PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 15 October 2013

(Extract from book 13)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 22 April 2013)

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Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

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Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

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Joint committees

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

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

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

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

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

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

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Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

Heads of parliamentary departments

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Mr G. JENNINGS

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The Hon. P. R. HALL

Deputy Leader of The Nationals:
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
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Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013

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TUESDAY, 15 OCTOBER 2013

Tuesday, 15 October 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 24 September to:

Catchment and Land Protection Amendment Act 2013
Children, Youth and Families Amendment Act 2013
Local Government (Rural City of Wangaratta) Act 2013
Plant Biosecurity Amendment Act 2013
Road Legislation Amendment (Use and Disclosure of Information and Other Matters) Act 2013
Road Safety and Sentencing Acts Amendment Act 2013.

QUESTIONS WITHOUT NOTICE

Frankston Hospital emergency department

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Prior to the minister's public release of CCTV footage from the Frankston Hospital emergency department, did he seek and obtain advice from his department that his disclosure of that footage would not breach his obligations as a minister under section 10(1)(a) of the Health Records Act 2001 and section 9(1)(a) of the Information Privacy Act 2000?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. I have got to say that the Labor Party has put itself in a very difficult position. On Daniel Andrews's Twitter account you can see pictures from the Frankston Hospital emergency department — doctored pictures, false pictures, fantasyland pictures — that are not real. Did I seek advice from my department? Of course. Was the CCTV footage put in such a format that people could not be identified? Yes, it was. Mr Jennings and the Labor Party are apologists for the ambulance union, a $1 million donor to the Labor Party over the last decade — $1 million square. The Labor Party is a puppet.

Mr Jennings interjected.

The PRESIDENT — Order! I can understand the minister's enthusiasm for this answer, but perhaps it could be a few decibels lower. That might encourage Mr Jennings to be less loud in his interjections as well.

Hon. D. M. DAVIS — It is clear that in early July a group of hardline ambulance union officials sought to set up a photograph in the emergency department of the Frankston Hospital. What occurred there was a disgraceful abuse of patients and their rights. What they sought to do was use patients as pawns for their own political advantage. I put to you, President, and to the community that patients should not be shuttled around for the purposes of a trade union industrial campaign. They should not be moved around like Thomas the Tank Engine pumping trucks up and down. Those are people on those beds. Ms Mikakos has on her Twitter account a picture that is indeed a doctored picture. She ought to take it down and put up some real footage.

The key point here is that a trade union sought to put into the public domain photographs that were not real. The CCTV footage made it very clear that men in red, dressed as union officials — or they were union officials; I am not sure which — were shuffling patients around for no clinical reason. It is disgraceful that Labor will not condemn this and that Labor seeks to hide behind its trade union links. Let us face it: the Labor Party has received $1 million in donations over the last 10 years from this very union or its predecessors. The member for Williamstown in the Assembly, Wade Noonan, and the Leader of the Opposition, Daniel Andrews, are puppets — puppets to this union — pulled by the financial strings by this union. This union is running an industrial campaign and using patients as pawns in a hospital.

Some of the patients have spoken publicly, and their families are not very happy about the misuse of those photos and the fact that those photos were not accurate — not accurate at all. So what I would say to Mr Jennings is: condemn the union for the misuse of patients and condemn the union for its activity in seeking to use patients as pawns. It was disgraceful, and it should not have occurred.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I thank the minister for his advice about how I should undertake my responsibilities. I think the people of Victoria expect me to make him accountable and to scrutinise his activity, and in accordance with that obligation that I have, now that he has told us that he has sought and obtained advice from his department about whether he has breached the Information Privacy Act or the Health Records Act, can he advise us of the

advice he has which has led him to believe that assumption?

Hon. D. M. DAVIS (Minister for Health) — President, I will not be verballed by the member. What I said is that I had sought advice before I released the footage; I sought advice before then. The advice was very clear: there was no difficulty.

South-eastern metropolitan hospitals

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Health, Mr David Davis. I ask: can the minister update the house on recent health announcements and health developments in the southern and south-eastern suburbs of Melbourne?

Hon. D. M. DAVIS (Minister for Health) — What I can indicate to the member is that there is a significant amount of capital development and other developments in the health portfolio occurring in the south-east of Melbourne. People in this chamber will be very familiar with the Monash Children's hospital, a massive project building a new children's hospital at Monash Medical Centre — something that the previous government refused to do. It had information in 2002, and it had failed to build it when it lost government in 2010. It never allocated any money in its budgets — not a cracker — and our government has allocated the money and is building that children's hospital.

I can indicate that on 25 September the government took the next step. The request for tender selection of the managing contractor for the new Monash Children's hospital has been released to three short-listed bidders. The request for expressions of interest went out. Now we are into the request for tender phase, and I have to say that this is going forward at a very strong rate. The community can be proud that it is going to see the Monash Children's hospital built. That Monash Children's hospital was a hospital that Labor failed to build.

Another important piece of infrastructure in the south-east that Labor failed to build was an adequate expansion of the Frankston Hospital. At the Frankston Hospital it is very clear that the $40 million emergency department expansion will make a significant difference.

Ms Crozier — How much?

Hon. D. M. DAVIS — Forty million dollars, Ms Crozier — a massive expansion. Mrs Peulich strongly advocated for the expansion of the emergency department and the $36 million expansion of hospital capacity there, which will see the 68-bed ward built at Frankston Hospital concurrent with the emergency department, a $76 million project — a project for the emergency department and the adequate capacity at Frankston that the previous Labor government failed to build. It had 11 years; it did not rebuild the emergency department, and it should have — and it knows it should have. It knows it failed. The last health minister, Daniel Andrews, should have rebuilt that emergency department, but we are doing it. It is being done. It is being built now.

Mr Tarlamis put a letter in saying that it should be built, but actually the diggers were already on site. They were scooping up dirt, and he ought to have driven past and actually checked it out. That is how often he goes to Frankston. It is very clear that there is a lot happening in the south-east.

On Sunday I was proud to announce the commencement of the Women's at Sandringham. The Royal Women's Hospital will take over and run the maternity service at Sandringham Hospital, a hospital where more births are occurring, a hospital that the Royal Women's, with its very high level tertiary skills, will support. The Royal Women's at Sandringham, to be known as the Women's at Sandringham, will deliver services for people in the south-east of Melbourne. It will provide support around the Bayside area — at Mordialloc and through that area — and massive support for the Alfred, which delivers those services, but the oversight of those services will be undertaken by the Royal Women's.

These are all very significant developments that are occurring in the south-east of Melbourne. They are all steps that Labor would not take when in government, that the last health minister, Daniel Andrews, would not take when in government. He would not rebuild the emergency department at Frankston. He would not put the additional capacity in. He failed to build the Monash Children's. He was health minister for three years. He failed to commit the money on any occasion, and he ought to have done that. The Monash Children's is sorely needed, and it will be built under this government. It will be delivered, it will be finished by the end of 2016, and we look forward to the people, particularly the children and families of the south-east, having that enormous new capacity that Labor failed to provide.

Frankston Hospital emergency department

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. At any time since 8 July has the minister been made aware that the

CCTV footage from the Frankston Hospital emergency department that was publicly released by him may have been intended to be used as evidence in a disciplinary investigation at Peninsula Health or Ambulance Victoria, and if so, can he assure the Parliament that the footage was only released by him following the conclusion of those investigations and that natural justice has been provided to all parties?

Hon. D. M. DAVIS (Minister for Health) — What I can indicate is that matters that Ambulance Victoria might undertake with its employees, or indeed that any other health service in the state might undertake with its employees, is a matter for them. They were obviously in a particular industrial environment, and it will be a matter for them to apply the laws and rules of the land in the way that they see is appropriate. That is not for me to deal with. What is for me to deal with is false information put out into the public domain — crook stuff, doctored photos, slippery photos put out by union officials who had moved patients around, used patients as pawns and done the wrong thing.

Mr Jennings — On a point of order, President, the minister has just indicated in the preamble to his answer that in fact this is not a matter that is relevant for him to make comment on, and now he is debating the point. He is being provocative in the way that he is debating the very issue that he says he has no right to talk about.

Hon. D. M. DAVIS — On the point of order, President, I was asked a question about matters that may pertain to the CCTV footage. I have indicated that employment-related matters are matters for the health service — in this case Ambulance Victoria or another health service — and in those circumstances that would be entirely a matter for them. Given the member has raised that CCTV footage and the significance of the CCTV footage, I have responded to that.

The PRESIDENT — Order! In terms of the point of order, the minister is tending to debate and certainly is being quite aggressive in terms of the gestures he has used in responding to this question. I suggest that perhaps they are not necessary on this occasion.

In terms of the question that was raised by Mr Jennings, Mr Jennings in effect sought an assurance from the minister that natural justice would not be denied, in that the videotape, having been released publicly, might have impinged on any investigation by the employer as to whether or not it reflected fairly on that evening in the Frankston Hospital.

There are two aspects to this matter. Firstly, the minister needs to provide a direct response in respect of the question that was raised. Beyond that, the minister is right in saying that there is a separate dimension to this tape and how it got into the public domain and what it purports to represent, as distinct from any investigation that might be made of individuals or the circumstances of that tape. The minister is able to go a little further than perhaps Mr Jennings might suggest; nonetheless, as I said, it would be better if that response were conveyed informatively rather than with the vigour that accompanied part of that answer.

Hon. D. M. DAVIS — President, thank you for your guidance. As I have said, any matter that relates to an employee is a matter for that health service, and it would deal with that in the normal way. It would not be my place to deal with those matters, but what I can indicate — and this is important for the community to understand — is that information was put into the public domain by union officials — —

Mr Jennings — By you.

Hon. D. M. DAVIS — No, by union officials. Photographs were given to the *Herald Sun* and the *Age* and other media outlets by union officials — pictures and photographs and footage that were not accurate. They were doctored.

Mr Jennings — That's your assertion.

Hon. D. M. DAVIS — It is not my assertion; it is a fact, Mr Jennings. What I can say is that the hospital actually says in its report to me that patients were moved for non-clinical reasons. That is actually what the hospital said to me — that people were moved around by union officials without authority and without clinical indication.

Mr Jennings — They have authority to do that anyway.

Hon. D. M. DAVIS — Mr Jennings, they do not have authority to move people around for non-clinical reasons. They do not. I can indicate to the chamber that under the health act we have sought information from the hospital, and it is very clear that the hospital is of the view that patients were moved around for non-clinical reasons. They ought not to have been moved around for non-clinical reasons.

Mr Jennings ought to condemn the misuse of patients as political pawns by the ambulance union, but the fact is that the Labor Party is entirely in the grip of the ambulance union. The left-wing, hardline ambulance union has donated more than $1 million to the Labor Party in the last 10 years — it and its predecessors. More than $1 million of donations were made by the

ambulance union and its predecessors, and now we see that the puppeteers are pulling the puppet strings. We have Mr Jennings here today asking questions on behalf of the ambulance union, which is a donor to the Labor Party. I have to say that Mr Jennings ought to be thinking very carefully about the public interest in all of this, and members of the public and patients ought not to be used in a way that is not in the interests — —

Mr Lenders — On a point of order, President, I can recall that when Mr Pakula asked questions of Mr Davis in 2011 referring to the funding of his legal defence by the 500 Club, you ruled that comments from ministers or questions regarding the funding of parties were not about government administration. I put to you that if it was inappropriate for Mr Davis to be questioned about donors to the 500 Club paying his legal bills, under those same terms is it not debating for him to be referring to — or conjuring up — where Labor Party funding may come from and how it affects the motives of a shadow minister asking a question on government administration?

The PRESIDENT — Order! In respect of the point of order, I was close to asking the minister to refrain from debating because I believe that the matter he raised with regard to any funding support to the Labor Party had, at any rate, already been canvassed in his response to a previous question. Therefore I am not sure that it needed to be reiterated in this further response, and as such it constituted, in my view, debating the matter. To that extent I uphold the point of order.

The issue of funding of political parties not being a matter of government administration is true. I would be very careful in considering debate that is led in terms of the Labor Party's affairs, as it is the opposition. Unless a very direct connection is made — and the minister would probably insist that in fact he is able to make such a connection — I do not think that matter ought to be pursued in the chamber, certainty extensively by way of debate, unless there is a substantive motion. There are other mechanisms to pursue such concerns that individual members may have.

Hon. D. M. DAVIS — What is clear is that in that period in early July a group of ambulance union officials set up a set of photographs. They were not accurate photographs, they were fake. They were designed to mislead the community, and this is not the only place around the state where that has occurred. We know there have been a number of other settings where there have been fake or false photographs taken from around the state. But it is very clear from the CCTV footage that union officials, dressed in red union T-shirts as part of their industrial campaign, moved patients around in an emergency department to set up photographs for their own political purposes. It was not about the clinical needs of the patients, it was not moving them to a new zone where — —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Specifically, can the Minister for Health provide us with any comfort that he has received advice from his department that his provocative release of the footage has not contaminated the independence and integrity of any investigation by Peninsula Health or Ambulance Victoria?

Hon. D. M. DAVIS (Minister for Health) — I think I have already answered this question — —

Mr Jennings interjected.

The PRESIDENT — Order! Mr Jennings has asked his question.

Hon. D. M. DAVIS — I can be very clear here. On or about that early period in July, a group of union officials, dressed in red T-shirts as part of their industrial campaign, set up a series of fake, phoney, dodgy, doctored photographs deliberately for the purposes of advancing their industrial campaign, and they were prepared to use vulnerable patients, people in an emergency department at their most vulnerable. These were people who were there for care. These were people who were there to seek the assistance of clinicians. These were people who were very vulnerable. They were not there to be part of a film studio. They were not there to be part of a Steve McGhie-Baz Luhrmann type of activity, but I would expect Mr Jennings to have a bit of a thespian bent.

Mr Leane interjected.

The PRESIDENT — Order! Member of Parliament or commentator? Mr Leane needs to choose his vocation.

Mr Leane interjected.

The PRESIDENT — Order! Fine, then abide by our rules.

Early childhood intervention services

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Children and Early Childhood Development, Ms Lovell. Can the minister

inform the house about any developments in the early childhood intervention space that will benefit the children of Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question, her ongoing interest in early childhood intervention and in supporting young children with disabilities. On 2 October I was pleased to announce the recipients of the second round of early childhood intervention service (ECIS) places following a departmental expression of interest for those places. I was proud to announce a distribution of 500 of the additional 1150 ECIS places that the Napthine government has funded since coming to government in 2010. These additional places will be delivered in line with evidence-based best practice in early childhood intervention, as identified in the early childhood intervention reform project literature review.

I travelled to Bundoora to an organisation called EPIC, the Education Program for Infants and Children Inc., to meet the staff, the children and the families of this wonderful organisation that services Bundoora and the surrounding areas. EPIC received 21 places in this ECIS places round. EPIC is a great example of some of the wonderful services in Victoria, both big and small, that are providing vital support and intervention for the children in our society who have a disability or developmental delay.

The Napthine government recognises that the sooner children with a disability or developmental delay are supported, the greater their chance of reaching their full potential and leading fulfilling lives. We also recognise that children's learning and development needs to take place in the context of their families and that parents and carers are the children's first and most important educators. That is why the Napthine government has invested an additional more than $42 million in ECIS since 2011–12 for the 1150 new ECIS places, including $34.3 million over five years to provide 1000 additional ECIS places as announced in the 2013–14 budget.

Take a Break program

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. As the minister is aware, the federal coalition's election policy was to reinstate occasional child-care funding on the basis that states meet 45 per cent of the cost. This in fact differed from the federal coalition's unqualified commitment in 2011 to reinstate the funding in full, which shows that the minister was dudded by her federal coalition colleagues. In the minister's media release of 30 June 2011 she said:

> … the Victorian government has committed to continue its share of funding for Take a Break if the federal government also puts its money back in.

Does the minister still stand by her claim that she will partly fund this program if the federal government does likewise?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — What we know about the former occasional care program that was run in Victoria is that it was partly funded by the federal government. In fact the original funding arrangement was 70 per cent federal and 30 per cent state. But the former federal government, the Labor federal government, withdrew that funding within just a few weeks of the end of the financial year. To its credit, the state Labor government picked up the funding and said, 'We'll fund it for an additional year'. It did that by bringing forward funding from the following year. It said it was for one year only, that it was to expire at the end of that year. When we came to government we recognised that occasional care services had not really heard the message from the government that funding was to run out, and we provided an additional six months funding to assist services to transition.

The member raised the promise of the federal coalition that it would restore the funding if it came to government. Yes, it has spoken of arrangements by which it will restore funding. There needs to be discussions with the federal government as to what those arrangements will be. I look forward to having those discussions with my federal colleagues.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister has refused to stand by her previous commitment to restore funding. On 2 June 2011 the minister informed this house that the first thing she did when becoming minister was to write to the then federal minister, Kate Lundy, about this issue. Has the minister contacted the Abbott government regarding the implementation of the coalition's commitment to reinstate funding for occasional child care, and if not, why not? Is she putting Liberals before Victorians?

Honourable members interjecting.

The PRESIDENT — Order! I ask Ms Mikakos to repeat the question.

Honourable members interjecting.

The PRESIDENT — I have some real sympathy with Ms Mikakos in asking that question because she was being howled down by interjections from government members, which is why I am asking Ms Mikakos to repeat the question in full.

Ms MIKAKOS — Thank you very much, President; I am very happy to do so. I refer the minister to her comments on 2 June 2011 where she informed this house that the first thing she did when becoming minister was to write to then federal minister, Kate Lundy — sorry, Kate Ellis — about this issue. Has the minister contacted the Abbott government regarding the implementation of the coalition's commitment to reinstate funding for occasional child care, and if not, why not? Is she putting the Liberal Party ahead of Victorians?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I noticed that the first and second time the member asked her question she said I had written to Kate Lundy. I never wrote to Kate Lundy on this matter. I did talk with Kate Ellis and write to her on a number of occasions. She refused to reinstate funding for this program.

Ms Mikakos — Have you contacted Sussan Ley?

Hon. W. A. LOVELL — I have had a short discussion with Sussan Ley about the federal government's policy. There is a long way to go on this yet. It needs to be discussed at ministerial councils, and it cannot be implemented until after it is allocated in a budget. There is a long way to go on this.

Plan Melbourne

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy. Can the minister inform the house of what action the government has taken to put forward a long-term plan to manage Victoria's population growth?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Elsbury for a very sensible question in relation to managing the growth of Victoria and particularly its capital city, Melbourne, into the future. Members of this chamber will know that Melbourne is without doubt one of the world's most livable cities. I think all of us know that this esteemed title our city enjoys is one we will not retain by simply engaging in a business-as-usual approach, particularly in relation to land use planning.

Last week, along with the Premier and the Minister for Public Transport, I had much pleasure in launching the government's long-term blueprint for managing the growth of Melbourne, *Plan Melbourne*, which has been some two years in the making. It is a document that is going to map out principles around how our city can grow sustainably into the future and how to make sure we retain that important aspect of livability that Melbourne has come to be renowned for internationally.

For the first time this government will start to use an urban growth document to focus not just on Melbourne but on growing our regional cities to create a state of cities. Building a state of cities is so important when, on current trends, between now and the year 2050 we are looking at Melbourne adding an extra 2.3 million people to its population. As you would imagine, President, 2.3 million is quite a large number of people. Some would have us remove all overseas migration — a point I certainly do not support. Those who oppose population growth need to realise that, even if all overseas migration stopped tomorrow, Melbourne would still grow by the population of metropolitan Adelaide in exactly the same period of time through natural increase. This means we must make sure that we are planning to accommodate this level of population growth and accommodate it in the right areas.

As I said, the *Plan Melbourne* document does not just focus on Melbourne; it focuses heavily on Victoria's peri-urban and regional areas as well. In the last 15 years Melbourne has accounted for around 86 per cent of Victoria's growth. This is disproportionately high, and the government wants to ensure that any future urban planning document does not just focus on building up Geelong, Ballarat, Bendigo and the Latrobe Valley but looks at new towns for population accommodation, such as Bacchus Marsh, Ballan, Broadford, Kilmore, Warragul-Drouin and, of course, Wonthaggi. If we are going to grow our population, we need to do so sustainably.

Importantly, a major aspect of Plan Melbourne is to ensure that we protect our suburbs from inappropriate development. One of the key aspects of this document is to ensure that more than 50 per cent of our city's residential areas will be in the new neighbourhood residential zone. This will ensure that more than 50 per cent of Melbourne will be protected from inappropriate development once and for all. This is only in the neighbourhood residential area; there is the general residential zone and its strict controls as well.

This government believes in defining areas for development and allowing development to occur in areas that the community knows and expects will be

subject to change. We do not subscribe to the one-size-fits-all policy for every street, every cul-de-sac, in every suburb. We believe Melbourne must protect its neighbourhoods and grow sustainably, and that is one of the key elements of Plan Melbourne. Importantly, Plan Melbourne is about the long-term sustainability of our city in terms of the environment, our waterways, population management, regional Victoria, the growth boundary, the way that all of us are going to manage our city's growth over the next 40 years and principles in planning that will be beneficial to future generations who will inherit our fair city.

Teacher performance assessment

Mr LENDERS (Southern Metropolitan) — My question is to the Minister responsible for the Teaching Profession, Mr Hall. The minister's department has flagged a performance review crackdown on school principals in Frankston, Bentleigh and other parts of Victoria. Will this make principals comply with any unofficial government quotas for the progression of teachers up the pay scale?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I welcome the question from the Leader of the Opposition. It gives me a chance to talk about what I think is a great initiative, and that is putting forward a serious approach to performance assessment and applying that to Victorian school teachers and principals. The first thing I want to say about that is that performance planning is a very useful and beneficial tool in a number of ways. First of all, it establishes purpose and direction for those who are employees of an organisation. Having a definition of what is expected of them is a very useful starting point in terms of the performance of the particular person involved. Equally, it is a great tool for assessing the need for areas of self-improvement. We should all acknowledge that none of us is perfect. There is always room for improvement, and that will occur with a strongly implemented performance planning system.

During the recent enterprise bargaining agreement discussions the government made it very clear that it expected to move to a more rigorous application of performance assessment. Currently principals across the state are being briefed on government expectations in that regard. In future we want to see performance planning set against school educational and learning needs, continuous monitoring of performance planning throughout the year and assessment undertaken against learning improvements.

To go to the specific issue that Mr Lenders raised, the Premier and I have consistently said there will not be an imposition of caps or quotas on any school with regard to the number of staff or the number of principals who receive a positive performance assessment. Very clearly we stick by that — no quotas, no caps. What we have done in response to requests by principals is give some guidelines as to what level of staff may expect to receive a positive performance assessment. In that regard we are asking principals to validate where they rate more than 80 per cent of their staff or less than 60 per cent of their staff with a positive performance assessment. Obviously the reason for that is that where schools are performing well and there has been significant improvement in learning, we want to better understand why that has occurred and use that situation as an example we can apply in areas where schools might have a particular need. Where less than 60 per cent of staff have been rated with a positive performance assessment, we would equally like to know why so that measures can be taken to improve that.

I want to say in response to all of that that they are guidelines that will assist principals to carry out this important task of assessing the performance of staff members, which I think will bring benefit both to the teachers involved and, importantly, to the students and the learning outcomes that they achieve in Victorian government schools.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer. I noticed that there was a careful use of words. I used the words 'unofficial quotas'. He said there were no quotas but there were 'expectations' of teachers and principals. My supplementary question to the minister is: will he guarantee that no school principal will be penalised on their own performance pay if they have not met the expectations of the department on how many hardworking teachers they progress through the system?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — When we are talking about performance and assessment, it applies equally to both teachers and principals. Very clearly the government has issued guidelines both to assist principals when they come to judging and assessing the performance of their staff and equally those who assess the performance of principals. We have suggested guidelines, but we have not imposed quotas nor caps, for to do so would not be productive and would be almost artificial to developing a system.

What we want to see is the application of this fairly and sincerely. I think the guidelines and directions that are being issued to guide principals and regional staff in this regard will be a fair system which will deliver the outcomes that I think will be fair and good for students in Victoria.

Prison capacity

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Corrections, the Honourable Edward O'Donohue. I ask the minister to update the house on how Victorian communities are benefiting from the coalition's prison expansion program?

Honourable members interjecting.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I note the scoffing and mocking from those opposite when we talk about investment in community safety. That is what we are talking about here: community safety. I pick up the mocking by those opposite about investment in community safety.

I thank Mr Ondarchie for his question, and I acknowledge his advocacy when it comes to community safety and his outstanding leadership of the Bully Zero Australia Foundation. This government is absolutely committed to community safety. That is why we are delivering 1700 additional front-line police in this term of government. That is why, despite opposition from Labor, protective services officers are being rolled out on the metropolitan railway network.

As part of this government's investment in community safety, it is addressing the 11 years of neglect by Labor of our prison system. In particular, as the Auditor-General has noted, on three separate occasions the Department of Justice told the Bracks and Brumby Labor governments that a new prison was urgently needed for Victoria. What did Labor say, and what did the Labor Party do when it came to this community safety infrastructure? It said no the first time, it said no the second time and it said no the third time.

In contrast the coalition government has opened 631 additional beds since coming to government, with 1900 in the construction and development pipeline.

Mr Lenders interjected.

Hon. E. J. O'DONOHUE — I note Mr Lenders is interjecting. It was he who, as the Treasurer of Victoria — —

Honourable members interjecting.

Hon. E. J. O'DONOHUE — I look forward to the debate tomorrow that Mr Lenders is trying to pre-empt, but as I say, this government is committed to community safety.

In addition to delivering this important community safety infrastructure — in response to the question from Mr Ondarchie — this investment has seen significant jobs created across Victoria. In a boon for the Grampians region, recruitment is about to begin for more than 100 positions as part of the creation of an additional 400 beds at correctional facilities in the region. A 42-bed expansion currently being completed at Langi Kal Kal Prison has seen 30 construction jobs created, with 13 ongoing positions.

Of course, as I have formerly advised the house, this government, through the previous minister and the previous Premier, got the Ararat prison project back on track. We know that Labor cannot manage money, Labor cannot manage projects and Labor botched and bungled the Ararat prison project. I am very pleased that the expansion of that facility is back on track, and Ararat is currently booming.

I am also pleased to advise the house that the coalition is generating jobs and economic growth through its Ravenhall prison project, a new 1000-bed prison in Melbourne's west. Last week I was pleased to announce Geo Consortium and SecurePathways as the short-listed respondents at the end of a rigorous expressions-of-interest process. This is the prison that Labor should have built. I am pleased that at least 650 jobs will be created during the construction phase with 600 ongoing jobs once the prison is operational.

Ordered that answer be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

TAFE funding

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. I refer to the Rudd government's allocation of additional national partnership on skills reform funding to the Victorian training system and ask: can the minister guarantee that the $43.5 million already allocated for this financial year will be additional to the money in last year's state budget and that the funding will be provided directly to TAFE institutes in Frankston and other parts of the state and not simply absorbed into the government's coffers?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am not sure that I completely understand the question Mr Lenders asked me. He spoke about the Rudd government's additional 43 — —

Mr Lenders — It was $43.5 million for caretaker — —

The PRESIDENT — Order! Mr Hall is the person I have recognising in the chamber at this stage, and he does not need assistance in this matter, except maybe to understand the question.

