areas of this state, and indeed the country, but it could be argued more particularly in some than others. The Gippsland East electorate has some magnificent natural attractions that need to be preserved well into the future. We have icons like the magnificent Gippsland Lakes that certainly need protection. Something like an efficient, well-understood and appropriate waste management policy goes a long way to addressing this.

I would like to talk about the aspect of the bill that supports the implementation of Getting Full Value. It sets a 30-year vision for an integrated, statewide waste and resource recovery system. This is not only looking at the issues that we are confronting now but is also putting in place a solid plan for the future. It will enable Victoria to get the best value it can from its waste resources. It signals a significant shift from the way that waste management has been handled in the past and provides more of an environmental focus on the economic benefits that can be obtained through this process.

As stated, it is critical to the communities of Mallacoota and Lake Tyers in the Gippsland Lakes catchment that there be appropriate waste management in those areas and indeed right across Victoria. While we are talking about waste management at this level it is appropriate that we have in place a well-run, structured policy that not only addresses commercial waste and the like but educates the general public about the importance of appropriate waste control. There is nothing more infuriating than seeing people littering or throwing cigarette butts out of car windows and that sort of thing. It all comes back to the underlying message of having appropriate waste management plans in place.

In these areas appropriate and best practice waste management impacts on other industries, like the tourism industry and in some cases the commercial sector. Getting Full Value addresses the significant shortcomings of the waste and resource recovery system that were identified by the Victorian Auditor-General. The current governance arrangements for the waste management sector are quite complex. They have been changed a number of times over many years and as a result have become quite complex. It is fair to say that in certain cases they probably do not optimise best practices in waste management. For example, they probably do not optimise the way we

handle and transport our waste materials. There is also room for improvement in the best use of infrastructure and transport to handle waste, in the best use of land and in the way we use national markets to perhaps utilise some of this waste for a secondary purpose.

Getting Full Value identified the need for new institutional and governance arrangements to help unlock the potential in these particular areas of waste and resource recovery. It recommended that the government appoint an independent expert ministerial advisory committee to advise on implementing the recommendations of the report. The advisory committee went about its business and delivered its report to the government in May last year, and the government released its response to the report in August. In compiling the report extensive consultation was undertaken with a whole range of stakeholders, including representatives from the waste management industry, local government, waste management groups, Sustainability Victoria and of course the Environment Protection Authority Victoria. Consultation on the reforms revealed that there was a strong push for reform from these agencies — indeed from everybody who was spoken to — and particularly from those groups representing rural and regional areas.

The institutional and governance changes that the bill will implement provide a platform for the delivery of these policy objectives. The amendments will improve clarity and certainty in Victoria's waste and resource recovery industry. They will ensure a more efficient and effective use of the government resources through strengthened regional institutions and through streamlined waste and resource recovery planning and procurement processes.

The four main areas that are covered by these amendments are strengthened regional waste management and resource recovery service provision, integrated waste and resource recovery infrastructure planning, improved state agency focus and coordination, and improved administration of the Sustainability Fund and the landfill levy.

As we have heard from previous speakers, the bill will also strengthen regional waste and resource recovery services by replacing the existing 12 regional waste management groups with 6 new waste and resource recovery groups, and I will talk about those later if I have time. The bill will also modernise their governance arrangements, which will make them more effective in the way they go about their business. The changes provide for economies of scale and better use of group resources for service planning and delivery. Having fewer regions will create greater opportunities

for market-based solutions for waste and resource recovery infrastructure and services. The reforms will improve regional services by reducing administrative, or back-office, tasks for waste and resource recovery groups and will free up resources for more on-the-ground front-line delivery. It makes perfect sense.

The bill will provide the new waste and resource recovery groups with an increased role in joint procurement of waste infrastructure. This will be a cost saving for those that are involved in this process. For reasons of efficiency, the government encourages more joint procurement between local governments to minimise costs through economies of scale while achieving environmental objectives and waste management goals. It is certainly the modern way of doing things. The planning role of waste and resource recovery groups will be expanded to cover all waste streams, including construction and demolition, commercial and industrial waste, which is consistent with the statewide management strategies that are being developed by Sustainability Victoria. It certainly falls in line with that organisation's objectives and the way that it is heading.

The new institutional arrangements for the waste sector will result in the current Calder, Mildura and Central Murray regional waste management groups being replaced by a new Loddon Mallee Waste and Resource Recovery Group; the current Barwon and South West regional waste management groups being replaced by a new Barwon South West Waste and Resource Recovery Group; the current Highlands, Grampians and Desert Fringe regional waste management groups being replaced by a new Grampians Central West Waste and Resource Recovery Group; and the Metropolitan Waste Management Group region being expanded to include the Mornington Peninsula Shire Council municipal district and being renamed the Metropolitan Waste and Resource Recovery Group.

There will be no change to the boundaries in the north-east — and I see the member for Benambra is here in the chamber — nor in Gippsland or the Goulburn Valley regions, but new waste and resource recovery groups will be established in due course within these three regions. The new groupings reflect waste flows, transport links and communities of interest, with each group including at least one major regional centre. It is important that we have one of our major retail commercial centres included in each one of these groups.

To sum up, in many ways this bill is about modernising and improving the way we handle our waste, bringing

these guidelines into line with current needs in our community and making the most of various efficiencies so that we can better handle our waste in Victoria. I have great pleasure in commending the bill to the house.

**Mr NEWTON-BROWN (Pahran)** — I rise to support the Environment Protection and Sustainability Victoria Amendment Bill 2014. This bill amends the Environment Protection Act 1970 and the Sustainability Victoria Act 2005. In essence the bill gives effect to key commitments contained in the document entitled *Victorian Government Response to the Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*. In addition the bill gives effect to the government's decision to maintain the value of the landfill levy, which is important so that environmental programs may continue. It also gives effect to the decision to discontinue the environment and resource efficiency plan program, and we have heard some criticism of that today from the other side. These are significant reforms, and they follow an extensive review that was undertaken by the ministerial advisory committee. The government's response to the ministerial advisory committee's report has generally been well received by all stakeholders. The most common response has been that we should promptly implement these recommendations and that there is no time to waste.

The amendments in this bill will facilitate the timely implementation of the government's commitments in its response to the ministerial advisory committee's report. In summary it will strengthen regional waste management and resource recovery services by providing better economies of scale, better coordination and better market-based solutions for waste and resource recovery. It will also introduce a new waste planning framework, which will be much better integrated on a statewide basis, taking into account metropolitan and regional planning, and generally it will improve links to land use planning. It will provide a far more coordinated and thought-through approach to waste management. The bill will also improve the coordination and consistency of waste management and resource recovery across all government departments and services. Currently the efforts in coordinating those services have been a bit of a patchwork quilt and the bill's amendments will lead to better coordination across the various departments and agencies. Finally, administration will be improved on the landfill levy and the management of the Sustainability Fund.

A lot has been said today by those opposite about these changes ultimately having a negative effect on the environment. Numerous members from the other side

have got up on their high horses, but such contributions seem to have petered out since lunchtime. However, the consistent theme in the contributions of opposition members has been that if you have a project that has the word 'environment' in its name, it is inherently good and it should not be changed at any cost. It is as if announcing a project with the word 'environment' in it has a noble intent that is an end in itself. The coalition government is not just about promoting badges, doing press releases and pumping up its own tyres without having the actual follow-through to justify promotional activities.

When the opposition was in government, its modus operandi was to come up with what sounded like a good idea — something with the word 'environment' in the name — promote it as much as possible until the media moved on and then somehow try to work out how to actually achieve what had been promised. In many cases the implementation and follow-through was simply forgotten. The delivery was not important and the execution was not important. Perhaps what really annoys us on this side of the house is that value for money was not important.

A simple Google search can produce a litany of projects of the previous government that had an environmental bent, all of which had noble intent and all of which either did not work or, if they did work, came at an exorbitant cost. I would like to take the house through some of these projects. I will provide a brief history of Victorian politics since the turn of the century. Back in 2009, the *Age* reported that the Victorian government had failed in its fuel-reduction burning programs for the past decade. About one-fifth of the area targeted for burning for the past decade had remained untouched. We all know the consequences of that — the Black Saturday bushfires. Another initiative of the Labor government where the cost was not as important as promotion was the myki project. Members will remember that this project was to be delivered in 2007, and it was going to cost a few hundred million dollars. Fast-forward to 2012, five years later, and the current government finally got the myki system up and running — after the coalition came in to clean up the mess, mind you — and the final cost was \$1.52 billion. That is an extraordinary amount of money for a project that was promised to be delivered five years earlier at a much lower cost.

In June 2010, not long before the Labor government was voted out of office, the Brumby government's signature water-saving project for Victoria was written up in the *Age*, which said that the Auditor-General found that without proper costings and evidence the former government's food bowl modernisation project

and the north–south pipeline would fail to meet the demonstrated need for expenditure. The Auditor-General also said that the former government failed to explore proper alternatives. History shows that the north–south pipeline was indeed a white elephant and has never been used.

One of the more bizarre environmental plans of the former government was to source drinking water from the Yarra River, and not water from the pristine upper reaches of the Yarra but water from around Dights Falls, near where the Eastern Freeway crosses the river. What a mad idea that was. It was a \$260 million plan to drink excess water from the Yarra by treating stormwater from Dights Falls. It was another crazy idea that probably sounded good at the time. There was also the Labor government's shower head project. At around the time that project was announced, I was at the Spring into Gardening Show in Stonnington, and in came a truck with Minister Thwaites, the former Minister for Water, Environment and Climate Change in the Labor government, and all his hangers-on distributing shower heads to everybody. At the time it was actually illegal for anybody to change a shower head on their own; they had to get a licensed plumber to do it. That was another bungled program whereby — —

**Mr Helper** — On a point of order, Speaker, I would appreciate it if you could draw the speaker's attention back to the content of the bill. He may wish to spend his last 1 minute and 33 seconds talking about it.

**The ACTING SPEAKER (Ms McLeish)** — Order! The member was commenting on some of the remarks that have been made by opposition members in their contributions, but he has strayed somewhat, so I will ask him to come back to the bill.

**Mr NEWTON-BROWN** — I thank the member for his assistance and for his suggestion as to what I might like to speak about, but much as it does pain and hurt the opposition I would like to speak a little further on these projects that the former government failed to deliver, or if they did deliver them, it was done at an exorbitant cost. These failures of the former government are directly relevant to this bill and directly relevant to the criticisms that we have heard in this house today in regard to the discontinuance of the environment and resource efficiency plan program, which was a duplication of process and a program that did not deliver value for money. Certainly this government does not back away from the right fiscal and environmental decision, which is to discontinue that program.

We have the Labor shower heads program and, in my final few seconds, the Brumby solar scheme, which senior state bureaucrats said would not work. We have heard alarm from Environment Victoria over the north–south pipeline and trucking of toxic waste through ironbark forests.

**Mr THOMPSON (Sandringham)** — There is a lot of competition on this side of the house to speak on the important Environment Protection and Sustainability Victoria Amendment Bill 2014. I do so partly in the context that clause 3, which inserts certain definitions into the Environment Protection Act 1970, states:

*Metropolitan Waste and Resource Recovery Region* means the region that consists of the municipal districts of the following councils —

...

