PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 29 October 2013

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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 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.

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

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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.

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Mr G. JENNINGS

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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
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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, 29 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 22 October to:

Consumer Affairs Legislation Amendment Act 2013
Open Courts Act 2013
Radiation Amendment Act 2013
Succession to the Crown (Request) Act 2013
Superannuation Legislation Amendment Act 2013.

ABSENCE OF DEPUTY PRESIDENT

The PRESIDENT — Order! I advise the house that the Deputy President, Mr Viney, will be absent this week. At the moment he is incapacitated by illness. Mr Elasmar will be acting as Deputy President for this week.

QUESTIONS WITHOUT NOTICE

Ambulance services

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I refer to two tragic cases that occurred over the weekend, one of a 63-year-old man from Rochester and one of a 60-year-old man from Riddells Creek who both had heart attacks and died after waiting 22 minutes and 18 minutes respectively for ambulance responses, to which Ambulance Victoria general manager Tony Walker said, 'This is not acceptable. We did not give these people the best chance'. I ask the minister: is not the reason that the key performance indicator for the ambulance service, as set in the budget, for emergency responses to be within 15 minutes, to give patients the best chance of survival?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As he correctly points out, Tony Walker has made comments about those two cases. Obviously the community and the chamber offer every sympathy to the families of the people involved. What I can say is that Ambulance Victoria, in its normal way, will investigate any case where there is an indication that the performance was not as strong as it could have been or should have been. As the member indicates, there is a performance target — one of a battery of targets. Actually it is not 15 minutes; it is 90 per cent within 15 minutes.

Mr Jennings — That is what it is. That is exactly as I said it.

Hon. D. M. DAVIS — It is not actually what Mr Jennings said. I am just correcting Mr Jennings so he understands the exact performance measure. What I would say is that if one were to look at performance times of this type and at performance measures, they would find that the last change to those response-time measures was made by Labor in the mid-2000s. Labor went to the 1999 election with a 10-minute response time as its policy. It did not live up to that measure; in fact it increased what was then the measure, a 13-minute response time, to 15 minutes.

It is worth explaining the history to the chamber because members will understand that when Daniel Andrews, the member for Mulgrave in the Assembly, who is the former Minister for Health, merged the parts of Ambulance Victoria — the three ambulance services, Alexander District Ambulance Service, Rural Ambulance Victoria and the Metropolitan Ambulance Service — he did not plan for that merger. He did not undertake the preparation for the merger, and there is no doubt that the merger was botched. In fact we are still cleaning up the mess that was left by Daniel Andrews.

I can also indicate strongly to the house that the government has put more money into ambulance services. We have increased spending by more than 17 per cent, with almost $100 million of additional funding going to Ambulance Victoria. In addition, there are more than 465 additional paramedics in the field now than there were earlier.

The point to understand from this is the great importance of having a better ambulance service, and the government is working strongly towards that. We are putting in the resources, we are putting in additional personnel and we are rebuilding the clapped-out stations that were left by the previous government. We are putting measures in place across the state — for example, in the last few days we announced the government's intention to introduce clot-busting thrombolytic drugs into country Victoria. A trial will begin in the Gippsland region in forthcoming weeks, and it will run over the rest of the year. In the new financial year there will be an extension of that trial to the other four country regions. Equally, RefCom referral arrangements are being put in place across country Victoria. The RefCom system was put in place in the Barwon-south western region in February, and it

is now being extended to the other four country regions. We made that announcement last week.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I believe the words of Tony Walker were quite human and quite decent. In response to these tragedies he also said:

> Twenty-two minutes for a cardiac arrest is not an acceptable response time; I wouldn't even try and defend that.

Will the minister do the decent human thing and deny or accept that that is not an acceptable time frame and that the ambulance service must do better for Victorian patients?

Hon. D. M. DAVIS (Minister for Health) — The chamber will understand the very human response of Tony Walker, an eminent and very good and experienced paramedic. I met with Tony Walker yesterday to discuss these and other matters to ensure that the ambulance service is focused on delivering the very best outcomes for the community. As you understand, President, the government's job is to provide the necessary resources to Ambulance Victoria: the manpower and womanpower in the form of paramedics, the ambulances, the ambulance stations, the computer support and all of those parts. Ambulance Victoria is seeking to deliver the very best service it can. I strongly support the work of Tony Walker and others at Ambulance Victoria who are seeking to deliver the very best for our community, and I join him in expressing my sympathies to the families involved in a number of incidents that have occurred.

Health sector information and communications technology

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Health. Can the minister update the house on recent reports on health information, communications and technology?

Hon. D. M. DAVIS (Minister for Health) — I thank Mrs Coote for her question, and I note that one of the previous government's areas of repeated debacle was information and communications technology. Not only in the health portfolio but right across the government there were botched ICT projects. In the health portfolio there was a project called HealthSMART, which was begun in 2003 by the then Parliamentary Secretary for Health, Daniel Andrews, now the Leader of the Opposition in the Assembly, and the then Minister for Health, Bronwyn Pike. Daniel Andrews continued to pursue the HealthSMART steps throughout his time as the Minister for Health, and it is amazing to see some of his notes on the decisions that were made about HealthSMART. Right through his period as minister he continued to pour public money into HealthSMART, without a proper examination of the best outcomes for patients.

The government commissioned a review of health sector information and communications technology, headed by Dr Andrew Perrignon, a former CEO of Northern Health and a GP, but also a very experienced person in the field of health ICT. His committee has conducted a detailed review and interviewed many people across the sector, both in the ICT sector and in the health sector. It has been able to come back with an important review, and the government has accepted the overwhelming majority of its recommendations.

I place on record the government's thanks to Dr Perrignon and his committee. I can indicate that the recommendations are firmly within government ICT policy frameworks. The way forward for ICT within the health sector will be to allow greater decision making at a local level rather than having a mandated set of products or programs that health services must adopt. Regardless of whether they were large or small or country or city based, they were all mandated with the same stuff.

What the review made very clear was that the previous government had not understood how to successfully implement ICT policy in the health portfolio. Despite the hundreds of millions of dollars spent, the program that was begun in 2003 was still not complete 10 years later. Ten years later the former government had not completed the program that was meant to be done in five or six years, and yet it was hundreds and hundreds of millions of dollars over budget. What a fiasco! What I have got to say is that the government has a better way forward. The recommendation by the Perrignon committee is to establish a system that will focus on interoperability in the ICT sector in health. That system will focus on ensuring that proper business cases are put in place.

Let us talk about business cases. Where was the business case for HealthSMART? Actually there was not one. Those opposite spent hundreds of millions of dollars of government money without even a business case. Who was the parliamentary secretary then and who was the Minister for Finance then? The former finance minister, Mr Lenders, is sitting on the other side of the chamber. He ticked off on hundreds of millions of dollars without a business case. What a shambles! What a rabble they were! They did not know what they

were doing. They spent hundreds of millions of dollars — —

The PRESIDENT — Order! When the minister starts to say, 'What a shambles they were!', it really is debating the issue. I bring him back to responding to Mrs Coote's question in a more apposite fashion.

Hon. D. M. DAVIS — President, I accept the point you made. I certainly did stray into debate on that occasion. What I can indicate is that the government does have a very sensible way forward. We are appreciative of the advice that has come from the Perrignon panel, and we will go forward with a sensible ICT policy. We will not be spending tens of millions of dollars without a proper business case or without systems that are fully interoperable.

Ambulance services

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. As has already been discussed today in question time, it is clear from the words of Ambulance Victoria general manager, Tony Walker, that Ambulance Victoria is an organisation under pressure. He acknowledged that over the weekend; he says he will not deny it. When the minister is being shown cases such as that of the 75-year-old man from Molyullah, who was made to wait in pain for 5 hours after a fall, when will he finally stop denying that the service is in crisis and take responsibility for fixing Ambulance Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and indicate that the government is aware of the challenges Ambulance Victoria faces. We certainly have increased demand and we face challenges across the system. There is no question of that, and I agree with Tony Walker that there are significant challenges. What I can say is that the government, unlike the previous government, is actually addressing those challenges squarely and is actually putting the resources in place. There has been a nearly $100 million increase in the Ambulance Victoria budget. There has been a very significant increase in the number of paramedics, with 465 additional paramedics put on the ground in the Ambulance Victoria system since this government came to power, which is a very significant increase.