Hon. P. R. HALL — I may need some assistance from my department in answering the question, because I fail to recall exactly the terms. Mr Lenders claims there was $43 million or thereabouts assigned by the Rudd government during the caretaker period prior to the federal election. I will give a commitment to take that on notice and furnish an answer to the member this week.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his commitment. This minister delivers on his commitments, and I am very confident I will get a response this week. As a supplementary question I would ask him to also provide the disbursement showing which TAFEs that $43 million is being distributed to.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am happy to include that in the answer that I will give in due course.

Federation University Australia

Mrs KRONBERG (Eastern Metropolitan) — My question is directed to the Honourable Peter Hall, the Minister for Higher Education and Skills. Will the minister inform the house of any recent events that will provide greater opportunities for regional students to undertake study for a higher level qualification?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Kronberg for her question. As she knows, we share a commitment towards improving higher education opportunities for regional students. One of the pleasant duties that I was part of since the Parliament's last sitting was a ceremony on 1 October in Queen's Hall to launch Federation University Australia, or Fed Uni. The conversion of Ballarat University into Federation University, with the Monash Gippsland campus being part of that organisation, is now complete. Part of that process was the name change which was facilitated by legislation which was passed unanimously by this Parliament, and that was a great thing. I can also advise the house that since the passing of the legislation I have approved the transfer of the assets at Monash Gippsland to Federation University. The culmination of that change was the ceremony I referred to as taking place in Parliament House on 1 October.

The great thing about this is that it will create additional learning opportunities for students in regional Victoria. We have already seen new courses being added to those on offer at Ballarat and at Wimmera campuses. Federation University is using the expertise from Monash University at Monash Gippsland, and equally, new courses at Monash Gippsland are becoming available because of the aggregated expertise of the previous Ballarat University. There have been additional courses in engineering and business areas, and that is very pleasing.

I am also pleased to report to the house that the discussions Federation University Australia is having with a number of other regional TAFE institutes will see a broadening and strengthening of its delivery to some of the other regional TAFE institutes around Victoria. All in all this adds up to a good news story for many regional students. As a result of the Parliament supporting the creation of Federation University Australia, we will see benefits in terms of increased opportunities for regional students to study higher education courses while they continue to live at home in their regions.

The PRESIDENT — Order! I take this opportunity on behalf of the house to extend congratulations to Mr Hall on completing 25 years of service to the Parliament. I would venture to say to Mr Hall that it has been outstanding service. He has represented his electorate with great distinction, and he has held a number of offices in this place. He is certainly worthy of the commendation that the house has just conveyed to him.

Honourable members applauding.

The PRESIDENT — I also offer my congratulations to Mr Philip Davis on completing 21 years of service to the Parliament and on having served in this place in various roles with distinction.

Honourable members applauding.

PETITIONS

Following petition presented to house:

Guardianship legislation

To the Legislative Council of Victoria:

The petition of Community Lifestyle Accommodation Ltd, secretary Mrs Marie Hell, 7 Milne Street, Crib Point, Victoria 3919, and on behalf of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Attorney-General requested the Victorian Law Reform Commission to review the Guardianship and Administration Act 1986 (Vic.) in 2009. The Law Reform Commission's report was tabled in Parliament on 18 April 2012. We, the undersigned, which includes family-carers with significant care responsibilities in supporting adults with lifelong decision-making impairment note that, to date, none of the recommendations have been adopted by Parliament.

The petitioners therefore request that the recommendations of the Victorian Law Reform Commission's *Guardianship — Final Report 24* be considered immediately by the Parliament of Victoria, and in particular, those recommendations concerning co-decision making, guardianship and succession planning are passed in law by the Parliament of Victoria.

By Mr SCHEFFER (Eastern Victoria) (153 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Statute Law Revision Bill 2013

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Alert Digest No. 13

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 13 of 2013, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Australian Centre for the Moving Image — Report, 2012–13.

Australian Crime Commission — Report under section 30L of the Surveillance Devices Act 1999, 2012–13.

CenITex — Report, 2012–13.

Commission for Children and Young People — Report, 2012–13.

Commissioner for Environmental Sustainability — Minister's report of receipt of 2012–13 report.

Community Visitors — Report, 2012–13.

Corangamite Catchment Management Authority — Report, 2012–13.

Council of Trustees of the National Gallery of Victoria — Report, 2012–13.

Crown Land (Reserves) Act 1978 — Minister's Order of 24 September 2013 giving approval to the granting of a licence at Maldon Historic Area.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2012–13.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2012–13.

Education and Early Childhood Development Department — Report, 2012–13, together with Victorian Skills Commission Report 1 July 2012 to 31 December 2012.

Emergency Services Telecommunications Authority — Report, 2012–13.

Environment Protection Act 1970 — Order in Council of 24 September 2013 varying the State Environment Protection Policy (Prevention and Management of Contamination of Land).

Fire Services Commissioner — Report, 2012–13.

Geelong Performing Arts Centre Trust — Report, 2012–13.

Goulburn Valley Regional Waste Management Group — Minister's report of receipt of 2012–13 report.

Greyhound Racing Victoria — Report, 2012–13.

Harness Racing Victoria — Report, 2012–13.

Human Services Department — Report, 2012–13.

Independent Broad-based Anti-corruption Commission — Report, 2012–13.

Judicial College of Victoria — Report, 2012–13.

Legal Practitioners Liability Committee — Report, 2012–13.

Library Board of Victoria — Report, 2012–13.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2012–13.

Melbourne Market Authority — Report, 2012–13.

Melbourne Recital Centre Ltd — Report, 2012–13.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns, June 2013 and Summary of Variations notified between 25 June 2013 and 30 September 2013 and Summary of Primary Return, September 2013.

Metropolitan Waste Management Group — Report, 2012–13.

Mornington Peninsula Regional Waste Management Group — Minister's report of receipt of 2012–13 report.

Museums Board of Victoria — Report, 2012–13.

National Environment Protection Council — Report of the Third Review of the National Environment Protection Council Acts (Commonwealth, State and Territory), December 2012 and the National Environment Protection Council's Response to that Review, April 2013.

North Central Catchment Management Authority — Report, 2012–13.

North East Catchment Management Authority — Report, 2012–13.

Office of Police Integrity — Report for the period 1 July to 9 February 2013.

Office of Public Prosecutions — Report, 2012–13.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bayside Planning Scheme — Amendments C87 and C123.

Campaspe Planning Scheme — Amendment C69.

Casey Planning Scheme — Amendment C163.

Colac Otway Planning Scheme — Amendment C72 Part 2.

Darebin Planning Scheme — Amendment C108 Part 1.

Glen Eira Planning Scheme — Amendment C112.

Greater Bendigo Planning Scheme — Amendment C192.

Greater Dandenong Planning Scheme — Amendment C179.

Greater Geelong Planning Scheme — Amendments C67 and C264.

Greater Shepparton Planning Scheme — Amendments C110 and C121.

Melbourne Planning Scheme — Amendment C218.

Melton Planning Scheme — Amendments C134 and C149.

Moira Planning Scheme — Amendments C51 and C74.

Moreland Planning Scheme — Amendments C122 and C148.

Mornington Peninsula Planning Scheme — Amendment C170.

Murrindindi Planning Scheme — Amendment C49.

South Gippsland Planning Scheme — Amendments C72 and C84.

Stonnington Planning Scheme — Amendment C167.

Surf Coast Planning Scheme — Amendment C78.

Towong Planning Scheme — Amendment C29.

Warrnambool Planning Scheme — Amendment C77.

Whitehorse Planning Scheme — Amendment C123.

Wodonga Planning Scheme — Amendments C94 and C107.

Wyndham Planning Scheme — Amendments C86, C148 and C168.

Port Phillip and Westernport Catchment Management Authority — Report, 2012–13.

Primary Industries Department — Report under section 30L of the Surveillance Devices Act 1999, 2012–13.

Public Record Office Victoria — Report, 2012–13.

Roads Corporation — Report, 2012–13.

Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2012–13.

Rolling Stock Holdings (VL-1) Pty Ltd — Minister's report of receipt of 2012–13 report.

Rolling Stock Holdings (VL-2) Pty Ltd — Minister's report of receipt of 2012–13 report.

Rolling Stock Holdings (VL-3) Pty Ltd — Minister's report of receipt of 2012–13 report.

Rolling Stock (Victoria-VL) Pty Ltd — Report, 2012–13.

Sentencing Advisory Council — Report, 2012–13.

State Development, Business and Innovation Department — Report, 2012–13.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 116.

County Court Act 1958 — No. 122.

Crimes (Controlled Operations) Act 2004 — No. 123.

Infringements Act 2006 — No. 114.

Magistrates' Court Act 1989 — Nos. 120 and 121.

National Parks Act 1975 — No. 115.

Road Safety Act 1986 — No. 118.

Supreme Court Act 1986 — Nos. 117 and 119.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 114 to 118 and 120 to 122.

Legislative Instruments and related documents under section 16B in respect of an Amendment to the Declaration of Dingo to be unprotected wildlife of 24 September 2013 made under section 7A of the Wildlife Act 1975.

Surveyor-General — Report on the Administration of the Survey Coordination Act 1958, 2012–13.

Taxi Services Commission — Minister's report of receipt of 2012–13 report.

Transport Accident Commission — Report, 2012–13.

V/Line Corporation — Report, 2012–13.

V/Line Pty Ltd — Report, 2012–13.

Victims of Crime Assistance Tribunal — Report, 2012–13.

Victoria Legal Aid — Report, 2012–13.

Victoria Police — Chief Commissioner — Report under section 30L of the Surveillance Devices Act 1999, 2012–13.

Victoria State Emergency Service Authority — Report, 2012–13.

Victorian Arts Centre Trust — Report, 2012–13.

Victorian Catchment Management Council — Report, 2012–13.

Victorian Commission for Gambling and Liquor Regulation — Report, 2012–13.

Victorian Environmental Water Holder — Minister's report of receipt of 2012–13 report.

Victorian Equal Opportunity and Human Rights Commission — Report, 2012–13.

Victorian Funds Management Corporation — Report, 2012–13.

Victorian Law Reform Commission —

Final Report on Succession Laws.

Report, 2012–13.

Victorian Rail Track — Report, 2012–13.

Victorian Responsible Gambling Foundation — Report, 2012–13.

West Gippsland Catchment Management Authority — Report, 2012–13.

West Gippsland Healthcare Group — Report, 2012–13.

Wimmera Catchment Management Authority — Report, 2012–13.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Company Titles (Home Units) Act 2013 — 1 October 2013 (*Gazette No. S337, 24 September 2013*).

Fortification Removal Act 2013 — 6 October 2013 (*Gazette No. S341, 1 October 2013*).

Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Act 2013 — 25 September 2013 (*Gazette No. S337, 24 September 2013*).

Sustainable Forests (Timber) Amendment Act 2013 — except section 17 and Division 2 of Part 2 — 1 October 2013 (*Gazette No. S337, 24 September 2013*).

BUDGET SECTION

Financial report 2012–13

The Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 4.

Laid on table.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 16 October 2013:

(1) order of the day 5, resumption of debate on the second reading of the Fire Services Levy Monitor Amendment (Ensuring Fair and Equitable Levies) Bill 2013;

(2) notice of motion 646 standing in the name of Mr Lenders relating to new hospital beds promised at the 2010 state election;

(3) notice of motion given this day by Mr Somyurek relating to employment in the Victorian manufacturing sector;

(4) notice of motion given this day by Mr Barber to introduce the Residential Tenancies Amendment (Housing Standards) Bill 2013; and

(5) notice of motion 601 standing in the name of Mr Barber relating to the funding of the Doncaster rail line.

Motion agreed to.

MEMBERS STATEMENTS

Janet Powell

Ms PENNICUIK (Southern Metropolitan) — Like many thousands of Australians, I was saddened to hear of the death of Janet Frances Powell just after her 71st birthday. At her memorial on 9 October we heard moving tributes and stories about her remarkable life from her family, from members of the YWCA, with which she had a long association, and from Bob Brown. Bob described Janet as:

> … one of the 'Magnificent Seven' Democrats elected to the Senate in the double dissolution election of 1987.

He also said:

> There are many nameless beneficiaries of Janet Powell's political generosity. It is no exaggeration to claim that thousands of Australians are alive today because Janet became the first woman in history to succeed in moving a private member's bill through both houses of the Australian Parliament. The result, in 1989, was a ban on the print advertising of tobacco products. Her bill led, three years later, to a ban on electronic advertising … And, no doubt, it brought forward this year's world-first Australian legislation to take cigarettes off display altogether.
>
> …
>
> Janet's skill was to enlist her adversaries to her cause and not the other way around.

Janet joined the Greens 10 years ago, which is when I first got to know her. She was a generous mentor to me and to so many other women and men in the Greens. On the commemorative bookmark we received at her memorial are the words 'a great life well lived'. Everyone who knew Janet or knew about her would agree. Vale, Janet.

G21 Month of Action

Ms TIERNEY (Western Victoria) — The month of November is the G21 Month of Action to stop violence against women in the Geelong region. From 25 October to 25 November businesses and community members are encouraged to join the fight against violence through this month of action. Violence against women is the largest cause of death, disability and illness for women aged between 15 and 44. Nearly one in five women have been exposed to sexual assault since the age of 15. In Australia, intimate partner homicides account for one-fifth of all homicides. Four out of five of these homicides involve a man killing his female partner. More than a third of all crimes against a person committed in the 2012–13 financial year related to family violence. Under the Napthine government the number of family violence offences has increased by 21.6 per cent in the last year. That is right: nearly 22 per cent.

These statistics are shocking and present to the public the magnitude of this problem. Yet the Napthine government has cut funding for programs that tackle the issue of family violence, such as axing Labor's $24.7 million family violence package and replacing it with a substandard $7 million plan. We must continue to educate and encourage the whole community to influence and eliminate the underlying determinants of violence against women, not cut valuable programs. I also encourage community members to attend Reclaim the Night on Friday, 25 October, from 6.00 p.m. until 9.00 p.m. at Market Square, Geelong, and join others in speaking out to end violence against women.

Mr Philip Davis

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I wish to acknowledge the significant announcement last Thursday that Mr Philip Davis, my colleague in Eastern Victoria Region, has decided that he will not recontest the next election and will leave the Parliament at some stage in the coming period. The Premier, in a statement dated 10 October, said:

> … the Liberal Party and Victoria have benefitted greatly from the knowledge, expertise and practical experience in rural and agricultural issues that Mr Davis brought to the Parliament.

Originally elected in 1992 as a member for Gippsland Province, Mr Davis was then elected as a member for Eastern Victoria Region in 2006 and again in 2010. As is a matter of public record, throughout this period Mr Davis has held a range of positions, from parliamentary secretary in the Kennett government to a range of shadow ministries, as well as Leader of the Opposition in this place. He is widely respected for his intelligence, acumen and strength of character, in particular with regard to rural issues and matters specific to Gippsland.

I also wish to thank Mr Davis on a personal level for his advice, counsel, support and partnership as we have worked together to represent our mutual constituents. Our relationship is one based on trust and shared goals. It has been a privilege to share an electorate with Mr Davis for the past seven years. He is a man of great integrity. In recognising his service, I also wish to thank him, his wife, Elizabeth, and his daughters, Penny and Annabelle, for their friendship. I wish them every success for the future. The people of Eastern Victoria Region are losing a distinguished and outstanding member of Parliament.

Alpine National Park cattle grazing

Mr SCHEFFER (Eastern Victoria) — Victorians are appalled that a small group of self-interested landowners in East Gippsland, supported by some Victorian coalition MPs, are resuming their push to graze cattle in the Alpine National Park. This is a cynical and vindictive drive to overturn a good policy and attack the credibility of 40 years of scientific research. Yesterday, Victorians heard Mr Charlie Lovick, the president of the Mountain Cattlemens Association of Victoria, try to persuade them on ABC radio that this was all about reducing the fire risk in the high country. Mr Lovick said:

> I take those scientific studies with a grain of salt, because I know different.

Mr Lovick's words are flabbergasting and do him and his cause no credit. In response, Mr Philip lngamells of the Victorian National Parks Association said this:

> I have gone up with cattlemen, and to give you the best indication, we went round everywhere. We looked at this damage, that damage; damage to creeks, damage to peat beds, damage to everything.
>
> Everywhere we went, the cattlemen just said, cattle don't do that, that wasn't cattle, cattle wouldn't do that, that was horses or it was deer or it was pigs or something else, but it was never, never cattle. Cattle don't go into peat beds; they kept repeatedly saying cattle don't go into these wet areas, they don't go into peat beds. When we found the dead cow in the middle of a peat bed, there was a complete silence, and then one of them said, 'It's not my cow'.

If Mr Lovick gets his way, our 500 million-year-old natural heritage will be in serious trouble.

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! I remind members that it is disorderly to interject and that it is very difficult during members statements when members have a very short amount of time to get their points across.

Drug initiatives

Mrs COOTE (Southern Metropolitan) — I think everyone would have been distressed this morning as they read their two local daily papers to see reports on the huge increase in the use of the drug ice in this state and to learn that ambulance call-outs have quadrupled over the past short while for people who have taken ice. I think everyone would have been shocked and horrified. It is timely to see the coalition government addressing this invidious drug and to see the amount of money the government has put into drug and alcohol prevention programs, and particularly the work of the Minister for Community Services, Mary Wooldridge.

In the 2013–14 budget the coalition government allocated $155 million on this issue, including a $1.1 million package to tackle the growing use of ice through prevention, education and treatment initiatives. The funding will be used to research ice use and look at its geographics and demographics, improve community awareness among apprentices, post-secondary students and the Aboriginal community; provide training for Aboriginal health workers; develop a tailored diversion program for first-time offenders who are using ice; and provide increased counselling. It is really important that we — all of us — constructively work together to make certain that our young people are not destroyed by this drug. It is invidious, it cheap, it is easy and it is killing our young. We must all work together.

Victorian Senior of the Year Awards

Ms MIKAKOS (Northern Metropolitan) — On 3 October I attended the 2013 Victorian Senior of the Year Awards at Government House. I would like to congratulate Pat Smith of Highton on being named Victorian Senior of the Year. Pat, who is known as a leading light within the Geelong community, was recognised for establishing the education assistance program, which assists vulnerable students to continue their education. I would also like to congratulate John Nicolaou of Reservoir for receiving a Council on the Ageing Victoria Senior Achiever award. John was acknowledged for his volunteer work with older Victorians from culturally and linguistically diverse backgrounds, particularly those from the Greek community. Congratulations also to the 12 other Victorian seniors who were recognised on the day for their ongoing dedication and outstanding contribution to our community.

Seniors services

Ms MIKAKOS — Seniors Week was a timely reminder of the three years of neglect that Victorian seniors have endured under the Baillieu and Napthine governments. In the three years since taking office the coalition has failed to cut the cost of living for Victorian seniors, many of whom are struggling every day with cost of living pressures. Since becoming Premier earlier this year, Dr Napthine has also ticked off on the stealthy privatisation of aged-care facilities across Victoria and made further cuts to health, resulting in clogged emergency departments, a crisis in the ambulance service and a blow-out in the waiting list for elective surgery. He is clearly failing Victorian seniors.

U3A Asia Pacific Alliance International Conference

Ms MIKAKOS — On 13 October I had the pleasure of speaking at an event organised by the University of the Third Age, welcoming its local, interstate and international delegates to the Asia Pacific Alliance International Conference as well as the U3A Network Victoria conference. The University of the Third Age is an important organisation that supports and encourages our seniors to pursue learning opportunities and social and recreational opportunities. I congratulate Elsie Mutton on the event.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Ms Mikakos's time has expired. I call Mrs Peulich, and I wish her a happy birthday.

Frankston electorate opinion poll

Mrs PEULICH (South Eastern Metropolitan) — I was delighted, though I was not surprised, to read of the views of Frankston residents in relation to some key issues published in yesterday's *Herald Sun* following a poll. Of those polled, 65 per cent expressed satisfaction with the emergency services at Frankston Hospital — a stark contrast to the beat-up we have seen the Labor Party and its union mates engaging in. I was also not surprised to see that there was 77 per cent support for the construction of a new airport near Koo Wee Rup and 61 per cent support for the construction of the east–west tunnel. Frankston residents understand the importance of road infrastructure.

Frankston Charitable Fund Spring Ball

Mrs PEULICH — I would like to congratulate the City of Frankston council on its wonderful organisation of its charitable fund ball, which I had the honour of attending on Saturday night. I congratulate in particular outgoing mayor Sandra Mayer on a wonderful event. A wonderful amount of money was raised, and a great night was had by all.

Dasara festival

Mrs PEULICH — I would like to congratulate the organisers of the Dasara Indian festival celebrated at the Kingston city hall on Sunday, 6 October. It was attended by numerous dignitaries, and I had the honour of participating. It is a wonderful and incredibly vibrant community, and it makes a huge contribution to the south-east.

Australian Service Excellence Awards

Mrs PEULICH — I had the honour of representing the Minister for Higher Education and Skills at the 12th annual Australian Service Excellence Awards 2013. I would like to congratulate Brett Whitford, the executive director, on an outstanding night, as well as all the participants and award winners.

Alcohol abuse

Ms DARVENIZA (Northern Victoria) — I was concerned to hear that towns in my electorate of Northern Victoria Region were so highly represented in the data from the 2011–12 Turning Point Alcohol and Drug Centre report that measured alcohol-related attendances by ambulances. Ambulances in the regional areas of Shepparton, Bendigo, Echuca, Mildura and Wodonga recorded some of the highest alcohol-related ambulance attendances, with a combined total of 559. These figures are very alarming. When ambulances are forced to respond to incidents of alcohol abuse vital life-saving resources are tied up, which means that more people are left exposed while they wait longer for medical attention. Paramedics are already dealing with staff shortages, fatigue and low morale. Now increasingly they are facing assaults and threats of violence from call-outs relating to alcohol abuse.

We have already seen firsthand that the Liberal-Nationals state government has no idea of how to run our ambulance system, with the pay dispute between Ambulance Employees Australia and the Victorian government entering its second year. When it comes to ambulance response times, every minute counts. For some it can be the difference between life and death. This report clearly demonstrates that the Liberal-Nationals state government is not doing nearly enough to address the alcohol abuse in our community, especially in rural and regional areas.

Warrnambool Under 25s Road Safety Challenge

Mr O'BRIEN (Western Victoria) — I would like to commend participants in the Warrnambool road safety challenge, which is a current community initiative open to residents under 25 years of age in Warrnambool and surrounding areas. The aim of the challenge is for participants to devise original strategies that will have a clear and measurable outcome on local road trauma statistics. I have been involved in the initiative and have seen students actively coming up with ideas. The most significant in terms of a public display is a car wreck that will be displayed near the Warrnambool police station to remind car drivers to take care on the roads.

Participants have also come up with innovative social media campaigns involving discouraging young people from texting whilst driving. The car wreck and accompanying billboard were prepared with the support of the Warrnambool State Emergency Service unit. There was also significant support from Victoria Police, including from assistant commissioners Robert Hill and Jack Blaney, and particularly former local supervisor Tracey Linford, who is now assistant commissioner, along with Andrew Loader and Don Downs. I commend the organiser, Russ Goodear, and one of the young participants, Ed Mahoney, who put in a lot of work.

Yatmerone wetlands

Mr O'BRIEN — I would also like to commend the Friends of Yatmerone on the opening of the Yatmerone wetlands, which was a significant event that followed later that day. I would also like to commend the Hutton family for their many years of stewardship, during which they showed that farmers can operate in successful harmony with wetlands, and also Advanced Penshurst, Southern Grampians Shire Council, Parks Victoria, Gazette Landcare Group and all the Friends of Yatmerone.

Olivia Newton-John Cancer and Wellness Centre

Mr ELASMAR (Northern Metropolitan) — On Friday, 20 September, I attended the stage 2 opening celebration of the Olivia Newton-John Cancer and Wellness Centre located at the Austin Hospital in Heidelberg. I am proud to say this magnificent project was initiated by the previous government. I was pleased to be in attendance along with several of my parliamentary colleagues to witness the completed stages of this wonderful facility. I congratulate Ms Olivia Newton-John for her star quality and driving enthusiasm for this important project and also the many other contributors who made this dream possible. I also commend the organisers for an extremely enjoyable event.

City of Banyule mayoral function

Mr ELASMAR — On another matter, I was delighted to attend the Banyule mayoral function on 12 October. There were about 400 people in attendance, including several of my parliamentary colleagues. I congratulate the organisers and the Banyule City Council for their magnificent efforts.

Bill Shorten

Mr ELASMAR — On another matter, I would like to congratulate the Honourable Bill Shorten for his democratic election to the leadership of the federal parliamentary Labor Party. I know he will work hard to return his party to government and will do so with respect and dignity.

Anti-Poverty Week

Mr MELHEM (Western Metropolitan) — This week is Anti-Poverty Week, which was established in Australia as an expansion of the annual United Nations International Day for the Eradication of Poverty. This is an opportunity to strengthen public understanding of the causes and consequences of poverty and hardship around the world and in Australia.

Yesterday, along with my colleague Jenny Mikakos, I had the opportunity to visit St Vincent de Paul's caring Catholic charity St Mary's House of Welcome and, together with some of the many amazing volunteers, serve meals to the homeless and those doing it tough in our community. St Vincent de Paul Society members and volunteers provide support, advocacy and friendship to the most vulnerable in our community through local groups, known as conferences, as well as Vinnies centres and soup vans. The society also provides assistance to migrants and refugees seeking to rebuild their lives.

Whilst visiting St Mary's House of Welcome I had the opportunity to speak with some members of the community. It is my strong belief that in Australia some of the main causes of poverty are the lack of work opportunities and precarious work, the uneven distribution of income and wealth and the diminishing number of public housing and crisis services. Poverty is not just the result of individual circumstances but of inequalities that are built into our society. I applaud these volunteers who dedicate their time and skills to giving back to the community by using their experience in ways that make a difference in the lives of these people.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! The member's time has expired.

RADIATION AMENDMENT BILL 2013

Second reading

Debate resumed from 19 September; motion of Hon. M. J. GUY (Minister for Planning).

Mr JENNINGS (South Eastern Metropolitan) — I am pleased to have the opportunity to speak on behalf

of the Labor Party on the Radiation Amendment Bill 2013, and I indicate it is the Labor Party's intention to support this legislation, which does fundamentally two important things. We would take this opportunity to congratulate the Napthine government for taking the initiative to ban solariums in Victoria from January 2015 onwards and build on a track record of the Victorian government since 2007 playing a leading role across the country in terms of regulation and regulatory control of the solarium business and now in fact the closure of it in the state of Victoria. The second issue that the government deserves credit for is continuing down a pathway towards implementing a national code of practice for the security of radioactive sources in Victoria, which is again a process that was commenced under the previous Victorian government.

The Labor administration in both instances commenced work that is ultimately being concluded by the current government. It is always pleasing to see when important work is continued and finally sees passage through legislative reform in the Victorian Parliament, so it is in that spirit that we recognise that that work has been taken up by the Victorian government. There will be some degree of legislative completion of those two aspects of regulation in Victoria, and most importantly it will lead to safer environments throughout the Victorian community in terms of the safe handling practices of any radioactive material.