(b) Bayside City Council; ...

Over the years great work has been undertaken by local governments in looking at better managing waste. The Kingston City Council, which is listed in the bill as being part of the Metropolitan Waste and Resource Recovery Region, has a number of municipal tips that help absorb waste from the local district. Last Sunday week was Clean Up Australia Day, and near the Sandringham rotunda over 50 people participated in the clean-up of the foreshore. Multiple bags of rubbish were collected from that site, as they have been over the last 16 years or so. I applaud the level of community interest in improving the environment and managing waste and resource recovery issues.

In my time of residence in Bayside, we have gone from incinerators and metal bins that were filled with a mixture of rubbish to now four methods of waste collection. There is the green bin that takes household waste. I am pleased to note that a number of people in the city of Bayside have composting bins, which reduces the volume of waste material that goes out into the municipal bins — that is, the green bin. Then there is the blue bin, which manages plastic, paper and cardboard recyclables, and is collected every second week. For those of us in the chamber who have the high responsibility of taking the bins out, we can observe which part of the cycle we are in by looking up and down the street when we get home late at night from Parliament. In fact when I got home from here last night, approaching midnight, I saw it was the green bin night only. It will be blue bin night next week. I will have to follow the right routine next week as well.

I note that where my office is located, not every tenant remembers to take their bin out weekly, and one of my

staff performed the great service of handling the double load overflow after the Clean Up Australia Day activity. I pay tribute to the Hampton girl guides, who helped with Clean Up Australia Day activities along the Sandringham foreshore, where there was not a special clean-up. I also pay tribute to a local secondary college just outside my electorate, which contributed over 40 students to the clean-up effort; they did a great job. I pay tribute to that school, a number of former students of which are in this chamber or have recently served in this chamber.

Before I digressed slightly, I was commenting on the range of resource recovery in the Bayside region, which includes the green waste, the blue bin and residents having their own composting arrangements, which provides good fertile humus that can be placed on a household's vegetable garden once materials have been composted. Then there is the green waste bin that has a red top and a green base. I am pleased to note that a number of neighbours use this as a very constructive way of managing the composting material they do not wish to use on their property or wish to get rid of. In the case of a near neighbour, this involves tea-tree branches and other materials that are not required for use on site. Then there is the hard rubbish collection. In the Bayside region, historically that has been done on a recurring date. Now, in an efficient process, householders who have hard rubbish that they wish to dispose of are able to place it on the nature strip and have it collected by the recycling operation or removal operator.

Allied to this, I would like to pay tribute to the recycling process at All Souls Opportunity Shop, which since the late 1950s has recycled and sold approaching \$2 million worth of goods from a shop in Bay Road, Sandringham. A couple of keen contributors to the work of that opportunity shop over the years were Joan and Bill Bingham.

In more recent years this outstanding couple relocated to Bellbrae. Regrettably, Bill passed away recently, but he was a salt-of-the-earth character. He had a comment for every issue of the day, whether it was the front page or the back page of the *Herald Sun*. He was a keen volunteer, a bright-eyed contributor, a man of great purpose and an encourager of those around him. He and his wife, Joan, were exemplary members of the local district. He had a son who was an outstanding tennis coach who regrettably died of an asthma attack in his mid-30s. He had another son who was killed in a motor-vehicle accident.

Despite these great family tragedies and great personal loss, Bill and his wife made an outstanding contribution to the Bayside region and beyond. They were strong

supporters, along with many other people, of this local recycling and recovery group — that is, the All Souls Opportunity Shop. Bill will be long remembered and sadly missed for his contribution.

The bill establishes a new framework for statewide waste and resource recovery planning and establishes new waste and resource recovery groups to perform waste and recovery functions. It changes the process for determining the landfill levy by using fee units instead of dollar amounts. It changes the method of distributing the landfill levy, and it provides for the exemption of certain occupiers of premises from the requirement to obtain a works approval. It repeals provisions relating to environment and resource efficiency plans. It changes the process for renewing permits to transport prescribed waste. It repeals the requirement to lodge prescribed industrial waste returns annually. It amends provisions relating to clean-up notices and amends the Sustainability Victoria Act 2005. I note that there is also an alpine amendment within the bill.

Those who serve in local government undertake a variety of tasks. Some local councillors serve on cemeteries trusts, some serve on a range of hospital boards and some apply their energies to environmental waste resource recovery issues. I commend those within the city of Bayside, the former city of Sandringham and the city of Kingston for their strategic work. As landfill sites have reached their use-by dates there have been opportunities to turn them into parkland. There is a methane discharge associated with that. As one travels along Heatherton Road in the city of Kingston one can see a number of sites that form part of the chain of parks profile and the green wedge land within the city of Kingston. There are opportunities for the future.

By way of summary I note that within the city of Bayside and the city of Kingston there is a wide range of waste management and resource recovery options. There are the green bins, the blue bins and the red and green bins. There is the composting that takes place on site, and there is a kerbside collection opportunity. Also within the city of Bayside is a transfer station to which one can take surplus goods directly, be they of a cardboard nature, a building-products nature or a too-many-oil-and-paint-tins-in-the-garage nature. Those goods can be deposited or strategically recycled.

Finally, outstanding work is undertaken by the All Souls Opportunity Shop in Bay Road Sandringham. It recycles household goods and, due to the vision, foresight and hard work of those who established that particular site, it has distributed over \$2 million to the local community in its period of operation.

**Mr GIDLEY** (Mount Waverley) — I rise to make a contribution on the Environment Protection and Sustainability Victoria Amendment Bill 2014. I commence by recognising the work and commitment of the Minister for Environment and Climate Change and the path he has mapped out with this strategy and the outcomes the strategy seeks to achieve via this bill. The bill makes a number of amendments to the act, which will be effective not only tomorrow but over a 30-year period. Government does not always have the foresight and capacity to think so far into the future. I think when it does — and when the minister does — it should be recognised. I recognise the work the minister has put into putting together a 30-year plan. That 30-year plan aims to better deal with waste and grow the state's economy. It aims to deal with waste in a better way for the next 30 years by ensuring that any hidden value is unlocked, if I could put it like that, from recovered materials whilst also undertaking the work necessary to protect the health of communities and the environment.

As a conservationist myself, I think it is important that there be a win-win situation — that is, an improvement in both the economic and environmental outcomes of waste recovery; that certainly is the case here. It is a good contrast with the Auditor-General's 2011 report in relation to the previous government's failings in this area. I note that in that report the Auditor-General found that ineffective planning, leadership and oversight have resulted in inadequate coordination of implementation and limited progress in reducing municipal waste. That is important to note because if we do not recognise the failings and shortcomings of the previous government and also where the state was prior to the minister undertaking this 30-year strategy, we cannot come to a view as to how we can improve on those things. In the context of this 30-year plan — this road plan for better economic, conservation and environmental outcomes for today and tomorrow — it is important to look at the failings and the shortcomings of where we have come from.

I will provide some commentary in relation to how this bill will improve business confidence and business certainty. Those things are important when this government is committed to driving economic outcomes that provide jobs and certainty for the community. They are also important in this particular economic climate. I note that this bill will provide for a reduction in red tape and a streamlined process for the Environment Protection Authority Victoria (EPA) to improve economic outcomes. Firstly, it will provide the EPA with greater flexibility in granting works approval exemptions so that businesses are not required to seek unnecessary approval for works that have no adverse environmental impacts.

Secondly, the bill will allow the EPA to issue waste transport permits for up to five years instead of it having to renew them annually, as is currently the case. The bill repeals section 54B of the Environment Protection Act 1970 to clarify that there is no requirement for a business dealing with prescribed industrial waste to submit annual returns to the EPA. There are three clear and concrete examples of the government recognising opportunities to reduce red tape. There are opportunities to reduce the cost on business and to improve business certainty and confidence while maintaining rigorous oversight of conservation and environmental outcomes. Again, it is a win-win situation for our environment and a win-win situation for our community.

Those are just three examples of a number of examples in this bill which will provide a better outcome for our state. I understand a number of speakers want to speak in relation to this important, some would say historic, bill, with its 30-year road map. I conclude by wishing the bill a speedy passage through the house.

**Mr WATT** (Burwood) — I rise to speak on the Environment Protection and Sustainability Victoria Amendment Bill 2014, noting that the bill amends the Environment Protection Act 1970 and the Sustainability Victoria Act 2005 to support the implementation of several recent government initiatives. The bulk of these amendments give effect to key commitments in the Victorian government's response to the *Report of the Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform*, but I would like to concentrate my contribution on two aspects of this bill.

I would like to talk a little bit about the indexation of the landfill levy. Whenever the landfill levy has been changed over time it has always been quite contentious. The bill will set up some certainty for businesses and the general populace so they know and understand where we are heading with the landfill levy and the potential costs in the future. As announced in *Getting Full Value — The Victorian Waste and Resource Recovery Policy*, the government committed to not changing the landfill levy rate for 10 years post 2014, allowing for annual adjustments in line with the increase to the value of the fee unit. It is important to note that this bill provides for the annual indexation of the landfill levy to maintain the value of the levy in real terms over time.

I would like to go to the discussion around red tape provisions. The bill includes some amendments that will reduce red tape and streamline the Environment Protection Authority Victoria (EPA) process. During

the 2010 state election I can remember getting out and talking to people and I heard a lot about red tape. They said that so many very simple things get bogged down in red tape. People said, 'Why are you doing that and why do you do it that way? Surely there is a simpler and cheaper way to do things. Surely you can achieve the same or similar outcomes by reducing the impost, the burdens and the red tape'. That is why the coalition went to the election committing to a 25 per cent reduction in red tape. We are going quite some way to achieving that reduction. We addressed the need for a red tape commissioner. The commissioner looks at things that he thinks would assist in reducing red tape. One of those things was reducing the need for registration stickers on cars.

Unnecessary red tape will be removed via amendments in this bill. I am sure the general populace would prefer that there is no red tape for anything. Some libertarians would ideally like no regulation. We understand that there are always going to be some regulations and rules that need red tape, but when we can reduce the red tape and get the same or similar outcomes, that is a good thing.

This bill removes red tape by providing the EPA with greater flexibility in granting works approval exemptions, allowing waste transport permits to be issued for up to five years, which is a good thing, and giving the EPA the power to amend clean-up notices rather than the current, cumbersome process of having to revoke and reissue them. That is pretty important. If we can fix a problem rather than going through the throes of having to revoke and reissue notices, that is good. We are also repealing the requirement for businesses dealing with prescribed industrial waste to submit annual reports to the EPA about the waste they deal with. I have spent a bit of time reading these provisions. This is a great part of the bill. I reiterate that removing red tape, where possible, is a good thing. I commend the bill to the house.

**Debate adjourned on motion of Ms KAIROUZ (Kororoit).**

**Debate adjourned until later this day.**

## PERSONAL EXPLANATION

**Ms WOOLDRIDGE** (Minister for Community Services) — I wish to make a personal explanation. In the house earlier today during question time I said that I became aware of an incident report from the Department of Human Services on 10 December 2013 based on advice provided to me. That advice was incorrect. The correct date is 16 December 2013.