The number of unfilled shifts has fallen from 1.2 per cent under Labor to 0.3 per cent, and we have put in place the referral service in the Barwon-south western region to take some of the load off and enable our highly qualified ambulance paramedics to concentrate on the most urgent cases. The referral service has been available in Melbourne for a number of years. It is now available in the Barwon-south western region and in coming months will be rolled out across the Grampians, Loddon Mallee, Hume and Gippsland regions, taking further loads off our paramedics and enabling them to concentrate on the most urgent cases. The government is determined to put the resources in place to enable our ambulance paramedics to respond in the best way.

The government has also put in place mobile intensive care ambulance single-responder units for the first time in major cities in our country areas — in Mildura, Wonthaggi, Horsham, Warrnambool, Shepparton, Wangaratta, Wodonga, Bairnsdale, Sale and Swan Hill. In all those cases a full mobile intensive care ambulance single-responder unit has been put in place, which is able to respond to cardiac events within an 80 to 100-kilometre radius of our major country cities. This is an important step that will see better outcomes over the long term for our paramedics and for our patients.

The government has also reduced ambulance membership fees. It has supported those membership fees as a way of putting more resources into Ambulance Victoria. That has been a very sensible and important step that supports those who face cost of living pressures, and it also puts in place additional memberships that help to provide better support for our ambulance service.

Ambulance Victoria faces challenges; there is no question of that. We are working with the paramedics and Ambulance Victoria to deliver good quality services across the state — the best we can. Indeed, we will seek to take further steps in coming months, including the announcement last week of clot-busting drugs for services in country Victoria, which will see better outcomes.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — In his response the minister referred to 465 new paramedics who have been employed under his watch. Can he clarify for the chamber if that is a net figure or if that figure of 465 paramedics represents a significant reduction because of the churn of people leaving the system?

Hon. D. M. DAVIS (Minister for Health) — I can confirm that it is a net figure, and I will give the member some detail on that. There are 193 metropolitan paramedics, 44 in the Loddon Mallee region, 65 in the Hume region, 77 in the Gippsland region, 36 in the Grampians region and 50 in

Barwon-south western region. Our election promise as part of our $151 million package was to provide 100 paramedics in metropolitan Melbourne, 210 in country Victoria and 30 patient transport officers in country Victoria — that is, 6 in each of the 5 regions, which is a total of 240 in country areas plus 100 paramedics in the city, equalling 340. We have well exceeded that number already, and we are putting even more paramedics into our country areas and additional paramedics into the city areas as well. They are all important steps. It is about giving the ambulance service the additional resources it needs. In addition, we are supporting the RefCom expansion — —

The PRESIDENT — Order! Thank you, Minister.

Dairy industry vocational training forum

Mr P. DAVIS (Eastern Victoria) — With great pleasure I direct a question without notice to the Minister for Higher Education and Skills. Noting the significance of the dairy industry in Gippsland, can the minister update the house on recent opportunities for the industry to talk directly with government about how vocational training is meeting its standards?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank my colleague Mr Davis for asking me this question, which again illustrates his interest in the various industry sectors we share in our electorate of Gippsland.

As part of the Refocusing Vocational Training policy, which was announced by our government in May last year, I indicated that a new structure for industry engagement was going to be put in place. As part of that industry engagement structure, I committed to meet with different industry groups on a monthly basis to talk about how the training system in Victoria was meeting their needs and whether there were any issues they wanted to raise directly with me. Since that occasion I have chalked up 15 such engagements with different industry groups, or groups within regions.

Last Thursday I had an opportunity to meet with the dairy industry in a forum encompassing about 20 or so people. The forum was convened by Dairy Australia. We sat around the table for a couple of hours and talked about training needs. The people represented at that meeting ranged from dairy farmers through to dairy factory managers, and included, I might add, a former Minister for Higher Education and Training, Lynne Kosky, who does a bit of work for Dairy Australia now. It was great to have her input into those conversations around the table.

Paramount in those discussions was some of the good work that is going on, and we should not forget that good work. The group commented particularly on the success of the National Centre for Dairy Education Australia, which works in partnership with GOTAFE and Advance TAFE to deliver dairy training for people within that industry. The group also commented on the fact that for it as an industry, quality was the prime driver of training — that is, the industry is looking for high-quality training. Government efforts need to be focused on ensuring that the quality of training is paramount in the design and management of any training system. That is not an atypical message; that is something that has come up in a lot of the industry forums.

We were able to compile some statistical information on the industry and what training activity is taking place within the dairy industry. Mr Davis and others who acknowledge the importance of this industry in their electorates would be interested to know that government-funded enrolments in dairy cattle farming and dairy product manufacturing increased by 9 per cent last year to over 11 000 enrolments; certificate III in agriculture (dairy production) increased by 65 per cent last year; certificate IV in agriculture increased by 63 per cent; and certificate III in food processing increased by 47 per cent. The Victorian training guarantee spending on agricultural training was $61 million in 2012, and that assisted with training needs within the agricultural sector.

It was a very successful forum building on previous forums I have held with a whole range of other industry sectors, from retail and tourism right through to areas like forestry, manufacturing and transport, and also building on some of the regional gatherings held in Wodonga, Traralgon and Geelong. I find those industry forums give invaluable feedback to me as a minister. They complement the work being undertaken by the department and the Industry Skills Consultative Committee, which I also co-chair. They are the sorts of mechanisms by which the feedback from industry is given to me directly. It is a great help, and I appreciate the input from those who have been part of those forums.

Transport accident legislation

Mr LENDERS (Southern Metropolitan) — My question is directed to the Assistant Treasurer. Under the new Transport Accident Amendment Bill 2013 and Transport Accident Further Amendment Bill 2013, which are being debated in the Assembly, what are the annual savings the Transport Accident Commission (TAC) expects from denying non-working relatives of

road trauma death victims an automatic right to lodge a claim for common-law damages?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I do not have an answer for Mr Lenders because that is not what the bills are doing. The bills will ensure that the scheme remains sustainable into the future. There are three key areas to the bills which are in the other place. The first is to increase a range of statutory benefits which are payable to claimants under the TAC scheme. People who claim with respect to injury — relating to their direct involvement in a motor vehicle accident or a family member's involvement in a motor vehicle accident — will have access to increased counselling. The cap on family counselling will increase from around $5800 to $15 000. There will be a range of benefits for the person who was injured in the transport accident in terms of their transport entitlements and transport entitlements for their family. What we are doing is increasing the range of statutory benefits which will be available to people making claims under the Transport Accident Act 1986.

With respect to the common-law elements — and the second element of the TAC scheme comes into play where a person has a serious injury, be that physical injury or mental injury, and they pass the threshold to make a serious injury claim, which is either whole-of-body impairment or through the narrative test — what we are doing is putting in place a definition for serious injury which ensures that those mental injuries are dealt with on a fair basis and on a consistent basis, reflecting the best current knowledge with respect to mental injury.

The third element of the bill relates to legal costs in the scheme. The TAC scheme pays out around $1 billion a year in compensation and in medical and like entitlements to people making claims under the scheme. Last year around $50 million was paid out to plaintiff lawyers with respect to common-law claims under the scheme.

Over the last roughly five years we have seen the average plaintiff cost with respect to the common-law claims go from $20 000 a claim to around $40 000 a claim. It is this government's commitment that benefits paid under the TAC scheme should go to injured Victorians, not to plaintiff lawyers. What we are seeking to do in the further amendment bill that Mr Lenders refers to is introduce a fixed-cost model based on the same model which was put in place by the previous government in the WorkCover scheme. In this piece of legislation we are seeking to introduce a similar fixed-cost model for the TAC scheme, which will ensure that plaintiff costs are controlled through the common-law mechanism in the TAC scheme so that benefits and compensation end up with claimants rather than with lawyers.

I call on those opposite to support the measure. The reality is the bill for the fixed-cost model will not pass if the opposition does not support it. It needs a statutory majority in the other place; it will not pass without the support of the opposition. I call on the opposition to put injured Victorians ahead of plaintiff lawyers and support the legislation.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I note the minister's answer that there was no quantified cost. To my specific question about the relatives who have lost an automatic right if they are not income-earning relatives of a victim who has died on the road, the minister did not answer. He referred to keeping the scheme viable — the savings, as he referred to, from litigation. My supplementary question to the minister is: what are the savings from the individuals I referred to — that is, families of victims who have not lost income but who have had their common-law right taken away? — to the scheme that the minister refers to when he says 'keeping it viable?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Again, I reject the assertion Mr Lenders is making that the government is seeking to take away anyone's common-law rights under the TAC scheme. The intent of the amendments in the amendment bill is to clarify the way in which common-law claims with respect to mental injury will be handled within the TAC scheme. This is to ensure they are dealt with consistently and fairly within that scheme. The requirement under the existing scheme is that there be serious injury with respect to physical injury or serious injury with respect to mental injury, and those thresholds of requiring serious injury before a common-law claim can be brought will continue.