Many of our citizens may be surprised or even alarmed to recognise that radioactive material is being used each and every day in Victoria. It may be used for medical research purposes, for diagnostic purposes within the medical profession and in smoke detectors in thousands of environments around Victoria. There are small amounts of radioactive material used by a wide cross-section of the Victorian community, in Victorian industry and within Victorian medicine each and every day in Victoria, and because radioactive material exists in those areas and forms it is totally appropriate to regulate and make sure that there are safe handling practices in terms of the storage, use and transportation of that material. For those reasons, this legislative reform is welcome. I will come back to the way in which this legislation regulates that space.

I will start by talking about what is probably the most prominent element of the legislation — that is, the banning of solariums in Victoria from January 2015. Many members of the Victorian community are aware of the illness, pain and suffering and the many deaths in Victoria caused through various forms of cancer. Skin cancer is a direct and immediate problem that should be mitigated by people making wise lifestyle decisions, particularly related to their exposure to sunlight and the adverse impact of using solariums, which has been recognised.

The exposure to ultraviolet (UV) light through using a solarium is equivalent to three times the intensity of the midday sun on the hottest day of the year in the hottest climatic conditions. It does not necessarily have to be the hottest day of the year; in fact sun exposure and UV exposure can occur on quite mild days in terms of temperature, but the intensity of the sun may impact adversely on the wherewithal and the ability of the skin to maintain itself and be safe from melanomas. We in Australia understand that there is a high incidence of melanomas occurring in our community, and the action that is embedded in this legislation will reduce the risk for our citizens, and that is a good thing. It is the reason I support the government's actions in that regard.

In Victoria at the moment we would estimate that somewhere of the order of six people per week die from skin cancer. In fact we would estimate that somewhere of the order of six people per day would be diagnosed as having skin cancer in Victoria, so this is not a rare phenomenon. It is evident and measurable, and it is a risk that we as a community should do all we can to try to reduce.

From 2007 onwards the state of Victoria took an enlightened view in regulating the solarium industry in Victoria. The industry had previously been, by and large, regulated by Australian standards. At the time we were motivated to take that action because of the level of compassion that welled up in the community in response to the story of Clare Oliver, a young woman who had endured much pain and suffering leading to her very early death from skin cancer. Her use of tanning beds in her formative years had a direct, linear connection to her loss of life. That story, which gained prominent media coverage at that time, led to a groundswell of momentum in the community to regulate solariums at a higher level than had occurred before and to place some regulatory controls on the industry, which had grown in such a way that consumers did not have great confidence in the quality of service provided, even though the industry had been subjected to Australian standards.

Advice was available to customers and the general community about the risks of skin cancer, but there was an absence of mandatory health warnings. There was no restriction on young people under the age of 16 accessing those services at that time. Subsequently that law was changed to 18 years of age. The idea of parental guidance or control or supervision within a tanning salon was absent in any formalised way up until 2007. There was no insistence that there be a

mandatory assessment of skin types and advice to customers of an added risk associated with using tanning beds within solariums. Such advice was not given in any concerted or comprehensive fashion. Those various elements were brought to bear within the Victorian legislation that was introduced by the Labor government at the time.

By 2008 a far more effective regime was implemented across the industry in Victoria. This meant that there was a higher quality of service, advice and consumer behaviour in relation to these matters. It meant that within the following year, 2009, the Australian standard had been brought up to scratch with the Victorian regulations; indeed there was a requirement to harmonise it in 2009 in terms of whether children under the age of 18 needed parental guidance to access a tanning salon. By January 2009 it was determined, through the Australian standards and implementation into Victorian law, that anybody under the age of 18 would be denied access to a solarium in Victoria.

We did this in a determined fashion because we believed that the pain and suffering inflicted upon young people, leading to premature death or additional risk of skin cancer, warranted that degree of regulation. In many ways we can see that regulation and greater community awareness, probably echoing and shadowing from the community's collective memory of the Clare Oliver story, have meant there has been an erosion in the popularity of the solarium. In fact the number of beds has diminished over the last couple of years. The government estimates and provides us with advice that at the moment in Victoria there are 385 tanning beds operating out of 118 locations and, within those operations, there are about 112 different company entities that run those beds.

The interesting thing shared with the opposition at the time of the briefing from the department and the government on this matter was that the industry itself had some begrudging recognition of the market forces and the appropriate regulatory environment in terms of seeing that there was a momentum established in other jurisdictions. At that stage, other states had made announcements to ban solariums in their states, and now in 2013 Victoria is catching up with what has been a leapfrogging in other states. With that expectation, the industry itself has seemed to see the writing on the wall and been prepared to make adjustments and diversify their businesses or look for other commercial opportunities in terms of cosmetic, lifestyle, fitness or other diversification of their business model. Clearly the industry is removing its level of activity.

Going back to the briefing provided by the department, when I specifically asked the question about what claims there had been for compensation for these businesses being regulated out of business — although I am pleased about that — the extraordinary response was that in fact compensation claims are not being pursued by the industry at this stage. I am not seeking to encourage them, but it is an important issue that the industry is prepared to accept the regulatory environment and the need for greater community safety and is itself moving out of this level of activity. That is a harmonisation between the law and greater regulatory control that may be reflected in a better educated community taking action to protect itself by not using tanning beds in the first place.

If those things are coming together in a way in which people are adjusting their lifestyles and their sense of self to be more comfortable with looking perhaps as pale as I do, then that may be good for them in relation to reducing their risk of skin cancer in the future. I am not posing myself as a role model, you would understand, Acting President, in the context in which I referred to myself; it is just that the anaemic soul I present to the community may, in retrospect, be seen to be viable as a way in which you present yourself in public in the future. Certainly if people take that as encouragement not to artificially tan themselves or not to be overzealous in their pursuit of a tan, then that is good for them. That is the residual point, and that is the point worth emphasising here today. I am sure that I will not be the only person taking part in this debate who will recognise the importance of that.

I move on now from those very significant issues to a related set of important issues that are regulated by the Radiation Amendment Bill, which provides for what I referred to in my introductory comments as the regulatory environment that relates to radioactive material in Victoria. I reiterate the fact that radioactive material, at comparatively low levels of radiation, exists in many forms in daily life, whether it be in hospitals, research facilities or industry, perhaps in the shape of smoke detectors. Small doses of radioactive material exist every day in a whole variety of safe circumstances. Obviously within the variation of those uses, those applications and that scale there will be an escalating risk of larger radioactive material that needs to be handled safely and kept securely in storage or in transportation.

There was recognition of that in 2007 at the Council of Australian Governments national forum when it established the national Code of Conduct for Security of Radioactive Sources. That also led to the creation of the unified Australian Radiation Protection and Nuclear

Safety Agency, which is the repository of responsibility across the nation for these matters in terms of effectively setting standards that are then adopted in each jurisdiction, and those then need to be legislated for in each jurisdiction across the country. Today we are dealing with Victoria's contribution in legislative form to that environment.

Obviously it is very important that we have the confidence that there is expertise and accreditation that underpins legislation introduced by a state that regulates that space. I am certain that officers of the department have been vigilant on behalf of the government and the people in making sure that an appropriate regulatory environment and quality assurance process have been put in place so that anybody who works in the safe handling of this material will be required to be accredited at some level and receive a security certificate of compliance that will verify their ongoing use of radioactive material. That will need to be assessed by an approved assessor accredited under the regulations that are pinned to this legislation. The Secretary of the Department of Health will effectively certify that an assessor has sufficient knowledge and expertise and has undertaken an appropriate audit and evaluation of the compliance with safe handling practices.

This tightly closed loop of accreditation and the security certificates of compliance — that is, the regulatory environment that is managed by the Department of Health — in the way that they were described to opposition members provided us with sufficient confidence that there is rigour in this system and that there will be the appropriate level of scrutiny of these matters. For that reason, we continue to be supportive of what had been a momentum established in 2007 in Victoria under the Labor government that supported the implementation of Council of Australian Governments reforms that are now being implemented through this piece of legislation. I cannot resist — —

Hon. E. J. O'Donohue interjected.

Mr JENNINGS — The minister should not worry about what I cannot resist. It will not be a backhander in relation to the government. The minister can have confidence that I will not abuse the goodwill that has been generated through my contribution until now.

I cannot, though, resist referring to some scientific underpinning of this piece of legislation. I am certain that unless anybody who has read the proposed legislation and the explanatory notes and listened to any of this debate has some degree of scientific knowledge, they will have great difficulty with clause 5. Clause 5 provides quite elegantly a scientific formula that effectively deals with the strength, intensity or size of the radiation we are talking about. The regulatory environment has varying degrees of restrictions, depending on the size, strength or intensity of the radioactive material that is being regulated. When people pick up the legislation and look at new section 3A, which is being inserted by clause 5, they will not understand the formula. I will not explain the formula in any other shape or form but will use the words in clause 5 to tell members how it works. Clause 5 inserts new section 3A, which will read:

> (1) For the purposes of this Act, the activity ratio for a sealed source is to be determined in accordance with the formula —
>
> $$\frac{A}{D}$$
>
> where —
>
> **A** is the activity of the sealed source's prescribed radionuclide in gigabecquerel units; and
>
> **D** is the value specified in the regulations for the prescribed radionuclide.

What that means is that A is how big it is, and that is divided by D — the standard unit, effectively — in terms of intensity. The use of this formula will effectively mean that the bigger the number that comes through that formula the more regulated it will be. Unless a layperson actually wants to become a nuclear scientist or a person learned in Victorian legislation, that is as far as they need to go. They just need to know how much radioactivity there is divided by the standard unit of radioactivity. That will tell them how rigorously the security of this material needs to be provided for. That beautiful formula and those simple words used within that formula get us to where we need to get to within the whole of this legislative reform.

Following the very laboured joke I have just made, I indicate that opposition members are confident about the rigour that underpins this piece of legislation, not just because of the formula but because of the work that has been undertaken for the past six years. We are supportive of the regulatory reform the government has introduced in relation to banning solariums. It continues a journey that began a number of years ago, in 2007. In some very small way it does justice to the community learnings from the experience of Clare Oliver and those who have followed up what was needed since her story became public — that is, that it was appropriate for government to take action to ban the exposure of our community to tanning salons and tanning beds. That is a journey worth supporting because as legislators we want to do whatever we can in Victoria and in the

nation to reduce the risk for our citizens of dying painful deaths prematurely because of skin cancers. Opposition members wish this bill well.

Ms HARTLAND (Western Metropolitan) — The Radiation Amendment Bill 2013 achieves two main objectives, both of which the Greens support. I am very grateful to Mr Jennings for having explained clause 5 because now I will not have to do that. One of the questions that I needed to ask during the briefing was about clause 5. I thank the department, which gave us a very comprehensive briefing on the day. I felt I came away having learnt a great deal about the security of radiation-emitting sunbeds. Thank you to Mr Jennings, and thank you to the department. Clearly the Greens are going to support this bill because it is quite sensible. The main part of the bill that I want to talk about concerns sunbeds. The banning of sunbeds is the bill's second objective, and that will be the focus of my speech today.

We are extremely pleased that there will be a ban on commercial solariums by the end of 2014. The banning of solariums is a much-needed and pleasing reform for the health and wellbeing of Victorians. Australia has one of the highest rates of skin cancer in the world, with two in three Australians developing skin cancer by the time they are 70. Each year more than 2000 Australians and over 400 Victorians die from this almost entirely preventable disease.

Like Mr Jennings, I have classically pale skin, and so when I go to the beach during the summer it is hats, long sleeves and long trousers. Sometimes I almost feel I should wear socks. I am quite shocked that people will actually go and lie on a sunbed and allow themselves to be almost fried. It is a concept I just do not understand. I think we all remember Clare Oliver's heroic campaign, 'No Tan is Worth Dying For'. That incredibly brave young woman really confronted other young women about the extreme risks of sunbeds, using the last part of her life to campaign on this issue. She was quite a remarkable young woman.

Solarium use under the age of 35 increases an individual's risk of melanoma by 87 per cent, which I find quite shocking. In 2008 the Victorian government brought in restrictions on the use of tanning beds. Since that time the evidence linking tanning beds to cancer has only become more damning, leading the International Agency for Research on Cancer to classify UV-emitting tanning beds as grade 1 carcinogens, the highest risk category. It is estimated that 281 cases of melanoma and 43 deaths are caused by solariums in Australia every year. Research indicates that one in six melanomas in Australians aged between 18 and 28 could be prevented if solariums were shut down. In 2012 the Cancer Council Victoria launched a campaign to rid Victoria of solariums altogether. The council wrote to MPs, and I am sure everybody in this chamber received those letters. Enclosed was a statement from 161 health professionals, which said that tanning beds are dangerous, unnecessary, outdated and linked to cancer and which called for a ban on solariums in Victoria.

In response to that letter I called on the government via a motion in this house to act swiftly on the issue. To my relief the government agreed to the motion and announced its intention to introduce a ban on solariums shortly after. This legislation, together with legislation and commitments from the Australian Capital Territory, Queensland, New South Wales and South Australia, puts us well on the way to ridding our nation of these cancer-causing machines. This is literally a lifesaving bill, and we can all be proud that we are voting for it. I am also pleased that the government chose the same deadline as other states — the end of 2014 — for the ban to come into effect. However, this is in 18 months time. I hope the government will continue to remind Victorians in the interim that tanning beds are never safe. With every use you are increasing the risk of melanoma, and prevention is far better than cure.

Unfortunately, banning solariums is not enough. Many sunbeds are making their way onto the internet and being sold on websites like eBay and Gumtree to private users. When this issue was raised with us and we actually had a look at it, we were quite shocked. We thought, 'Presumably this means that people are buying sunbeds, putting them in their garages, plugging them in and frying either themselves, their neighbours or their friends'. We actually need to come up with a way to dispose of them, because the unregulated use of sunbeds in homes is going to cause a significant health threat. I welcome the federal government's work, through the Standing Committee on Health and Ageing, towards a national ban on the importation and manufacture of tanning units.

I have been told that there has been broad agreement by all states and territories to progress this work, which I think is fantastic. This is an important part of the picture, and it will ensure that in the long term, as privately used tanning beds fail, they will not be able to be replaced. However, there are currently approximately 458 tanning beds commercially operating in Victoria, and when the ban takes effect these could be sold on the private market. I think it is incumbent on the government to make sure it does what it can to encourage the disposal rather than the onward

sale of these tanning beds. In the past few weeks I have approached the minister and his office by personal conversation, telephone calls and emails regarding this issue.

As I said, the barriers to the disposal of the beds by solarium operators are: one, a lack of knowledge as to how and where they can be disposed of and a fear that the disposal could be costly; two, a lack of means to transport sunbeds to tips and recyclers; and three, the potential cost involved in transporting and disposing of the beds at the tip. These barriers could, I think, be overcome quite simply by the government providing a free disposal program to solarium owners — and private tanning bed owners, for that matter. If solarium owners had access to a free and easy disposal service, it would likely increase the number of sunbeds disposed of than would be the case if owners had to go to the hassle of trying to do it themselves. All the government would need to do to achieve this is provide simple information to solarium owners about a free program and contract a recycling agency to pick up the beds and dispose of them through the tip's recycling service. As I have asked the minister these questions, I would like to hear from him in the summing-up, which would avoid us having to go into a committee stage.

A quick call to my local tip indicated that, if there was any kind of steel or metal in the tanning beds as well as fibreglass, the tip would take the beds for free. I understand from speaking with recyclers that there is valuable material in these beds that could be reused. The sunbeds being collected from the solarium businesses so that the businesses do not have to do it would be a good solution, and it would also mean the beds are not going to end up in landfill and the materials will be recycled. We are not talking about huge numbers. As I said, there are around 450 sunbeds in Victoria. It would not be a very costly program.

As there has been no call for compensation, this is one thing the government could do for the owners. Even though I and most other people in this chamber have indicated that we are quite opposed to sunbeds, the owners bought the sunbeds when solariums were a legal business, and now they are having to dispose of them. Whatever assistance we can give to these businesses would be appropriate. As I said, I have spoken to the minister, and I hope it can be discussed in his summing up.

I conclude by acknowledging the fantastic work of Cancer Council Victoria and SunSmart. Members may have seen the council's wonderful posters of young women, with a slogan along the lines of 'I got my bag in Chapel Street, I got my shoes in this shop, I got my gorgeous dress in this shop and I got my melanoma on a sunbed'. Those ads really hit home how easy it is. The council has done incredibly good work to make people aware of this issue, and it has worked very hard and campaigned very strongly for this ban.

Finally, I would like to acknowledge Clare Oliver because she has become the face of what happens to very young women when they do not know the risks of sunbeds. The consequence for her was the loss of her life. I can only again say what a brave young woman she was to use those last few months of her life to try to make sure that other young women do not suffer the same fate.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak in the debate on the Radiation Amendment Bill 2013. At the outset I acknowledge the support Mr Jennings and Ms Hartland gave to this bill. They both raised important points in their contributions this afternoon. Ms Hartland had some questions for the minister, and I am sure he can address some of those in his summing up. Ms Hartland raised some important points in her contribution, which should be considered.

The bill is an important one because it is going to further protect the Victorian public in a number of ways. The bill has two main aspects. One relates to security plans for the possession and transport of high-consequence sealed sources and high-consequence groups of sealed sources. The second part of the bill relates to the banning of commercial tanning beds, as has been highlighted, and I will return to that part of the debate in a moment.

The bill also provides, in relation to high-consequence sealed sources of radioactive material, that the secretary may issue improvement and prohibition notices in the case of a contravention or likely contravention of the regulations. This means the secretary is able to disclose information to Victoria Police, the Australian Security Intelligence Organisation or security agencies if need be. Unfortunately governments not just in Australia but right around the world have to deal with terrorist activity. I do not need to remind the chamber of the terrible events of 9/11, the Bali bombings where so many Australians lost their lives or were severely injured, the London and Madrid bombings or, more recently, the Boston marathon terrorist attack. As Mr Jennings highlighted, the security aspects of this bill are important. In terms of the access, regulation and licensing of those who handle radioactive material, we need to be increasingly vigilant to ensure that it does not get into the wrong hands.

As we know, radioactive material is in everyday use and has contributed to some significant advancements that we all benefit from, whether they be in medical therapies and medical diagnostic tools or in dentistry and veterinary care. It also has implications in our universities and research centres, as Mr Jennings highlighted, and within industry. Many industries use radioactive material, especially the mining and shipping industries. This aspect of the bill will affect around 36 organisations, or 1.5 per cent of organisations that are licensed to undertake radiation practices in Victoria in the various sectors that I have just highlighted. It is obviously important to regulate ionised radioactive material in terms of giving various people authorisation to transport, handle or use this material in their everyday work practices, whether in research, industry or medical technology.

In talking about how radiation has benefited so many of us, I note that it has also played a major role in other parts of industry, such as sterilisation processes. The use of radiation is quite widespread in our community, and many companies are affected by its regulation. These organisations will be greatly reassured by this bill, as the new regulations will give them greater security in their handling processes and to those personnel who deal directly with them.

I will just go back and talk about the background. Mr Jennings spoke of how the previous government had been working on this area. It is true that governments have been looking at this area, as I said, because of the nature of the high terrorist activity of which we have all been made aware. In 2002 the Council of Australian Governments (COAG) undertook a review into the regulation, reporting and security of hazardous materials, including radioactive material. In 2004 COAG considered regulation of what is known as SSAN, security-sensitive ammonium nitrate, which is now regulated under occupational health and safety regulations across Australia. In 2007 the code of practice for security of radioactive sources was published. Again in 2007 a review of the biological material was considered by COAG and a new regulatory scheme was established which was administered by the commonwealth.

Following that, in 2009 jurisdictions agreed to commence partial implementation of the radioactive material security requirements, and in 2010 Victoria mandated compliance with most of the code; however, there was an exception involving two elements. This matter has had cross-jurisdiction support. Ongoing work has been undertaken and a number of states have already resolved the issues. With the regulation and established code there are a number of requirements for anyone who is transporting or accessing high-consequence radioactive material, as it is known. As I said, having these codes in place and this security it will allow companies and personnel to have greater security with their responsibilities, knowing that they are undertaking the right procedures.

I now turn to the second part of the bill, which relates to the banning of solariums. Previously solariums were regulated in Victoria, hence the reason for the provisions in this bill. The banning of commercial tanning beds was announced some time ago by the government. When that announcement was made significant consultation was undertaken throughout the industry and any affected businesses were given a significant amount of time, in line with what other states had provided when they were also banning solariums, to come to an understanding that they would need to diversify their businesses or make arrangements for transition into new forms of business that they might want to undertake in their premises. There has been an extensive consultation process and at times it has been difficult for some of those owners, but I think they are understanding of the reasons for the ban. Mr Jennings and Ms Hartland have highlighted the very moving story of Clare Oliver and her experience with melanoma and the campaign that she ran very bravely to alert other young people to the hazards of using sun beds.

I am pleased that the government is continuing to be very proactive in the area of undertaking initiatives for the prevention of cancer. Only last weekend there was an announcement that smoking bans would be extended further to train platforms to ensure second-hand smoke is not breathed in by commuters. I am pleased to note also that the cancer survival rates for many people in this state are on the increase, and Victoria has many exceptional facilities that are managing and treating cancer patients on a day-to-day basis. We are very fortunate to have the high-quality cancer treatment that we have in this state. Nevertheless the instances of melanoma are still way too high.

The *Skin Cancer Prevention Framework 2013–17* highlights very clearly the enormous implications and burden of disease of melanoma and other cancers, and skin cancers in particular. Although there are a number of not as deadly skin cancers that are quite common, especially as we age, melanoma is the least common form of skin cancer but is the most dangerous. In 2010 in Victoria alone 2256 new cases of melanoma were diagnosed and, sadly, 297 people lost their lives to it. As I said, the survival rates are increasing across the board, but they still remain too prominent.

Banning of solariums will assist in the prevention of melanoma. As Ms Hartland said, there has been widespread support for the ban from Cancer Council Victoria in support of the move, and there have been 161 signatories from the Skin and Cancer Foundation. There is praise for the solariums ban. Associate Professor Chris Baker said in his statement on 22 August:

> The government should be applauded for this legislation …
>
> …
>
> This is one more important step along the path of reducing the incidence of skin cancer.

Statistics indicate one in six melanomas in Australians aged 18 to 29 years could be prevented if solariums were closed. Each year in Australia an estimated 281 new melanoma cases, 43 melanoma-related deaths and 2572 new cases of squamous cell carcinoma are attributable to solarium use, at a cost to the health system of around $3 million. These are significant figures that have been highlighted in the Skin Cancer Prevention Framework. That framework refers to the exposure that we can avoid by undertaking initiatives such as banning solariums.

In conclusion, this is an important bill that will further protect Victorians in relation to exposure to radioactive material and contamination of people and the environment by misuse. We are further strengthening the regulations around that element. Also banning solariums will help to prevent any more tragic cases such as the death of Clare Oliver. I join Ms Hartland in acknowledging the brave campaign that Clare Oliver undertook to highlight her very sad story to many young Victorians and Australians. With those few words, I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the Radiation Amendment Bill 2013. The bill in part relates to the transportation and safe storage of radioactive sources in Victoria, but to me the emotional part of this legislation is the closure of all tanning salons in Victoria by January 2015. It follows the tragically needless death of Clare Oliver, a beautiful young girl whose life was cut short in its prime. From the age of 19 Clare used solariums to get a tan, and by the age of 22 she was diagnosed with melanoma. This deadly cancer killed her well before her time. Clare died in September 2007 at the age of 26. Her dying wish was to see solariums banned, and it is no surprise that all sides of the house wholeheartedly support this bill, which enables Clare's wish to come true. Soon after this tragic event the government began to amend the legislation following an investigation of the regulation of tanning salons in Victoria. The legislation will effectively shut down all Victorian tanning salons by early 2015.

Australians have the highest rates of skin cancer in the world. Every year more than 1850 Australians die from skin cancer, and the cost to the Australian health system associated with treating skin cancer is more than $500 million per year. Two in every three Victorians will be diagnosed with skin cancer by the age of 70, and sadly more than 300 Victorians will die from skin cancer each year. Cancer Council Victoria has worked tirelessly to enforce the message of being sun smart, and successive governments of all political persuasions have provided funding to support the cancer council's SunSmart campaign, but it is still not enough. Most of us will remember Slip! Slop! Slap!, an early advertising campaign that urged people to guard against the sun's deadly ultraviolet rays. It was a great message that no doubt saved a lot of people from suffering the effects of skin cancer.

Recently I met with Mr Peter Monaghan, a director of the Skin and Cancer Foundation. This facility is housed in Carlton and is staffed by medical specialists, who advised me of the risk of skin cancer during the approaching summer. Experts tell us it will be the hottest summer on record, and it is dreaded by skin cancer specialists.

The bill also seeks to make further amendments to the Radiation Act 2005, and it establishes mechanisms for the secure transportation and storage of radioactive sources. As previously stated, we are not opposing this important piece of legislation.

Mrs KRONBERG (Eastern Metropolitan) — It is my pleasure to make a contribution in support of the Radiation Amendment Bill 2013. There are two major aspects to this bill, which amends the Radiation Act 2005. It offers Victoria the opportunity to become world class in the secure management of the possession and transportation of what are technically described as high-consequence sealed sources and high-consequence groups of sealed sources — in layman's terms, this means radiation that is derived and applied in a number of settings — and allows us to provide a template for how that will apply throughout the commonwealth of Australia. In addition, the amendments will finalise the prohibition of commercially operated tanning units.

The government has given due notice to businesses that are operating commercial tanning units to help them make adjustments into other areas, and a lot of these businesses have started to offer other forms of treatment that you would usually see beauty salons or beauticians

providing. It is good to see businesses migrating from a reliance on tanning units to much safer business practices, and I wish those businesses well as they adjust to the prohibition of commercial tanning units which will come into effect in 2014.

On reflection we see that the catalyst for this legislation was in fact the very moving contribution of Clare Oliver, the young woman who fell victim to melanoma, which became a terminal condition. Her legacy in Victoria has been the steady acceptance by tanning salons of the prohibition of the use of tanning units, which has been for the welfare of all of us, especially those of us who come from Anglo-Celtic backgrounds, as our skin is very vulnerable to skin cancer and so on.

This is a commendable move, and it underpins the direction in which the industry has steadily been heading. From another perspective, the changes this bill introduces give the secretary of the department the opportunity to issue improvement and prohibition notices for contraventions, or likely contraventions, of the act's regulations. The bill also makes some other minor and consequential amendments to the principal act.

Although this is not specifically stated in the bill, the parts of the bill which relate to the security of certain types of radioactive material will enable Victoria to give full effect to a 2007 Council of Australian Governments agreement to implement security obligations for companies and organisations which possess or transport high consequence radioactive material within Victoria. If we reflect on incidents that have occurred on the world stage, such as acts of terror and the fall of regimes, we see there has been a steady digest of threats of weapons of mass destruction over the past 20 years or so. Governments around the world have expressed concerns about the potential for groups to create or possess dirty bombs, which apparently can be miniaturised to the size of a briefcase.