## MENTAL HEALTH BILL 2014

### *Second reading*

**Debate resumed from 12 March; motion of Ms WOOLDRIDGE (Minister for Mental Health).**

**Ms WOOLDRIDGE** (Minister for Mental Health) — I would like to conclude the debate on the Mental Health Bill 2014 by first of all thanking all members of the house who contributed so thoughtfully to the debate. There was a real spirit of support and cooperation and some general questions, which I know we will have the opportunity to explore over the course of the next hour. The debate was very constructive. There was a shared commitment to improve the legislative framework and the treatment and support for people with a mental illness. As always, I was touched to hear the personal experiences of a number of members of the house who have supported family members, friends or colleagues with a mental illness. I thank all members for sharing those experiences and recognising the importance of the Mental Health Bill in ensuring improved mental health treatment and care for all Victorians.

As a government we are seeking to put patients and their families and carers at the centre of mental health service delivery, and we are investing in new approaches and new ways to improve the lives of people with a mental illness. Victoria's priorities for mental health reform focus on ensuring that people who need mental health treatment and support can access high-quality and responsive care when they need it. People with a mental illness and their families and carers should be able to actively participate in decisions related to their care and have a range of choices about the types of support they need to achieve optimal wellbeing.

The Mental Health Bill 2014 has involved comprehensive policy development over a period of more than five years, spanning two different governments, with patients, carers, families and mental health service providers working in collaboration with government, clinicians and others to develop the policies contained in the bill that we are debating. It is worth taking just a moment to reflect on what has happened over the last few years.

In 2010 the coalition opposition, as it then was, released a plan committed to ensuring that the views of the mental health sector professionals, people with a mental illness and families and carers were incorporated in the bill that was introduced into Parliament. Keeping this promise, we undertook extensive consultation to

understand the strengths and weaknesses of the Mental Health Act 1986 and also the exposure draft that had been presented by the former government. We received over 200 submissions on the exposure draft. They identified a number of key policy areas of particular concern to the community.

Consistent with our election commitment, the Victorian government held round table public meetings, targeted consultations, throughout 2011 to discuss the issues identified in these submissions. They were extremely productive, with the community and the government working together to identify practical policy solutions for the future of Victoria's mental health legislation. There is always a diversity of views among consumers, carers, families and health professionals about some aspects of mental health policy. What we have sought to do as a government is reconcile these differences and deliver our key policy objectives, and managing that dynamic has been an important part of the process.

In October 2012, the government released a document entitled *A New Mental Health Act for Victoria — Summary of Proposed Reforms*, which outlined these key policy objectives and intentions for the reform of our Mental Health Act. I also commissioned a panel of legislative experts — Julian Gardner, Professor Bernadette McSherry, Professor James Ogloff and Dr Ian Freckelton — to review the draft bill prior to its introduction. This process also provided me with invaluable advice about whether the legislation reflected and supported the implementation policy objectives of the reforms, including the views of the mental health sector, people with a mental illness, families and carers. I thank the members of the panel of legislative experts for their comprehensive advice, which has greatly assisted the drafting process. Many people have been involved in a very thoughtful and thorough way over a long period of time and that has culminated in the legislation being here today for debate.

The bill delivers on the government's reform objectives. It responds to community expectations for contemporary mental health legislation that promotes supported decision making and partnerships between patients and practitioners and enables public sector clinicians and public mental health service providers to deliver quality mental health services. As we know, it also establishes a comprehensive individual-focused legal framework for compulsory assessment, treatment, support and recovery of people with a mental illness.

The debate on the bill has covered off some of the range of things involved, but they are things that will make a very significant difference for patients, for

example. Patients can make and participate in treatment decisions. They are supported in their rights to understand them and be able to exercise them. A patient can ask a person to receive information and provide support, and they can make advance statements about their treatment. They can seek second psychiatric opinions and understand much more effectively what the process will be in relation to receiving that treatment. There are maximum durations for compulsory treatment and independent oversight of orders. They are very significant improvements for people with a mental illness, and I particularly also add the establishment of the independent mental health complaints commissioner.

But the bill also benefits carers, and this has been a very important part of the consultation and the refinements that have been undertaken. Carers are to be notified and consulted about key decisions. Patient information is to be shared with carers. Carers can be nominated to receive information and provide support. Carers may also seek a second psychiatric opinion and make claims on behalf of a patient. All of these are significant steps forward.

For clinicians the bill provides a much clearer pathway in terms of respecting the right of clinicians to make clinical decisions in relation to the provision of treatment but having a framework around compulsory treatment, a focus of recovery-oriented treatment, a focus on the framework in relation to the provision of electroconvulsive therapy (ECT), an enhanced role for the chief psychiatrist and so on. There are significant steps forward here as well, and of course there are important oversight mechanisms. They are the Mental Health Tribunal, which I am sure we will talk about in more detail, which is enhanced from what the Mental Health Review Board was, and the establishment of the mental health complaints commissioner as a mechanism to assess, manage, investigate and endeavour to resolve complaints about public mental health service providers.

I want to take the opportunity to also talk about the role of community visitors. Community visitors will have powers to inquire into the adequacy of services and facilities for the provision of assessment and treatment. The current Mental Health Act does not permit community visitors to inspect any document or medical record relating to a consumer unless they have the written consent of that consumer. The bill will ensure that community visitors will have access to any document other than a clinical record. They will also have access to the clinical record if the consumer consents. This will respect patient privacy but allow community visitors to seek clinical records where the

patient is seeking their support. The term ‘clinical record’ has been used to reflect the modern multidisciplinary practice of mental health service providers. Furthermore, the government is preparing mental health regulations which will expand the jurisdiction of community visitors to enable them to visit and inquire into the adequacy of services and facilities at prevention and recovery care services as well.

There are a number of steps forward from the exposure draft that I just want to make a moment to touch on. The bill is reordered so that it actually reflects the passage of the patient journey through the mental health treatment system. It also makes it much easier for a person with a mental illness to understand not only their rights but also what the legislative framework is in relation to their treatment. As I have said, carers will be recognised in their very important role in assessment, treatment and recovery, and the bill provides clearer guidance on when it is necessary and appropriate to disclose patient information. As I have said, importantly, carers and family members can also make complaints.

The bill also looks to the care of the children of people with a mental illness. This was an area that the exposure draft was silent on. The bill provides that children and young people who are dependants of people receiving care should also have their needs, wellbeing and safety recognised and protected. I think this is very important in the context of work we are doing across government in relation to understanding the safety and wellbeing of vulnerable children in the context, in this legislation, of parents who may have a mental illness.

The bill takes away the criminal penalties for doctors and nurses. The medical profession was very concerned about the potential in the exposure draft for jail time for performing ECT not in compliance with the act. We believe there are already significant oversight and penalties available for health practitioners if inappropriate practice is conducted. There is no minimum age for ECT. I am sure that is something that we will talk about further. Our advice from the medical profession is that there is no clinical justification for having a minimum age for ECT.

Importantly, there is a reduced time for a psychiatrist to be able to make an order without review. This goes to the heart of active decision making in relation to people with a mental illness. The exposure draft included three months for community orders; this has been reduced to 28 days. The maximum time for an order under the exposure draft was 18 months; this has been

reduced to 12 months. Children were not treated differently in the exposure draft but they are in the bill that we are debating today. These are very positive steps forward. The bill as a whole is substantial.

Over the course of the review, as there has been refinement and improvement, we have also pushed further and made significant improvements so that now we have a bill that this Parliament and the Victorian people can be proud of. We know these reforms will make a significant difference in improving the experience of treatment and care for people with a mental illness and their families and carers. This will change the way that treatment is delivered in Victoria by providing greater opportunities for clinicians to continue to innovate and deliver recovery-oriented treatment and care.

I will stop there because I know the Leader of the Opposition will be keen to get onto the issues that he has raised. I very much welcome the opportunity to have a consideration-in-detail stage so that we can talk through some of the important aspects and concerns that have been raised in the course of the second-reading debate.

**Motion agreed to.**

**Read second time.**

*Consideration in detail*

**Opposition amendments circulated by Mr ANDREWS (Leader of the Opposition) under standing orders.**

**Clause 1**

**Mr ANDREWS** (Leader of the Opposition) — Clause 1, which contains the purposes of the bill, provides me with an opportunity in what I think has been a debate conducted in the spirit in which it should be conducted — in a respectful way — to make some comment. In my contribution yesterday I raised some concerns, and I might use clause 1 as an opportunity to go to some of them in general terms. Obviously we have amendments to two other clauses, and I will seek to formally move those amendments when we come to those clauses.

There are many and varied questions, and perhaps in the interests of time I will write to the Minister for Mental Health when the bill is between the houses and seek her consideration of those matters. Again I make the point — because it is worth making again — that they are questions that are put forward in a spirit of bipartisan support for a more dignified, a more

respectful and a more contemporary set of statutory arrangements for those who are often the most vulnerable members of the Victorian community. I will not go through those issues where I am perhaps looking more for answers than I am expressing a divergent view; I will come to those matters between the houses, and I am sure the minister will take me up on that offer. That will be a good way of going about it, and we can perhaps resolve some of those matters in the other place, where there are not quite the time constraints that there are here.

There were some concerns raised about monies that were appropriated to support the implementation of this act back in 2010. We are very keen to understand what those allocations might be in the future, given that there is a very significant administrative burden — a very big job of work to be done — to be ready just in a few months time, noting that the operative clause of this bill states 1 July this year. We would be keen to hear from the minister on that, but our principal concerns relate to the notion that facilities that operate for profit — facilities that operate outside the public sector, whilst regulated by acts of this Parliament — in our view ought not be designated mental health services. They ought not be facilities where the statutory powers apply and there is a potential provision of involuntary treatment.

I will make the point again, as I did yesterday, about dispensing with or discarding the notion of informed consent. There are few more challenging things that any clinician or any Parliament can do than to provide for involuntary treatment whilst at the same time comprehensively acquitting their responsibilities to the fundamental human rights of members of the citizenry, often at their most vulnerable point.

I think those rights are best protected in a public system that is not accountable to a board or to shareholders. I make no inference against them, but I just do not think that is appropriate; the most appropriate framework is a public framework. We have an amendment that we will move shortly that dispenses with the possibility of private, for-profit or non-government facilities being declared mental health services. We have been assured by departmental officials that there is no intention to actually utilise this clause. Perhaps we are mistaken, but through an abundance of caution we will seek to delete those words that we think offend against the principles of public trust, public good and the public responsibility of this act as a function of this Parliament and the broader duty of care that this Parliament and the public sector have towards the most vulnerable. If the minister has another view on that, then she can put it, and we will let the will of the house prevail.