As to the viability of the scheme, those opposite have to understand that it is Victorian families who pay for the TAC scheme. The typical Victorian family — —

Mr Lenders interjected.

Hon. G. K. RICH-PHILLIPS — I take up Mr Lenders's interjection about dividends. The previous government, with Mr Lenders as Treasurer, took hundreds of millions of dollars out of the TAC scheme over its period in government, so Mr Lenders is in no position to be criticising dividends being taken out of the TAC scheme.

The PRESIDENT — Order! Time, thank you, Minister.

Children's facility funding

Mr ELSBURY (Western Metropolitan) — My question is to the Honourable Wendy Lovell, Minister for Children and Early Childhood Development. Can the minister update the house on the implementation of the Napthine government's children's facilities capital program?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing interest in early childhood infrastructure in his electorate of Western Metropolitan Region. Last week I was delighted to announce a further round of capital grants for children's infrastructure through the children's facilities capital program. This round, which I announced at the Early Learning Association Australia's annual general meeting, is worth $20 million and brings the total allocated to the children's facilities capital program under the Victorian coalition government to more than $106 million. This is record funding for children's infrastructure in this state.

For the second time under this government the value of the grants will be increased in all categories, and also for the second time under this government a new category of grant will be added. In this round the categories for grants are: integrated children's centres, for funding of up to $1.6 million; new early learning facilities, or stand-alone kindergartens, for funding of up to $650 000; early learning facility upgrades, for funding of up to $350 000; and the new category of minor infrastructure is for funding of up to $10 000 per project. The more than $80 million that has been allocated from the fund under this government has allowed for 26 new integrated centres and 21 new early learning facilities or stand-alone kindergartens to be built and 143 extensions and upgrades to existing facilities. In total, 190 projects have been funded by this government.

In the city of Wyndham, which is in the member's electorate, there has been real investment in children's infrastructure. Every application that has qualified for funding has been funded. In the city of Wyndham alone this has provided for two new integrated centres and upgrades to four kindergartens. It has also provided an additional 356 kindergarten places in that community.

The additional $20 million that we have announced will allow further services to be built and further existing services to be upgraded. This is an investment in the children of Victoria — not just for now but for generations to come. I know the shadow minister does not want us to keep allocating money. She tweeted last year that we had allocated enough money and that we should stop, but we are determined to continue to improve children's facilities and opportunities for early learning in Victoria.

Transport accident legislation

Mr LENDERS (Southern Metropolitan) — My question is again to the Assistant Treasurer. I note the minister's answer that no-one would be worse off under the amendments to the Transport Accident Amendment Bill 2013 and the Transport Accident Further Amendment Bill 2013, and I specifically ask him: if no-one will be worse off, what is the government policy behind the changes that will mean that emergency services workers who suffer post-traumatic stress disorder as a consequence of an accident caused by a suicide will no longer be able to claim common-law damages?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his subsequent question, but again Mr Lenders is seeking to put words in my mouth regarding my answer to the substantive question. Emergency services workers are in no way impacted by this legislation. Emergency services workers who attend a transport accident are attending as workers, and their compensation entitlements exist under the Accident Compensation Act 1985 — the WorkCover scheme. The history of these claims has been that whenever an emergency services worker has sought to make a compensation claim due to suffering a mental injury or indeed a physical injury while attending a transport accident, the claims have been dealt with under the WorkCover scheme. Those claims will continue to be dealt with under the WorkCover scheme.

Supplementary question

Mr LENDERS (Southern Metropolitan) — The minister is trying to be careful with his words. My specific question and my supplementary follow-up question relate to post-traumatic stress syndrome. I am talking of a mental illness common-law claim. The minister's answer refers to physical claims under the WorkCover scheme, not psychological claims under the Transport Accident Commission scheme. My specific supplementary question is: under the minister's legislation, will a single emergency services worker be denied a common-law psychiatric claim that they are currently entitled to?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I reiterate to Mr Lenders that my previous answer related to both physical injuries and mental injuries. Both mental injuries and physical injuries suffered by emergency services workers are handled under the WorkCover scheme and will continue to be handled under the WorkCover scheme.

Docklands precinct development

Mr ONDARCHIE (Northern Metropolitan) — My question is to my good friend and colleague the Minister for Planning, the Honourable Matthew Guy. Can the minister advise the house what action the government is taking to bring forward new hotel accommodation in Melbourne's booming Docklands precinct?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Ondarchie for his important question about Docklands, which is an important part of our electorate of Northern Metropolitan Region.

Mr Somyurek — You've got the DJ voice.

Hon. M. J. GUY — That is very funny; does Mr Somyurek do kids parties?

Recently I was in Docklands with the Lord Mayor Robert Doyle. The key function of that visit was to launch the brand-new Altus development, which will be a $300 million, 4½-star residential development, but predominately a hotel development, at one of the key intersections coming into the Docklands precinct, the corner of Harbour Esplanade and Dudley Street. This is very important because Docklands is actually turning into a precinct not just for people to live and work in but, indeed, for people to stay in. We are seeing the revival of Docklands and the start of a precinct that is going to help to address some of Melbourne's shortages when it comes hotel accommodation.

Mr Barber interjected.

Hon. M. J. GUY — Maybe Mr Barber should visit that part of his electorate rather than bagging it. The Greens may not have any attraction to Docklands, because the people down there are not your anti-G20 type. Those people might actually be interested in building a new suburb or participating in the government's brand-new library constructed of timber, which we are working on in partnership with the City of Melbourne, or the brand-new park we are putting in place at Dock Square or the new park the Premier and I launched in the northern part of the precinct. All these great developments happening in Docklands might be news to Mr Barber, but maybe he will want to listen to this, because this about his electorate. It is about making sure that Melbourne is sustainable and livable into the future.

This investment, this $300 million drawcard to the Docklands which the Lord Mayor and I launched last week, will do wonders in bringing people to Docklands as a place to stay, to invest in and to be a part of. People want to go and experience the Docklands, and that is because the precinct is changing.

The *Plan Melbourne* document that was launched by this government clearly states that urban renewal has got to be a part of building a sustainable city into the future. But urban renewal is not a one-size form for new precinct development; it is about mixing a precinct's development, it is about jobs, it is about entertainment and, in an inner-city precinct like the Docklands, it is also about hotel accommodation. That is why the City of Melbourne and the state government's partnership in getting the last 50 per cent of this precinct right, the community infrastructure side of which had been neglected for the last 10 years, is so important. This government is very proud to have put the people and the facilities back into Docklands and to be building one of the best precincts in Australia for investment and, indeed, for hotel accommodation.

East–west link

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. It relates to his administrative role in the approval of the east–west road tunnel. We now know that the Linking Melbourne Authority is putting forward one design for the purpose of public consultation and exhibition, that the government will be considering another design through a separate tender process and that the two processes will run in parallel. If it turns out that there are important variations to the projects that arise through the government's selection of a preferred tenderer, what provisions are available to the minister under the Major Transport Projects Facilitation Act 2009 to re-exhibit this alternative design for public viewing?

Hon. M. J. GUY (Minister for Planning) — The first part of the question is wrong, and the second part is a hypothetical.

Supplementary question

Mr BARBER (Northern Metropolitan) — We should agree that the scenario I pointed to is a near certainty; the government does have two different processes running. The supplementary question I ask is

this: if at the end of his decision-making process there is significant variation to the project that has been exhibited, will the minister undertake to make available to the public the new alternative design that has been approved by his government under tender before he makes his final decision?

Hon. M. J. GUY (Minister for Planning) — Sections 71 and 72 of the act allow variations to be exhibited if necessary, but I would point out that Mr Barber is jumping to conclusions about something that has not even occurred.

Liquor forums

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Liquor and Gaming Regulation, Mr O'Donohue, and I ask: can the minister inform the house about the important work local liquor forums are carrying out in the Victorian community?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Ms Crozier for her question. As a member for Southern Metropolitan Region I know she has a very strong interest in this area. Melbourne and indeed Victoria are known as great hubs for events and major activities, whether that be the Spring Racing Carnival, the AFL Grand Final, the Australian Formula One Grand Prix or a range of other major events such as conferences and the like. However, it is not just these significant sporting events that make Victoria such a popular destination. It is all the things that go with it — our cultural attractions, the bars, the clubs, the hotels — that make Victoria and Melbourne not only such a great place to visit and reside in but also generate jobs and economic activity.