One of the most important things that this government can do is to protect Victorians and Australians from the threat of radioactive material being obtained by terrorists or those who want to hold citizens, governments or indeed the whole of humanity to ransom. Ideally the government should be ahead on this issue and be a standard-bearer or standard-setter for practices that protect and ensure the safety of people and the environment from the harmful effects of radiation. This would ensure that the government here in Victoria and the government of Australia could not be held to ransom by people who want to threaten and terrorise populations.

This is an opportunity for us to set standards and create world-class practices. I am always proud when Victorians and Australians set the standards. We have the opportunity through the evolution of these practices to offer assistance to people around the world, meaning not only do Victorians benefit from these sorts of initiatives and all of the collective wisdom that goes with bringing about assurances to reduce the prospect of theft or subsequent misuse of materials by terrorists but this also benefits nations which do not have the capacity to invest as we do in refining these practices.

This is a far-reaching bill. It provides health benefits for Victorians and protects them by providing safety and security from any potential terrorist threats. It also shines a light on how we can be a world leader in embracing these practices. With those few words, I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Radiation Amendment Bill 2013, which I am sure all members in this house are pleased has been introduced. I know that I am. The bill amends the Radiation Act 2005 to ensure that Victorians across the state will be protected against harmful radiation and its well-documented risks and dangers. Specifically, the bill will ban tanning units from the end of 2014. That is why we on this side of the house support this bill, as it ensures that the health and safety of Victorians will be protected. We on this side of the house fully support any policy that improves the health and safety of Victorians.

One of the most concerning issues dealt with by the bill is the use of solariums and the skin cancer they have been proven to cause. Cancer Council Victoria has stated that over 10 000 people each year are diagnosed with the disease, which equates to a total of 80 per cent of all newly diagnosed cancers in Australia. The cancer council also highlights that the incidence of skin cancer in Australia is one of the highest in the world and that it is two or three times the rates in Canada, the US and the UK.

Solariums emit deadly UVA and UVB radiation. Both of these are known causes of cancer, which is why in 2008 measures were put in place to stop people under the age of 18, or those who have skin type 1, from using solariums. Melanoma is the most life-threatening form of skin cancer and is most common in Australian youth, which is why this bill is so important. It is our responsibility to keep all Victorians safe, but in particular Victorian youths, who believe it is fashionable to have a tan. Tanning is not safe. It puts the lives of young people at risk and sets them up for a lifelong battle with skin cancer.

Whilst I am happy that the solarium industry became heavily regulated in 2008, I do not believe that the industry has complied with these regulations. I fear that the industry, out of self-interest, disregarded the risks associated with solariums and adopted a no-see policy. In other words, members of the industry proceeded with the rationale that, if they were not aware of someone's age, they were not breaking the law. In doing so, they completely disregarded the fact that they were harming those who were most vulnerable. This is why I believe that banning these so-called sunbeds altogether is the only way we can protect Victorians. I am sure this bill will result in a decrease in diagnoses of skin cancer.

Lastly, I would like to pay my respects to Clare Oliver, who so tragically lost her life in 2007 at the age of 26 after a long battle with skin cancer. She fought tirelessly to the very end to prove to all Australians that no tan is worth dying for. During the final weeks of her life Clare campaigned hard to have solarium use heavily regulated, and the Labor government listened and introduced the much-needed reforms. I am glad to see that Clare's legacy lives on, and this reform is in honour of her hard work and of those who have lost their lives as a consequence of melanomas and solarium use. I support the bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise today to speak on the Radiation Amendment Bill 2013. Is it not a blessing that we have all come together in this house, from all sides of politics, to support this very important bill? Not once today have I heard people say that they would oppose the bill; they have said they would support it. To the state opposition and to the Victorian Greens I say thank you. This is a very important bill. Often throughout my life I have seen young people who think they are invincible, be it on the road, on drugs or alcohol or on a tanning bed. This legislation means that as of 1 January 2015, tragedies like the case of Clare Oliver will not happen again.

In my contribution today I will stress the importance of sun protection and correct some of the misunderstandings around this topic. The bill specifically makes a range of amendments that provide a regulatory framework around the handling of radioactive materials. It also bans solariums, effective 31 December 2014, and that gives businesses enough time to alter their plans into the future. I will not go into the technical aspects of this bill because Ms Crozier, Mrs Kronberg and others made an exemplary contribution to the technical aspects of the bill today. I choose to be efficient with the Parliament's time and not go through that again.

Every year in Australia skin cancer accounts for around 80 per cent of newly diagnosed cancers. Between 95 and 99 per cent of these cancers are caused by exposure to the sun. General practitioners have more than a million patient consultations every year for skin cancer. The incidence of skin cancer in this country is one of the highest in the world, two to three times the rates of Canada, the United Kingdom and the United States. There are three major types of skin cancer: melanoma, the one that has been most often referred to today and the most dangerous form; basal cell carcinoma; and squamous cell carcinoma. Two in three Australians will be diagnosed with skin cancer by the time they reach the age of 70. Over the past decades the incidence of skin cancer has risen in Australia. From 1982 to 2007 melanoma diagnoses increased by around 50 per cent. From 1998 to 2007 general practitioner consultations to treat non-melanoma skin cancer increased by 14 per cent to reach 950 000 visits every year.

Exposure to ultraviolet (UV) radiation through the use of sunbeds or solariums significantly increases the risk of developing melanoma, and that is why Cancer Council Australia has called for a ban of solariums in all states and territories. Solariums emit ultraviolet A and ultraviolet B radiation, both known causes of cancer. The cancer council does not recommend solarium use for cosmetic tanning under any circumstances. Despite my very lucky olive skin, I would say to people that a tan is not a sign of good health and wellbeing, although many Australians refer to a 'healthy tan'. Almost half of Australian adults still hold the misguided belief that a tan looks healthy. Tanning is a sign that you have had too much UV radiation, from the sun or a solarium, and it will damage your skin. It will eventually cause a loss of elasticity, sagging, yellowish discolouration and even brown patches to appear on your skin. Worst of all, it increases your risk of skin cancer.

This government takes the treatment and avoidance of cancer very seriously. There is no greater example of that than our commitment, under the stewardship of the health minister, to the $1 billion Victorian Comprehensive Cancer Centre project, a project that will be finished in 2016. It is on time, it is on budget, it is on track. It will be purpose-built for cancer research, treatment, care and education. It will provide a brand-new home for the Peter MacCallum Cancer Centre, new cancer research and clinical service space for Melbourne Health. It is in that beautiful medical precinct where the hospitals, tertiary institutions and research arms can all get together to tackle cancer. It is now above ground level; the six storeys below have been built and the air conditioning and car parking put

in, together with the barriers and the bunkers associated with the treatment of cancer.

This is a very important bill. It goes to banning solariums in this state in order to provide for a much healthier Victoria, in combination with the leadership shown by the health minister with the Victorian Comprehensive Cancer Centre project. This is a bill that I commend urgently to this house.

Motion agreed to.

Read second time.

Third reading

Hon. D. M. DAVIS (Minister for Health) — By leave, I move:

That the bill be now read a third time.

In doing so, I will make some comments, particularly to provide some assurances to Ms Hartland. This has been a very long process and I thank the chamber for its support — Mr Jennings and the Labor Party and Ms Hartland and the Greens. This is one of those bills that will pass the chamber with unanimous support.

I note some of the comments Mr Jennings made earlier about the longer term process that is involved here. I indicate that under the previous government a number of steps were taken to regulate this area more adequately. I should also indicate that the process the government went through involved preparing *Skin Cancer Protection Framework 2013–17*, which had enormous consultation throughout the community and put the matter of solariums in a broader context. That framework is about protecting skin, and in a way that leads to better outcomes for Victorians in terms of reduced rates of cancer. The government made some budget allocations this year which will assist in that support. This is an important document that has met with broad support.

There has been massive consultation involved in that process. On page 18 of the *Skin Cancer Prevention Framework 2013–17* it reported:

> The Victorian government has been persuaded by the increasing evidence of the harmful effects of sunbed use and will move to ban commercial tanning units effective from 31 December 2014 in line with similar provisions in NSW and SA.

To that can also be now added Tasmania, where there has been an indication that that time line will also be supported. The report continues:

> The Victorian government will also seek to work with the commonwealth and other jurisdictions to investigate the potential options for a coordinated national approach on solaria, including consideration of a ban on the importation and manufacturing of sunbeds.

I can indicate in response to Ms Hartland's points that I have lodged papers with the Standing Council on Health (SCOH) and there would likely have been specific discussion of that without the intervention of the federal election. In the circumstances, much of the progression of those discussions has occurred on the papers. It is not yet complete, but the process has seen in the first instance an understanding that there should be some national approach and also the establishment of a short-term jurisdictional working group led by the Australian Radiation Protection and Nuclear Safety Agency with the task of reporting back to SCOH within a few months on steps to achieve a uniform ban on commercially operated units across Australia, a uniform ban on manufacturing and a ban on importation. Steps are in train at a national level, with the support of other jurisdictions.

I also put on record in the chamber my thanks to a number of other health ministers around the country, specifically from South Australia, New South Wales and Tasmania, but also Queensland, which has moved more recently to indicate that it will ban any further solarium units and may take further steps in time.

These are all important steps. In terms of disposal, New South Wales is working with the industry to find a satisfactory disposal mechanism and looking at ways in which disposal can be facilitated. I give an undertaking to the chamber that I will meet with the industry to seek some steps on disposal. It is clear that sunbeds have some value in terms of disposal. We will seek to put in place some proposals to help capture that value and thereby make it worthwhile for operators to take the option of properly disposing of these units rather than putting them into broader circulation where they will be less helpful. I think there is a way forward. It will involve discussion and encouragement to the industry, and I indicate a preparedness to undertake those specific discussions.

Motion agreed to.

Read third time.

WYNDHAM PLANNING SCHEME

Hon. M. J. GUY (Minister for Planning) — I move:

That pursuant to section 46AH of the Planning and Environment Act 1987, Wyndham planning scheme amendment C156 be ratified.

For those who are not aware, Wyndham planning scheme amendment C156 is in relation to the

Wyndham Harbour development. Wyndham Harbour is a terrific development proposal in Melbourne's western suburbs. It is about changing Melbourne's western suburbs and seeing that they can share in a style of growth that has previously only been available in Melbourne's southern and eastern suburbs.

Wyndham C156 deals with land located at the southern end of Duncans Road in Werribee South. It is of about 65 hectares, with 27 being freehold and 41 being Crown land. C156 is required to facilitate the completion of the Wyndham Harbour project. It will rezone 11 hectares of land to enable Wyndham Harbour to grow to a community of almost 1400 people. The rezoning also supports the development of a 1000-berth marina and a 10-kilometre extension of gas and water mains and reticulated sewerage. The developer has estimated the amendment approval that we are debating today will assist in creating around 3000 jobs for the Wyndham economy over a five-year construction period and 440 associated jobs. The amendment will result in the entire project area being designated special use zone schedule 1. It will enable the land to be used and developed in accordance with the new zone and the Wyndham Harbour development incorporated document.

The C156 land was previously not rezoned, along with the existing special use, due to a wetland originally being proposed for the area. It has since been found to be unviable and alternative uses were proposed for the land. As members would know, the amendment requires ratification by both houses of the Parliament — it has been ratified by the lower house — so that we can get on and see this good development supported.

I will read into *Hansard* a letter dated 10 July to me from the acting chief executive officer of the City of Wyndham. She was responding to a letter that I sent to the council in relation to a 2009 resolution that council had made to support the extension of this development and rezoning which we are dealing with today. The letter states:

> Council wishes to confirm that its position as outlined in the 2009 resolution remains unchanged as the amendment has not been formally considered by council since this time.
>
> In addition, council has endorsed the Wyndham Harbour development plan version 5 (approved on 17 December 2012 and endorsed on 23 April 2013) which supports the development of that land —

that is, the land we are talking about. That is signed by Kelly Grigsby, the acting chief executive officer of the City of Wyndham. As a consequence we can very confidently say that it is not just the state government and the council that believe this is a good development for the city of Wyndham.

I will also read into *Hansard* a letter dated 27 May 2013 to Mr Angus Reed of Lyons Capital, the developer, from the local member of Parliament, the member for Tarneit, Tim Pallas, MP. It states:

> As discussed at our briefing, given the lack of access along the western shoreline of Port Phillip Bay due to water depth and environmental constraints, I wish to confirm my support for:
>
> 1. the establishment of a ferry terminal at Wyndham Harbour (to be funded by the developer of the service);
>
> 2. the expansion of an additional 45 hectares of land at Werribee South needed to increase population around a transit-oriented development to be known as Wyndham Cove will need to go through the appropriate planning … processes.

And here it is today.

Honourable members interjecting.

Hon. M. J. GUY — Dr No over there is opposing it. It is great. It is always fun to come into this chamber. We are like kids in a lolly shop coming back into this chamber to see the Australian Labor Party — its shadow Treasurer and a local member, I might add — not just writing but in the local media actively supporting the expansion of the Wyndham Harbour development. It is quite comical to then see the Socialist Left take control of the debate in the Labor Party, because the party's leader is a member of the Socialist Left, the sometime shadow planning minister is a member of the Socialist Left, a few others on the front bench are members of the Socialist Left — I think even a Prime Minister at one stage was a member of the Socialist Left of the Labor Party — who actually then get the better of the debate and manage to stomp on their Labor Right opponents, the National Union of Workers (NUW) types, the Tim Pallas types. They are stomped on and cannot get what they want, which is to provide very clear and unambiguous support.

I like the interjections along the lines of, 'Oh, it has got to follow proper planning processes'. As if it has not! It has followed them over three years, at the council. Those interjecting should have told the Labor Party-controlled council and the Labor Party-controlled local member before they penned letters and went to the newspapers to support the development, 'Actually, we had better put a caveat on it saying it is not appropriate planning'. It was so appropriate that it followed every single stage of a rezoning in the same zone as when Labor was in government, when Mr Tee worked for the planning minister. It has followed exactly the same

stages, but suddenly Dr No, Brian Tee, says, 'We can't support this. It's jobs in the western suburbs. We don't want people in the western suburbs to have a nice house. We don't want hundreds of jobs in the western suburbs, do we?'. 'Of course we don't', says the Labor Party, 'So we're going to step on this'.

I notice that the Labor Party is supporting a ratification which followed the same process as in Greater Dandenong and Frankston. It is supporting that, but it is not supporting one in Wyndham. Why is that?

Mr Finn — Because they might vote Liberal. That's why.

Hon. M. J. GUY — That's why, Mr Finn. Because they might not be the same old Labor Party supporters that the Labor Party wants to indoctrinate from here on.

We have a great opportunity on this ratification to support something that would be a rolled gold 100 per cent fantastic amendment for the western suburbs, because the Liberal Party believes in the western suburbs of Melbourne and The Nationals believe in the western suburbs of Melbourne. We believe in this government that the west's best years are ahead of it, and we are prepared to come into the chamber and fight for the western suburbs. That is what this motion today is going to be about. Be under no misapprehension, Acting President, this motion is about fighting for the western suburbs, and the Liberal Party and The Nationals are going to be the only two parties, I suspect, fighting for the western suburbs when it comes to voting on this amendment. There will be no-one else; they will be missing in action. They will use all kinds of concocted examples or excuses as to why they will not support it.

Why will the Labor Party support planning amendments in the city of Greater Dandenong and in Frankston which involve the same process but not support one for Melbourne's western suburbs? It will not support a transit-oriented development when its own council, a council which it has a number of supporters on, has given back to the government very clear feedback that it is in support of this amendment. Those council members and the shadow Treasurer, the NUW Right factional mate of Mr Pakula — the possible Leader of the Opposition in the future — have all very clearly said, 'We support this initiative for the western suburbs'. I would like to congratulate Mr Pallas for breaking ranks with his own party and penning his support for this expansion of Wyndham Harbour.

Mr O'Brien — He's backing Pakula.

Hon. M. J. GUY — He is, Mr O'Brien. That is probably why he has broken ranks with his leader. I would like to say that it is a shame Mr Pallas did not show the same courage and dedication to the people of the western suburbs when it came to voting in the Assembly on this motion. He showed then that it was Labor first, western suburbs last.

Mr Finn — Did he vote against it?

Hon. M. J. GUY — He did, Mr Finn. In fact for Mr Finn's benefit I would like to read from the letter again:

> … the expansion of an additional 45 hectares of land at Werribee South needed to increase population around a transit-oriented development …

'I wish to confirm my support', until he got a vote in the Legislative Assembly. This guy's credibility is about as flushed away as that of the member for Albert Park, who picks on kids at school. Talk about no credibility! That guy's credibility is flushed all the way down to Carrum.

What I will say very clearly in my concluding remarks is that despite all the bravado and all the comedy of the speech we are about to see — it is going to be a comedy, and we are all going to be here to watch it — you cannot hide how you vote. That is what it comes down to. In your speeches you can have all the bravado you like about believing it did not follow the planning process, as outlined in Labor's caucus minutes of 5 November 20-whatever. Because he is not the minister, Mr Tee thinks he should vote against it because he is upset that he is not going to be able to be proudly standing there to support the expansion of Melbourne's western suburbs. But you cannot hide how you vote, and Labor is about to vote down the western suburbs. It is only going to be, I suspect, the Liberal and Nationals parties yet again coming into Parliament to stand up for Melbourne's west.

Even Labor members from the west have decided to flush away the benefits of good development that their councils support, that locals support, that their local media supports and that their local chambers of commerce support. Irrespective of all that support — from councils, chambers of commerce, community groups, local media — Labor members are going to come into this chamber and vote against the motion. I am sure Mr Tee thinks he has done a great disservice to a factional enemy of his by pitting all of those groups against them — and, on this, they are. He will now get up, I am sure, and justify why he hates Melbourne's western suburbs whereas we will prove by this vote that the Liberal Party and The Nationals are the only parties

that are in favour of standing up for jobs, good development and a bright future for Melbourne's western suburbs.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a few remarks on this motion. I start by saying that the Labor Party supports the west. We support the harbour development, but we do not support this dodgy process, because we have seen the Minister for Planning use this process before.

Honourable members interjecting.

Mr TEE — You have form on this, Minister. You have used this process before — —

The ACTING PRESIDENT (**Ms Crozier**) — Order! I ask those members on my right to tone it down a tad.

Mr TEE — We have seen this minister use this process before, in the Ventnor matter. We have seen this minister use section 20(4) of the Planning and Environment Act 1987 in the Ventnor matter, and we saw what happened there. We saw what happened when you excluded the community without any evidence, and that is what you have done here, Minister. You have used the act to exclude the community under section 20(4). You did not have to. You could have had a process. You could have had a panel, which is what you have done with the other amendments, but you did not. What you decided to do, as you did with Ventnor, is choose to exclude the community for whatever reason — which we will never know. We will never know why you chose to exclude the community once again, but we do know what happened the last time, at Ventnor, when you excluded the community. We know that the taxpayer had to pay $3 million, Minister.

The ACTING PRESIDENT (**Ms Crozier**) — Order! We are talking about motion 641. I ask Mr Tee to return to the substance of the motion.

Mr TEE — I am on the motion. The procedure the minister has used on this occasion — section 20(4) of the act — is what he used in the Ventnor matter. Our concern is the way in which he used that provision of the act, both there and here, to exclude the community by not allowing anyone in the community living or about to start living at the harbour to have their say. Why are they not allowed to have their say, Minister? You have never explained why you would not allow them to have their say. You have never explained why you would not allow the local community to have its say in Ventnor. You would not explain why you will not allow them to have their say here. You will not explain why these deals are done behind closed doors. There was no community consultation. When I say, 'Behind closed doors', I mean that there was no community consultation. There was a council decision four years ago. There was no independent environmental assessment.

The ACTING PRESIDENT (**Ms Crozier**) — Order! Through the Chair.

Mr TEE — We are carving up 11 hectares of green wedge land. What we are proposing here is to carve up what was meant to be wetlands, which were meant to help remove the nutrients from some 6000 hectares. That was the plan. Then you, Minister, went behind closed doors. Where is the independent panel process?

Mr Finn — On a point of order, Acting President, I know that Mr Tee is very concerned about process, and one process of this house is to speak through the Chair. He is not doing that, and I would respectfully suggest to you that it might be a good time to remind him that that is a good thing for him to do.

The ACTING PRESIDENT (**Ms Crozier**) — Order! I have asked Mr Tee to speak through the Chair, and I ask him to continue his contribution through the Chair.

Mr TEE — I am being provoked, but I will do my best. Our concern is that the minister has excluded the community, which we have seen before. This matter has not gone to an independent panel. There is no basis on which there can be any confidence in this decision. There has been no independent review. There has been no environmental assessment. What we know is that we have nutrients running down a channel which was meant to be cleaned via the wetlands that were meant to be created in this 11 hectares, and that is all gone. There is no explanation for this. There is no justification.

Mr Finn interjected.

Mr TEE — There is no independent assessment for this, Mr Finn. It is all just a nod and a wink — just a 'don't you worry!'.

Mr Finn interjected.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! Through the Chair, Mr Tee, and interjections should be kept to a minimum.

Mr TEE — What we do know is that when it comes to planning in Victoria we deserve better. We deserve a minister who will comply with the act, a minister who will not exclude the community and a minister who will

make sure that if we are going to carve up 11 hectares — if we are going to remove these proposed wetlands, the design of which has influenced a number of people who have purchased around the harbour and the design of which was incorporated as part of the harbour development — we will do it through a process. But the minister, without any evidence — and we have seen the lack of evidence before, in the Ventnor matter — is doing the same dance which cost taxpayers $3 million. Here we go again. Here is the minister, without a blink.

The ink is not even dry on the confidentiality agreement whereby $3 million of taxpayers money has been used so that this minister does not have to give evidence. The ink is not even dry on that confidentiality agreement, and the minister has come out again with another application using the same modus operandi, the same form, the same desire to exclude the public and the same desire to make sure that there is no independent warranty or independent verification. It is simply about what happens behind closed doors, and all of a sudden this pops out, like magic, four years later. On this side, we will not support dodgy planning processes — —

Mr Finn interjected.

Mr TEE — We will support the west, Mr Finn, and we do support the harbour, but we do not support this dodgy planning process, and we do not support a government that has only ever come to this chamber seeking to carve up the green wedge. What we have here today is another example. The only thing that this minister and this government have ever done for the green wedge is to carve it up, time and again. The minister has not added one millimetre to the green wedge or any value to the green wedge; all he has done is carve it up, and on this occasion he has not even had the decency to do it properly. He has not had the decency to consult with the local community. He has not had the decency to take it to an independent panel in the same way he did with the other two motions where, to his credit, he went through an independent panel process; on this occasion he has not had the decency or the guts to do that. Again, he is undermining planning in this state, he is undermining community confidence in planning in this state, he is undermining business confidence in this state and he is undermining jobs.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! I remind members again that interjections are disorderly, particularly when they are continuous. I ask Mr Tee to continue his contribution through the Chair.

Mr TEE — We support decency, we support a proper process, we support independence, we support accountability and we support transparency because we know that unless the government has a transparent and accountable planning system, there will be no confidence. There will be no community confidence and there will be no business confidence, and unless the government has business confidence — —

Honourable members interjecting.

Mr TEE — Today there are fewer people employed in the construction industry than there were when this minister became Minister for Planning. What the business community wants is certainty and clarity; what it does not want is backyard, backroom deals where it does not know what is going to pop up next or who will be the winner next.

Mr Leane interjected.

Mr TEE — You just spin the wheel; I thank Mr Leane. We will not be party to a planning system which is like a game of roulette. That is not how you should play planning. It should not be a game of roulette where some people are winners and some are not, but you never know why because there is no independent panel process and there is no community consultation. The community does not know why the wetlands it was promised have now become a development. The community does not know why the wetlands it was told would clean the nutrients from the drain that runs through the area have now become a development.

On this side we will not support that approach and we cannot support that approach. On this side we stand for accountability, transparency and openness when it comes to planning. We want to make sure that when people see that a decision has been made they know the process that led to that outcome. No members on the other side of the chamber can say with any confidence that they know how this decision was made. None of them can say that because there was no process, no independent panel and no review. There is a suggestion, when we read through it, that things have changed, but there is no suggestion as to why and there has been no independent verification.

We are left with the position we started with some time ago when this design was made: there is a drain with nutrients from some 6000 hectares and there is no process to clean it up. The wetlands were to be the way to filter it. That has gone, there is nothing to replace it and the drain continues. No solution has been provided because no thought has gone into it. There is no way

forward, because this is not about a proper process; it is a tick-and-flick approach, with many questions unanswered. What will happen to the polluted water? There is no answer to that, because no-one has even had a look at it.

Mr Elsbury interjected.

Mr TEE — What has happened to the market gardens?

Honourable members interjecting.

Mr TEE — What do members think is on these 11 hectares now? They are market gardens now. And the proposal is to turn them — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! Mr Elsbury and Mr Guy! Mr Tee should continue his contribution through the Chair. Interjections should be kept to a minimum as they are disorderly.

Mr TEE — The proposal to turn them into 11 hectares of wetlands has gone. We know that there is nothing in place to replace the wetlands that were part of the design — the part of the design that has now gone. It is gone forever because it will be replaced with development. As I said, we support jobs in the west, we support the harbour, but we do not think you can get jobs unless you have got a better process than we have got here. This process, as we have seen at Ventnor, should be a warning. It is a warning that you cannot get away with a half-baked process where there is no panel and where the government refuses to engage with the community, notwithstanding the provisions of the Planning and Environment Act 1987 that say the government needs to engage with the community and that you need to give people — —

Hon. M. J. Guy interjected.

Mr TEE — Sections 16, 17 and 18 of the act.

Hon. M. J. Guy interjected.

Mr TEE — No, those are the provisions which under section 20(4) you have now exempted yourself from. That is how you have got out of this.

Mr Finn — On a point of order, Acting President, you may have been in the chamber earlier when I drew the attention of the then Acting President to the fact that Mr Tee is refusing to abide by the rules of the chamber in not referring his comments through the Chair but directing those comments to other members and indeed to the minister directly. I ask you to ask him to abide by the rules of this chamber.

Mr TEE — On the point of order, Acting President, I do accept that comments should be directed through the Chair, but I think that leeway is granted when responding to interjections, which is what I have been doing. I am proposing to respond to the interjections, admittedly through the Chair.

The ACTING PRESIDENT (**Mr O'Brien**) — Order! The response by Mr Tee is not material to the point of order, in that all contributions should be made through the Chair. What Mr Tee may be alluding to is that there was a level of interjection and provocation. That may be the case. I urge Mr Tee to continue his contribution through the Chair and not to refer to the minister directly or refer to the minister as 'you'. I again remind members on my right that all interjections are disorderly.

Mr TEE — I conclude by saying that we on this side will oppose this motion. We will oppose it because of the process — that is, because of the failure to provide for any consultation with the community and because there was no independent process — and because we do not believe that in those circumstances you can justify a carve-up of the green wedge and of land that was specifically allocated for wetland development. I note that the letter written by Mr Pallas, the member for Tarneit in the other place, to which the minister referred, is entirely consistent with that position of supporting an appropriate approval process, appropriate planning processes and local community and environmental concerns. Local community concerns cannot be addressed if you do not consult with the local community. Environmental concerns cannot be addressed if you do not look at the environmental issues.