The second issue, in relation to which we will move an amendment, is electroconvulsive therapy, particularly in relation to minors. I want to be very clear about this: I do not propose on the floor of the house to redesign a treatment framework. I do not think that necessarily benefits anyone. I am not sufficiently expert to do that. I dare say no member of this house is expert enough to redesign a treatment framework on the run. There are differences between the exposure draft and the bill before the house. We believe there needs to be an enhanced and a formalised monitoring regime, not out of the goodness of any future minister's attention to his or her portfolio but as a requirement. We think the two-year review provisions are an appropriate balance so that if this framework were to continue beyond two years, then it ought be remade, and it ought be a function of an active decision of this Parliament, noting how sensitive, challenging and difficult these issues are. I might leave it at that for this first of my contributions on clause 1, and I might come back to it in another 5-minute block, once we have heard from the minister.

**Ms WOOLDRIDGE** (Minister for Mental Health) — There are a number of things that have been raised already, and let me start to touch on them and we can work through them in the time we have. Can I, first of all, assure the house that each and every cent of the money provided in the 2010 budget for both the preparation and implementation and for the ongoing running of the act in operation is in the budget and is being dedicated towards its implementation. We have taken that incredibly seriously. I will work through those details and give some background to them.

The 2010–11 budget committed \$36.56 million over four years to implement the new legislative framework and a comprehensive service system reform and capacity building package. The 2010–11 budget also committed \$20.76 million of indexed recurrent funding from 2014–15 to directly support public mental health services in meeting new requirements under the legislation, providing operational funding for the new Mental Health Tribunal and mental health complaints commissioner and to support ongoing service quality improvement.

The budget of \$36.56 million has been committed in accordance with the policy objectives to put patients and families at the centre of mental health services and invest in new ideas to improve the lives of people with a mental illness. Let me run through some of the aspects of that.

There has been \$13.5 million committed to prepare health services and workforces for new legislative practice and operational requirements. This funding

includes specific initiatives working in partnership with health services, consumers, carers and families to develop implementation resources and training. There is \$12.2 million in overall project investment to develop and implement reform policy initiatives, including upgrading IT infrastructure and establishing an evaluation framework that will collect data about people's experience of care and supportive decision-making. There is \$4.4 million to establish the Mental Health Tribunal, \$3.8 million to establish the mental health complaints commissioner, and \$2.6 million to embed and sustain service quality improvement, innovation and cultural change through the service system. A small amount of remaining funds will be utilised as needed to ensure that this is implemented effectively.

We anticipate that just over \$28 million of the implementation budget will be expended by the end of this financial year, leaving a bit over \$8 million to be invested alongside recurrent funding from 2014–15 to support the transition, consolidate the implementation and monitor the ongoing progress of the reforms. The government has implemented a considerable budget management strategy to ensure that the budget is fully committed to delivering the reform package and making sure that it is effective.

I am happy to talk about the preparation in a little bit of detail because the Leader of the Opposition raised some concerns about the timing. We have worked assiduously to make sure we are ready for the implementation of the act. I will touch on it at a high level and then we can go through things in more detail. We have put nearly \$5 million into health services to have mental health project officers ready for the act. There is nearly \$3 million to prepare health services for the transition to the new act, including staff training, recruiting staff and so on.

Additional training programs have been developed to support the workforce to make the transition. The Mental Health Tribunal is putting in place videoconferencing networks so that decisions of the tribunal can be made so patients can have a say without potentially having to be transported from all corners of the state. Carers and consumers are also funded through the Victorian Mental Illness Awareness Council and the Victorian Mental Health Carers Network to make sure that they are also helped to prepare for the new act. We are establishing protocols in relation to the second psychiatric opinion, advanced statements, working with nominated persons, families and carers and so on. Extensive work has been undertaken, which has been largely funded by the government and driven by

community organisations and health services to make sure that all the work and preparation has been done.

Many of these services — for example, health services — were funded from June last year. We released a policy statement in 2012. The work of drafting and finalising the bill has been done in parallel with preparing health services to be ready for the changes they need. We have a new purpose-built facility for the Mental Health Tribunal. The mental health complaints commissioner has a dedicated project team, new IT systems and so on.

Importantly — and I want to touch on this because it ties into where we will go further — a monitoring and evaluation framework will be implemented to measure the progress of the reforms and our statutory compliance and to ensure that the initiatives have been implemented to specification and are functioning as intended. The framework will draw upon key performance indicators, upgraded data system capabilities, new data sources from the Mental Health Tribunal and the mental health complaints commissioner and the chief psychiatrist. A key element of the evaluation framework is the measurement of consumers' experience of care under the new act, and this is really at the heart of what we do. We are investing \$2 million over four years on this evaluation. It is important that this framework informs ongoing quality improvement to sustain and embed the cultural change that needs to happen.

I am happy to address some of the issues about private facilities. If the Leader of the Opposition wants to move his amendments, we can come back to them in further detail.

**Clause agreed to; clause 2 agreed to.**

**Clause 3**

**Mr ANDREWS** (Leader of the Opposition) — I move:

1. Clause 3, page 7, lines 14 to 18, omit all words and expressions on those lines.

The amendment relates to the issue around declared and designated mental health services only being public hospitals and public health services. I believe it adds an additional level of protection and safety and meets the community's expectations around public trust and the public framework.

In no way do I question the government's intentions on this; I think we all want the best for clients and patients, but there needs to be an extra level of protection for the

use and exercise of statutory powers, particularly for involuntary treatment. I think the public sector and public provision provides that. I am at a loss to understand why, apparently, departmental officials have expressed the view that there is no intention to utilise these provisions. If there is no intention to utilise these provisions — and I would submit that public provision adds a layer of safety and confidence and meets community’s expectations — they should be deleted because they are not necessary. They may be worse than that; they may be unhelpful.

I mean no disrespect to the departmental officials from the great Department of Health but nothing gets people more concerned than when officials say, ‘Don’t worry about those clauses; we don’t intend to use them’. If they are not necessary, then they are not necessary and they ought to be removed from the bill. That is what the amendment does. I urge all members to agree with the amendment as put to amend the bill and provide that additional safety.

**Ms WOOLDRIDGE** (Minister for Mental Health) — While I understand the sentiment of the comments made by the Leader of the Opposition in relation to ensuring the quality and provision of the services provided, I can reassure him that it is entirely consistent with what is in the current act. Section 94 of the current Mental Health Act 1986, which is about the proclamation of approved mental health services, says:

- (1) The Governor in Council may, by a proclamation published in the Government Gazette, proclaim —
  - (a) any premises (including part of any building or place) at which treatment is to be provided to patients; or
  - (b) any service through which treatment is to be provided to patients —

to be an approved mental health service.

For the nearly 30 years that we have been operating under the current Mental Health Act, both private and public facilities have been able to be proclaimed. In all of that time it is only public services that have been proclaimed. What is provided in this bill is no different to what has been provided under the act for the last 28 years. We were asked about this in the consultation process; people were interested as to whether there was going to be a change. What we have said all the way through is that there is absolutely no change from the current situation. That is what this bill provides. It is entirely consistent with what has always been in the legislation.

Once again I can assure the Leader of the Opposition that there are no plans to proscribe any private hospitals but, as was probably the case back in 1986, the bill does retain some flexibility or future-proofing to leave it so that any service can be provided, whether that be public or private.

We do not support the suggested amendment to this clause because we believe we should maintain the status quo of exactly what has been provided under previous Labor, Liberal and coalition governments. We believe that should continue into the future.

**House divided on amendment:**

*Ayes, 41*

- |                |                   |
|----------------|-------------------|
| Allan, Ms      | Hutchins, Ms      |
| Andrews, Mr    | Kairouz, Ms       |
| Barker, Ms     | Kanis, Ms         |
| Beattie, Ms    | Knight, Ms        |
| Brooks, Mr     | Languiller, Mr    |
| Campbell, Ms   | Lim, Mr           |
| Carbines, Mr   | McGuire, Mr       |
| Carroll, Mr    | Madden, Mr        |
| D’Ambrosio, Ms | Merlino, Mr       |
| Donnellan, Mr  | Nardella, Mr      |
| Duncan, Ms     | Neville, Ms       |
| Edwards, Ms    | Noonan, Mr        |
| Eren, Mr       | Pakula, Mr        |
| Foley, Mr      | Pallas, Mr        |
| Garrett, Ms    | Pandazopoulos, Mr |
| Graley, Ms     | Perera, Mr        |
| Green, Ms      | Scott, Mr         |
| Halfpenny, Ms  | Thomson, Ms       |
| Hennessy, Ms   | Treize, Mr        |
| Herbert, Mr    | Wynne, Mr         |
| Howard, Mr     |                   |

*Noes, 42*

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

**Amendment defeated.**

**Clause agreed to; clauses 4 to 98 agreed to.**

**Clause 99**

**Mr ANDREWS** (Leader of the Opposition) — I move:

2. Clause 99, after line 33 insert —

- “( ) The chief psychiatrist must provide a written report to the Minister before 1 October 2016 in relation to the period starting on 1 July 2014 and ending on 30 June 2016 that —
  - (a) states the number of young persons (irrespective of whether the young persons were patients) who received a course of electroconvulsive treatment at a designated mental health service; and
  - (b) provides details of any discomfort or side effects of the electroconvulsive treatment experienced by any young person referred to in paragraph (a) that have been reported to the chief psychiatrist by the young person’s psychiatrist or authorised psychiatrist, the Tribunal or the Commissioner.
- ( ) The Minister must cause to be tabled in each House of the Parliament before 31 December 2016 —
  - (a) a copy of the report; and
  - (b) the Minister’s response to the report, including any recommendations.”.

This amendment would insert a series of provisions after line 33 in clause 99 of this bill. As I said yesterday in my substantive contribution to the debate on the second reading, the issue of electroconvulsive therapy (ECT) is a challenging and complex issue. It is an emotional issue and one that many of us struggle with in terms of being comfortable with or confident about it. When you then add the dimension of involuntary treatment to what is already a controversial and challenging therapeutic intervention, it becomes an even more complex issue.

The issue here is not ECT in the abstract or across all patient cohorts. This provision and this amendment relate particularly to the provision of ECT to young people. Whilst I know that historically very small numbers of minors have received ECT, each and every case is unique, special, valuable and precious. We need to make sure we have the best and most contemporary framework — a framework, as I said earlier, that is about respecting the human rights of patients and empowering consumers to get better. As much as anything this is about saving lives by minimising or mitigating risks of self-harm and suicide.

That electrochemical balance is a precious thing. ECT, as controversial as it is, has many supporters. The

scientific, pharmacological, psychiatric — whatever term you want to put on it — medical consensus is that for many patients it can be the real difference between a meaningful life that is empowered and a very different, very tragic outcome. Having said that, I reiterate the point: I do not intend as a non-clinician to try to rewrite the provisions for how ECT is provided. I do not think that is appropriate. Laws made that way rarely achieve their aim. However, I think there is merit in having a formalised process of review — a formalised process of looking back, if you like.

The review provisions I have outlined are that the chief psychiatrist would be required to provide a written report to the minister before this framework is in operation — that is, by 1 October 2016 — for the period of roughly two years from 1 July 2014 to 30 June 2016, detailing, firstly, the number of persons who had received a course of ECT at a designated mental health service, and secondly, details of any discomfort or side effects of ECT treatment experienced by any person referred to in the paragraph I have just quoted, as well as other information, and the chief psychiatrist would be able to go beyond those minimum requirements.