In addition to generating jobs and economic activity, I am pleased to report to the house the wonderful work pub and club owners across Victoria are carrying out in their communities to curtail antisocial behaviour. Venue operators are joining forces with police, with councils and with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of Victoria's liquor forums and accords. Working together, members of the liquor forums are helping to minimise the harm that can arise from the misuse and abuse of alcohol throughout our great state.

Last week at the Stonnington liquor forum I was pleased to join Ms Crozier; the member for Prahran in the other place, Mr Newton-Brown; the mayor of Stonnington, Cr Matthew Koce; Ms Jane Brockington, CEO of the VCGLR; members of Victoria Police; and, importantly, a range of bar and club licence owners. It was fantastic to see how venue operators are creating positive working relationships and developing practical responses to local issues. During their regular meetings liquor forums discuss security, safety and issues of common concern. At the Stonnington level I was pleased to receive feedback from venue operators regarding the government's decision to extend the freeze in the four inner city local government areas for a further two years. This is but one example of the government's commitment to reducing the incidence of alcohol-fuelled violence and antisocial behaviour across our communities.

In January this year the government released the report *Reducing the Alcohol and Drug Toll — Victoria's Plan 2013–2017*. It was the first whole-of-government strategy to reduce the impact of alcohol misuse and drug abuse on the Victorian community. Liquor accords and forums play a very important role in delivering this plan. I have had the opportunity and the pleasure to meet with a range of representatives from forums and accords across Victoria, from Ballarat to Traralgon and elsewhere, and I have received constructive and practical feedback on the ground from licence-holders.

To support local liquor forums the coalition government has also taken strong action to tackle public drunkenness. We have more than doubled the penalties for drunk and disorderly behaviour, and for failing to obey a direction to leave licensed premises. I am also pleased that in my portfolio of crime prevention we have funded CCTV camera projects, including $250 000 in the city of Stonnington for a CCTV project along Chapel Street, which the Stonnington council has used to leverage additional investment. I take this opportunity to commend all members of liquor forums for their collaboration and commitment to making their local communities safer places.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 14 of 2013, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Ballaarat General Cemeteries Trust — Minister's report of receipt of 2012–13 report.

Beaufort and Skipton Health Service — Report, 2012–13.

Casterton Memorial Hospital — Report, 2012–13.

Cobram District Health — Report, 2012–13.

Crown Land (Reserves) Act 1978 — Minister's Order of 10 October 2013 giving approval to the granting of a lease at Yarra Bend Park.

EastLink Project Act 2004 — EastLink Third Amending Deed, 17 October 2013.

Edenhope and District Memorial Hospital — Report, 2012–13.

Inglewood and Districts Health Service — Report, 2012–13.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 126.

Legal Services Board and the Legal Services Commissioner — Report, 2012–13.

Lorne Community Hospital — Report, 2012–13.

Mildura Cemetery Trust — Minister's report of receipt of 2012–13 report.

Nathalia District Hospital — Report, 2012–13.

Numurkah District Health Service — Report, 2012–13.

Omeo District Health — Report, 2012–13.

Orbost Regional Health — Report, 2012–13.

Otway Health and Community Services — Report, 2012–13.

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

Ballarat Planning Scheme — Amendment Cl71.

Brimbank Planning Scheme — Amendment C146.

East Gippsland Planning Scheme — Amendment C87.

Frankston Planning Scheme — Amendment C77.

Greater Geelong Planning Scheme — Amendment C242.

Melbourne Planning Scheme — Amendment C219.

Melton Planning Scheme — Amendments Cl35 and C141.

Stonnington Planning Scheme — Amendment C171.

Victoria Planning Provisions — Amendment VC102.

Wyndham Planning Scheme — Amendment C179.

Yarra Planning Scheme — Amendment C170.

Yarra Ranges Planning Scheme — Amendment C115.

Professional Standards Act 2003 — Institute of Chartered Accountants in Australia (Vic) Scheme, 3 October 2013.

Rochester and Elmore District Health Service — Report, 2012–13.

Rural Northwest Health — Report, 2012–13.

Statutory Rules under the following Acts of Parliament:

Charter of Human Rights and Responsibilities Act 2006 — No. 129.

Dangerous Goods Act 1985 — No. 125.

Major Transport Projects Facilitation Act 2009 — No. 130.

Mineral Resources (Sustainable Development) Act 1990 — No. 126.

Planning and Environment Act 1987 — No. 127.

Subdivision Act 1988 — No. 128.

Victorian Civil and Administrative Tribunal Act 1998 — No. 124.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 124 to 129.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2012–13 report.

The Queen Elizabeth Centre — Report, 2012–13.

Timboon and District Healthcare Service — Report, 2012–13.

Treasury and Finance Department — Report, 2012–13.

Upper Murray Health and Community Services — Report, 2012–13.

Victoria Police — Chief Commissioner — Report under section 21L of the Sex Work Act 1994, 2012.

Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2012–13 report.

Victorian Pharmacy Authority — Minister's report of receipt of 2012–13 report.

West Wimmera Health Service — Report, 2012–13.

Yarrawonga Health — Report, 2012–13.

Yea and District Memorial Hospital — Report, 2012–13.

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, 30 October 2013:

(1) notice of motion 653 standing in the name of Mr Somyurek relating to manufacturing employment in Victoria;

(2) notice of motion 621 standing in the name of Mr Tee referring a matter to the Economy and Infrastructure References Committee;

(3) notice of motion given this day by Mr Lenders calling on the Minister for Higher Education and Skills to continue advocating for Victorian educational outcomes;

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

(5) notice of motion 615 standing in the name of Ms Hartland relating to the production of certain documents detailing the Country Fire Authority and Victorian WorkCover Authority assessment for compensation for Victoria's firefighters; and

(6) notice of motion 595 standing in the name of Ms Pennicuik relating to the Caulfield Racecourse Reserve.

Motion agreed to.

MEMBERS STATEMENTS

Climate change

Ms PENNICUIK (Southern Metropolitan) — Last Wednesday I joined a packed room at the Frankston civic centre for the Australian Conservation Foundation and the Frankston round table of the Western Port Biosphere region's webcast '24 hours of reality — the cost of carbon'. It was the third annual live-streamed multimedia show dedicated to sparking action on climate change around the world, particularly in relation to the need to put a price on carbon. Ironically this is at a time when our federal government is getting set to remove the price on carbon and instead rely on the discredited direct action plan. The impact of climate change on each continent was represented over the 24 hours — for example, in North America in terms of ways of life and livelihood, South America and the Caribbean in terms of water, Europe in terms of infrastructure and adaptation, Africa in terms of food insecurity, Asia in terms of human displacement and Australia in terms of human health.

Anniversary of apology for past adoption practices

Ms PENNICUIK — On another matter, last Friday I was pleased to attend the commemoration of the Victorian state apology for former forced adoption policies and practices and celebration of the launch of the statewide workforce capacity development project. The event was hosted by the Victorian Adoption Network for Information and Self Help, known as VANISH, and attended by both adopting parents and adoptees and their families. The workforce capacity development project includes training for relevant professionals, the counselling service and regional support groups. It was a great event to commemorate the first anniversary of the Victorian apology.

Maribyrnong Aquatic Centre

Mr MELHEM (Western Metropolitan) — I recently had the pleasure of attending the launch of the water recycling facility at Maribyrnong Aquatic Centre. More than 3 million people have used the centre since it opened six years ago. The centre uses around 7 million litres of water each year. The centre's water recycling system features a process through which both rainwater and pool filter cleaning water is captured, treated, stored and delivered back for use in the four swimming pools at the centre. The centre now has a capacity to store and recycle an impressive 64 500 litres of rainwater and 90 000 litres of pool filter cleaning water. In other words, the centre can capture and store around 154 500 litres of water, which would have otherwise gone down the drain.

Currently Victoria's water supplies sit at 79 per cent, and many areas enjoy stage 1 water restrictions, but it was not so long ago that we were experiencing Victoria's worst ever drought, with the lowest stream flows in the state's history. In 2004 the Bracks government put in place a long-term plan for water, Our Water Our Future. That plan changed the way Victorians thought about water, changed the policy landscape and spurred ingenuity in saving water. It remains one of Labor's great policy legacies. That ingenuity is being seen at the centre, and hopefully that ingenuity will continue to play a part in managing the transition to a more populated Victoria, with growth now hitting 100 000 people per year. I congratulate the Maribyrnong Aquatic Centre on its ingenuity and efforts in ensuring that Victoria does not waste its water resources.