As with the Ventnor decision, there is no evidence that the minister could be satisfied that the environmental concerns have been considered and there is no basis upon which the minister could be confident that this proposal addresses local community concerns, because none of those were considered as part of the minister's decision-making process. There was no review of those issues and there was no engagement by the minister, and I do not think that the minister suggests otherwise. All that the minister has is a four-year-old council decision.

Hon. M. J. Guy — Wait until you hear who moved it.

Mr TEE — I am not critical of the council in any way. I am just saying that the view of those on this side of the house is that the onus is on the minister to be satisfied and the onus is on us, as independent decision-makers in this chamber, to be satisfied. As with the other proposed planning scheme amendments that we will be considering shortly, the council's view is important — in fact it is critical — but you cannot disregard the importance of the members of this chamber being satisfied independently that the process the minister has undertaken has been above board, transparent and open. There is no basis on which we in this chamber can come to that conclusion.

For that reason — for the failure of the process — opposition members will not support it. We do that with a heavy heart because we would have loved to have been here, as we will be with the two proposed planning scheme amendments in the next motion, saying, 'We've had a look at this. The community's had an opportunity to have its say. There's been engagement. We know the community's views, we know that the environmental issues have been looked at and we know that there has been an independent review of these matters'. We cannot say that. There has again been a failure to plan — as I have said, this minister has form in that area, as we have seen at Ventnor — and we do not consider that this house should condone those actions by the minister on this occasion or indeed on any occasion. For those reasons, we on this side cannot support this motion.

Mr BARBER (Northern Metropolitan) — It is not often that I am kept tantalised by the prospect of hearing the words of Mr Tee. However, I am now deadly keen to hear about the planning policy that the Labor Party will bring forward at the next state election, based on the little glimpses that we got there.

What Mr Tee said — and he has been saying it for a while — is that if the minister does not advertise a planning scheme amendment through a panel process, then the minister is breaking the law. But in fact it is the case that the law provides for the minister, at a whim — and ministers I have observed over the years have seemed to do this at a whim — to at least short-circuit the normal process, let us call it, where a planning scheme amendment is put on exhibition, public submissions are sought, those submissions are examined by a panel, the panel report is released and either the local council, as a responsible authority, or the minister makes a determination about whether the amendment is to proceed or otherwise. Then, of course, there is always the opportunity for Parliament to ratify or disallow the amendment. Under certain sections of the Planning and Environment Act 1987 positive ratification by the Parliament is necessary and under other provisions Parliament can decide to disallow a planning scheme amendment, and we can all have a big debate about that. Since the Greens have been in this chamber that latter process has been used and we have had a lot more debates about individual planning scheme amendments in the Parliament.

I look forward to Mr Tee producing an amendment that seeks to constrain the minister's unlimited ability to rewrite the rule book whenever it suits him. I think it would be interesting if in this debate we could set up some sort of league table or scoring system to see who has done it the most — this minister or the previous minister. Last time I checked, Mr Madden was certainly well ahead, but who knows — these things can change.

Hon. M. J. Guy — He is two to one ahead of me — even Hulls is ahead of me.

Mr BARBER — There is no doubt that in a number of cases small matters of planning are dealt with expeditiously, often at the request of the council, by a ministerial amendment exempt from the usual requirements. However, I would say that is a procedure that should be used sparingly and perhaps could be limited to interim controls — things of an emergency nature or addressing a major issue that arises — so the minister's ability to continue extending those controls indefinitely would have to come back before Parliament at each stage. That is a suggestion, by the way, Mr Tee — through you, Acting President.

Mr Tee — I am making a note of it.

Mr BARBER — He is making a note on his BlackBerry. The Emperor for Planning has struck again, as he has struck so many times before.

Hon. M. J. Guy — I prefer the title 'Tsar'. It suits my heritage.

Mr BARBER — This time the emperor's name is Mr Guy, and he has jumped in on a particular development in the Wyndham green wedge zone where there was previously open, transparent community participation to guide the development of this area in a proper and orderly way. We had the proposed development, we had the planning scheme amendment, we had the planning panel and we had submissions from a range of community groups. I would not say that everybody was completely happy with the outcome — they rarely are in the case of planning — but nevertheless, having been through that exercise, someone is back for a second bite of the cherry. I am not sure who it is. Clearly it is the developer, but it

seems it is also the council and various other people with various other reasons.

Since the debate has been short-circuited, since it is now Parliament determining the merits of this particular measure, this would have been the opportunity for the minister to actually make his argument. Instead he spent most of his time going through a tour of the lurid factional manoeuvrings of the Labor Party — and God knows we have seen enough of those in the last month or so to last us a lifetime. The minister missed his opportunity. He could have laid out for the reader his reasoning, or his rationale. In the absence of all the other processes that, as I said, have been short-circuited, that would have been the record, as it stood, on why this development has to go ahead. The process has certainly been short-circuited, and I think there is too much of that. Most planning scheme amendments of any significant scale with any significant planning issues attached to them should at least go to a public exhibition, and where objections are received they should go to a planning panel.

These are the issues with this development as they applied at the time of the original application and as they apply to this new sneaky application to start unpicking some of the measures that were put in place to improve the last version of the development that was put forward. First of all, any development that occurs in green wedge land increases the risk to our agriculture and our food supply going into the future. It threatens the viability of that agriculture and, in the process, supports an unsustainable model of housing development. The area around Melbourne's fringe is in fact the second largest agricultural region in Victoria. Huge amounts of agricultural and horticultural products are produced right on Melbourne's doorstep. That is very important, because in the future, with the now scientifically certain impacts of climate change — —

Mr Elsbury — Certain?

The ACTING PRESIDENT (**Mr Finn**) — Order! I remind Mr Barber that one should not provoke the Chair.

Mr BARBER — We must protect our most important agricultural areas in order to feed ourselves and, for that matter, to feed the world. The statistic I have seen — I have not been able to run it down yet — is that Australia feeds two other Australias with its agricultural exports. That means that our agricultural land, facing the threat of climate change, reduced and more variable rainfall and extreme heat, must be seen as precious.

Hon. M. J. Guy interjected.

Mr BARBER — The minister invites me to get onto the Plan Melbourne plan, which I will in a moment. I thought it was interesting that it was called Plan Melbourne, as opposed to Plan for Melbourne. Plan Melbourne sounds like a directive. When I heard the words 'Plan Melbourne' I thought it was a great idea and that someone should try it some time. I think we are still waiting.

What is happening is that the Melbourne 2030 plan, which lasted from about 2002 to 2008 before becoming utterly discredited, is now being doubled up. We are not planning for 2030 anymore; we are planning for 2050. I admire the attempt at vision. Of course Melbourne 2030 is still the plan. Despite the minister's claim that he has scrapped Melbourne 2030, one will find more than a dozen references to it in the planning scheme at the moment, and the Victorian Civil and Administration Tribunal and other planning authorities are looking at Melbourne 2030 every day to work out what the plan is.

Soon perhaps we will get Melbourne 2050, with some admirable ideas. One idea I am particularly keen on is the establishment of a greater metropolitan planning authority. Perhaps if we had that, it would be that body making these decisions, and the minister could take a pay cut because he would not need the danger money that should automatically be paid to any planning minister who tries to do urban planning in the incredibly open-ended, uncontrolled and unscrutinised way that our current planning and environment act provides for, hence the epithet Emperor of Planning.

We should not be eating into one more hectare of our urban fringe for housing development, which is what this amendment does. The amendment rezones land within the green wedge, hence the trigger for this motion to be before the Parliament. Urban fringe housing, while treated by some people as cheap housing, is in fact the most expensive housing that you can ever design, because with each house comes a huge burden on the public purse of establishing new infrastructure. Some people say the cost is $150 000 of extra infrastructure per dwelling; some people quote higher figures.

We know those cost burdens go on to the council and the general taxpayers. They certainly go onto the household budgets of people who move out there looking for their so-called cheap house. When those burdens arise, of course the property developer is long gone. The property developer builds the houses, the footpaths, the roads and a couple of duck ponds — it

turns out that here we are not even getting the duck ponds — and then he is gone. The property developer has taken his money, and it will be down to the general taxpayer to support development in that area for a long time to come.

The original concept for this area was a safe harbour for the mooring of a few pleasure craft. It has now turned into a massive coastal land grab, which of course brings us back to the Intergovernmental Panel on Climate Change and the now scientific certainty of climate change.

Mr Elsbury interjected.

Mr BARBER — For the benefit of the member for Western Metropolitan Region, there are now two scientific certainties. One is that climate change is happening and that humans are causing it, and the other is that clowns do not get paid $140 000 in this country, so it would be well for the member for Western Metropolitan Region to start wading through some of the documents put out by the Intergovernmental Panel on Climate Change. He might see something about sea level rise in there. He will not see the complete scientific certainty that has been created around other areas of climate science, but he will see a variation in and the possible future sea level rise that, frankly, is terrifying. Sea level rise already predicted — and I would say locked in — is in the range of metres. But with somewhere between 1 and 6 degrees of global warming, which is the trajectory under the policies of Mr Elsbury's party, we get the melting of the Greenland ice sheet and a sea level rise of up to 7 metres. I ask Mr Elsbury and other western suburbs MPs in this house to give some thought as to what that might mean for their community and for this development in particular.

It is a beautiful coastline out there. There are many places where one can experience a sense of remoteness and peace and tranquillity while looking out over the bay from undeveloped land or in a lot of cases a low-density land use environment, particularly where the agricultural areas meet the water.

A wetland was proposed as part of the initial approval. The aims were to re-create habitat that has been lost along the coast and to provide water-sensitive urban design, which this government in opposition was willing to champion. That wetland has been sliced off in a second bite of the cherry post the original approval because the developers have a view that it will not work and they want to build houses on that piece of land. The 13-hectare wetland would have been an enormous asset for the citizenry out there and for wildlife, and the evidence that the wetland would not work was highly contested. The orange-bellied parrot habitat that was promised will now be replaced with more housing. Apparently a donation from the developer of just $100 000 was enough to get that particular measure struck off. I did not know endangered species and their critical habitat came so cheap. It is certainly cheap relative to the price of the housing that will be sold in this area.

I think the Liberal members almost gave the game away during their contributions and their interjections. They were basically saying, 'Here's a great way to make a Liberal-voting enclave in the western suburbs'. I found that particularly — —

Mr Finn interjected.

Mr BARBER — They may have thought that was what Labor was opposed to, but either way I find it particularly tawdry that that would be brought into a debate when what we are supposed to be talking about is that proper and orderly planning should be the yardstick by which all parties in this place, and certainly all voters, are considering this development.

Then there is this much-touted ferry service, which would certainly be, let us say, a unique and exclusive service if it were to be made available to this one group of land-holders. I suppose I could ask to see the business case for this particular transport option, but I cannot get that for an $8 billion road tunnel from Collingwood to Kensington, never mind asking for something about this project, which the Minister for Planning himself wanted to champion.

The Greens will be voting against this amendment for the obvious reasons, not because of the particular process it did not go through but because, on the face of it, it appears to be a model of development which is not the model we want for Melbourne and which seems to have been given up on by many other cities in the world which have worked out that the faster they sprawl the broker their government and citizenry get. This is the opposite of cheap housing. This is the most expensive housing you could ever hope to construct. As I said, it is also costly to our environmental and agricultural assets.

In light of all this it would be good if in his response the minister could answer some questions, such as the ones I pose. Will the minister provide the evidence on which the developers claim the promised wetland and habitat are not viable, and has this claim been looked at by anybody, or was it simply a case of the minister at his desk late one night signing off on a brief? Does the

minister believe $100 000 is an acceptable payment for the loss of critical habitat for an endangered species? I would like to know. I am sure there are a hell of a lot of other land developers who would like to know. Is the minister aware that the requirements contained in the initial panel report and material approval was based in part on the agreed provision by the developer of that wetland and habitat as a partial environmental gain, or offset from the development?

I do not believe the minister has given due consideration to those issues or to the broader planning issues. I can see he is now grappling with the future of this city through his Plan Melbourne strategy, but expansion on the urban fringe would be no part of any sensible plan for Melbourne's future. For that reason and for the reasons that I have outlined, the Greens will not be supporting this particular planning scheme amendment.

Mr ELSBURY (Western Metropolitan) — It is a great pleasure to rise this afternoon to speak on this planning scheme amendment. Werribee South holds a great importance to me. As a young bloke growing up in the Werribee area, in Hoppers Crossing, Werribee South was a place where I would go with my family. Dad and Mum would take me down the beach and we would feed the seagulls, I would chase the seagulls, I would go fishing off the pier at the mouth of the Werribee River and a sandcastle or 48 were made on that beach. In fact my family would go down there because it was a dog beach as well, so my sister would be able to take her dog out to the beach to go for a frolic in the water. It was absolutely fantastic. This dog beach is actually where the Wyndham Harbour development is occurring, so the dog beach is now gone.

There is a great big rock groyne out into the water to provide shelter for the vessels that will be moored in Wyndham Harbour, but if you walk further down that beach, you get to a beach called Campbells Cove. Not many people will know this, but Campbells Cove is a nudist beach.

Mr Finn interjected.

Mr ELSBURY — It is. It is a nudist beach in Port Phillip Bay. That is possibly where Mr Tee needs to go, because he is exceptionally exposed just at the moment — very exposed. He speaks about due process with relation to this development getting an additional 11 hectares, and the approval for the process to do with this 11 hectares was actually instigated in 2009. If memory serves me correctly, the coalition was not elected to office until November of 2010.

Mr Finn interjected.

Mr ELSBURY — It was a big occasion for me, to be quite honest. That is why I remember the event vividly.

Mr Finn interjected.

Mr ELSBURY — It was raining. But in any case the process was started under the previous Labor government. Not only that, but two City of Wyndham councillors were involved who moved a motion, which stated:

> That council:
>
> 1. Request the minister to approve a housekeeping amendment under section 20(4) of the act in relation to various administrative and procedural matters associated with Wyndham Harbour including:
>
>   a) extending the exemptions provide by clause 52.03 and listed in the incorporated document to enable the land which is now surplus to requirements for the wetlands system to be integrated into the residential precinct of the Wyndham Harbour development; and
>
>   b) extending the environmental audit overlay on the Wyndham Harbour site to align with title boundary.
>
> 2. Seek the support of the Minister for Planning for an amendment to extend the special use zone to align with the title boundary of the Wyndham Harbour site.
>
> 3. Inform the proponent that all costs associated with the amendments will be borne by Wyndham Harbour Pty Ltd.

That motion was carried in the Wyndham City Council. The motion itself was proposed by councillors Cynthia Manson and Marie Brittan, both of whom are members of the Labor Party. Cynthia Manson is still a card-carrying member of the ALP. I was at a prepolling station on one occasion to support the Liberal candidate, and she was there handing out Labor how-to-vote cards. Marie Brittan, who left the council around then because she worked for Tim Pallas at the time, is now back on council and has aspirations to become mayor; she too is a member of the ALP. Two members of the ALP supported this amendment when Labor was in power and this process was started. Mr Tee is quite exposed in this because the Wyndham City Council supported this amendment. We not only had two councillors and the council itself supporting the amendment in 2009, but also the member for Tarneit, Tim Pallas — he did not just send Marie to do his dirty work; he did it himself — sent a letter supporting the expansion of 45 hectares.

Today we are talking about 11 hectares — not 45, but 11 — and it beggars belief that Mr Pallas voted against the motion considering that he wanted something four times the area of what is being proposed today. We on this side of the chamber see it as being reasonable, considering it has gone through the process and been agreed to by council. In fact just to make sure that there were no problems with this process, the minister sent a letter on 7 June 2013 to Wyndham City Council seeking its advice on whether or not it had changed its position on this issue. A reply was sent from acting chief executive officer Kelly Grigsby on 10 July 2013 stating that the council still supported the proposal. The local government has done its due diligence. It has been asked to review whether or not this is a reasonable amendment and it has said yes, not once but twice.

Mr Barber raised a few points about the wetland that was removed from this particular development. The wetland was removed because an assessment found the proposed wetland to be inadequate for the job that it was originally designed to do. The wetland was being built on an area of the Wyndham Harbour development. The development was actually proposed about 35 years ago, from memory, and the land was earmarked as such. Mr Tee said, 'Oh, there are market gardens on that site', but there has not been a market garden on that patch of land for around three decades. It is a vacant lot which has been maintained by whoever owns it — I do not know who owned it in the past. It has been maintained but there has not been a crop on that site; I can guarantee you that.

Mr Finn interjected.

Mr ELSBURY — It is currently a vacant paddock which has no impact on the surrounding market gardens because it has been vacant for quite some time. There has been no incursion into our food bowl in Wyndham. I wholeheartedly support the agricultural sector in Wyndham; it is a great industry and supports many people. In fact I was chairman of the Vision for Werribee Plains, an organisation that I will admit the previous government supported and which we continued to support when we came to power until such time as the funds that it was responsible for had been exhausted. Certainly in one of its final motions we supported the implementation of a study into the adequate use of herbicides, pesticides and fertilisers on the site in order to minimise the run-off going into the riparian areas of the Werribee River and reduce the impact the market gardens had on the river and on the bay. This practical measure was supported by the Vision for Werribee Plains and by this government to try to reduce run-off that ran down the Werribee River and into the bay.

You can build these wetlands, but expert opinion says it will not work. It will not do the job. Instead of just having yet another piece of land doing nothing except growing weeds, it was decided that a better use could be found; it was supported by the council and is now being supported by those of us on this side of the chamber.

On a slightly off-centre issue that Mr Barber raised about global warming, he said there was scientific certainty about that particular issue. Either Mr Barber is trying to mislead the house or he does not fully appreciate that science is not certain. Science is theoretical. Scientists come up with theories. They come up with ideas, and those ideas are constantly challenged.

Mr Barber interjected.

Mr ELSBURY — Mr Barber is being quite crass; he is telling me to stick my finger in a wall socket. I will not be doing that. There were differences of opinion between Tesla and Edison. They had different theories about electricity and about direct and alternating currents; there are different ways of using electrical power. Mr Barber thinks everything is cut and dried, it is all over, there is nothing else to find out about the world and there is nothing else to find out about the magnificence that is planet Earth. We should all just sit down now, stop the science, stop studying it and deal with the fact that Mr Barber's point of view is the only one, and there is no more theory and no more discussion to be had on the matter! But I digress ever so broadly.

In any case, the Wyndham Harbour development is important for the city of Wyndham. Not only will the ferries supply the people of Wyndham Harbour with public transport options, but about 800 people living in Werribee South will also have public transport options, including people who live at the caravan park in Werribee South. As Mr Finn says, it will be the first time those people will have had access to a reliable public transport system. It is important that people in that part of Melbourne get the services they deserve, and the ferries will certainly provide them with a reliable service into the city of Melbourne.

Wyndham Harbour will present great tourism opportunities, and additional jobs will be created from the establishment of a new safe harbour on the western side of Port Phillip Bay. Many people are already talking about being able to find safe harbour between Williamstown and Geelong — the only harbour between those two points. People will be able to find safe harbour should a squall come up or even just because they want to go for a coffee at Wyndham

Harbour. It will be a great opportunity for tourism in the region, and that is why I support it. I support the fact that we will have tourism and housing.

In relation to that housing, Mr Barber said it was a horrible thing that people who vote for the Liberal Party would be moving into the western suburbs. I will let him know that we might even let some chardonnay socialists move in and a few nut bags from the Greens.

In any case, this planning scheme amendment is about jobs and about developing an area that has been earmarked for over 35 years. It is about supporting a council resolution that has been put to us and reinforced by that council in order to see development occur in an area that has been earmarked for development for many decades. That is why I support my community and support this motion.

Mr FINN (Western Metropolitan) — I rise this afternoon as a very proud resident of the western suburbs and a very proud representative of the western suburbs in this Parliament. The same cannot be said for members opposite, who have spoken on this motion and turned this debate into the battle of Fitzroy Street. As we know, members of the Labor Party and members of — —

Mr Barber interjected.

Mr FINN — I do not know. I was referring to the street where all the weirdos are — the ones with the piercings and the gothic look. If you saw them coming up the street, you would call the police.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! Mr Finn to continue.

Mr FINN — They are very strange-looking people; they are people who vote for the Greens.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! Mr Finn, please continue!

Mr FINN — That is what this debate is about for those opposite. They do not care about what happens at Wyndham Harbour, they do care about what happens in Werribee and they do not care about what happens beyond North Fitzroy or Carlton, because to them it is all a battle for the inner suburbs. Good luck to them with that, but let me tell members that in supporting this motion put forward by the Minister for Planning I am representing the people of Wyndham.

If members were to speak to the people of Wyndham, they would find there are very few who would have a bad word to say about the Minister for Planning, because he has done an outstanding job, not just in Werribee and not just in Wyndham Harbour. Residents of Point Cook have a very high opinion of him, and understandably so. Mr Guy has been behind the new development in East Werribee, and the jobs potential of that project is exciting just about every resident of Wyndham, who know Mr Guy and the Napthine government are driving that development.

Tonight I want to talk about the Wyndham Harbour development. It is worth noting that Mr Tee is currently not in the chamber — he has a habit of running into this place and saying, 'No, you cannot have it!', and then running out again, and he has done it again. That is his level of interest in the western suburbs of Melbourne — he is not even in the chamber. He simply tells us what we cannot have. He says we cannot have development, we cannot have jobs, we cannot have investment and we cannot have housing, and then he clears off. He should do the western suburbs of Melbourne a huge favour and stay out of the place altogether. He should just stay away, because he is doing the western suburbs of Melbourne no favours at all.

We heard Mr Barber talk about how outrageous it is that Liberal voters might be living in the western suburbs of Melbourne. Let me assure Mr Barber and Mr Tee — if Mr Tee is to listen at some stage — that there are a lot of people in the western suburbs of Melbourne who do vote for the Liberal Party. In fact, if we look at the results of the last state and federal elections, we see that there is an increasing number who vote for the Liberal Party on a regular basis. I see Mr Melhem looking very uncomfortable at that prospect, but the fact is that people in that area do vote for the Liberal Party.

There is now a realisation among the people of the western suburbs of Melbourne that the Liberal Party is the party of the west. That is the fact of the matter. They look at what Labor has done to them over generations and they look at what the Liberals have done for them in recent times, and they know that the Liberal Party is now the party of the western suburbs. You just have to ask the mayor of the city of Wyndham, Cr Heather Marcus; she will be the first to tell you, as she did last week when the cabinet was out in Wyndham. It has been a while since any cabinet was out in Wyndham, I would suggest, but the Liberal-Nationals Napthine cabinet met in Wyndham last Monday. On a number of occasions the mayor made reference to the fact that the Napthine government had been more supportive of the city of Wyndham and the west of Melbourne than any Labor government that we have previously had.

That is instructive for anybody who is keen to take a lesson. Anybody who wants to know what the new

realities of the western suburbs are should be aware that the Napthine government now has the western suburbs on its radar more than any government has before — ever. We are seeing the new west being built, but at the same time the government is not forgetting the old west. I know that Mr Guy, for example, has been very interested to see the redevelopments around Footscray, Braybrook and some of the areas that might have been regarded by the Labor Party — in fact I can pretty confidently say they have been regarded by the Labor Party — as deadwood. They are not deadwood. We know they are not deadwood, and we are certainly not going to let them become deadwood.

The Wyndham Harbour development is an extraordinarily exciting one. I recall being at the launch of this development in Werribee some years ago. It would have to have been about three or four years — —

Mr Tee — Was it a glossy brochure?

Mr FINN — Yes, there was a glossy brochure. Mr Tee just happens to have wandered back into the chamber. Someone has woken him, and he has wandered back into the chamber. It is good to see him here — or perhaps it is not. I say to Mr Tee that if he is really interested in knowing what is going on in Werribee and the city of Wyndham, he will have to wait until the east–west tunnel is built and he can come out and have a look for himself, because he clearly does not have a clue. In fact I very much doubt that Mr Tee has ever been to Werribee in his life. He would not know how to get there.

To get back to this development, the Wyndham Harbour development is extraordinarily exciting, not just for the city of Wyndham but for the western suburbs of Melbourne. This is the most exciting development for our side of Melbourne that we have seen since the building of the international airport at Tullamarine. That is the fact of the matter. This Wyndham Harbour development will change the way that Melbourne, Victoria and indeed Australia sees the western suburbs of Melbourne. This is the beginning of a new dynamism in the west — an exciting new time for everybody in the western suburbs of Melbourne.

I cannot tell you just how important this development is, and I cannot tell you how disgusted I am that the Labor Party and the Greens have come into this chamber tonight and told us they are going to vote against it. This is an exciting, important development for Melbourne's western suburbs, and Labor and the Greens are going to vote against it. Shameful. That tells us what they really think of the west of Melbourne. There have been a few of us who have suspected it for quite some years, but we now know beyond doubt because, as the Minister for Planning, Minister Guy, points out, you cannot hide how you vote. You can make all sorts of noises about the western suburbs, and occasionally the opposition members do — very occasionally — but the fact of the matter is that every member of the Labor Party in the other place, every member of the Labor Party here and every member of the Greens here will vote against Wyndham Harbour. They will vote against this extraordinarily important development for Wyndham and the western suburbs. That is something that we on this side of the chamber will be shouting from the rooftops. We will be telling everybody in the western suburbs exactly what Labor and the Greens think of our part of Melbourne.

I am particularly excited by this development because along with this development comes a proposal which I raised about five or six years ago, which is the ferry service that we might remember at the time was dismissed out of hand. I well remember that the night I raised the matter in the adjournment debate Mr Lenders and Mr Pakula were over there having a chat. They looked over at me and they said, 'No, that won't work'. They said, 'We've checked that out. That won't work. You're wasting your time'. So it was a delight when we had a minister come along who could actually get things done — Mr Guy.

Mr Tee — Where is it?

Mr FINN — It is coming, you fool. When it is actually up and running, I will buy Mr Tee a ticket and I will defend him from attempts by locals to use him as shark bait. I will resist that. Perhaps I will not resist that; I do not know. We will see what happens.

An honourable member — They wouldn't eat him.

Mr FINN — That is true — not even a shark is going to swallow that. This ferry service is a very exciting development because, as we know, the West Gate Bridge, the West Gate Freeway and the Western Ring Road are pretty much at capacity. Whilst we are waiting for the east–west link to be built — and certainly everybody in the western suburbs is very much looking forward to that, including Mr Melhem — this ferry service from Point Cook to Williamstown and Wyndham Harbour into the city will be a vital and exciting way for people to get out of their cars and get to work.

I have always thought when visiting Sydney that the ferry service would be a wonderful way to get to work. The ferries in Sydney are almost a national icon. Down here in Melbourne these ferries on the west coast of the

bay could also become tourist icons, not just commuter ferries. For example, people could leave the city and take the ferry down to Wyndham Harbour. They could visit the rose garden, the equestrian centre and the open range zoo — one of my favourite places down at Werribee. They could have a big day there, spend some money for the local economy, provide some jobs for local people and then trundle back to the ferry and travel back into town. You can see that the ferry service Mr Guy is pursuing is going to be a big plus for the region in so many ways.