That would mean that the minister would need to table that in both houses of Parliament before the end of 2016 and then as a Parliament, no matter who the minister was, we would be able to look at those arrangements and provide a detailed response. Rather than simply saying, ‘This is the status quo that was agreed to way back, two years ago, so that will just be our framework for the future’, we would in effect need to make a positive decision to continue the arrangement. That would be in the best interests of children, it would be in the best interests of community confidence in our public mental health services and it would be in the best interests of the best law. That is what we need here. We need a framework that is contemporary but that also respects the human rights of every single Victorian, noting how challenging involuntary treatment, and this therapeutic intervention, is.

Let us not rewrite the law on the floor of the Parliament — we are not clinicians — but let us put in place appropriate safeguards, and that is what this review mechanism does. I say that mental health clients, particularly kids, are entitled to that safeguard. I see no reason why the government would not agree to this amendment, because it adds to and enhances the framework that we are prepared to support as an opposition and as a Parliament. It does no harm — in fact, I think it acts as a safety net — and we owe every

single child who may receive ECT the protection that this amendment would afford them.

**Mr WYNNE** (Richmond) — In the substantive debate yesterday I indicated that I would make a brief contribution about this clause, to which the Leader of the Opposition has today moved an amendment, in relation to ECT as a therapy regime. As the Leader of the Opposition indicated in the substantive debate, the opposition previously had a position of excluding this type of therapy for a child under the age of 12 years. That was in the draft legislation that went out for public scrutiny, led by my colleague the member for Bellarine, who was then the Minister for Mental Health, in the earlier draft of the bill. The opposition understands that the government has chosen not to take up that option and has indicated that it wishes to have a broader ambit for when this type of therapy can be provided to young people.

Obviously opposition members know from the advice that has been provided to us that this is an extremely rare intervention. The advice we have been provided with is that in the last 12 months this intervention has occurred on only four occasions. We understand from the shadow Minister for Mental Health that these were young people closer to 17 or 18 years of age rather than much younger children. Nonetheless, we on this side of the house obviously had serious concerns about this form of therapeutic intervention, particularly with young children of 12 years or of an earlier age, pertaining to their brain development and so forth and any potential deleterious impacts from that.

On balance, as the leader has indicated, we are not opposing that there be a broader scope available through this legislation for this intervention in perhaps the most unique circumstances for children under 12 years of age. Nonetheless, we think there ought to be appropriate safeguards and an appropriate regime and reporting mechanism put in place for where these interventions occur. I do not seek to provide commentary today about the efficacy of this particular therapeutic intervention, save and except to say that I personally have sought to inform myself of this intervention from good folk who are involved in the mental health field, people who are expert in this area.

I am persuaded by the argument that suggests that in some unique cases this form of therapy, particularly for deep psychosis and very deep depression, provides a therapeutic outcome. A person who has been involved in a number of my campaigns was subjected to this form of therapy after many other treatment regimes were provided to him. He has indicated to me by way of his outcomes that his quality of life has

unquestionably improved, although he has had some difficulties with short-term memory issues. The potential outcome for him may have been a very tragic one. He has now gone on — with the strong support of experts around him — to lead a relatively productive life.

We do not seek to prescribe these issues; these are issues for psychiatrists and other mental health experts. We simply say that when you are dealing with particularly vulnerable young people, the sorts of provisions we have sought to bring into the bill before us today, with goodwill, will do good. They will not do harm, they will not restrict the capacity or intent of the bill, and we seek their support.

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I wish to speak on amendment 2 moved by the Leader of the Opposition. I lay no claim to being an expert in the area of mental health, although I will say that in another life I worked for the New South Wales health minister in the Greiner government when the Chelmsford Royal Commission into ECT and other issues was brought down. So I have a knowledge of the procedure, and I understand the abuses of that procedure decades ago and understand clearly that the procedure is used with a lot more discretion these days. The amendment moved by the Leader of the Opposition focuses on that particular type of treatment in relation to young people and more importantly on the reporting of the use of that treatment with young people.

I wish to comment in particular in my capacity as manager of government business. This is an interesting point where we find the Legislative Assembly at this stage. We have an amendment brought by the Leader of the Opposition which on the face of it seems extremely reasonable. However, as always, sometimes you can achieve your objective in the form of an amendment before the house and sometimes you may be able to achieve your objective in a slightly different form. At the beginning of the week the manager of opposition business asked me whether it was possible to move this particular bill into a consideration-in-detail stage and indicated that the opposition had something of substance to say. The government said yes. It was not about the gracious granting of a favour or anything; it is the right of people to debate. I am not claiming I have done anything special; I am simply saying that it is a form of the house that is allowed.

However, it would have been preferable if these amendments had been shown to the minister before the Leader of the Opposition stood up to debate this particular issue. I am seeking to make a reasonable

contribution, and I understand that often in the past amendments have been shown to a government and the government has then moved the amendment. I know this has happened in the past. The Minister for Mental Health will speak for herself, but what I am saying is that the government is open to consideration of this particular type of amendment.

I agree with the Leader of the Opposition that we are not clinicians and we would not want to rewrite technical aspects of this bill on the floor of the house, but the Leader of the Opposition is asking the Parliament to make an immediate decision on the type of reporting required by the chief psychiatrist, the time frame of that particular reporting and the contents of that reporting, as that is what amendment 2 is about. It may well be that there is a more comprehensive way of reporting; there may not be, but there also may be. The government, on receiving a reasonable amendment from the opposition, is prepared to consider the matter. The minister has obviously been taking advice on this matter, and she will give the house a more erudite and informed commentary on this because she is the Minister for Mental Health.

In terms of the processes of this Parliament, the government is very happy to consider amendments. The government has considered amendments before — the member for Preston may well verify that the government has previously considered amendments in the consideration-in-detail stage and that it is always open to take up suggestions. However, it will depend on what the minister wishes to do as a consequence of the advice that she is now receiving, and we should bear in mind that it is reasonable for a minister to require more advice than an opposition member to consider what seems, on the face of it, like a good idea in terms of reporting and transparency.

The minister will make the call on this, but I can say in terms of an overall government perspective that we are prepared to consider this issue particularly seriously between the houses, which is something that the Leader of the Opposition mentioned, unless the minister wishes to make a statement to the contrary.

**Mr ANDREWS** (Leader of the Opposition) — If I can infer support for the amendment I have moved, I think it is very important to be clear on this. Rather than relying on optional reporting — that may occur in the running of the Office of the Chief Psychiatrist or that may occur in the provision of mental health services across the whole state for all cohorts at all times — and hoping that reporting on this very sensitive, emotional and I would say at times controversial area of clinical practice occurs, let us guarantee that every instance of a

child receiving electroconvulsive therapy (ECT) will be the subject of a report. I am not making a value judgement about whether it should have happened or not, but I think we as a Parliament can do better by our kids, particularly the most vulnerable, than to simply hope that what occurs to them will be the subject of a report — maybe, hopefully, voluntarily or optionally; who knows.

This is serious enough for us to mandate reporting from the chief psychiatrist. I have had a bit to do with a few chief psychiatrists during my time in public life. They are committed people who are highly committed to better outcomes for their clients and for those who are in their care in a broad sense. But let us not leave this to their insight or their good graces; let us make this compulsory. Let us make certain that the Parliament and through us the community are briefed and that we know with certainty how many kids have received ECT over the two-year period and what the impacts were. Let us require that the chief psychiatrist and the minister of the day, whoever that may be, come back to this Parliament and that in an open and frank way we reaffirm the decision we have pretty well already made to agree to this bill.

This does no harm at all. In fact I would say a proper public debate in the open about the rights and protections of children across Victoria would be enhanced by agreeing to these review provisions — not as an optional review but as a mandated review. I think that is exactly the way we should go.

The government ought not fear any of the provisions of the amendment I have put forward. They add to and enhance what is already a quality framework — a framework that we are happy to support and which protects human rights and gives us a more contemporary arrangement. Let us not hope that the chief psychiatrist keeps us as a Parliament and a community updated on kids undergoing ECT; let us require that of him or her in two and a half years time and let us require that of the minister, whatever party they might be from. Let us do that today. I think that is appropriate and it is balanced.

I would urge the government to support this amendment because it is about an added protection, and there can be no greater protection than the full and compulsory disclosure of what is going on in our hospitals, our medical centres, our psychiatric centres and those places where clinical treatments are offered. There is a great protection in that. That is how you enhance the community's confidence and that is how you deal with the many people in our community who have extremely strong views on ECT, no matter who it

is provided to. Certainly when it is provided to kids it becomes a very emotional issue. This amendment enhances that, and it is worthy of support.

I urge the government and all members to support the amendment. None of us has a problem with the bill. In fact we support it. However, we can go further and we can do better, and our kids are entitled to that, particularly the most vulnerable in our community. I cannot think of kids more vulnerable than those who might because of their psychiatric illness require electroconvulsive therapy. Could you be any more vulnerable than that?

This issue is worthy of special consideration, and it is worthy of more than the hope that it will be reported on. Reporting ought to be mandatory, and it ought to be done in public and in the open so we can reaffirm the decision we have already made to allow this therapy. We ought to do it with protections and safeguards that befit a civilised society in which human rights are protected, and we ought to do it with measures that are not based on hope. It should be a certainty that we will revisit these matters properly and appropriately.

**Mr SHAW** (Frankston) — I have listened to the debate, and I quite like the amendment that has been moved. I want to thank the minister for her time in discussing these matters with me before today. I like the amendment; what I do not like is the timing of it and how it puts pressure on for it to be dealt with straight away. I do not think that is fair. This amendment should have been put forward a long time before now. I agree with the comments of the Leader of the Opposition in relation to full disclosure. I totally agree with his comments about the rights and protection of children, but I wonder where he was in 2008 to protect children when the abortion bill went through. If we are talking about children here, I would think that the most vulnerable are the ones in the womb — —

**The DEPUTY SPEAKER** — Order! I remind the member for Frankston that this is a very specific topic we are talking about. I ask him to confine his remarks to the subject we are debating.

**Mr SHAW** — We are talking about the rights and protection of children, and I am just picking that up. I did not like hearing the Leader of the Opposition say that the mechanism to report should be optional. Reporting should be mandatory, and it should come back to Parliament. We should be protecting kids. I agree that it is a safety net, but I also pick up the words of the Leader of the Opposition when he talked about whether this matter was serious enough. If it were serious enough, I would have liked Labor to have

brought this amendment to the minister a lot earlier rather than seeking that the minister make a decision now.

I indicate to the minister that I am a little confused about some matters. It could be a question of timing, in particular as to whether the report is to go to the tribunal when we are talking about calling on the chief psychiatrist in this amendment. I am uncertain about that. What I would like to request of the minister is that she commit to reporting publicly and not optionally. I think there needs to be a bit more time spent thinking about this. I would like the minister in her comments here to commit to reporting publicly and openly. As I said, I do like this amendment, but I am uncertain about the timing at this moment. I want the minister to say something that could convince the house otherwise.