Lesley Hall

Mrs COOTE (Southern Metropolitan) — I rise to pay tribute to an exceptional woman. Her name was Lesley Hall, and sadly she died on 19 October. Lesley was a feminist and a disability advocate with a life-long disability. She had been involved in feminist issues since 1972 and worked in a whole range of jobs empowering low-income people, Indigenous people and people with disabilities through housing, accommodation, arts, human rights and disability rights. She was a force in the disability movement, holding positions all the way through the disability sector, and she was a friend, mentor and inspiration to many people.

In 1985 Lesley was employed by the Disability Resources Centre to investigate and report to the Australian Human Rights Commission on the rights of residents in Victorian institutions. Her report entitled *Free from this Place* was presented to the commission in May 1985, which is some considerable time ago.

Lesley was instrumental in the discussion and development of a national disability insurance scheme and making sure that it reflected the knowledge and experience she had gained. She supported important issues in relation to the establishment of such a scheme. As has been said, the scheme would not have got as far as it has without the work of Lesley Hall. She was a truly exceptional woman and will be missed by all who knew her.

Hospital emergency department performance

Ms TIERNEY (Western Victoria) — We see it on the evening news bulletins, regularly read about it in our newspapers and hear it on our radios when talkback callers share their horror stories. Victoria's hospital emergency departments are in crisis under the Napthine coalition government. Less than two weeks ago the Australian institute of health and wellbeing released a report showing what Victorians already knew: the Napthine government has comprehensively failed in providing adequate emergency health services for Victorians. Under the Napthine government Victoria is falling behind other states in relation to emergency department waiting times and elective surgery waiting times.

Hon. D. M. Davis — On a point of order, Acting President, the member meant the Australian Institute of Health and Welfare, not the institute of health and wellbeing. That is not what she said.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! I thank Mr Davis. I do not believe that really was a point of order. The member is to continue. I apologise for the interruption.

Ms TIERNEY — It has gotten to the point that 1 in every 15 people who present to emergency departments leaves before they even get seen, because it takes so long. The report also states that 27 per cent of people are not being seen in clinically acceptable times. However, the government is not interested in the facts; it is interested in misleading Victorians by stating that more people are getting surgery now, when all of the evidence available suggests that the Napthine government's claim is completely wrong.

Two weeks ago a letter to the editor appeared in the local Geelong media from a woman whose husband had arrived at the Geelong Hospital emergency department at 8.30 p.m. with heart problems. According to the letter, the man waited on a trolley for 18 hours until a bed was found for him at 3.30 p.m. the next day. Victorians, particularly those who need urgent medical attention, deserve better. The Napthine coalition government relies on spinning health outcomes, when it has allowed the health system and particularly hospital emergency departments to spin out of control.

Eltham & District Woodworkers

Mrs KRONBERG (Eastern Metropolitan) — On Tuesday, 24 September, I had the pleasure of visiting the Eltham & District Woodworkers club in Ironbark Road, Yarrambat. The club has been allotted these premises by the Nillumbik Shire Council, but many of its members actually reside in Eltham. Members took the time to show me their many and varied pieces of woodwork, which included furniture, musical instruments and toys. These pieces were all examples of fine craftsmanship and the application of techniques such as precision dovetailing, brilliant mitring of corners and sublime finishes that included highlighted grain, such as fiddleback. My thanks go to Beryl Watling for her introduction to president Barry McDonald — and in fact all of the Barrys — the organising committee and the members especially for their hospitality and warm welcome. I congratulate them on their voluntary work and on offering their 90 or so members such a creative and extremely safety-conscious hub and a place of friendship and affiliation, an inspiring place that was literally abuzz.

Taiwan national day

Mrs KRONBERG — I was delighted to attend the reception by Taipei Economic and Cultural Office held on Tuesday, 8 October, to start off the celebrations of the 102nd anniversary of the founding of the Republic of China on Taiwan by Dr Sun Yat Sen. The Double Ten, or 10 October celebration, as it is also known, is Taiwan's national day, and celebrations continued through that week.

As co-chair of the Victoria-Taiwan Parliamentary Friendship Group I was pleased to offer my public congratulations on both occasions, where I emphasised the economic success of Taiwan and most especially the freedom and democracy that will ensure that the people of Taiwan continue to flourish — —

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

Regional and rural planning

Ms PULFORD (Western Victoria) — I draw to the house's attention an editorial in the *Wimmera Mail-Times* recently from Keith Lockwood, the chief subeditor. This was in response to the Napthine government's planning blueprint. The editorial was simply headed 'We cannot wait for 2050'. It put into print what I have been hearing for nearly three years across my electorate: this government is metro-centric. The following quote in the editorial really crystallised this for me. It is not me saying this; it is the editorial from the *Wimmera Mail-Times* which says:

> … Denis Napthine said the focus would not just be on Melbourne, but also on regional Victoria.
>
> But really it is just a planning blueprint for Melbourne and environs. The rest of Victoria is left out.

Regional Victoria is suffering under this government. There is no plan to fix regional rail or regional roads. There is no plan to improve regional or rural schools across my electorate and the electorates of other regional members. I challenge any government member to go and proudly stand out the front of the school in Timboon and talk about what a great educational facility that is for students to be learning in. There is no statewide vision about fixing the health crisis that is pervading Victoria, and there has been nothing but a committee convened to address the ever-increasing ice epidemic in Victoria. What the government is doing about this is city-centric, like everything it does.

World Psoriasis Day

Hon. D. M. DAVIS (Minister for Health) — I am pleased today to rise to talk about World Psoriasis Day, which is today. There are about 125 million people worldwide who have psoriasis, including more than 120 000 who live in Victoria, according to the Skin and Cancer Foundation. It is a condition that affects people in myriad ways, either as one of a range of skin conditions or as a type of arthritis. But there is hope, with effective treatment available for many psoriasis conditions.

This condition can also have a range of emotional impacts, with stigma still an issue for many. Today is our chance to change that. Today is a chance to share information about psoriasis. There are useful sources of information available, and psoriasisaustralia.org.au is one of those. The Better Health Channel that Victoria runs is another source of information on psoriasis. The Skin and Cancer Foundation also has useful material. Those who have psoriasis can access information, and the opportunity is there to receive good, quality treatment that can manage the condition in a way that makes it much more livable for people suffering from psoriasis.

Ohi Day

Ms MIKAKOS (Northern Metropolitan) — In the past few days I have had the honour of joining with many other members for a number of events commemorating Ohi Day. On 28 October 1940 the Greeks stood strong against the invading Italian fascist forces and in doing so entered the Second World War. These many Ohi Day events around Victoria have also honoured the more than 60 000 British and commonwealth troops who defended Greece's freedom, including more than 17 000 Australian men and women who served in Greece during the war, including the 841 who died there.

The battles of Greece and Crete were renowned because they were the first time since the First World War that the Anzacs fought together, and I should recognise the more than 16 700 New Zealanders who also fought in those battles. The battles were instrumental in delaying the invasion of the Soviet Union by the Nazis and therefore changed the course of the war. I know that Winston Churchill reflected on this. He praised the bravery of the Greek people when he said, 'Hence we will not say that Greeks fight like heroes but that heroes fight like Greeks'.

The Greek people suffered greatly under the occupation of their country and faced severe repercussions for their

resistance. Their bravery in hiding Allied troops, particularly on the island of Crete, has been well recognised. I pay tribute to all the allies and the Greeks who fought during the battles of Greece and Crete.

Regional rail link

Mr DRUM (Northern Victoria) — Last week I had the opportunity to inspect the regional rail link project. This project was announced under the previous federal and state Labor governments. However, it has been delivered by the coalition government in Victoria. The project has been significantly widened in scope to include grade separations in Anderson Street, as well as flyovers in the North Melbourne and Footscray regions to make the project even better than originally identified.

Every day more than 3000 people from six different subcontracting teams are working on this project, installing new tracks and platforms at Southern Cross station, building the new bridge over the Maribyrnong River and laying railway lines from where the new line breaks off and rejoins the Geelong line on the southern side of Werribee. The project will see new stations built at Footscray, Footscray West, Sunshine and Tottenham to replace worn-out stations that are over 100 years old. Brand-new stations will be built at Tarneit and Wyndham Vale to help service the new growth areas to the west of Werribee.

This is a huge project which will benefit the regional cities of Bendigo, Ballarat and Geelong in terms of improved punctuality for train travellers on those lines. As Melbourne's west develops it will be fantastic to see increased services in those areas. The population is going to dramatically increase as a result of that growth.