I want to remind people that this is the very same ferry service that the Labor Party dismissed out of hand and lectured me on, saying that it would never work. We will see about that, and I am looking forward to it. We have got two jokers — two members, I am sorry — sitting on the front bench over there, Mr Leane and Mr Tee, who would not know where Werribee is. They have never been to the open range zoo. They would not know where the rose garden is.

Hon. M. J. Guy interjected.

Mr FINN — There is a line about the rose garden there, but I will leave that alone for a minute. I suggest very strongly to the house that it support this motion today. I thank the house in anticipation of that support, because this development is very exciting, dynamic and important for the future of the west of Melbourne.

House divided on motion:

Ayes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Kronberg, Mrs
Dalla-Riva, Mr (*Teller*)	Lovell, Ms
Davis, Mr D.	Millar, Mrs
Davis, Mr P.	O'Brien, Mr (*Teller*)
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Noes, 18

Barber, Mr	Melhem, Mr
Broad, Ms	Mikakos, Ms
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr (*Teller*)	Pulford, Ms
Elasmar, Mr (*Teller*)	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms

Pairs

Ondarchie, Mr	Viney, Mr

Motion agreed to.

FRANKSTON AND GREATER DANDENONG PLANNING SCHEMES

Hon. M. J. GUY (Minister for Planning) — I move:

That pursuant to section 46AH of the Planning and Environment Act 1987, Greater Dandenong planning scheme amendment C174 and Frankston planning scheme amendment C93 be ratified.

The motion deals with an urban growth boundary ratification in relation to the city of Greater Dandenong and the city of Frankston. The government was elected on a very clear policy of reviewing the growth boundary in growth areas through a long and detailed process but also asking councils to nominate areas in non-growth areas where anomalies had occurred. By this the government meant anomalies like an instance in the eastern suburbs where the boundary was drawn through the middle of a school and that private school then had to engage planning lawyers and get quite a degree of planning advice to have the boundary moved — or have a special, site-specific amendment made, I should say — so it could build a performing arts facility on its own property, which had been in its title since the 1970s but of which the urban growth boundary changes in 2002 had wiped out half, which could not then be utilised. Noting that examples like this occurred across the city, the government gave a clear pledge to non-growth area councils that it would look at these kinds of anomalies in non-growth areas and refer them to an advisory committee to examine and see whether or not any of those changes could take place.

There were four anomalies that came back to the government from the advisory committee, including 4.95 hectares at McClelland Drive in Langwarrin, in the city of Frankston, which relate to the Peninsula Private Hospital. We agreed with the council and I took the advice of the advisory committee that the use of a hospital should be deemed an anomaly and, given that the council was going through its own process on boundary movement to facilitate the hospital on that site, should be agreed to.

There were three other examples. One was for 2.56 hectares in Clarke Road, Springvale South, in the city of Greater Dandenong; one was for 4000 square metres at 462 Springvale Road and 81–143 Clarke Road, Springvale South; and the other was for 433 square metres at 516–522 Springvale Road, Springvale South, which again related to an anomaly where the boundary had been drawn through a temple. The community therefore could not use that part of its land to build further on an existing facility that already had dwellings for the monks and others who lived on

the premises. The government took the advice of the advisory committee, which believed that these three small parcels in the city of Greater Dandenong and the 5 hectares constituting the Peninsula Private Hospital were indeed anomalies.

The government's advisory committee was also presented with advice from some councils about including very large tracts of land in the urban growth boundary in these non-growth areas. The advice from the committee to me, which I absolutely agreed with, was that this process was not about identifying large swathes of land. Rather, an anomaly needed to be identified, such as in the instances I have just put forward around drawing a boundary around a hospital site or including a full area for a community temple rather than drawing the boundary on one or other side or through the middle of it. That is what the advisory committee on anomalies was about.

The review constituted the conclusion of the government's growth boundary review process. As some members in this chamber may be aware, we had gone through a long process in relation to the growth boundary review, and without any question it was the most transparent process of any boundary movement in this state's history. In our growth boundary review process we only reviewed submissions that were made to the previous Labor government's 43 000 hectares of growth boundary expansion in 2010, which came on top of the Labor Party's 46 000 hectares of growth boundary expansion in the years before it.

While in its term of government the Labor Party expanded the boundary by more than 90 000 hectares, the initial growth boundary review into growth areas the government conducted involved only consideration of submissions already made to the Growth Areas Authority. The Growth Areas Authority had to then agree with submissions that had been put forward and the councils had to agree with those submissions suggested by the Growth Areas Authority, any of these two having the ability to veto the other's suggestion. An advisory committee was then able to review any vetoed suggestions on top of that level, and the three of them had the ability to veto at any stage.

There was then the suggestion to my department about a final review of the anomalies committee on the growth boundaries — that is, the fourth level of veto at any stage. We then had four hurdles: the suggestion by the Growth Areas Authority; the commitment by the existing councils in 2011; the agreeance by an independent advisory committee; and the suggestion about agreeing with all of those three from my department in the recommendation to me, which included around 6000 hectares of growth boundary inclusions in our growth areas some two or so years ago.

I say again for the record that no boundary process — be it 1 hectare, 1 inch or the 100 000 hectares of the previous government — has ever gone through that level of probity. I am going to say it a second time: no level of growth boundary inclusion for Melbourne ever went through four stages of veto before it got to a minister's desk. When this chamber voted — if my memory serves me right, it was in September 2010, although it may have been October — on 43 000 hectares of growth boundary inclusion, every frontbencher for the Labor Party and every frontbencher for the now coalition government was in the chamber. We all saw the 43 000 hectares suggested by the then Labor government, which was never vetoed by councils. Veto power was not given to councils, the Growth Areas Authority (GAA), the Department of Planning and Community Development or to an independent advisory committee on any of these suggestions.

In relation to the non-growth area advisory committee and the growth area advisory review processes that I have talked about, both of those stages were overseen by an independent probity auditor. Again, on the 43 000 hectares that we voted on in 2010 and the 46 000 hectares the Labor Party introduced before its 43 000-hectare inclusion, there was no probity auditor's report. There was never any power of veto for the department, the GAA or relevant councils. There was no power of veto back to the department before it got to the minister, nor was there ever a probity auditor, whose report was public, being able to oversee these entire processes.

I simply say of the growth area and what we are voting on here today, the non-growth area review, that those two processes had four levels of veto contained within them. On top of that there was the probity auditor, which publicly released its report before it got to the minister's desk. It was not like 2010 when Minister Madden and his chief of staff were literally drawing the boundary in their office in Nicholson Street with no oversight from the department, with no oversight from any panel or probity auditor, with no oversight from the Growth Areas Authority or the then councils.

Mrs Peulich interjected.

Hon. M. J. GUY — No-one provided any oversight. Mrs Peulich, that is a very good question to ask. Who provided the oversight for the 100 000 hectares of farming and green wedge land that the Labor

government brought within the urban growth boundary in its time in office? There was not a single probity auditor's report, not a single report from the Growth Areas Authority stating that it had veto power if it felt that the inclusion of land was not appropriate, no ability for council to veto land coming into its growth boundary at the time, no ability for the Department of Planning and Community Development to provide available data to the minister which would allow the department to audit or veto that land suggestion coming to the minister before it got to the minister's desk — not a single bit of oversight.

The process on which we are voting today — for the inclusion of 5 hectares in Frankston to facilitate the hospital, 2 hectares of land in Springvale South coupled with 4000 square metres and an adjoining 433 square metres which constitute an area around a community temple in Springvale South — combined with that for the growth areas inclusion of just 5950 hectares two years ago, constitutes the greatest level of probity on any land or boundary movement in Melbourne's history, and not just by a bit but by a country mile.

I will take any advice from any member, journalist, community leader or councillor on any process that has ever been more transparent around the boundary movements we are voting on today or the growth boundary inclusion. Indeed there are many members of this chamber — Mr Tee is one — who fervently supported the growth boundary being moved onto 43 000 hectares of green wedge land in 2010. The shadow spokesman actually uttered 2500 words in 2010 on why it was important to eat up 43 000 hectares of green wedge land for housing under the Labor government, adding to the 46 000 hectares of land that had been included in the years before, with no probity, no probity auditor.

Who drew the boundaries around the Melton area, in which some members of the union movement were reported to have had some land interest at the time? I do not know if that was the case, but it was certainly reported. Who oversighted those boundary movements? I cannot find any probity auditors reports into that boundary movement. I cannot find any examples of the Growth Areas Authority having any ability to oversight or veto the inclusion of land in the growth boundary, that 43 000 hectares which was mapped out on Justin Madden's desk. But I can tell you, Acting President, that the level of probity that accompanies this boundary movement of some 7 hectares is without question the highest in Australia when it comes to probity, the greatest level of transparency we have seen in boundary movements anywhere in this city's history.

Again I say for those who came into the Parliament and spoke about transparency in previous debates we have had today that it is not transparent to expand the growth area by one-third the size of metropolitan Adelaide, as the previous Labor government did, into green wedge and farming land with not a single probity auditor's report — with not a single piece of oversight — on the process. The boundary was expanded by 43 000 hectares. Questions I asked at the time, as the shadow Minister for Planning, around the probity details — —

Mr Barber — Before you waved it through.

Hon. M. J. GUY — I did support it. The government has said very clearly why it supported growth boundary inclusions at that time. I respect the Greens for at least being consistent on this issue as to why they do not support growth boundary inclusions. The Greens have consistently said that they will not support the boundary moving. One cannot criticise a party for being consistent on policy, even if its policy has been repeatedly shown to be foolish. One cannot criticise Mr Barber for at least having policy consistency, and he has been consistent on this policy.

On our side of the house we have also been consistent on policy — that there was a need, when Melbourne was growing at 100 000 people per annum, to expand the boundary to accommodate people who were moving to our city, because house prices were certainly going out of control. I should say these words, which were uttered at the time:

> We need to maintain the investment and the focus, and that is about safeguarding future housing now; it is about making sure we are planning for the next 5, 10, 15 and indeed 20 years.

Those are words I could not agree with more. They were the words of Mr Tee when he actually supported expanding the growth boundary by 43 000 hectares. At that point he was right. However, I question, as I did at the time, the level of probity that did not accompany this growth boundary expansion.

This government has made a very clear commitment. When we looked at urban growth boundary expansions to Melbourne — I will not repeat it — we went through the most transparent process in Australia by a long way. We have now said, through Plan Melbourne, that the days of large-scale — apart from anomalies — boundary movements are over for this city. We need to focus on building a state of cities.

There may be times when we find that a council suggests to government that a boundary is running

down the middle of a school. I say to those councils that they had better be quick in providing that advice because we have consistently said that we want a permanent boundary for Melbourne, and the government means it; a permanent boundary is a permanent boundary. We now have a considerable number of decades within our urban growth boundary for supply, and we must now look to peri-urban areas and regional Victoria for anything beyond 30 years in looking at supply, plus greater density and urban renewal, if we are to manage our population sustainably for the future. There will not be 43 000 hectares of growth boundary inclusion in the future — certainly not under the coalition. That is very clear.

In relation to amendments C174 and C93, the government has made it clear: we support these growth boundary movements. They are anomalies — anomalies I can live with in non-growth areas because that is what we committed to looking at. The anomalies are minor; as I said, they are around 7 hectares. The government accepts from the independent advisory committee that these 7 hectares are genuine anomalies. Anything more than that, we would not accept. As such, the government supports the recommendations of the advisory committee. I support these motions and commend them to the house. I hope that the house will also support the government's view that those 7 hectares, including Peninsula Private Hospital in Frankston, are anomalies that should be supported.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a brief contribution on the City of Greater Dandenong and the City of Frankston planning scheme amendments. It is interesting to be following the Minister for Planning after a galling presentation when he lectured this chamber about probity and process, but not 5 minutes before he got up to speak we had a motion rammed through which had no process, no probity, no independent panel and no community engagement. He had the gall to spend about 90 per cent of his contribution talking about how good the probity and the process was on this occasion. The minister lacks any credibility when, like a magician, he keeps pulling these things out of a hat without a process. For the sake of consistency, without wanting to pre-empt any policy announcement that Mr Barber will be looking for, in the planning system we need to have a degree of consistency in approach rather than an ad hoc approach where some people are winners but you never know why.

The motion before us, the City of Greater Dandenong and the City of Frankston planning scheme amendments, which did have council support and did have an independent panel, is therefore very different to the previous motion we considered. The process did have the degree of rigour that I think the public would expect before changes are made to the green wedges. There is a degree of accountability and of transparency, which has given the opposition sufficient confidence on this occasion to not oppose these planning scheme amendments.

As Mr Guy said, there are a number of parcels of land where, on many occasions, there have been mapping errors, and there are errors where land that is clearly not green wedge has been classified as such. There is the Buddhist Society in Clarke Road, Springvale South, and that land should not be green wedge land. In Springvale Road, Springvale South, there is a Country Fire Authority fire station located on green wedge land, an area which is mainly used as a car park. In Clarke Road, Springvale South, there is a Buddhist place of worship and a transport depot with storage of heavy machinery and buildings, and there is a compelling argument that that ought not to be green wedge land. Those are the Greater Dandenong planning scheme amendments, and we do not have any difficulty with those.

Nor do we have any difficulty with the Frankston planning scheme amendments, which will allow the expansion of the Peninsula Private Hospital, currently located on that site. We do not oppose that expansion. We note that it is of concern that there is some remnant vegetation, and the panel considered this. We are comforted by the fact that the panel concluded that the removal of that would have an imperceptible impact on the key features and values of the Mornington Peninsula green wedge.

On this occasion, because of the council support and because of the independent panel support, we believe that the process has been sufficiently robust and the outcomes can be sufficiently justified for us not to oppose this intrusion on the green wedge. We think for every incursion into the green wedge there ought to be a rigorous process, because the decisions we are making today will have very long-term consequences. We considered these applications very carefully and on this occasion we do not oppose them.

Mr BARBER (Northern Metropolitan) — On behalf of the Greens I say that we have examined these various small amendments. We have looked at the advisory committee panel comments in that regard, and we have consulted with local councils. We see no particular reason to oppose these amendments.

Mrs PEULICH (South Eastern Metropolitan) — I rise in support of the Greater Dandenong planning scheme amendment C174 and the Frankston planning scheme amendment C93, both of which are in my electorate. As mentioned earlier, it has been an open and transparent process established by the Minister for Planning involving a number of stages, and everyone has ticked off on it. There has been ample opportunity to scrutinise the amendments. They are the result of anomalies, this is the appropriate process and it has been open and transparent.

In particular, I speak in support of the rezoning for the purpose of expanding the Peninsula Private Hospital in Frankston, which has a reputation for excellence and provides services for not only the Frankston area but also the Mornington Peninsula and the bayside area. EastLink provides great access to it, resulting in an increase in demand. The hospital has plans to expand over the next 5 to 15 years, and this amendment will allow the first stage of that development to proceed. The first stage of the development includes a 24-bed ward, intensive care, magnetic resonance imaging, oncology wards, an additional operating theatre and extra administration spaces. Subsequent phases will involve extra consulting rooms and hospital services, additional car parking and so on.

This will be a very good outcome. The environmental communities are satisfied, and so far there has been a reduction in the footprint. As I said, there has been a thorough process of public comment and submissions. This will be a very worthy outcome in terms of the benefit of meeting the social need as well as the environmental benefit. As has been mentioned, the amendments involving the city of Greater Dandenong make sense. They address anomalies, the process has been rigorous and I am very pleased that they are supported by all parties concerned. With those few words, I commend the amendments to the house.

Motion agreed to.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2013

Second reading

Debate resumed from 19 September; motion of Hon. M. J. GUY (Minister for Planning).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Consumer Affairs Legislation Amendment Bill 2013 and note that Labor does not oppose this bill. The purpose of the bill is to strengthen consumer protection by amending several acts to improve their application, and it includes some minor housekeeping to correct various technical errors. The bill amends six acts, and I will address each of them.

The first act that is amended is the Associations Incorporation Reform Act 2012. Members will recall the government's previous messy attempt to reform laws dealing with incorporated associations through last year's Associations Incorporation Reform Act 2012. Unfortunately this bill appears to patch up last year's policy on the run and reflects badly on the government's approach to legislative reform. This piecemeal approach usually culminates in ad hoc bills being rushed through Parliament without a considered process and often with very little stakeholder consultation. That is in fact what has happened here. In this case the result is a bill that is a patch-up job to fix the government's previous sloppiness.

The bill amends the Associations Incorporation Reform Act 2012 to address a problem created by the consolidation of the role of the public officer with the secretary of an incorporated association. Clause 9 of schedule 4 of the act did away with the position of public officer. Instead, the act provided for the secretary to assume the functions of a public officer of an incorporated association. The act provides that, for transition purposes, incorporated associations are to fill the position of secretary at their first general meeting once the act commences, and the commencement date was 26 November 2012.

Unfortunately the 2012 act assumes that public officers of all incorporated associations are appointed in accordance with the association's particular rules. It fails to account for associations that appoint public officers by a process outside their particular rules. Some of the associations do not have rules that govern how public officers are appointed, and this bill rectifies that matter. Where an incorporated association's rules do not provide for the appointment of a public officer, the bill allows the secretary of the incorporated association to retrospectively be deemed as such for the purpose of the consolidation of the roles.

I know that PilchConnect, which is a well-respected organisation that provides valuable legal services to the not-for-profit sector, acknowledges that the amendments in the bill are an improvement on last year's poor effort. However, it still has concerns about the limited time provided for consultation and whether its feedback was properly considered. I refer particularly to correspondence dated 1 August from Mr Nathan MacDonald, the acting director of PilchConnect, to Dr Elizabeth Lanyon, the director of

Consumer Affairs Victoria. In that letter Mr MacDonald said as follows:

> This means that, for an association using the old model rules and associations whose own rules do not provide for the appointment and removal of the public officer, on 26 November 2012 their former public officer was renamed to secretary and also elevated to a position on the association's committee. Associations using the old model rules, and many associations using their own rules, will also have an existing rules secretary so they will therefore have two secretaries on their committee. This deemed elevation of the public officer to committee of an association also creates some ambiguity as to the status of a non-AIR act secretary on the committee.

The AIR act referred to in that letter is the Associations Incorporation Reform Act.

There are still concerns in the sector regarding the implementation of the changes, and to date those concerns have not been addressed. I look forward to the minister addressing those issues and giving the house an explanation of how the issues have been addressed. Perhaps there might be that opportunity during the committee stage or the third-reading stage of the bill.

I note also that over the past few months I have had representatives of numerous local community organisations come to see me. They have received correspondence from Consumer Affairs Victoria about these changes. A lot of those organisations have committee members whose first language is not English. There is a lot of anxiety and a lot of confusion about the reforms and the need for them. I know that at the moment a number of committees are holding their annual general meetings. Their members are looking at making amendments to their constitutions either to adopt the new model rules or to amend their existing rules to ensure that they are complying with the new legislation. As I said, there is a lot of confusion. I am concerned that a lot of the organisations will not get this right and that there will need to be a period of grace to ensure that the members of the organisations can get some practical advice and assistance from Consumer Affairs Victoria to ensure that they are in fact complying as they go forward.

I have previously raised with the minister the issue of the model rules being available in different community languages. I hope that work will be undertaken to ensure that people are in fact legally complying with their obligations as committee members of incorporated associations. These are very important organisations whose members provide a huge amount of voluntary work to the community. I have had the great pleasure to get to know the members of many of my local organisations that use the legal vehicle of an incorporated association. It has proved to be a very good vehicle. It is an inexpensive and relatively straightforward way for organisations to meet their legal obligations and also to derive some legal protection as a body corporate.

However, I am concerned that we are making things just a little bit too complicated and too difficult by virtue of these changes. I do hope the minister will be able to address the continuing concerns that PilchConnect has raised in this correspondence and, beyond that, provide ongoing support and advice to not-for-profit organisations that in many cases have very few resources available to them to engage paid lawyers to assist them with the constitutional amendments that will be required.

I turn now to the amendments to the Residential Tenancies Act 1997, and in particular the changes to the rooming house provisions. I note that the continued high demand for private rental, and the consequent high rents, is putting a great deal of pressure on vulnerable Victorians who find it difficult to find an affordable place in which to live. Through economic necessity many vulnerable Victorians have had to rely on rooming houses and permanent residential parks, which are also referred to in this bill. The people who rely on rooming houses tend to be low-income Victorians. They include single parents; students, including international students; the unemployed; and age pensioners. For a range of reasons these people are the most likely to be targeted and exploited by unscrupulous rooming house operators — in particular because they do not always understand what their legal rights are. It is important, of course, that the law seek to provide these people with as much legal protection as possible.

In response to a 2012 Victorian Civil and Administrative Tribunal (VCAT) decision, the bill clarifies the process of removing residents from a non-operational rooming house. An ambiguity allowed VCAT to grant a possession order to an owner who had not given residents the required 45 days notice by relying on other rights under the act. The bill now clarifies that if the owner or head lessor of a building that is operating as a rooming house wants to stop running the rooming house, they must give residents 45 days notice to vacate. Before making a possession order VCAT must now be satisfied that the required notice has been given and that the order specifies a date that is on or after the date on the notice to vacate.

While this amendment resulted from the matter that was before VCAT, we in the opposition are concerned that the lack of stakeholder consultation regarding this

bill raises questions as to whether the amendments fully address the matters detailed in the VCAT decision. As it is, some ambiguity remains as to whether the issues raised by Senior Member Bernadette Steele in her VCAT decision have been properly addressed, particularly in an instance where the section 289A notice is not served. The opposition echoes the concerns expressed by the Tenants Union of Victoria and believes that further consultation could have potentially resulted in a better framed amendment for consideration by this Parliament.

During the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 the Labor opposition expressed serious concerns about the government's failure to establish in the bill a comprehensive registration and licensing regime for rooming house operators, as was recommended by the 2009 Rooming House Standards Taskforce. Whilst the opposition did not oppose that bill, it took the view that the bill did not go far enough. It was in fact a missed opportunity. That bill could have benefited from further consideration and the opportunity to take evidence directly from relevant stakeholders. Similarly, the amendments relating to rooming houses in this bill do not properly address stakeholders' concerns and are another missed opportunity.

I move on now to the amendments relating to residential parks. While under part 4A arrangements at residential parks or sites must have a minimum fixed term of five years, there are pre-existing arrangements made before 2011 that continue to operate under periodic agreements. The bill addresses deficiencies that affect the rights of site tenants on pre-existing periodic agreements. The bill amends the act so that site tenants on periodic agreements will not be issued with a notice to vacate in retaliation for them exercising their rights under the act or their agreement. The bill also clarifies that site owners can issue a 365-day 'no reason' notice to vacate to site tenants on periodic agreements.

With regard to the amendments to the Australian Consumer Law and Fair Trading Act 2012, the bill clarifies that product safety instruments made under the act are not legislative instruments. It also corrects an oversight in defining high-value and low-value goods, and it redefines 'high value' motor vehicles to align the figure to $1000. The bill also makes amendments to the Co-operatives National Law Application Act 2013 to define 'government guarantee cooperatives' and allows for models to be made that are specific to these cooperatives. The bill also makes amendments to the Estate Agents Act 1980 to allow for a person who wants to be an estate agent representative to undergo a criminal record check from an accredited CrimTrac agency as an alternative to a police check. There are also corrections to grammatical errors, and government department names have been updated.

Finally, the bill makes amendments to the Interpretation of Legislation Act 1984 to change the term 'subordinate legislation' to 'subordinate instrument', which is the term often used in national law schemes like the Australian Consumer Law (Victoria). It also now defines the Co-operatives National Law (Victoria), since that application act failed to do this.

By way of conclusion, I note that the Bracks and Brumby Labor governments initiated considerable positive reforms in the area of consumer affairs after first consulting widely with key stakeholders. I would like to add that I am very proud of the numerous pieces of legislation that were passed by the previous government which improved the rights and protections offered to Victorian consumers. However, the amendments contained in this bill have been formulated with very little regard to stakeholder consultation or to concerns that have been raised in the past and more recently in relation to this specific bill. It really begs the question: when will the Napthine government learn that positive policy outcomes are only achieved when there is genuine and collaborative engagement with the community? With those words, the opposition does not oppose the bill.

Ms PENNICUIK (Southern Metropolitan) — The Consumer Affairs Legislation Amendment Bill 2013, which is before us now, amends six acts, including the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Co-operatives National Law Application Act 2013, the Estate Agents Act 1980 and the Residential Tenancies Act 1997, and makes some minor amendments to the Interpretation of Legislation Act 1984.

The amendments made to the Australian Consumer Law and Fair Trading Act, the Co-operatives National Law Application Act, the Estate Agents Act and the Interpretation of Legislation Act are fairly non-controversial. The amendments made by the bill to the Associations Incorporation Reform Act and the Residential Tenancies Act are probably the ones that warrant some comment.

The amendment to the Associations Incorporation Reform Act seeks to clarify that the public officer of an incorporated association to which clause 9(1) of schedule 4 of that act applies need not be appointed under the rules referred to in that clause. The

amendment simply omits the words 'under those rules' in clause 9(1) of schedule 4 so that it can cover public officers appointed outside of the rules of the incorporated association, as well as those appointed under the rules of the incorporated association. This is to make sure that any public officer, whether or not they are appointed according to the rules, will be covered by that clause. In the second-reading speech the minister said:

> The Associations Incorporation Reform Act changes the name of the office of 'public officer', which existed under repealed Associations Incorporation Act 1981, to 'secretary'. The act also provides that an incorporated association must appoint a person as the secretary at their first general meeting following the commencement of the act on 26 November 2012. The secretary has a range of obligations under the act.

That statement is definitely true. It is worth saying that there was a lot of controversy about the Associations Incorporation Reform Act when it went through as a bill last year. Many concerns were raised by organisations like PilchConnect, the Victorian Bar and others in regard to the complicated provisions in the bill and the ability of a range of incorporated associations, of which I understand there are around 37 000 in Victoria — many very small organisations made up of volunteers — to conform with the act. This particular provision was raised during the debate on the 2012 bill as being confusing and unclear. We now are returning to this provision in order to clarify it.

We have received a copy of correspondence from Nathan MacDonald, the acting director of PilchConnect, a provider of legal assistance for community organisations, that raises the fact that it does not believe this amendment necessarily assists with the confusion over the general provisions for the changes that were brought in last year. Perhaps the minister will be able to clarify this during the committee stage, but my understanding is that he intends to indicate during the third-reading debate that we should be seeing further changes to the act at a later stage to clarify some of the other provisions about which concerns were raised during the debate on the 2012 bill. The upshot of the amendment to the Associations Incorporation Reform Act is that it is an improvement on the current situation, but further improvements are still required in that area.

The bill also amends the Australian Consumer Law and Fair Trading Act to redefine 'high value' so that the figure is aligned to $1000 instead of $200. It amends the Co-operatives National Law Application Act to provide that regulations made under the act may prescribe model rules for cooperatives in respect of which a government guarantee exists. These particular cooperatives are unique to Victoria, and the national regulations will not prescribe model rules that address the specific needs of government guarantee cooperatives, and so this amendment will enable model rules to be prescribed for them.

The amendments to the Estate Agents Act will update certain references to government entities in section 5 of the act and include CrimTrac as an agency that can provide a certificate in relation to a person's criminal record for the purposes of the appointment of the person as an estate agent's representative.