**Ms WOOLDRIDGE** (Minister for Mental Health) — I have listened to the debate very carefully, and I am pleased to have the support of the opposition in relation to the provision of ECT, including to those under 18. This is a very complex and difficult issue. It is one that gets people very motivated, and people have very strong views on it. I want to thank the Royal Australian and New Zealand College of Psychiatrists, and in particular its chair, Professor David Castle, for advice Professor Castle provided to me in relation to our consideration of this issue. Professor Castle has written an extensive letter to me on this matter, and I would like to quote a small part of it. It states:

I am aware of the safeguards under the provisions of the draft Victorian MHA for ECT in young people and believe that these are adequate for the protection of these vulnerable individuals.

Professor Castle has looked at the research and the details, and he believes that although it is rare, ECT in young people can be an extremely effective treatment for severe treatment-resistant and life-threatening depression as well as mania. As a government and as a Parliament, we are saying that we think this practice should be rare and it should be unusual but it should be available to clinicians. Clinicians should be able to make the decision in relation to the provision of ECT in very unusual circumstances where it may make a very significant difference to the health and wellbeing of young people.

I want to reassure the house by providing some numbers. In 2012–13 two young people, one aged 15 and one aged 17, together received a total of 13 ECT treatments. That equates to just 0.1 per cent of the 12 871 ECT treatments administered in public mental health services during the year. Over a decade no ECT has been given to children under the age of 12, so this is

very unusual. It is extremely rare and these are important clinical decisions.

In relation to the suggested amendment — and I thank the member for his contribution in relation to it — I am concerned about it. We sought and would have greatly welcomed feedback from the shadow Minister for Mental Health in advance on issues that were likely to be raised so we could engage in a productive conversation. Unfortunately the suggested amendments were not forthcoming. I have listened to the feedback from the Leader of the Opposition and other members. I appreciate the input of the member for Frankston and his consideration of these matters, and I must say that we believe these matters should be reported on. The challenge is that clause 177 of the bill in front of us refers to the annual report of the tribunal. The role of the tribunal is to agree to the performance of ECT, and clause 177 says:

As soon as practicable after the end of the financial year but not later than the following 31 October, the Tribunal must submit to the Minister an annual report containing —

- (a) a review of the operation of the Tribunal during the 12 months ending on the preceding 30 June; and
- (b) any other prescribed matters.

That is exactly why we have this clause in the bill, because there is optional reporting under the chief psychiatrist, as has been outlined, but the tribunal has very clear reporting requirements in relation to what has been done.

What I would like to do is take advice and have further discussions with the Leader of the Opposition, because my initial advice is that if we are to have further reporting in relation to ECT, and we believe that there is merit in suggesting that idea, then that could effectively be done through the tribunal. There is already legislation that it report on its operations, and this could very clearly include any other prescribed matters. I am very happy to have a conversation with the opposition in relation to whether that gets prescribed as an additional subclause or whether it gets prescribed in the regulations. However, the fact of the matter is that because we have not had an opportunity to discuss these matters in detail in advance, our preference is to have these discussions while the bill is between houses and consider further amendments in relation to this issue.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Opposition members will desist from interjecting, and they will listen.

**Mr Merlino** interjected.

**The DEPUTY SPEAKER** — Order! The member for Monbulk is warned. Members will pay attention to the minister, who has the call.

**Ms WOOLDRIDGE** — We believe there are mechanisms by which we could have some clarity in relation to the reporting about the performance of ECT. This will already happen under the act, under clause 177 — —

*Honourable members interjecting.*

**Ms Kairouz** interjected.

**The DEPUTY SPEAKER** — Order! The member for Kororoit is warned.

**Ms WOOLDRIDGE** — We believe that the tribunal is likely the most appropriate body, and some thought is required in relation to that. In relation to the amendment 2, the idea of looking at not only the number of ECTs that have been provided but also having details of the impact of ECTs, as is outlined in paragraph (b), it would be very worthwhile to have further discussions in relation to the provision of these services.

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has expired. I am required to put the motions necessary for the passage of the bill.

**House divided on amendment:**

*Ayes, 41*

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

*Noes, 42*

Angus, Mr	Napthine, Dr
Asher, Ms	Newton-Brown, Mr
Baillieu, Mr	Northe, Mr
Battin, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryan, Mr

Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr  
Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr  
Mulder, Mr

Shaw, Mr  
Smith, Mr K.  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Third reading*

**Motion agreed to.**

**Read third time.**

**GAME MANAGEMENT AUTHORITY  
BILL 2013**

*Second reading*

**Debate resumed from 11 March; motion of  
Mr WALSH (Minister for Agriculture and Food  
Security).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Amendment defeated.**

**Clause agreed to; clauses 100 to 457 agreed to;  
schedule agreed to.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**HEALTH SERVICES AMENDMENT  
BILL 2014**

*Second reading*

**Debate resumed from 12 March; motion of  
Ms WOOLDRIDGE (Minister for Mental Health).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EDUCATION AND TRAINING REFORM  
AMENDMENT (REGISTRATION OF  
EARLY CHILDHOOD TEACHERS AND  
VICTORIAN INSTITUTE OF TEACHING)  
BILL 2014**

*Second reading*

**Debate resumed from 11 March; motion of  
Mr DIXON (Minister for Education).**

**Motion agreed to.**

**Read second time.**

**Motion agreed to.**

**Read third time.**

**VICTORIAN CIVIL AND  
ADMINISTRATIVE TRIBUNAL  
AMENDMENT BILL 2014**

*Second reading*

**Debate resumed from 11 March; motion of  
Mr CLARK (Attorney-General); and  
Mr PAKULA's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until stakeholders have been appropriately consulted to address concerns, including those about appeal rights and delays and any impacts on small parties and objectors, in relation to the tribunal's proposed new power to order that a person cease to be a party to a proceeding'.

**House divided on omission (members in favour vote  
no):**

*Ayes, 42*

Angus, Mr  
Asher, Ms  
Baillieu, Mr  
Battin, Mr  
Blackwood, Mr  
Bull, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr

Napthine, Dr  
Newton-Brown, Mr  
Northe, Mr  
O'Brien, Mr  
Powell, Mrs  
Ryan, Mr  
Shaw, Mr  
Smith, Mr K.  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms

Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr  
Mulder, Mr

Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 41*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beattie, Ms  
Brooks, Mr  
Campbell, Ms  
Carbines, Mr  
Carroll, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Herbert, Mr  
Howard, Mr

Hutchins, Ms  
Kairouz, Ms  
Kanis, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr  
McGuire, Mr  
Madden, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Scott, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

**Amendment defeated.**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ENVIRONMENT PROTECTION AND  
SUSTAINABILITY VICTORIA  
AMENDMENT BILL 2014**

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr R. SMITH (Minister for Environment and  
Climate Change).**

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

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 42*

Angus, Mr  
Asher, Ms  
Baillieu, Mr  
Battin, Mr

Naphine, Dr  
Newton-Brown, Mr  
Northe, Mr  
O'Brien, Mr

Blackwood, Mr  
Bull, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr  
Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr  
Mulder, Mr

Powell, Mrs  
Ryan, Mr  
Shaw, Mr  
Smith, Mr K.  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 41*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beattie, Ms  
Brooks, Mr  
Campbell, Ms  
Carbines, Mr  
Carroll, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Herbert, Mr  
Howard, Mr

Hutchins, Ms  
Kairouz, Ms  
Kanis, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr  
McGuire, Mr  
Madden, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Scott, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

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

That the house now adjourns.

**Northern Melbourne Institute of TAFE**

**Mr BROOKS** (Bundoora) — I raise a matter tonight for the attention of the Minister for Higher Education and Skills. Despite the gulf between our approach to TAFE and that of the other side of the

house, at the outset I congratulate the retiring minister, Mr Hall, on his contribution. I also congratulate the incoming minister, who I understand is the member for Ferntree Gully. I wish the new minister well and hope that he has the courage to stand up in the cabinet room for the TAFE sector and introduce positive reforms.

It is an absolute disgrace that as we sit here today the Greensborough campus of the Northern Melbourne Institute of TAFE (NMIT) is closed, locked up and shut down for use by students because of cuts made by this government to the TAFE sector. As a result, young people in the Greensborough area have no access to a TAFE in their local area despite the need for skills training and options for young people who want to participate in employment, despite the need for better education and training as Victoria faces serious economic challenges and change and despite the Greensborough campus being ideally located on the doorstep of the Plenty Valley growth corridor.

I call on the minister to halt the sale of the Greensborough campus of the Northern Melbourne Institute of TAFE to make sure it is retained for future use as an educational facility, particularly as a public TAFE, for the benefit of people in the north-east of Melbourne. This government has a stain on it after shutting down this great educational facility that has served the people of Greensborough and that region for decades. Worse still, as we understand it, NMIT has been forced to flog off this campus so that NMIT can produce a political fix in Prahran and purchase the Prahran site of the Swinburne University of Technology. This is an absolute disgrace and nothing more than a political fix being used to ensure that the member for Prahran can claim that his TAFE is able to stay open.

It is a great shame that people in the north-east of Melbourne who want to retrain for new jobs as manufacturing declines in the northern suburbs of Melbourne will not have access to the Greensborough campus. It is a great shame that young people looking to get a start in life and find a job will not have access to this great TAFE. It is also a great shame that people who already have a job but who want to improve their skills, become more productive and contribute more to the business and employer they work for will not have access to that TAFE in Greensborough. This is the responsibility of the Napthine government, and I call on the minister to halt the sale of the site.

### **National Celtic Festival**

**Mr KATOS** (South Barwon) — I rise to request an action from the Minister for Tourism and Major Events.

The action I seek is for the minister to consider a funding submission from the National Celtic Festival for the 12th National Celtic Festival, which is to be held at Portarlington over the Queen's Birthday holiday weekend, from 6 to 9 June this year. The National Celtic Festival is a community-based, non-profit association that stages a national arts and cultural event to celebrate and promote Celtic culture. The National Celtic Festival offers a full and diverse program of music, dance and drama and presents international, national and local artists. It includes Scottish, Irish, Welsh, Breton, Austrian, Galician and Manx traditions throughout the program. The event program is structured around a series of concerts, small performances, workshops, roving performances and a Celtic market in venues that are scattered around Portarlington.

The event has been held in Portarlington since 2003 and continues to grow, attracting a significant number of overnight visitors to the Geelong and Bellarine regions. The estimated attendance at last year's festival was around 17 000. As I said, the festival provides a real boost for local tourism businesses throughout Geelong and the Bellarine Peninsula. A survey was conducted by event organisers during last year's event, which determined that 18 per cent of visitors came from the wider Geelong region, 72 per cent of visitors came from Melbourne and regional Victoria and 10 per cent of visitors came from interstate or overseas. Over 97 per cent of the visitors from outside the region stayed for at least three nights, and on average those from outside Portarlington estimated that they would each spend approximately \$107 a day.

As members will realise, this is an important event that generates much-needed dollars, which are spent in local communities on the Bellarine Peninsula, particularly in Portarlington. As people are staying on average for three nights, there is also a considerable spend around the rest of the Bellarine Peninsula, the Geelong region and possibly even down towards the Surf Coast area. I look forward to this year's festival and wish it every success. I look forward to a positive response from the minister.