I congratulate the Minister for Public Transport, Terry Mulder, on his leadership of this project. The regional rail link project is currently under budget and ahead of schedule. Hopefully, if we can keep working on it for another six or seven months, it will continue to come in under budget.

Ambulance services

Ms DARVENIZA (Northern Victoria) — Four Victorians died last weekend while waiting for ambulances in what was a horror weekend for the ambulance service. Sadly, all four of the deaths occurred in my electorate of Northern Victoria Region. Patients from Waggarandall, Gillieston, Riddells Creek and Rochester waited for ambulances which took between 18 to 24 minutes to arrive, exceeding the 15-minute target that code 1 cases require. News of these fatal incidents is devastating for family, friends and colleagues wherever they occur, but in rural and regional areas they have a profound effect on tight-knit communities. Of concern was that the four deaths were accompanied by a further 18 cases of Victorians who waited in pain and too long for the care they needed. The Napthine government is failing to meet its own benchmark, with one in four ambulances failing to respond to life-threatening emergencies within the 15-minute target. Before the last election the coalition said that Victorians deserved the highest quality ambulance services and had the right to expect timely responses during these difficult times. However, now that the coalition is in government, we are seeing ambulance response times going backwards and Victorian lives being placed at risk. The 000 call centre is also failing to meet its target of dispatching emergency cases within 150 seconds.

COURTS LEGISLATION AMENDMENT (JUDICIAL OFFICERS) BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Ms MIKAKOS (Northern Metropolitan) — I rise to make a relatively brief contribution to the debate on the Courts Legislation Amendment (Judicial Officers) Bill 2013, and I indicate to the house that the opposition will not be opposing the bill. This bill looks weighty in terms of its thickness, but it is in fact a relatively straightforward bill. It is deceptively large because it is putting in place various amendments to our courts legislation across several acts and multiple jurisdictions.

By way of background, I point out that reserve judges have been used in Victoria for some time. They have been important in that they relieve Victoria's court system during times of significant backlogs in cases and temporary increases in judicial and court workloads. It is important that there is some diversity in the pool of experienced practitioners who can deal with such demands and that we have people appointed to those positions who are extremely capable and able to fulfil what is a challenging role.

Up until 2005, reserve judges had been appointed exclusively from the ranks of retired judges. The previous government widened that pool to include appointments from the ranks of senior barristers, solicitors, legal academics and former interstate judges. In February this year the coalition government introduced the Courts Legislation Amendment (Reserve

Judicial Officers) Bill 2012, which passed through the Parliament unopposed. This had the effect of replacing the previous government's reforms with a system of reserve judicial officers wherein only retired judges could be appointed to this role.

I remember at the time members of the opposition warned the government against this narrowing of the pool of candidates because we were concerned that having such a narrow field to draw reserve judicial officers from would make the positions difficult to fill and that this would add to the backlog which already exists in our courts. Just a few months later our predictions have proved to be correct and the government is struggling to fill these positions, which is why we now have this legislation, that seeks to extend the eligibility for appointment as a reserve judicial officer from the upper age of 75 years to a new limit of 78 years. Clearly this is a consequence of the government having limited the pool that was available to it through its earlier legislation and it has been unable to keep up with the demand for reserve judicial officers. We are certainly seeing the consequences of this and other changes the government has made in the very significant delays that have been reported.

Rather than taking the opportunity to go back to the system the previous government had put in place and expand the pool to allow judges from interstate, senior barristers or academics to be appointed to the pool of reserve judges, the government is now extending the age to include retired judges between the ages of 76 and 78 years. The government has done this but it has not been prepared to admit that the opposition was correct in its prediction. I will not hold my breath waiting for government members who speak on the bill to concede that they got it wrong. Nevertheless we are concerned that despite this change the government may still be unable to fill these positions, because if it cannot find enough reserve judicial officers between the ages of 76 and 78 years we know it will have to come back to the Parliament and introduce further reforms. It will be interesting to see what the government chooses to do next.

The bill further provides that judicial officers will be engaged for only six months, allowing their appointment to extend beyond this period if they need to complete minor unfinished cases. This is a sensible reform, and it should have been put in the legislation that went through the Parliament a few months ago. Should this happen too often, however, the six-month time limit will prove to be too short, and for substantial unfinished matters the judicial officers will need to be re-engaged for a further period.

The bill also makes changes to the powers of the Attorney-General. The Courts Legislation Amendment (Reserve Judicial Officers) Bill 2012, passed earlier this year, gave the Attorney-General the power to determine whether a judge may or may not earn additional income through outside employment. At the time Labor was very concerned about this provision and warned the government about the dangers of investing such a power in a minister of the Crown, arguing that it would undermine judicial independence. In fact we moved an amendment in this house that would have provided that the power should sit with the head of jurisdiction; however, the government moved to defeat that amendment so we need to revisit the issue here today.

We are pleased that finally the government has woken up to the problem and that this bill prohibits reserve judges from engaging in other paid work for the duration of their appointment except with the approval of the head of the jurisdiction. The head of the jurisdiction will now be invested with the responsibility of ensuring that proper approvals have been obtained, and I would imagine they would be pretty unusual circumstances where that approval would be given. However, to date the government has not provided any explanation as to why it has changed its policy on this issue nor has it recognised that Labor advocated for this through its amendment in February. Nevertheless, we are pleased that the government has sought to rectify the issue in the bill.

The last matter I wish to address relates to part-time judges. The bill provides that a judge or magistrate may enter into an arrangement with the head of jurisdiction to work part-time. The agreement must be mutual. It need not set out the exact date or times to be worked, but it must equate to a minimum of two days of work out of the five-day working week. The arrangement may specify an expiry date, but it does not have to, and payments and superannuation calculations will be made on a pro rata basis and adjusted accordingly. In considering whether to agree to the arrangement the head of the jurisdiction must have regard to the operational needs of the court, the personal and professional circumstances of the judge or magistrate, equity with others and other relevant considerations.

The opposition strongly supports enabling flexibility in the workplace, and I am personally pleased to see that this is going to be a possibility. I hope provisions of this bill will ensure that we have an increase in gender balance in our judicial appointments. I was very proud of the fact that the previous government, and in particular Rob Hulls as Attorney-General, made a considerable number of appointments of women to our judiciary. Those women were all appointed on merit,

and they have been tremendous contributors to our judiciary. However, it has been disappointing that the number of women appointed to judicial office has reduced considerably under this government. By enabling more part-time judges and magistrates I hope this bill will address work-life balance issues, particularly issues around looking after very young children, and will encourage more women to consider judicial appointments in the future. We are concerned, however, that the bill fails to address some issues around the possibility of a dispute occurring between parties to an agreement where the head of jurisdiction attempts to revoke the agreement.

In conclusion, the bill seeks to make a number of amendments to the system of reserve judicial officers, a system that was put in place only eight months ago. We are here today because in February the government was too stubborn to accept that Labor was right in raising the issue of the inappropriateness of the Attorney-General deciding whether judicial officers could seek outside employment. Despite this, we welcome the government's support for Labor's amendment eight months later. This bill is about completing unfinished business from earlier this year. The opposition is also grateful that the bill corrects a number of elements the coalition failed to address in the first bill.

I also point out that in recent days and weeks a number of very senior members of our legal profession have raised concerns around the very significant backlogs and delays being experienced at the moment in our court system. We remain concerned about these delays, and I am concerned about whether the provisions in this bill will address them. The bill is just one part of the jigsaw puzzle. There are many other issues that need to be addressed in relation to fixing the backlog in our courts. We are yet to hear the government make a commitment to significantly address those delays. It is often said that justice delayed is justice denied. We are very concerned that we are seeing some very significant delays in our court system, both in the civil jurisdiction and in the criminal jurisdiction. With those words, I conclude my contribution.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution to debate on the Courts Legislation Amendment (Judicial Officers) Bill 2013. This is an important bill in three principal respects: firstly, it will reform the reserve judicial officer scheme and expand its application, and it will further protect the independence of reserve judicial officers; secondly, it will introduce a consistent scheme of part-time service across the judiciary; and thirdly, it will introduce provisions to make funding arrangements for salaries of non-judicial members of the Victorian Civil and Administrative Tribunal consistent with those of judicial officers in all Victorian courts.

To address matters raised by Ms Mikakos on behalf of the opposition, this bill is significant because it will further enhance the independence of the courts and the judiciary, and it will expand the pool of available reserve judges and magistrates in two significant respects. This has been touched on by Ms Mikakos. Similar to other opposition members, Ms Mikakos is not opposing the bill, but, as is often the case with opposition members, while they are not opposing the bill, they cannot go so far as to congratulate the Attorney-General or the government for making significant reforms in relation to matters they failed to address in government.