The amendments to the Residential Tenancies Act are probably the most important changes made by the bill and are contained in part 8, clauses 13 to 17. Firstly, the bill seeks to make clear that, where the owner of a property which is leased as a rooming house chooses to cease using it as a rooming house, the Victorian Civil and Administrative Tribunal (VCAT) must not issue an order of possession unless it is satisfied that residents of the rooming houses have been given the required 45 days notice to vacate. Clause 17 of the bill provides that, if a resident is entitled to a longer period of notice under section 289A of the act, the possession order must specify a day that gives the resident not less than that longer period of notice as the day by which the resident must vacate the building.

We have had some conversations with the Tenants Union of Victoria about this clause, and these amendments make things clearer. I should also say I have had some email correspondence with the minister's office, and the minister's office has corresponded with Consumer Affairs Victoria on our behalf in regard to certain queries about these amendments and how they will affect rooming house residents. As Ms Mikakos said, they are some of the most vulnerable people in Victoria in respect of their housing needs.

The Tenants Union of Victoria has been concerned by what occurred in the Victorian Civil and Administrative Tribunal case outlined by Ms Mikakos. Just from their own experience, often the first that rooming house residents have known that the building in which they have been living was the subject of a VCAT possession order is when the police have turned up to execute the warrant for eviction. It is a good thing that this clause aims to remedy that, but the tenants union still raises concerns that, even if VCAT has gone to the trouble of satisfying itself that the rooming house residents have been given notice, there still may be a situation where a resident does not know. For example, the landlord may not be aware of everybody who is there.

There still could be instances, as has occurred in the past and up until now, where rooming house residents have not been given notice and do not know anything about their eviction until the police turn up with a warrant. The question we raise is whether the rooming house resident then has the ability to apply for a review of the previous decision and whether VCAT has the power to suspend the execution of the building owners warrant until the notice has been served and possession can be effected against the residents according to the proper notice requirements.

I thank the minister's office for the responses that it has forwarded to us in that regard. We are certainly asking whether people in that situation would have standing in VCAT. We have been provided with the advice that under section 120 of the Victorian Civil and Administrative Tribunal Act 1998:

> (1) A person in respect of whom an order is made may apply to the Tribunal for a review of the order if the person did not appear and was not represented at the hearing at which the order was made.

Section 120 refers to a person in respect of whom an order is made, and the implication is that a person affected by the order, even if not named in the order, would have standing to seek a review under section 120 of the act. Having discussed that with several people, it is still not clear — and I ask that when the bill goes into committee the minister clarify this for the benefit of the committee and those reading the record of the debate — whether people would have recourse to or standing before VCAT if the intent of the new section 289A and related amendments in this bill have not been complied with. I tried to have an amendment drafted to bring that into effect, but it seemed as if it would necessitate an amendment to the VCAT act, which we cannot do under this bill. That is why I decided to raise this concern and see where we can get with the minister on those questions. With those words I indicate the Greens will support the bill.

Mr ELSBURY (Western Metropolitan) — It is with pleasure that I rise this evening to speak in favour of the Consumer Affairs Legislation Amendment Bill 2013. The effect of this bill is to iron out a number of issues that have come to the surface in the operation of legislation surrounding Victoria's consumer affairs laws. The bill will amend quite a list of pieces of legislation: the Associations Incorporation Reform Act 2012, the Australian Consumer Law and Fair Trading Act 2012, the Co-operatives National Law Application Act 2013, the Interpretation of Legislation Act 1984, the Residential Tenancies Act 1997 and the Estate Agents Act 1980 — I am just about looking for supplementary numbers after all of that.

In the first instance the Associations Incorporation Reform Act 2012 will be amended to help clarify transitional arrangements of the act, allowing changes to be enacted in the ways that associations administer themselves. The Associations Incorporation Reform Act has changed the role of public officer and rolled it into the role of secretary. The secretary position is then a compulsory position which needs to be filled at the first meeting of the association or at the annual general meeting.

The transitional arrangement at time of transition assumed that public officers would have their role turned over into being the secretary of the association. However, in the application of this legislation it was found that not all associations have appointed a public officer or do not quite have the name of a public officer in place. The amendment of the Associations Incorporation Act 2012 changes clause 9(1) of schedule 4 to ensure that the public officer, whether appointed under the model rules or outside of those rules, is deemed to be the secretary for purposes of the act. To ensure that the conversion of the public officer position to the secretary position is and was valid, for any duration of ambiguity the recognition under this amendment is retrospective. This means that any action of a person holding the role of secretary of the association until the enactment of this bill is valid.

The bill corrects minor drafting errors in the Australian Consumer Law and Fair Trading Act 2012 relating to values set for low and high-value motor vehicles so that the definition is of a vehicle above $1000 as being of high value and below $1000 as being of low value. This allocation of value determines the process by which a vehicle can be disposed of — that is, a vehicle that has been uncollected from, say, a garage or a holding yard of some description. Previously the legislation recognised low-value vehicles as being below $200 — certainly that is a very low-value vehicle — and a high-value vehicle being over $1000, leaving any vehicle in between almost in a state of limbo as to what the owner of the yard or garage was expected to do when it came to disposing of that vehicle. Now for any vehicle that is over $1000 the owner of the garage or holding yard will be required to notify the owner of the vehicle in writing that they intend to sell the vehicle to recoup any costs that they have incurred and also to be able to move it on from where it is currently located.

A product safety mechanism in the Australian Consumer Law and Fair Trading Act 2012 will not be considered a legislative instrument under the Subordinate Legislation Act 1994. This will allow for expedient action to be taken against dangerous products and allow for appropriate actions to be taken to

undertake a product recall or ban of sale, limiting the risk of faulty or dangerous products to the community. Indeed if this was not carried out, then items being checked for show bags at the next Royal Melbourne Show would need to be inspected now to allow for due process, consultation and regulatory impact statements to be undertaken so that, say, the Bertie Beetle show bag can be sold next year — and it would cause a riot if that did not occur next year.

The Co-operatives National Law Application Act 2013 will be amended in recognition of the 116 government-guaranteed cooperatives in Victoria to be recognised under federal legislation that has been introduced. This is a unique situation for Victoria. Many such cooperatives are established for the provision of school buildings which are built as the result of fundraising or are privately funded.

The criminal record of an estate agent's representative will be able to be checked by a CrimTrac agency. It will take work away from Victoria Police by employing a criminal record system administered by the Australian Federal Police and utilising arrangements made with authorised organisations to access some information about a person's criminal record. This will ensure that those people undertaking the sale of a property on behalf of a real estate agent are fit to do so.

The bill amends the Interpretation of Legislation Act 1984 to include a definition of the Co-operatives National Law (Victoria) and the Australian Consumer Law, which will improve the management of the new national framework.

Finally, the Residential Tenancies Act 1997 will have two amendments made to rectify an oversight in the legislation. There was some ambiguity around the word 'may' in relation to the termination of site agreements. The legislation states that in instances where the owner of a rooming house has developed a subletting arrangement the owner 'may' inform those engaged in the subletting arrangement of a termination of the primary lease agreement. This is supposed to mean that instead of terminating the rooming house arrangement, a landlord can choose to continue the rooming house arrangement. If they choose to terminate that arrangement, they must give the residents of the rooming house notice of their intention to remove the rooming house arrangement. They will be required to give 45 days notice for terminating that lease or sublease arrangement. An amendment will also give tenants of caravan parks who are periodic tenants the same protections under law as fixed-term tenants.

This bill addresses issues which have been raised with Consumer Affairs Victoria and have been conveyed to the government. Consultation on this bill was sought with the Victorian Caravan Parks Association; the Tenants Union of Victoria; Victoria Police; the Real Estate Institute of Victoria; PilchConnect, which raised some additional concerns which can be managed through administrative actions rather than through a change of legislation; and the Law Institute of Victoria.

With those words, Acting President, I support this bill as it will make things better for a lot of people with regard to consumer affairs in this state.

Ms TIERNEY (Western Victoria) — I rise to make a contribution to the debate on the Consumer Affairs Legislation Amendment Bill 2013. I wish to reiterate that the opposition will not be opposing the bill. It has been noted by previous speakers in this debate — in this chamber and indeed in the other place — that the bill before us this evening is an omnibus bill with a total of six acts being amended through this legislation. While most of them are small technical amendments that must be made, there are some meatier sections in this bill that I would like to address later in my contribution.

I would also like to say in my initial comments that sections of this bill are before us today because of the failure of the Baillieu-Napthine governments to initially consult properly with stakeholder groups and to create legislation that strengthens consumer affairs rather than creating further confusion. It is also fair to say that this is a process of cleaning up the mess in consumer affairs created by the coalition government over the last 18 months. Much of this can be attributed to the coalition government's inability or refusal to employ good consultation methods.

The bill before us today seeks to rectify the changes made by the government last year to the laws governing incorporated associations through the Associations Incorporation Reform Act 2012. I am sure that members will remember the haste with which that bill was rushed through both houses by the previous Minister for Consumer Affairs. We are now beginning to clean up the mess with the bill before us this evening. As the shadow minister for consumer protection, the member for Mill Park in the other place, stated in her contribution to this debate, her office, along with consumer advocacy and welfare groups, begged the then minister to ease his dogged attempt to ram the legislation through, but those pleas fell on deaf ears. The new minister is now left with the task of cleaning up the former minister's mess, and while this bill goes some way in doing that, there is much more to be done.

This bill seeks to correct an oversight of the government when, with very little consultation, it rammed through the Associations Incorporation Reform Act 2012 and applied a retrospective correction to validate all actions of public officers acting as secretaries. Members will recall that there were issues raised at the time in respect of that.

In terms of the bill's amendments to the Residential Tenancies Act 1997, which are due in part to a Victorian Civil and Administrative Tribunal decision of 2012, the bill clarifies the process of removing residents from non-operational rooming houses. As the member for Geelong in the other place stated when the bill was before the Legislative Assembly, rooming houses are common around universities. This is certainly the case with Deakin University's Waurn Ponds and waterfront campuses in Geelong. Three of the four Deakin campuses are in my electorate, so this is of particular interest to me. I also have the various Federation University — formerly University of Ballarat — campuses in my electorate, as well as the Warrnambool campus of Deakin University.

Rooming houses are not just used by students studying at universities here in Melbourne. There are also rooming houses near campuses in towns and regional centres. The member for Geelong in the Legislative Assembly mentioned that many disadvantaged people, whether their disadvantage is social, financial or both, live in rooming houses. As he said, the protection of these vulnerable Victorians is paramount. A large number of international students study at Deakin University and Federation University, and many of these people are accommodated in rooming houses. A number of these students have no family in Australia and would therefore be particularly vulnerable in the event of losing their room without appropriate notice.

This bill amends the current legislation to state that, if an owner of a building wishes to cease running the building as a rooming home, they must provide the residents of the house with 45 days notice to vacate. Again, the government did not undertake a proper consultation process for this section of the bill. This has led the Tenants Union of Victoria to raise concerns with the government about whether this amendment should go ahead.

In amending the Australian Consumer Law and Fair Trading Act 2012, the bill seeks to clarify the fact that safety messages such as interim ban notices, permanent ban notices, compulsory recall notices and product safety and information standards are not legislative instruments. As members of this house would appreciate, this means that these safety messages are not subject to human rights certificates or public consultation, which would delay the process. These safety messages are intended to act in the interests of consumer safety, and their timely release is imperative to ensure their full impact and value.

In concluding, I again wish to reinforce the point that, if there had been proper consultation initially, we would not be in the situation we are in tonight. I also believe it is a waste of time and money to be dealing with a whole range of amendments that could have been fixed up at the point of execution and not 18 months down the track. With those words, I conclude my commentary on this bill.

Mrs COOTE (Southern Metropolitan) — As the final speaker on this bill, I will speak very briefly. Many of the previous speakers have spoken eloquently on the bill, particularly Mr Elsbury, who spoke on behalf of the government. I am pleased to know that neither the Greens nor the opposition are opposing this bill. As many have said, the Consumer Affairs Legislation Amendment Bill 2013 is relatively straightforward. It has the purpose of amending a number of acts. The first of these acts is the Associations Incorporation Reform Act 2012. The bill clarifies changes made to public officers with regard to that act. The bill amends the Australian Consumer Law and Fair Trading Act 2012 to increase and define the minimum value of a high-value motor vehicle for the purposes of disposal of uncollected motor vehicles. It amends the Co-operatives National Law Application Act 2013. It amends the Estate Agents Act 1980 to tighten criminal record checks for estate agent's representatives. It amends the Residential Tenancies Act 1997 to make clarifications to notices, including notices to vacate. It also amends the Interpretation of Legislation Act 1984.

I have been concerned about some of the comments made during the debate on this bill. Members of the opposition claimed it was unacceptable and somehow negligent of the government that we were bringing this bill back to make amendments to it. I dispute that. It is important to ensure that rules, regulations and acts are correct, because they represent a blueprint for the community. It is imperative that we get it right. Yes, this may be an omnibus bill, but as such it is very important.

Members of the chamber may recall that the Australian Consumer Law and Fair Trading Act came before us last year and that it was a very large and comprehensive piece of legislation. I think it had 270 pages. It brought together and adopted Australian consumer laws that have been passed by the federal Parliament, and it

imposed uniform protections across Australia. All of this takes time. Legislative instruments are onerous, as the minister said in her second-reading speech, and they can involve public consultation — which is vitally important — human rights certificates, regulatory impact statements and certificates of exemption from regulatory impact statements. These processes do not happen overnight, but it is extremely important that everything is done correctly and everything that needs to be is included in the act so that people can be certain they are operating under an act that includes as much detail as possible to give clarity to those who refer to the act.

I would like to talk quickly about uncollected goods. One of the provisions that I did not mention when we originally debated the bill was the disposal of uncollected motor vehicles and the thresholds that determine whether an uncollected motor vehicle is high value or low value. The Consumer Affairs Victoria website is helpful in defining uncollected goods. The website states that uncollected goods are:

> Belongings you left temporarily with a business … if you:
>
> did not return to claim them
>
> did not tell the business what to do with them
>
> cannot be contacted, or
>
> have not paid a charge you should have paid to the business for keeping or doing anything to the goods.

The website also provides examples of uncollected goods:

> A towing business picks up a damaged vehicle, but is not told by the owner what to do with it.
>
> A motor mechanic is asked to repair a car, but the owner never returns to pick it up and pay for any work done.
>
> Clothes left for dry-cleaning are never collected.
>
> A landlord of a shop is left with perishable food after the tenant leaves.
>
> Holidaymakers in a caravan park leave without taking their tent and camp stove with them.
>
> A guest does not return to collect belongings left in a hotel's 'lost and found'.

A business is able to sell uncollected goods, and different rules apply for different types of goods, such as high-value or perishable goods. A consumer is able to stop a business from disposing of uncollected goods by paying money that is owing, collecting items or applying to the Victorian Civil and Administrative Tribunal.

Finally, it is important to speak about how this bill actually defines 'high value'. Once we understand the intricacies of what can and cannot be done with uncollected goods, and that different rules apply for different types of goods, the rule changes covered by this bill become relatively straightforward. It sounds like a lot of detail, but believe me, if you were involved in something like this and you did not know what the outcome would be, you would be seriously concerned. The bill will substitute values in the definition that quite simply change the threshold of what constitutes a high-value motor vehicle, which then governs how that class of uncollected goods is disposed.

In conclusion, this bill makes a number of small but important changes, including improving the safety of Victorians by allowing the minister to respond swiftly to dangerous goods. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Part 8 of the Consumer Affairs Legislation Amendment Bill 2013 makes it clear that the Victorian Civil and Administrative Tribunal (VCAT) must satisfy itself that the proper 45 days notice to vacate has been given to rooming house residents before it issues an order of possession for the landlord or to the landlord, or allows for eviction warrants to be executed. As I mentioned in my contribution to the second-reading debate, I have had some correspondence with the minister's office about this. We raised the issue that while that may all happen, there could be a case where a mistake is made and a rooming house resident has not been given the required notice due to a number of circumstances, or even where the landlord has given false evidence to the tribunal. In that situation the resident would not have been given the required notice. My query to the office is whether that person would have recourse to VCAT under the Victorian Civil and Administrative Tribunal Act 1998 or under the Residential Tenancies Act 1997 to complain, have the order revoked or extended, or have the term of the warrant or of the order of possession extended.

Hon. M. J. GUY (Minister for Planning) — In relation to Ms Pennicuik's question, I put on the record that superior court decisions on the interpretation of section 120 have emphasised that the discretion to

allow a review of the original order is a broad one that will depend on all the circumstances of each case, so it cannot be assumed that a rooming house resident who is not a party to the original proceedings and who is not referred to in the order for possession would automatically have a standing to apply for a review of the original order. However, the proposed amendment to section 330 will mean that VCAT cannot issue a possession order unless it is satisfied that any rooming house residents entitled to notice under section 289A have been given that notice. That is, the party seeking the possession order will need to satisfy VCAT either that there are no rooming house residents in the premises or that rooming house residents in the premises have been given 45 days notice to vacate under section 289A. It should largely eliminate the possibility of residents being evicted without any prior notice.

Ms PENNICUIK (Southern Metropolitan) — I understand that the amendment makes it very clear that the order cannot be granted unless VCAT is satisfied — as the minister says — that there are either no rooming house residents there or the ones who are there have been given notice. However, it concerns me that there could be a loophole here where, despite that, a rooming house resident has not been given the appropriate notice, even though VCAT thought they had and that the section had been complied with. What recourse would that rooming house resident have?

Hon. M. J. GUY (Minister for Planning) — Ms Pennicuik's question is prefaced on the fact that the owner would have had to have perjured themselves before VCAT, which is an offence in itself, so obviously there are means of recourse. Obviously it is against the law for someone to have perjured themselves before VCAT, but Ms Pennicuik's point is related to a situation where someone will have had to have perjured themselves. I cannot emphasise that enough. The government believes the methods it has put in to ascertain, as she says, that there are no rooming house residents on the premises or that they have been given 45 days notice to vacate are indeed adequate. We obviously cannot legislate against people perjuring themselves before VCAT, but obviously those who do and are found out commit an offence. But people's actions are obviously unto themselves.

Ms PENNICUIK (Southern Metropolitan) — I understand that there are two circumstances — one, where indeed a landlord perjures themselves; or two, where there is somehow an honest oversight or mistake. In either case, even if the person has perjured themselves, the effect on the rooming house resident is that they have not been given the notice and they may be evicted without notice. My question still remains: what sort of recourse would they have to the tribunal? The minister said in his first answer that it would not be guaranteed, but perhaps he could elaborate as to whether that would in fact be a circumstance in which they would be given standing or would be able to complain and seek redress at VCAT?

Hon. M. J. GUY (Minister for Planning) — The only point I can add to this further is by just pointing out that section 120 of the Victorian Civil and Administrative Tribunal Act 1998 provides that a person in respect of whom an order is made may apply to the tribunal for a review of the order if the person did not appear and was not represented at the hearing at which the original order was made. I do not think I can add anything further to Ms Pennicuik's points, although I take her point. As I say, I think that is highly unlikely, but I do take it.

Ms PENNICUIK (Southern Metropolitan) — That seems to be about all he can say on the matter, suffice it to say that we should as a Parliament be concerned about any person left in that position.

Ms MIKAKOS (Northern Metropolitan) — I wish to raise a different issue to Ms Pennicuik's on clause 1. It relates to amendments to the Associations Incorporation Reform Act 2012. I realise the minister was not in the chamber when I referred to quite a lengthy quote from correspondence from PilchConnect dated 1 August. I do not propose to read all that out again because I am sure the advisers in the box were listening. Essentially in that correspondence PilchConnect raised concerns about the possible appointment of two secretaries, given the problem that existed under this reform act and the retrospective amendment that is being proposed under this bill. I ask the minister to provide some advice to all those incorporated associations out there that might have some concern about potentially having two secretaries on their committee.

Hon. M. J. GUY (Minister for Planning) — I will move on to Ms Mikakos's next question if I can. I will take that one on notice for 2 minutes and will come back to her with a proper reply.

Ms MIKAKOS (Northern Metropolitan) — Essentially it is a related question. I am just asking the minister to advise the house if, following the passage of this bill, there will be any incorporated associations in Victoria that will effectively have two secretaries, by virtue of these reforms?

Hon. M. J. GUY (Minister for Planning) — The answer is yes. There may be a public officer and indeed a former minute taker who may have the same title. But

the whole purpose of the amendment is obviously to merge those two positions.

Ms MIKAKOS (Northern Metropolitan) — I would have thought it would be better if the minister took this one on notice and gave me advice later, because I am really quite alarmed now by that response. As I understood it, the whole purpose of last year's reforms was to streamline this and to make it easier for organisations so they would not need to have a separate public officer and a separate secretary. We now end up with a situation where an organisation could in fact have two secretaries performing different statutory roles. This is really quite concerning.

As I said before in my contribution to the second-reading debate, there is already a lot of confusion out there amongst incorporated associations. They are expressing this concern to me as a member of Parliament. I am sure other organisations in other electorates have also expressed similar concern. I would urge the government to look at this issue again and to consult with PilchConnect and other affected organisations. Perhaps if it had taken on board the correspondence that Consumer Affairs received, we could have had house amendments that addressed this issue and we would not be in the situation we are in now, where we could in effect have two secretaries performing different tasks in an incorporated association. I am very concerned by that. I guess that is more by way of comment than a further question, but if the minister wishes to add anything further, I would be happy to hear it.

Clause agreed to; clauses 2 to 18 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

OPEN COURTS BILL 2013

Second reading

Debate resumed from 5 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Open Courts Bill 2013. Before I begin I would like to state that Labor does not oppose this bill. Indeed there is nothing new in the bill that will significantly alter or change the current administration of justice in Victoria. What the bill will do is set out clearly defined guidelines or grounds for the granting of suppression orders. Presently there are circumstances in which suppression orders and closed court orders are granted for the protection of citizens and the security of our nation. The bill sets out clearly the grounds on which they can be granted and how and for how long they can be enforced. It is a requirement under the legislation that the court be satisfied that the order is necessary to prevent prejudice to the proper administration of justice or to national or international security or that it is necessary to protect the safety of a person or to avoid causing undue distress or embarrassment to a party or a witness in criminal proceedings involving a sexual offence or family violence.

It is already the normal practice of our judges to apply these principles in the majority of cases. However, in recent times it has become more common for the judiciary to issue suppression orders that are too broad in their application and have indefinite time lines attached, suppression orders remaining in force 'until further order' — in other words, open-ended suppression orders. This can result in pain and distress for victims of crime who feel they have not received justice. Their perception or belief is that the justice system is allowing perpetrators of crime to stay anonymous. In some instances it is critical for the mental health and wellbeing of victims to see their tormentors found guilty in open court by the justice system.

The bill discourages indefinite suppression orders and imposes restrictions on indeterminate time lines. An important change to the current practice is that media outlets will be able to present arguments as to why a suppression order should not be granted, and the bill also enshrines the right of the media to appear and be heard when they want to argue against a suppression order continuing.

The bill is about creating a presumption against the granting of a suppression order, and it is about setting out clear grounds for a suppression order being made. Labor supports judicial discretion, but it would appear these types of orders are growing in number. Last year 310 orders were granted, and there needs to be an explanation for this increase. The media has named Victoria 'the suppression capital of Australia', and that is not a good thing.

The provision of an open court system is and always will be the fundamental principle of applied justice that we as a civilised society need and support and defend. We do not support secret trials, but we recognise that

on occasion exceptional circumstances call for the judicial application of suppression orders that preserve and uphold the principles of natural justice and at the same time maintain and sustain our criminal and civil law code of justice. Again, I say that we are not opposing the bill.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution on behalf of the government in relation to the Open Courts Bill 2013. It is an important bill, dealing with important subject matter, principally the openness, or transparency, of justice. There is the obvious starting point — almost a trite statement — that justice must not only be done, it must be seen to be done. I am not sure who that is attributed to these days; I am sure our researchers could ascertain that. It is a matter that sits at the fundamental apex of our legal system in relation to transparency; indeed it has been described in the case of *Scott v. Scott* [1913] AC 417 to be a fundamental principle of our legal system. Justice Gibbs, as he then was, also said in the case of *Russell v. Russell* (1976) 134 CLR 495 that without openness 'abuses may flourish undetected'. That is the fundamental principle if justice is to be done in our courts wherever possible, and in fact this bill will enshrine a presumption in favour of open courts and open justice.

That is an important underpinning of our common law; indeed it might be said to reflect some of the principles that ought to be applied in our common-law application of issues in relation to suppression orders, in camera hearings et cetera in our courts. It is a key feature of this bill, so with the passage of this legislation there will be, in legislative terms, a presumption in favour of disclosure and hearing proceedings in open court. The bill will also consolidate the grounds for making non-disclosure orders and closed court orders in the Supreme Court, the Magistrates Court, the Coroners Court and the Victorian Civil and Administrative Tribunal. In doing so the bill will implement and deliver on another important coalition government commitment to enhancing openness and open justice in Victoria.

I agree with the characterisation of the lead speaker for the opposition in relation to the situation Victoria has, for one reason or another, found itself in, being a state with one of the highest number of suppression orders issued compared to other states and territories. There have also been problems in relation to the clarity of suppression orders and a particular problem with the unlimited duration of suppression orders, leaving parties who are dealing with court proceedings — be they lawyers, advocates, participants or particularly the media — sometimes unsure of what they can say and what they cannot say. There has also been a concern that in some instances there has been suppression of more information than was absolutely necessary to achieve the purpose of a suppression order. This bill will provide greater guidance to the courts when making suppression orders to ensure that these orders are appropriately confined to appropriate situations. It will strengthen the free and open communication of information in relation to court proceedings in Victoria's courts and tribunals.

It is also important to remember that, as with many judicial discretions, whilst there is a presumption in favour of openness, it is not a matter that always carries the day. The principle is not absolute, and it has been well said that the proper administration of justice may at times require the courts to be closed and the publication of information to be suppressed. Nevertheless, with the presumption, the bill is in a sense in favour of openness. As the High Court said in *Dickason v. Dickason* (1913) 17 CLR 50, it is 'one of the normal attributes of a court'.

Mr Finn interjected.

Mr O'BRIEN — It is, and I sure Mr Finn is familiar with some of those passages. Mr Finn, in a former life being a member — and a very good member — of what is sometimes called the fourth estate but is really the independent media that operates in this state and in this country, knows that free speech and an independent and impartial media are integral to democratic practices. Those of us in the political sphere, which includes all the people I see before me at the minute in one way or another, obviously are very familiar with the issues in relation to reporting of political matters. The freedom of the press in reporting on the political discourse is a principle that I and certainly many others — including Mr Finn, as I understand his beliefs — would hold as sacrosanct. That is one issue, but that is not the subject matter of this bill, so I put the role of the media in the political discourse to one side for the moment.

The other issue is the reporting of court cases and the people who are brought before the courts. A slightly different set of issues arises here, in part because many of the most vulnerable people brought before the court system do not stand for public office and do not become celebrities of their own choosing but are in a sense dragged into the sphere of public interest and dragged into a public debate, either involuntarily or because of their own actions. At times those situations need to be categorised in a careful way, and that is an appropriate role of the court. It is that element of media reporting that is sometimes of concern to politicians and

people on this side of the political debate — namely, that innocent people, people who are witnesses or people who are accused but are not yet convicted by a court need to be given the full rights of a trial by jury, if that is their choosing, or a trial by judge or a trial in an independent and impartial court. In that regard they may need elements of their trial protected from public debate so that they do not get their rights trampled in a so-called trial by media.