### **Victorian Commission for Gambling and Liquor Regulation**

**Ms GARRETT** (Brunswick) — My adjournment matter is for the Minister for Liquor and Gaming Regulation, and the action I seek is for him to fully investigate and publicly respond to the growing concern about the nature of the compliance activities being undertaken by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and advise whether

the VCGLR is providing a robust regulatory and enforcement regime in liquor and gaming.

Clearly it is vital for there to be not only strong regulation of liquor and gaming in this state but also strong enforcement of those regulations. We know the gaming industry, for example, is always vulnerable to infiltration by criminal elements. We know that many people suffer the harms of problem gambling. With respect to liquor, we are confronting major issues regarding under-age drinking and the consequences of excessive drinking more broadly, which require engagement, monitoring and action from the regulator. These problems affect the whole community.

Early in its term the Liberal government announced with much fanfare the harmonisation of the then Victorian Commission for Gambling Regulation and Responsible Alcohol Victoria and said it would strengthen the regulatory environment for these two industries. The reality, however, has been very different. The harmonisation process has been plagued with problems, and there is genuine concern within the community that the standards of regulation and enforcement in these industries have slipped markedly. Regional inspectors have been abolished, with the consequence being that enforcement activities in regional areas, including the presence of inspectors at major events, have dramatically fallen away.

Inspectors have advised that they are spending time on such things as hand-delivering letters to cafes, with no engagement or audit of the venue taking place. Desktop audits — which pretty much amount to self-regulation — have been introduced for gaming venues. Inspectors spent Christmas Day, on double time and half pay, driving around and checking whether supermarkets were closed.

It is of particular concern that these low-level activities appear to all be recorded as compliance activities. In fact sources indicate that visiting or phoning a venue when it is closed is counted as a compliance activity. Most Victorians would think that compliance activities in these areas are genuine enforcement actions designed to ensure that rigorous standards are maintained — for example, stopping the sale of alcohol or use of gaming machines by minors, stamping out excessive alcohol consumption at pubs, clubs and events and making sure that operators and gaming staff are of good character and that money is not being laundered. Ringing up local sporting clubs during weekdays when they are not open does not meet this expectation. Driving around and looking at closed supermarkets does not meet this expectation. Boasting about increased compliance

numbers on the back of these sorts of activities does not meet expectations.

At the Public Accounts and Estimates Committee (PAEC) hearings last month many questions were put to the Chair and to the CEO — who incidentally has announced her resignation — of the Victorian Commission for Gambling and Liquor Regulation (VCGLR) about these matters, particularly regarding the nature of compliance activities, the number of physical inspections of venues and the future of the monitoring at Crown Casino. Some of the answers given appear to be at odds with what inspectors are saying. We are still waiting on data from the VCGLR about these things, as that data was not on hand at the PAEC hearing.

It has clearly passed the point where the minister must take responsibility and act to fix this mess. The public needs to know what the VCGLR has been doing, what it counts as a compliance activity and whether or not it should be recorded as such. The public needs to know what is happening, or not happening, with inspections and stakeholder engagement and management in rural and regional communities. The public needs to know whether desktop audits are being followed up with physical inspections. The minister must provide these answers. The health and safety of Victorian communities across the state depend on them.

### Winemakers of Rutherglen

**Mr TILLEY** (Benambra) — I raise a matter for the attention of the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events. Certainly, given the recent announcement, I hope I have got that right. I congratulate the minister on her appointments. The action I seek is for the minister to visit and meet with members of the Rutherglen winegrowers association to listen to their concerns, hear about the challenges facing the industry and the area, and listen to their ideas for building tourism in the area.

Recently I had the pleasure once again of visiting Rutherglen. As a lot of us appreciate, Rutherglen is a beautiful historic winemaking and tourism town that is famous for its produce. During the June long weekend the Rutherglen Winery Walkabout will be held again. It is a terrific opportunity to partake in good food, good wine, good company and a whole range of the things that are on offer in the north-east of Victoria.

After the boundary redistribution Rutherglen will become part of the Benambra electorate, but my colleague the member for Murray Valley is doing a

fantastic job of representing the area in the current electorate. I look forward to joining him on the Rutherglen Winery Walkabout when it comes around this year, but I also put out the invitation to all my coalition colleagues: with the winery walkabout comes the grape tread, so I would like to see some volunteers come up for that during the Queen's Birthday weekend.

During that time I met with the current chair of the local winemakers association, Damien Cofield and past chair, Elisa Brown. I have no doubt, Speaker, that their names would be familiar to you as well. The conversation was to find out about the issues facing winegrowers in the region ranging from the usual Mother Nature ones — the weather impacts — to difficulties with getting visas for international staff, along with the stifling wage and penalty requirements that minimise employment opportunities in the area.

The opportunity to meet and talk with the minister would be greatly appreciated by this group, and I very much look forward to facilitating meetings at the minister's next available opportunity.

### Hurstbridge rail line

**Mr CARBINES** (Ivanhoe) — I raise an urgent matter for the attention of the Minister for Public Transport. The action I seek is for the minister to immediately provide the four extra peak services on the Hurstbridge line that were promised by the government after the Eltham station railway stabling project was completed in 2013. The \$60 million Hurstbridge line upgrade was funded by the previous government. It included the addition of two new stabling tracks at Eltham stabling yard and an upgrade to signalling along sections of the Hurstbridge line. That project allows a total of five trains to be stored in the Eltham stabling yard, which means that more peak services can be run on the Hurstbridge line, particularly for the first services of the morning peak. That would be two trains in the morning and two in the afternoon running on the Hurstbridge line as extra peak services, which would benefit communities in the Ivanhoe electorate, particularly the six train stations that it covers: Macleod, Rosanna, Heidelberg, Eaglemont, Ivanhoe and Darebin.

The stabling project was completed in 2013, yet the extra peak services that were to flow from the \$60 million Hurstbridge line upgrade are nowhere to be seen. As a daily train commuter, including every day this week, from Rosanna station on the Hurstbridge line in the Ivanhoe electorate, I know very well the value of this project to local communities in my electorate who need these extra peak services. There has been a range

of commentaries from the government to back this up. I point firstly to an article in the *Diamond Valley Leader* on 11 December 2013 which states:

Public Transport Victoria spokesman Adrian Darwent said there would be an extra service to Eltham at each peak time after January 26.

That is yet to happen. An article in the *Banyule and Nillumbik Weekly* of 28 June 2011 carries the headline:

After six-month delay, Eltham train stabling and signals get green light.

The article quotes the member for Eltham as saying:

It was good news the project can now proceed, but it is disappointing there was such an unnecessary delay for political purposes ...

That reflects the fact that while this project was funded by the previous Labor government there was a 6 to 18-month delay by this government as it reviewed this project, which delayed its completion. It was completed late last year, and there is no reason for those peak services now not being provided. A media release dated 22 March 2012 under the name of former Premier, the member for Hawthorn, Ted Baillieu states:

Member for Northern Metropolitan Craig Ondarchie said these improvements would help free up the track and increase capacity in the timetable to add extra peak hour trains on the Hurstbridge line.

A media release by the Minister for Public Transport, Mr Mulder, on 16 March 2012 says:

The Hurstbridge line is having its signalling modernised and new Eltham sidings built to allow extra peak period trains and improve timekeeping.

So the \$60 million project is completed. This was done to allow four extra peak services — two in the morning and two in the afternoon — on the Hurstbridge line to benefit the residents of Ivanhoe who use the six train stations and who need those peak services. They should be provided, there was a commitment to do so, and I urge the minister to get onto it.

### Mildura Base Hospital

**Mr CRISP** (Mildura) — I raise a matter for the attention of the Minister for Health. The action I seek is for the minister to visit Mildura to inspect progress on the expansion of the Mildura Base Hospital. Construction started in November and now there are very visible signs of progress on the expansion after contributions of \$5 million from the state government and \$2 million from the federal government. The expansion involves doubling the size of the hospital's accident and emergency department to meet the

growing demands of the community, an additional birthing suite in the maternity department to handle the growing birth rate, and also some money invested in mental health, because that is a priority area where the need continues to grow.

Health in any community is about partnerships. Those partnerships create a complex landscape. In Mildura we have the Mildura Base Hospital, the Mildura Private Hospital, Sunraysia Community Health Services, the Mildura District Aboriginal Service and also the Mildura Rural City Council. Partnerships are valuable, and these teams need to work together, which they are doing. To give an example of the cooperation and partnerships that have come about, the Mildura Base Hospital, in partnership with the Mildura Private Hospital, has just employed an oncologist for Mildura. This certainly is a significant event for Mildura. Oncology services have been and are being delivered in Mildura, but to add an oncologist to that service, particularly with the doubling of the size of the oncology unit at the Mildura Base Hospital, is certainly a welcome event.

Similarly there have been partnerships with other organisations. For example, the partnership with the McGrath Foundation has seen the addition of a McGrath Foundation breast-care nurse to the Mildura hospital and community as well. These partnerships are important. Mildura Rural City Council is also a partner in delivering health services: it does child and maternity, home care and is also involved in the Healthy Victoria Together program. This is a preventive program, and we all know that if you prevent illness, you save health dollars. This program works across a lot of sectors, and is aimed at looking at people's lifestyles — what they eat, what they do, how they work — particularly in their workplaces. This is a partnership that the staff, with dollars from the Victorian government allocated through the Mildura Rural City Council, have certainly embraced. They have an active team, which is developing these programs and taking them out to the community.

This is the front end of health service delivery, and I think the council should be very proud of its involvement. What it is doing is setting the scene to save people's lives a fair way into the future. This is a program that we can all be proud of, and I commend the Mildura Rural City Council along with the Department of Health for working together to make my community a healthier community into the future.

### Melbourne General Cemetery staffing

**Ms HUTCHINS** (Keilor) — My matter is for the attention of the Minister for Health, and the action I seek is for the minister to urgently meet with representatives from the Australian Workers Union and the 10 operational staff who have been made redundant at the Melbourne General Cemetery. I ask the minister at that meeting to consider reversing the decision that has been taken by the cemetery trust.

This has happened after months of negotiations for a collective agreement between the management and operational staff at Melbourne cemetery. On 4 March the 10 operational staff were stood down pending retrenchment, which was given a deadline of only three days later. This is an absolute disgrace. There were no genuine reasons given by management as to this course of action, other than one letter from the CEO, Mr Tribe, which stated that the decision was based on financial reasons. It stated that the priority is to:

... drive revenue and ensure value for money with respect to expenditure, both in terms of other expenses as well as salaries/wages ...

This is an outrageous situation, when the same cemetery trust increased its human resources staff dramatically yet cut 10 operational jobs from a very important cemetery in Melbourne's history. I cannot imagine that there could not be an ongoing need for maintenance on these grounds and how in fact these positions could be made redundant. On top of that, the 2012–13 financial report shows that Melbourne cemetery made a profit of \$2.54 million. At the end of February — with four months of the financial year remaining — the cemetery is already running at a \$1.4 million profit, yet it is still taking permanent jobs away from these workers.

Let me make one thing clear: the financial position of this organisation does not warrant retrenchments. This is industrial relations policy gone wrong, with this government at the helm. I would like to quote one of the long-term workers, Martin McCormack, who has been there for 24 years and has had jobs as an operations manager and a foreman. He said:

I believe I have been sacked because ...