Ms Mikakos interjected.

Mr O'BRIEN — I will talk shortly about what Labor, including Ms Mikakos, did under Labor's failed Attorney-General, Mr Hulls.

Firstly, I would like to talk about the positives of what this government will do. To pick up a matter that is often raised, through this bill the government is acknowledging that people do not necessarily come to the end of a useful working life at the age of 75, and as has been picked up by certain parliamentary inquiries — including one conducted by the Family and Community Development Committee that I know Mrs Coote was involved in — elderly, senior, or 'wise' people, as they used to be called, have valuable contributions to make. In the system of reserve judges, former judges and magistrates can continue to make a contribution untainted by any suggestion that they might have had their independence compromised in the way that the former Attorney-General's acting judges scheme did. Under the acting judges scheme put in place by Mr Hulls in relation to the Supreme Court, it could have been said that those wanting to continue their appointments may have been influenced more favourably towards the government's decisions, which often came before the courts, and therefore that affected either the actual independence of the court or the perception of its independence. That was one important change.

The second important change I want to talk about in relation to the bill is the flexibility the bill seeks to carefully bring to the judiciary. The bill will allow for the appointment of part-time judges and magistrates in a way that will carefully manage the issues of external income in order to preserve the independence of the judiciary. It will also allow greater flexibility that will

potentially assist to enable more women of merit to be appointed to the judiciary, because increasingly women and men are seeking greater flexibility in certain occupations for work-life balance. This bill will achieve that, and it therefore ought to be supported by the opposition both in words and in votes as another significant initiative of the government.

The bill also comes on the day that the Attorney-General has put out a media release outlining new legislation to be introduced shortly in relation to the new entity, Court Services Victoria, which will further strengthen the independence of the courts. The jurisdictions have been calling for such a change for many years. It will allow for greater independence and free the courts from not only the perception but also the actuality of political and departmental control while preserving the accountability of the new entity, Court Services Victoria.

The amendments to the legislation in the bill before the house continue the reforms brought in earlier this year, and here I will respond more particularly to what Ms Mikakos has asserted. The shadow Attorney-General and member for Lyndhurst in the Assembly, Mr Pakula, put it even more strongly and called on the government to apologise for not adopting Labor's amendments at the start of the year. These are extraordinary submissions from both the shadow Attorney-General and Ms Mikakos when you consider the criticism rightly directed at the system of acting Supreme Court judges put in place by Labor from about 2005. This criticism was well set out by very senior members of the legal profession. I referred to some in my contribution on the Courts Legislation Amendment (Reserve Judicial Officers) Bill 2012, particularly those made by the Honourable Xavier Connor, QC, in an article published in the *Age* of 16 November 2004. He said:

> These time-honoured safeguards have proven to be the best way to secure independence from powerful government and private influence. Acting judges have none of them … Thus, they may have something to gain personally from deciding a case in a particular way, namely their own reappointment as acting judges or their potential appointment as permanent judges.

We do not apologise for not following Labor's acting judges regime for two reasons. The first is that that regime had the potential to compromise the judiciary's appearance of independence. Its second failing relates to Ms Mikakos's relatively cheap shot relating to the time-honoured backlog in the courts.

The courts were so upset with the regime in relation to acting judges imposed upon them against their will by the Labor government that the Chief Justice of the Supreme Court of Victoria, the Honourable Marilyn Warren, decided that there would be no appointments to the Supreme Court under the Labor Party's regime. It brought in a regime that could potentially have compromised the independence of the Supreme Court, and thankfully the court made the appropriate response, which was not to make any appointments under that regime. It certainly did not assist in the reduction of backlogs — a task Ms Mikakos calls on us to perform. The Courts Services Victoria Bill 2013, which will be considered in this place in the next few months, and other reforms to law and order to restore faith in the courts and the judiciary, are all directed at supporting the independence and impartiality of our courts.

To put our record clearly against that of the opposition, this bill follows on from the Courts Legislation Amendment (Reserve Judicial Officers) Act 2013, and since February four reserve judges have been appointed. Under Labor's regime the number of appointments of acting Supreme Court judges was zero. Labor is prepared to put up spin and unsubstantiated arguments, to potentially compromise the independence of the judiciary and to then take cheap shots when this government and this Attorney-General introduce sound, considered and consulted upon legislation such as the bill before the house. For those reasons, and given other contributions are to come from other members of the government, I commend the bill to the house, and I commend the Attorney-General on his continued work.

Mr SCHEFFER (Eastern Victoria) — As we have heard, the Courts Legislation Amendment (Judicial Officers) Bill 2013 amends five pieces of legislation: the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Victorian Civil and Administrative Tribunal Act 1998. Its objectives are to provide for the appointment of part-time judges, to provide for the office of reserve associate judge and reserve coroner and to provide for the remuneration of non-judicial members under the Victorian Civil and Administrative Tribunal Act. While the bill does not do a lot, it is lengthy, as Ms Mikakos indicated in her contribution, because to effect these changes a large number of existing arrangements need to be adjusted in those pieces of legislation.

Each of the divisions in part 2 of the bill makes necessary amendments to one of the acts to bring into effect the appointment of reserve judges or reserve associate judges. Each of the divisions in part 3 makes amendments to the respective court legislation to effect adjustments to the pensions and remuneration of judicial officers. The legislation allows the Governor in

Council — effectively the Attorney-General — to appoint a retired judge or magistrate as a reserve judicial officer to the court that the retired judge or magistrate was a member of prior to his or her retirement.

Ms Mikakos has made the point that the bill now before us amends the arrangements in line with Labor's consistent view that the function of engaging reserve judicial officers should be the preserve of the heads of jurisdiction rather than the Attorney-General. The bill restricts the term for a reserve judicial officer to six months, but it permits some flexibility in cases where more time is needed to wrap up cases that are under way and where it makes sense.

The root problem is that there are simply not enough judges and magistrates to clear the backlog in the courts. It has been noted during debate on this bill that Labor in government, through the introduction of the Courts Legislation (Judicial Appointments and Other Amendments) Act 2005, sought to address the workload problems of the courts by having barristers, legal academics and judges from other states take up judicial positions on an acting basis for a limited period of time. But, as we have heard, the then opposition and others raised concerns that the independence of such persons would be compromised, because they would inevitably be beholden to the executive.

In March 2005 the then Attorney-General, Rob Hulls, wrote in the Melbourne *Age* that such criticism:

> fails to acknowledge that the High Court of Australia, as recently as last year, reiterated that the concept of an acting judicial office does not undermine judicial independence. The High Court also recognises that there is no single model of judicial independence.
>
> That is why the Bracks government is introducing legislation that not only protects judicial independence but responds to the expectations of the Victorian public for an accessible, flexible and efficient justice system. The short-term appointment of judges has been possible in Victoria since at least the 1950s and acting magistrates were created in 1989. Members of VCAT are appointed for five-year terms. Britain has the Recorder system and acting judges can be appointed in most other Australian jurisdictions.
>
> This means that the government can appoint an acting judge today. However, these provisions are rarely used as they are inflexible and inconsistent across jurisdictions. Those who are appointed are from an extremely limited pool of retired judges, mainly men who are over the age of 70 years.

He said at that time that:

> The legislation will broaden the pool of judicial candidates to enable a wider range of people to be appointed, including barristers, solicitors and academics.

He said:

> Under the legislation there are several safeguards in place to protect judicial independence:
>
> > appointments will be for a five-year term, which is outside the electoral cycle;
> >
> > a commission to undertake judicial duties cannot be revoked;
> >
> > guidelines currently being developed will ensure that the appointment of acting judges will not be used to replace permanent judges.

He concluded by saying:

> Let's not forget that one of the law's founding fathers was, at one time, an acting justice in the Supreme Court of Victoria. Many would say that Owen Dixon had the greatest common-law mind ever produced in this country.

That was written by Rob Hulls in 2005.

The independence of the judiciary is a very serious matter. The interesting thing is that even though the coalition protested its concern that Labor's introduction of reserve judges had the potential to compromise the independence of the judiciary from the executive, it has, with minor adjustments in its legislation, substantially maintained Labor's 2005 reforms. The only change made to Labor's reforms in the coalition's Courts Legislation Amendment (Reserve Judicial Officers) Bill 2012, which was passed earlier this year, was a narrowing of the range of judges available.