That is an issue that needs careful consideration because, in a sense, by this bill we are opening up the courts further. I say that we are doing so with the greater recognition that the true independence of the media is not something that should be necessarily regulated by the state or by the commonwealth but is rather something that is best operated with self-restraint, self-regulation and, if necessary, regulation by the courts with their very strong powers of contempt, suppression orders et cetera, but in a careful, balanced way so that individuals whose exposure to the justice system is through no wish of their own are given the greatest protections afforded by law. Sometimes that also requires that there be appropriate scrutiny in cases, particularly in cases involving an imbalance of power. It may be that if cases are to proceed in an overly suppressed manner, then, as has been said by Justice Gibbs, 'Abuses may flourish undetected'.

This bill is a very careful piece of legislation. I commend the Attorney-General and his departmental and ministerial staff for carefully putting it together and balancing these issues. It is often said that there are two types of suppression orders — proceeding suppression orders and broad suppression orders. Proceeding suppression orders can be made under part 3 of the bill in relation to the reports of proceedings and information derived from proceedings — for example, this would include evidence given by a witness in a proceeding. Broad suppression orders can be made under part 4 in relation to information not derived from proceedings — for example, this could include information about the prior convictions of an accused person or a book or film depicting an accused person. A presumption in favour of disclosure applies when making either type of suppression order, and this reinforces the public interest in open justice and free communication and information.

Of course the bill will have consequences for those who breach suppression orders, and those are set out in the legislation. It is also important to note that the bill will not change subject-specific suppression regimes contained in other legislation, such as the Serious Sex Offenders (Detention and Supervision) Act 2009. There are substantial penalties under that act.

It is intended absolutely and I make it clear, as the government speaker in the upper house, that it is not the intention of the government to in any way adversely affect a person's right to a fair trial. It is important that that be stated at the outset and that, while the bill contains a presumption in favour of disclosure of information, it will still be possible for courts to make suppression orders where necessary to prevent prejudice in the proper administration of justice. Of course there will also be sanctions for breaching orders. They are set out in the bill, with the maximum penalty of five years jail or 600 penalty units for an individual offence, or 3000 penalty units for a body corporate, and equivalent offences are applied in relation to the Magistrates Court.

It is also important that there are national model suppression orders, and the bill furthers the Victorian government's commitments under the Standing Committee of Attorneys-General model bill. The model bill has been implemented by New South Wales and the commonwealth, and the Victorian government has had regard to the model law in developing this bill, although there have been several important judicial developments that have resulted in the particular form of the bill that is before the Victorian Parliament and reflect the government's view of the most appropriate response in relation to the issues in Victoria. We are confident that the bill will provide more rigorous suppression powers in Victoria to better promote public interest in open justice.

It is also important that there were some supplementary amendments moved in the house that formed part of the bill that is now being considered by this place, and these were to clarify a number of matters that have been put in the debate on those amendments, but they were to reinforce the bill's aim of promoting open justice in relation to the family violence suppression ground and also in relation to the prejudice to the administration of justice suppression ground.

With those words I restate the importance of openness, but it is also important that the media exercises its rights in the important job it does, particularly in relation to innocent parties and people who have not been found guilty by a court and that it exercises those rights responsibly so that we can have truth in justice and an accountable judicial system, but ultimately one that is fair to the persons who are coming before the courts in whatever capacity and stand to be judged by our society, as exercised through our courts. With those

words, I commend the bill to the house. I look forward to its speedy passage.

Ms PENNICUIK (Southern Metropolitan) — The Open Courts Bill 2013 essentially consolidates the general statutory powers of the Supreme, County, Magistrates and Coroners courts and the Victorian Civil and Administrative Tribunal to make suppression orders and open court orders. It creates the general presumption in favour of disclosure of information and holding hearings in open court, when courts are considering whether to make a suppression order or not. It provides that orders made under the powers of the bill can only be made in specified limited circumstances when there is a strong and valid reason for doing so, and it also provides limits around the duration of orders. It also enshrines the right of the media to appear and to be heard if it wants to argue against a suppression order. That is not a new right; it is just enshrined in this legislation.

In thinking about and discussing this bill, I should say that the bill is framed to have regard to the model courts suppression and non-publication orders endorsed in 2010 by the Standing Committee of Attorneys-General. However, so far I think it is three states, and Victoria is the third state, to introduce legislation of this nature. Already those three states have departed from the model court suppression and non-publication orders. There was an attempt to gain uniformity across the country, but already that is not the case. The Attorney-General stated in his second-reading speech:

> … the bill applies a more rigorous standard for making suppression orders in Victoria.
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> In particular, as the commonwealth has also done, the bill omits the —

as the Attorney-General says —

> open-ended and poorly defined general 'public interest' ground that was included in the model bill. Instead, the bill preserves the existing grounds for VCAT and the Coroners Court to make suppression orders, reflecting the particular considerations relevant to those jurisdictions.
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> The bill will operate as an exclusive source of general statutory powers for the courts other than the Children's Court, and for VCAT, to make suppression and closed court orders.

Thinking about it and discussing it, it is not entirely clear that there is a need for this bill. Even though the issue of suppression orders and whether or not they are overused is a topic that is widely discussed, it is not clear that they are overused, and I will return to that later in my contribution. One argument about this bill is that it changes little and basically codifies fundamentally current practice. Another argument that certainly has been put is that yet again it takes away judicial discretion.

The main purpose of the bill is to consolidate the provisions for suppression orders relating to information derived from the proceedings of the Supreme, County, Magistrates and Coroners courts and the Victorian Civil and Administrative Tribunal and other prescribed courts and tribunals. It makes general provisions applicable to all suppression orders and pursuant to the exercise of the inherent jurisdiction of the Supreme Court and by courts or tribunals under the bill. It reforms and consolidates provisions for suppression orders relating to other information relevant to but not derived from certain proceedings in the County and Magistrates courts.

The house amendments that were presented with the bill when it arrived in the upper house added definitions with regard to family violence and dealt with situations where a family violence intervention order is in place and is breached or where an offence comprises conduct that, if established, constitutes family violence within the meaning of the Family Violence Protection Act 2008. A suppression order is defined as a proceeding suppression order, an interim order, an order made under clauses 25 or 26 or an order made in the exercise of the inherent jurisdiction of the Supreme Court to prohibit or restrict the publication or other disclosure of information in connection with any proceeding. That is not changed by the bill.

Clause 17 provides for making a proceeding suppression order. It empowers a court or tribunal to prohibit or restrict the publication or other disclosure of a report or any part of a proceeding or any information derived from a proceeding.

Clause 4 provides that in determining whether to make a suppression order the court or tribunal must have regard to a presumption in favour of disclosure. Any legislation with specific statutory provisions that restrict publication of information will not be affected by the bill — that is, if there are particular statutory provisions such as the non-disclosure of a victim in a sexual offence case, they will still stand.

Part 2 contains general provisions for suppression orders. Clause 12 imposes restrictions on the length of the period during which an order may be made to operate, such as a particular time period or until a certain event. If it is unlikely or it is not clear when a certain event may occur, there is a five-year time limit on an order. A suppression order must specify the information to which the order applies, and a full

suppression order must be made on sufficient credible information.

Clause 15 establishes a procedure for suppression orders to be reviewed and confirmed, varied or revoked. A court or tribunal may review an order on its own motion or on the application of the applicant for the order, a party to the proceedings concerned, the Attorney-General, the Attorney-General of another state or territory or the commonwealth, a news media organisation or any other person the court or tribunal considers to have a sufficient interest in the review of the order.

Clause 16 provides that nothing in the new act will affect any existing duty of a court or tribunal to publish reasons, judgements or decisions, subject to the court or tribunal editing such reasons to the extent necessary to comply with any order of a court or tribunal or statutory provision restricting the publication of such information.

Part 3 consolidates the general statutory powers to make proceeding suppression orders relating to information derived from the proceedings. Clause 17 provides that the Supreme Court, the County Court, the Magistrates Courts and the Victorian Civil and Administrative Tribunal (VCAT) have the power to make a proceeding suppression order, namely an order that prohibits or restricts the disclosure of a report of a proceeding or any information derived from a proceeding, where such an order is necessary.

Clause 18 provides the grounds for making a proceeding suppression order, which include preventing prejudice to the proper administration of justice. Another reasonably available means may be directions to the jury. An order may be made also to prevent prejudice to national or international security, to protect the safety of any person, to avoid undue distress or embarrassment to a party or witness in criminal proceedings involving a sexual offence or family violence or to avoid undue distress or embarrassment to a child witness in criminal proceedings.

At this juncture, I should indicate that I have amendments to clause 18 and to a later clause. I seek to have those amendments circulated.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — My amendments go to subclauses 18(d) and (e). Subclause 18(d) refers to undue distress or embarrassment to a party or witness in criminal proceedings involving a sexual offence or family violence offence. Subclause 18(e) refers to undue distress or embarrassment to a child witness in criminal proceedings. Both those subclauses apply only to criminal proceedings. My amendments propose omitting the word 'criminal' so as to not limit the grounds for making a proceeding suppression order just to criminal proceedings but to enable the grounds to apply to civil proceedings where a judge of the Supreme Court or the County Court, a magistrate in the Magistrates Court or a member of VCAT ascertains that undue distress or embarrassment would be caused to a party or witness. The explanatory memorandum states:

> These grounds substantially reflect the existing grounds for making suppression and non-publication orders in the individual courts and tribunal acts referred to above.

However, additional grounds are provided to make an order where necessary to avoid undue distress or embarrassment to a party or witness in criminal proceedings involving family violence or to avoid causing undue distress or embarrassment to a child who is a witness in a criminal proceeding.

The amendments that I have had circulated are proposed because I foresee that there could be parties to sexual offence or family violence proceedings in the civil jurisdictions or child witnesses in the civil jurisdictions who could come under the provisions of clause 18. The amendments are proposed so that where the circumstances warrant it the court could in fact use the provisions of clause 18 to issue a proceeding suppression order.

It is worth noting also that the Judicial Proceedings Reports Act 1958 prohibits the publication of particulars that could identify a victim of a sexual offence or certain other sexual assaults whether or not a proceeding in respect of the alleged offence is pending in a court, and that the publication of certain details about parties and witnesses in Children's Court matters is currently prohibited under the Children, Youth and Families Act 2005. The Coroners Court and VCAT can also make a proceeding suppression order on additional grounds reflecting their existing powers. VCAT can do so for any other reason in the interests of justice, and the Coroners Court can do so if the publication would be contrary to the public interest. The bill does not alter those grounds.

The procedure for making a proceeding suppression order is outlined in clause 19. Clause 20 provides for interim proceeding suppression orders, and clause 21 provides that those orders can apply only to a place specified in the order. Clause 22 provides for exceptions to the application of proceeding suppression

orders. Clause 23 provides that it is an offence to contravene a proceeding suppression order or an interim order.

Part 4 of the bill provides for broad suppression orders. It re-enacts the existing powers of the County Court and the Magistrates Court to make suppression orders in relation to information that is not a report of proceedings or derived from proceedings — such as information about the identity, character or prior convictions of an accused — which have not been presented to a court but if made public could prejudice a fair trial or, in the case of the Magistrates Court, could endanger the safety of a person. The Supreme Court retains its inherent jurisdiction to make suppression orders.

Clause 25 provides that the County Court may grant an injunction in a criminal proceeding restraining a person from publishing any material or doing any other thing to ensure a fair and proper conduct of the proceeding. Clause 26 provides that the Magistrates Court may make an order prohibiting the publication of specified material or any material of a specified kind relevant to a proceeding if it is necessary to do so in order not to prejudice the administration of justice or endanger the safety of any person.

Part 5 provides for closed court orders. Courts and tribunals will have a general statutory power to make closed court orders on the same grounds on which they can make proceeding suppression orders. The amendments that I have had circulated apply also to that part, such that in respect of a sexual offence or family violence offence or a child witness a closed court order would apply in a criminal or a civil proceeding, as the case may be.

Obviously the Greens support open justice — the idea that justice should not only be done but be seen to be done — but there is also a need to protect innocent parties in court proceedings, particularly victims and witnesses, and especially victims and witnesses who are children or young people. Until now the court has used common-law provisions, as well as the facts before them and the circumstances that apply to every case, when issuing suppression orders. There has been ongoing discussion about this particular issue and whether too many suppression orders have been made or whether they have been made for the wrong reasons.

Another issue that has been raised is that there are already provisions in the statute law, which I have just mentioned, prohibiting the publication of certain information. The argument is made, therefore, that a suppression order need not be issued. But, of course, in that circumstance it may be that the suppression order applies to more information than just the publication of the identity of a victim, for example, which is already precluded under statute.

On 23 July this particular issue was the subject of a media report on Radio National. Interviewed on that particular program was Jason Bosland, who has done some research into the number of suppression orders made in various states. He suggested that Victoria has made greater use of suppression orders than other states. In the previous year 300 suppression orders were made in Victoria as opposed to just 150 in New South Wales. There was a very interesting discussion on that program. Also present was former Justice Bernard Bongiorno and Gail Hambly, who is a senior counsel for Fairfax Media.

The interesting thing about the discussion was that there did not emerge a decisive opinion as to whether or not too many suppression orders are being issued. Because they are suppression orders, you cannot always get to the bottom of why these orders have been issued. We need to balance the issue of the public's right to know, open justice and access to the courts with the protection of innocent parties, the interests of a fair trial and also the interests of safety for persons who may be put at risk if their identity is not protected. The fact that we have this bill before us and the fact that model legislation was put to the Standing Committee of Attorneys-General points to the fact that as a Parliament and as a community we need to balance these issues.

To go back to what I said at the beginning, one argument made in relation to this bill is that it changes very little, and another argument is that it takes away judicial discretion. It certainly takes discretion away from the civil jurisdiction, and there could be cases in the civil jurisdiction where people need to be protected under the bill. When witnesses or victims are required to present sensitive information, they do not necessarily need to have their identities splashed across the newspapers, and if this information is suppressed, it will not be against the public interest or the public's right to know.

Other interesting matters have been raised in the public discussion. For example, when the model law was developed by the Standing Committee of Attorneys-General, the South Australian Attorney-General, John Rau, raised concerns about social media sites and how the publication of certain information on blogs and other social networking sites can affect the ability to hold a fair trial or can in fact put some persons in danger.

Another article from Australian Associated Press, also from 2010, quotes former Justice Philip Cummins as saying:

> Courts should be closed from publication only when it is necessary …
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> (Banning) publications should never be a first resort and should only be made a last resort.
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> Ultimately, the community has a right to know the substance of proceedings in these matters.

He suggests there had probably been an overuse of suppression orders. The same article says:

> Victoria's Chief Justice Marilyn Warren has defended the high level of suppression orders in the state.
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> … she said suppression orders were appropriate because judges must balance the competing public interest with a person's right to a fair trial.

It is an ongoing discussion and a very important issue to get right. I think the courts have experience in dealing with when and when not to issue suppression orders.

One of the issues that was raised was the lack of end dates for some of the suppression orders issued in the Victorian jurisdiction, and that is certainly an improvement made by the bill. As I said, there are a lot of competing rights. The Greens are happy to support the bill. I commend my amendments to the bill which provide that the grounds for a proceeding suppression order not be limited just to criminal proceedings. With those comments, I look forward to the committee stage.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! The question is:

> That the house do now adjourn.

Feral goat control

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Sport and Recreation, Mr Delahunty. Parks Victoria is closing two regional parks in north-east Victoria this week as part of a pilot program to shoot feral goats. However, what Parks Victoria is really trying to shut the public out of is knowledge of the fact that this is another episode of Goatgate.

Mount Mitta Mitta Regional Park and Warby-Ovens National Park will be closed while around 50 to 60 goats are, Parks Victoria hopes, eradicated, but this government has once again hired outsiders to do the work many local shooters offered to do after this happened last time. As it stands, shooters from New South Wales will fly in helicopters and, hopefully, shoot the feral goats at a cost of around $1000 per dead goat.

Mr Leane — That's expensive.

Mr LENDERS — It is very expensive. I will admit that the government is getting better. Last time in East Gippsland each dead goat cost almost $2000 and the shooters came from New Zealand, with their dogs. However, the government has completely ignored my calls and the calls of shooters, farmers and the *Weekly Times* to look closer to home.

The action I seek is that the Minister for Sport and Recreation investigate why local sporting shooters were again overlooked by the government, given that many of them would be more than willing to assist in this pest eradication program. I would have thought chartering helicopters to fly in New South Wales shooters would be a low priority when those helicopters could be used for firefighting, patient transport and many other things. The action I seek is that Goatgate II be stopped and that the Minister for Sport and Recreation intervene this time, given that the Minister for Environment and Climate Change failed to do so.

Southern Metropolitan Region arts grants

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for the Arts. I want to praise the Minister for the Arts for giving a number of grants to organisations in Southern Metropolitan Region. It is important that the arts flourish, because they mirror the culture and society in which we live.

The minister recently announced a substantial amount of funding for arts organisations in my local area, including Rawcus theatre company, Theatre Network Victoria, Aphids, the Australian Tapestry Workshop, BalletLab, the Linden Centre for Contemporary Arts, Ranters Theatre, Theatre Works, Platform Youth Theatre and Arts Access Victoria. This critical support provides a level of funding certainty, which is really important for these arts organisations. In the past these organisations have lived hand to mouth, and this is going to make a big difference. They can now focus on creating great art, planning and building for the future and contributing to the vibrant cultural life of Southern Metropolitan Region.

I would like to speak about just three of these organisations. One is the Linden Centre for

Contemporary Arts. Since being elected to this house, both as a member for Southern Metropolitan Region and previously as the member for Monash Province, I have enjoyed my involvement with the Linden Centre for Contemporary Arts. The centre puts on some absolutely fantastic exhibitions each year. I have enjoyed attending many exhibition launches, including the one I mentioned in this house a couple of years ago. As I said then, the centre is a not-for-profit organisation and a hallmark of the St Kilda area, and it continues to have excellent programs and exhibitions.

The Australian Tapestry Workshop speaks for itself. It is renowned in this country and overseas for the excellent work it does. Many of the workshop's pieces hang in prominent positions in corporation headquarters and museums in this country and in others. I was delighted to be at the unveiling of a fabulous tapestry at the Royal Women's Hospital that had been created by the Australian Tapestry Workshop.

Rawcus is an inclusive theatre group. I say inclusive because its Facebook page states:

> Rawcus is an ensemble of performers with and without disabilities.
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> …
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> Rawcus draws on dance, theatre and visual art disciplines. The work is crafted with a precision that supports the performers but allows space for their inherent sense of anarchy.

I think it is very encouraging in an arts platform to have people who are testing parameters. I congratulate each and every one of these recipients, and I call upon the Minister for the Arts to continue to support these organisations.

Australia Post regional and rural services

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Regional and Rural Development, Peter Ryan. It is in relation to Australia Post's plan to cut costs by cutting services and jobs in rural and regional Victoria. As the minister will be aware, there have been a number of articles in local newspapers, including the *Geelong Independent* and the *Geelong Advertiser*, which detail possible job losses and a reduction in Australia Post services in the region. Australia Post has admitted that it is considering centralising processing functions in country areas, which may mean that Geelong mail is sorted outside the city, in Dandenong.

The Communication Workers Union has stated that in Geelong alone 40 jobs would be under threat if Australia Post pushed ahead with its proposed changes. At a time when the community of Geelong is coming to terms with the Ford factory closure and the subsequent job losses, the Target job losses and the uncertainty around Alcoa and Shell, the prospect of further job losses in the region is not welcome news, to say the least, not to mention those working at Australia Post who are now wondering how long their jobs might exist. The union's state secretary, Joan Doyle, has also indicated that the next-day delivery would be compromised by cost-cutting measures.

The drop in services and the cost-cutting measures would be exacerbated particularly in those parts of the region that have high population growth, being Torquay and Bannockburn, and of course Armstrong Creek is coming online. Now is not the time to cut services; it is time to expand them.

The action I seek is for the minister to provide me with an explanation to demonstrate what action he has taken so far to lobby the federal Minister for Communications to ensure that these and other postal jobs and the postal service in my electorate of Western Victoria Region are not lost or compromised.

Mildura ambulance station

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Minister for Health, and it concerns the Mildura ambulance branch. In raising this matter I request that the minister park whatever issues he has with Victoria's paramedics and ambulance officers and take a common-sense approach to deciding what facilities are required to best meet the current and future needs of the Mildura community.

As members of the Mildura community are well aware, the Mildura ambulance station needs to be replaced or upgraded to better meet community needs, and this situation has been acknowledged by Ambulance Victoria. A number of options have been investigated, and I am advised that it is now generally agreed that the existing ambulance station is to be rebuilt on the existing site. However, what is definitely not agreed is the plan for a new ambulance station. I am advised that Mildura ambulance staff are concerned that the plan for the new station will not meet current or future needs, because it is smaller than the existing station. For example, I am advised that the number of toilet facilities are to be reduced from seven to just two. In fact I am advised that ambulance staff are so concerned that they would prefer the existing ambulance station be retained and refurbished.

I am advised that local ambulance staff have attempted to resolve these matters with Ambulance Victoria without success, and this is the reason they have requested that I raise the issue with the minister on their behalf. I am raising the issue for the minister's attention tonight because I believe Mildura ambulance staff deserve to be listened to and that the minister and the Napthine government should respond to their concerns. I urge the minister to respond positively to these concerns and to agree to listen to representations from ambulance staff in Mildura.

Solar panel grid connection

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Energy and Resources, Mr Kotsiras, and it relates to some of the behaviour of the private monopoly power companies and the way they are treating people who want to connect their solar panels to the grid. I have in front of me 22 different instances where Powercor in western Victoria has either required downsizing or in some cases completely refused to allow homes and rural businesses to connect solar panels. In Warrenheip we have an application for a 30-kilowatt system that was approved for 15 kilowatts. In Invermay an application for 8-kilowatts was refused in total. In Rockbank an application for an 8-kilowatt system was downsized to 3 kilowatts. In Amphitheatre an application for 6 kilowatts was downsized to 1.5 kilowatts. There are other instances from Anglesea, Invermay Park, Winchelsea, Ercildoune, Meredith, Maiden Gully, Derrinallum, Beaufort, Grovedale, Napoleons, Maldon, Mount Mercer, Buninyong, Gordon, Colac, Scarsdale, Maiden Gully and Alfredton.

The minister, who purports to regulate these private electricity monopolies, has a number of options. One option would be to insist that the deemed amount up to a certain level — a certain number of kilowatts — is approved in all cases for connection to the grid. If he is not willing to do that, he could at least require that Powercor release publicly all the information about the supposed limitations on the grid that it has used as an excuse to oppose these solar panel installations. Last, but not least, we should see a regulatory test every time one of our distribution businesses wants to spend $1 million or more on upgrading the grid, which we all pay for on our electricity bills, so that alternatives to such an investment, including the installation of solar panels, combining batteries with those solar panels, energy efficiency and other forms of energy demand management, could be put up against the claim by the power company that there is a limitation on their grid that prevents people growing more energy.

The Liberals seem to love red tape when it gets in the road of renewable energy development. They are back there providing a backstop for the coal industry every time one of these renewable energy developments gets pushed away, knocked back or enormous cost is added onto it through red tape, and it is about time that the private monopoly power companies were brought under control by this minister through the legislation that he already controls.

International students public transport concession

Mr MELHEM (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, Terry Mulder, and the action I seek is for him to implement an agreed program providing international students with travel concessions. According to the Australian Bureau of Statistics, Victoria has 30 per cent of the country's international student enrolments.

Mr Somyurek interjected.

Mr MELHEM — Close enough. The international education industry brings to Victoria around $4.5 billion annually. Victoria is the only state to withhold public transport concessions from international students. Students in all other states have been enjoying the full rights of concession on public transport like their domestic student counterparts.

International students are hard hit. I was disturbed to read in the *Age* of Monday, 30 September, the account of Indian student Peter Paravila, who claims to have spent three years sharing a room with two or three students while surviving on $1 a day for bread and jam. Other than rent and living, paying full fare on transport takes the biggest chunk out of the living costs for students. The lack of access to student travel concessions is both a welfare and an economic issue for these students.

The lack of discounted public transport for international students could also affect their recommending to other students in their home country that they study in Victoria. Students have overwhelmingly stated that their grievance may well translate into them looking at alternative options for their study needs in other states or, worse still, in other countries.

This state of affairs is unfair, unreasonable and un-Australian. International and domestic students should be treated in the same way. If this continues, Victoria stands to lose more than it gains as a result of its current stance on international student travel

concessions. The state government must stop taking international students for granted. I call on the minister to implement concessions for international students.

Toyota job losses

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the Minister for Manufacturing, Mr Hodgett, concerning the announcement made today by Toyota that it intends to cut up to 100 jobs from its workforce in Australia. I ask the minister to inform the house when he became aware of Toyota's decision and whether he or the Victorian government was asked by Toyota for any form of assistance to avert these job losses.

The PRESIDENT — Order! Mr Somyurek has made a rather unusual request in the sense that he has asked the minister to convey that information to the house. Normally it would be conveyed to the member. Is Mr Somyurek happy for it to be conveyed to the house?

Mr SOMYUREK — I will go with convention and ask the minister to convey it to me.

Responses

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Mr Lenders raised a matter for Mr Delahunty, the Minister for Sport and Recreation, and I will pass that matter on to the minister.

Mrs Coote raised a matter for the attention of Ms Victoria, the Minister for the Arts, regarding a range of funding grants provided to arts organisations in Southern Metropolitan Region, and I will pass on her matter to Minister Victoria.

Ms Tierney raised a matter for Mr Ryan, the Minister for Regional and Rural Development, in relation to some purported decisions of Australia Post and, notwithstanding the tenuous connection between the minister's responsibilities and those of Australia Post, I will pass that on to the Deputy Premier.

Ms Broad raised a matter for the Minister for Health, Mr Davis, in relation to Mildura ambulance services and facilities, and I will pass that on to Minister Davis.

Mr Barber raised a matter for Mr Kotsiras, the Minister for Energy and Resources, relating to the connection of solar panels to the grid, and I will pass that on to Minister Kotsiras.

Mr Melhem raised a matter for the Minister for Public Transport, Mr Mulder, relating to student travel concessions, and I will pass that on to the minister.

Mr Somyurek raised a matter for Mr Hodgett, in his capacity as the Minister for Manufacturing, in relation to a decision announced by Toyota today.

I have written responses to adjournment matters raised by Mr Lenders on 11 December 2012; Mr Melhem on 11 June; Ms Crozier, Mr Finn, Mr Leane and Mr Somyurek on 22 August; Ms Hartland on 3 September; Mr Melhem, Mr Somyurek and Ms Tierney on 4 September; Mr Finn, Mr Melhem, Mr O'Brien and Ms Pulford on 5 September; Ms Broad on 18 September; and Mr Ramsay on 19 September.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.17 p.m.