1. I declined the offer of an individual employment contract and chose to remain in the enterprise agreement.
2. I exercised my legal right to take protected industrial action, during the current EA dispute.

Instead, he has been sacked. This is typical of this government's contempt for union members and its

drive to force people onto individual contracts and take away their rights to collective bargaining. It is an absolute disgrace, and I call on the minister to reinstate these jobs as a matter of urgency.

*Interjections from gallery.*

**Persons escorted from gallery.**

### **Main Street, Mordialloc**

**Ms WREFORD** (Mordialloc) — I wish to raise a matter for the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events. The action I seek is for the minister to come to Mordialloc on a weekday during business hours to take a look at the way Main Street operates, to meet with the traders association and to visit the Rustic Bakery Cafe to hear its story.

Mordialloc Main Street is a beautiful shopping strip. From the roundabout at the top of the hill, you look down the street. Along the side of the road is a string of iconic palm trees that create a stunning boulevard. At the bottom of the street is Mordialloc Creek, a tourist destination of itself. So everything looks great from the outside. Now, do not get me wrong, most things with Mordialloc Main Street are pretty good: great shops and shopkeepers, fantastic shoppers, very pleasant surrounds. But council is presenting the traders with some headaches.

The traders want to be able to do more things and make more of the opportunities that they are surrounded by. Mordialloc is an area that has been rejuvenating for several years now. It has become a highly desirable suburb to live in. It is right on the beach, has almost all of the facilities that you could need, and is not too far away from jobs in Braeside, Cheltenham or Melbourne. Further to that, it is becoming quite cosmopolitan with a nice range of cafes and bars, and of course, the famous Doyles Bridge Hotel with its views of Mordialloc Creek.

These places in themselves draw a quite diverse range of people in to the area. There are opportunities aplenty for the traders with this influx of new potential customers living in the area and dropping by to visit. With the popularity comes a predictable demand for parking spots, although we are somewhat protected by having a train station in the middle of the action and some reasonable parking not too far away. But there are some particular perceptions about council's trading conditions, and possibly even a lack of interest from the local council in the great programs occurring, like Streetlife.

I was at the Rustic Bakery Cafe recently and met with Brett and Noelene. They are frustrated and say their neighbours are as well. They are proud of Mordialloc and want to see everybody being able to make the most out of it. Megan from the Mordialloc Florist, who is also president of the traders association, shares their view. I hope the minister can come for a visit to see Mordialloc Main Street in action firsthand and hear what the traders have to say. I look forward to a positive response.

### **Glenburnie Road emergency response**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services in his role as the minister responsible for the Emergency Services Telecommunications Authority (ESTA). The action I seek is that he request ESTA and the emergency services commissioner to urgently examine the plight of residents in Glenburnie Road. It is difficult to say in which suburb or at what locality residents in Glenburnie Road reside, because it depends upon which agency or authority you speak to. This is making it enormously difficult for residents when there is an emergency.

Glenburnie Road runs in an east–west direction from Wallan Road in the east to the Epping-Kilmore Road in the west. At different points along the length of Glenburnie Road it is known as Whittlesea, Eden Park or Beveridge; I think some people might even think they live in Merriang. This has caused enormous problems for a number of families at different junctures, including the Duncan family. Quite recently, sadly, Mrs Ilma Duncan, who is 92, fell in a paddock and broke her hip. When 000 was called it was necessary for a neighbour to stand on the road to indicate to the ambulance where the property was, because depending on which authority is used, whether it is Google Maps, GPS, *Melway*, the electoral roll or Australia Post, you are likely to get three different answers. It is a serious problem.

The Duncan family and their neighbours have also raised with me the issue of fire warnings. In recent years, particularly in the recent fire season, they get warnings when a fire is nowhere near them, but then no warnings when the fire is almost upon them. Suzi Duncan is a polio survivor and although she is able to get around her own property using crutches, most of the time she is in a wheelchair. She has an elderly mother and it is a frightening situation for anyone to be in when they are not certain of getting appropriate warnings. There are also matters of inconvenience, which I admit are not the minister's responsibility. Delivery of mail is

a terrible problem, and items from the electoral commission or rates notices can often go astray. I urge the minister to have ESTA and the emergency services commissioner look at this serious matter.

### City of Stonnington planning zones

**Mr NEWTON-BROWN** (Pahran) — My adjournment matter is directed to the Minister for Planning, and the action I seek is that he sign off on a proposed new planning zone scheme in the city of Stonnington. The minister announced a new suite of planning rules for local governments around the middle of last year. These new zones will provide better clarity for local communities and enable them to have a greater say in the manner in which their communities are developed. They will provide certainty as to the areas where there may be more intense development, but more importantly for most communities it will provide certainty as to the areas where no development or very little development may occur, specifically the neighbourhood residential zone, which is one of the toughest planning zones in the country. Councils can seek this zone to limit buildings to a height of 8 metres and limit subdivisions to help protect those low-rise heritage areas that are so prevalent around my electorate.

Councils have until 1 July this year to seek a new planning regime from the minister. Stonnington was quick off the mark and started its consultation around September last year: 62 000 households were sent community newsletters; over 8000 unique visits were made to the planning zone website pages; more than 1400 formal responses were received as well as written submissions, online forums, polls, interactive maps, advertising, phone calls and service centre visits. It was a very comprehensive consultation on the proposed zones, including drop-in sessions with council officers. During the consultation I publicly criticised the council for not going harder on the number of neighbourhood residential zones that it had sought. As a result of further consultation, the final plan that was adopted did seek more of Stonnington's area to be within that neighbourhood residential zone, which provides maximum protection. I was very pleased that the council did that. The planning proposal has now been with the minister since the end of last year. I urge the minister to consider, as a matter of urgency, a decision on the proposed zones so that my constituents may enjoy the certainty they seek over the future protection of our unique low-rise and heritage areas within Stonnington.

### Responses

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I have had three matters raised directly with me. The member for South Barwon raised the issue of the National Celtic Festival. I do not think it is the first time he has raised that issue in the house with me. He has requested funding for the 2014 event, which is to be held from 6 to 9 June. The member has been raising the issue for the past three years, and he understands the economic opportunities that flow from having major events in country Victoria. He obviously wants visitors to attend the festival and travel throughout Geelong and the Bellarine Peninsula over the course of the long weekend.

I am delighted to inform the member for South Barwon, who really does work his electorate hard and has an excellent understanding of what drives the economy in it, that the coalition government will again be supporting this event and will provide \$20 000 for intrastate and interstate promotion of the festival to increase visitation and event-related economic yield to the region. Last year's festival attracted 17 000 attendees, with 82 per cent of visitors from outside the immediate region — they are the ones who generate the economic advantage; 72 per cent were from Melbourne and regional Victoria and 10 per cent were from interstate and overseas. Importantly 97 per cent of visitors from outside the region spent three nights in the region. All of this boosts regional tourism in his area, and I am delighted to accede to his request and support this event.

The second issue raised with me in my direct capacity as a minister was by the member for Benambra. The member for Benambra asked me to visit the Rutherglen region to meet with the Winemakers of Rutherglen. He is interested in holding a discussion based around tourism and indicated that whilst Rutherglen is currently in the member for Murray Valley's electorate, the redistribution means it will soon be in the Benambra patch. We cover all areas.

I am renowned as a lover of wine. However, the wine I love is not the forte of the Rutherglen region. I would nevertheless be delighted to attend with the member for Benambra, who can sample the red wines for me. There is a very significant issue regarding winery tourism; it is a significant generator of yield in the tourism sector. I would be delighted to arrange a visit with the member for Benambra as soon as I possibly can. He can enjoy the red wine, and if he is really smart, he will find something that I like as well. I know the member for Benambra is very smart because he is my whip.

The member for Mordialloc raised an important issue with me. She wishes me to visit Main Street, Mordialloc. I am familiar with Main Street, Mordialloc; I have been there on a number of occasions throughout my life. I am aware of the vitality of that particular shopping strip. As the member for Mordialloc would be aware, the City of Kingston received a \$20 000 grant for the Know Your Customer project under round 1 of Streetlife in 2013; the member pushed hard for that. The mobile business centre visited Mordialloc on Thursday, 5 December 2013, and has visited other centres in the member's electorate. A whole range of other services have been offered, such as mentoring sessions hosted by the City of Kingston, grants to various businesses in the member's electorate, and workshops and seminars hosted by the City of Kingston and others to support the small business sector there.

As the member for Mordialloc is now aware, the Premier has announced that the hardworking member for Morwell is to be the new Minister for Small Business. I congratulate my former parliamentary secretary on his ascension to the ministry. Whilst I would love to come down to have lunch at Doyles and walk down Main Street to talk to all the traders, if it is all right with the member for Mordialloc, I will give this opportunity to the new Minister for Small Business as I will not be the Minister for Small Business after the swearing-in ceremony. I will pass this matter on to the new Minister for Small Business.

In relation to matters that have been raised with other ministers today, the member for Bundoora raised an issue for the Minister for Higher Education and Skills regarding the Greensborough campus of Northern Melbourne Institute of TAFE, and I will pass that on to the new minister in this portfolio. The member appreciates that there will be a change of minister, and I thank him for his generous comments as we mark the end of one ministerial career and the beginning of another.

The member for Brunswick raised an issue about the compliance activities undertaken by Victorian Commission for Gambling and Liquor Regulation officials, and I will pass that on to the Minister for Liquor and Gaming Regulation.

The member for Ivanhoe raised a matter for the Minister for Public Transport in relation to additional services on the Hurstbridge railway line, and I will pass that on to the Minister for Public Transport.

The member for Mildura raised an issue for the Minister for Health asking him to visit Mildura to see the progress being made at Mildura Base Hospital. I am

sure the minister would be delighted to do that, and I will pass that on to him.

The member for Yan Yean raised an issue for the Minister for Police and Emergency Services regarding the Emergency Services Telecommunications Authority and what is clearly confusion about the suburb location for residents in Glenburnie Road, and I will pass that on to the minister.

The member for Prahran raised a matter for the Minister for Planning. He asked the minister to respond to the Stonnington council's requests for various planning zones and indicated his own role in the promotion of neighbourhood residential zones, and I will pass that matter on to the minister.

The member for Keilor raised a matter for the Minister for Health. I have to congratulate the member for Keilor. She read out her little dissertation beautifully to her little audience. Of course that is what you do: you put on a little performance and read your document word perfectly when you have arranged for a little audience to be in the gallery. The member asked the Minister for Health to meet with the Australian Workers Union and staff at the Melbourne General Cemetery. I will pass that matter on to the Minister for Health.

I should probably thank the member for Keilor for her little lecture on industrial relations policy. We on this side of the house do not normally use adjournment debates to provide little lectures, so the member might like to refer to the standards for debate on this. Nevertheless, in accordance with the spirit of the adjournment debate, I will pass the matter on to the Minister for Health.

**The SPEAKER** — Order! The house is adjourned until the next day of sitting.

**House adjourned 4.54 p.m. until Tuesday, 25 March.**