The fact is that the so-called problem was not serious enough for the coalition to deal with it in a substantial way. It dropped barristers, solicitors, academics and interstate judges from the eligibility list because it felt that persons not having held a judicial commission were unsuitable. But I believe that relying on retired judges will not solve the root problem of not having enough hands to deal with the overflowing workload confronting our courts. It beggars belief that the government thinks that increasing the maximum age eligibility of former judges by three years — from 75 years to 78 years, which is a micro shift — will deliver the escalated number of hands needed to stem this massive overflow. I should also say that these delays in the courts I refer to are not abstract; they have direct and personal impacts on the very many individuals who wait for months — if not years, in some cases — for their matters to be heard, and the distress over, for example, the refusal of legal aid resulting from budget cuts can be extreme.

The Attorney-General said in the second-reading speech that this bill was a further step in the government's reforms to strengthen the capacity of

Victoria's courts. By way of conclusion, let us consider how serious the Attorney-General really is. A couple of Fridays ago members will have seen on ABC's *7.30* a segment entitled 'Concern about status of women in Victoria's legal system'. The program, I thought very usefully, compared the pressure that the Abbott coalition government was under over having appointed one woman to the front bench with the pressure mounting on the Victorian government over the gender imbalance in its judicial appointments.

The program pointed out that since the beginning of this term of government — that is, three years ago — the Attorney-General, Robert Clark, has appointed 12 new County Court judges and not 1 is a woman; he has appointed 5 judges to the Court of Appeal and not 1 is a woman; he has appointed 7 judges to the Supreme Court, where 5 are men and 2 are women; and in the Magistrates Court, where currently 43 per cent of all magistrates are women, Robert Clark has made 21 appointments, and only 5 are women. This is a very sorry record. I would be interested to know how this failure to appoint women achieves the Attorney-General's objective, as stated in his second-reading speech for this bill, of strengthening the capacity of Victoria's courts.

The dean of the Melbourne Law School, Carolyn Evans, also appeared on the program. She said that right across the state, and in fact across Australia as a whole, women law students are very talented and articulate, and they excel in the full range of academic and law school activities. The program also reported that there has been a steady increase in the number of women appointed as judges in Victoria over the past decade but not over the past three years. During that latter period, the era of the Baillieu-Napthine coalition governments, judicial appointments have run almost seven-to-one in favour of men. Fiona McLeod, the chair of the Victorian Bar Council, described the figures as disappointing. On a personal note, I attended the appointment of barristers at the Supreme Court last week. It was extremely pleasing to see that just under half of them were women. That is a good thing.

Fiona McLeod asked on the program whether women were being considered for appointment; are they being asked, and if not, why not? She queried what criteria should be used by the Attorney-General, or others involved in these appointments that could exclude 50 per cent of the population. In stark contrast, under the former Attorney-General, Labor's Rob Hulls, 46 per cent of all judicial appointments were women.

The Attorney-General, Robert Clark, was reported to have said that judicial appointments were made on merit. These were the same words uttered by his federal coalition partners regarding the appointment of a single woman to the front bench. This is an appalling indictment of the government. It clearly considers women, in the judiciary at least and probably in other areas as well, to have less merit than men.

Ms PENNICUIK (Southern Metropolitan) — The Courts Legislation Amendment (Judicial Officers) Bill 2013, as has been pointed out by previous speakers, is, at 94 pages, a large bill. However, it makes key amendments in several different jurisdictions, which explains the length of the bill. Although the changes it makes are not numerous, it makes them across jurisdictions. These include amendments to the Constitution Act 1975. The bill amends the Constitution Act, the Supreme Court Act 1986, the County Court Act 1958 and the Magistrates' Court Act 1989 to provide for part-time judicial service, to provide for the office of reserve associate judge and reserve coroner and to further provide for reserve judges and reserve magistrates. It also amends the Victorian Civil and Administrative Tribunal Act 1998 in relation to the remuneration of non-judicial members.

The bill increases the maximum age of service for reserve judicial officers from 75 to 78 years, and it also provides that each engagement of a reserve judicial officer is not to exceed six months unless the judicial officer needs to complete some minor matters prior to completing their tenure.

The bill provides for the new judicial offices of reserve associate judge and reserve coroner. They will be appointed by the Governor in Council for five-year terms or until they reach retirement age. They can only be removed from office by Parliament, in the same way and on the same grounds as tenured judges and magistrates.

The bill creates a uniform scheme for part-time judicial service in all Victorian courts. All judges, associate judges and magistrates, except those in leadership positions, will be able to enter into an arrangement with the relevant head of jurisdiction to serve on a part-time basis for a specified period or on an ongoing basis.

The bill provides that reserve judicial officers are to be engaged for active service by the relevant head of jurisdiction rather than by the Attorney-General. This is an important change, which has been remarked upon at length by the opposition. There was an error in the similar bill that came before us in February this year. That power was vested with the Attorney-General rather than the heads of jurisdiction.

The ALP put forward an amendment, which we supported because we agreed that the Attorney-General should not be involved in the appointment of reserve judicial officers or in deciding whether or not they should be able to engage in other employment while they were reserve judicial officers. We felt that that was best dealt with by the head of jurisdiction, which is what we have before us with this bill. Lastly, the bill provides that the remuneration of non-judicial members of the Victorian Civil and Administration Tribunal is to be paid by special appropriation from the Consolidated Fund, consistent with the payment of judicial officers in all Victorian courts. They are the main changes that this bill brings about.

In my contribution in February on the earlier bill I made the point that the reason for appointing reserve judicial officers is to deal with genuine backlogs or with circumstances where such officers are needed on an ad hoc basis and not on an ongoing basis to undertake a specific task. Reserve judicial officers should not be used or envisaged to be used to fill ongoing backlogs in the courts or an ongoing shortage of judicial officers in the courts. The government should be appointing more judicial officers where they are needed. The change in the bill to allow for part-time judicial officers is a good initiative. This initiative will help in some way to alleviate the lack of judicial officers who are not reserve judicial officers — that is, ongoing judicial officers.

I feel that many people are perhaps dissuaded or discouraged from taking up a position as a judicial officer because of the large workload and the number of hours that are required to be worked. The ability to become a judicial officer on a part-time basis would be very appealing to some people who have the skills and experience required to take on the position of a judicial officer. Certainly the Attorney-General has said that this provision will be particularly attractive to women. I would say that yes, it will be attractive to women, but it may also be attractive to men who have family commitments and people generally who have commitments such as caring for elderly parents, or any other sort of commitment that precludes them from taking on such a position on a full-time basis. In keeping with changes across the workforce and the interests people have in a work-life balance, this is a good move. Hopefully it will go some way to populating the courts with ongoing judicial officers so there is not the need to call upon reserve judicial officers.

I agree that the extension of the age from 75 to 78 is not necessarily going to result in a much larger pool of people being available to become judicial officers. Obviously the pool will be slightly larger, and one would agree that those people will be highly experienced. You would expect that they would be retired from the full-time workforce and involved in other activities in the community, and they should be available to assist the courts as reserve judges or magistrates, as required.

I watched the *7.30* report that Mr Scheffer referred to in his contribution. It was interesting. Mr Scheffer went through the figures of appointments to the jurisdictions — the County Court, the Supreme Court and the Magistrates Court — in the last three years. I have added them up, and of those 45 appointments to the different jurisdictions only 7 have been women. That really is an indictment. It is very difficult to believe that out of 45 appointments only 7 women could be appointed on merit. It is very difficult to accept that. As the opposition has said, and as has been pointed out by others in the profession, if the pool is only drawn from the bar, then it will be a narrow pool.

There is also the issue of why many talented women leave the legal profession. It can be due to a range of issues, including discrimination, sexual harassment and other issues which are covered in the report *Changing the Rules — the Experiences of Female Lawyers in Victoria*. This report is worth reading. The main findings were around discrimination, accommodating parental and carer responsibilities, sexual harassment and challenges at a systemic level, including the fact that women in the legal profession tend to earn less than men in the legal profession. The working conditions and the ongoing appeal of the legal profession to women are challenges that still need to be addressed by law firms, by the courts, by the community in general and by the government.

It is worth mentioning again, as I did back in February, that the United Kingdom has the Judicial Appointments Commission, which has been in operation for 10 years now. All appointments to the judiciary are made by that commission, which draws candidates from the Law Society, the Chartered Institute of Legal Executives and the General Council of the Bar. The commission works closely with groups representing various aspects of the legal profession. That is a model that we in Victoria could still look at.

While we are talking about this bill and the pressures on the courts, the need for reserve judicial officers and the need for more judges and more magistrates to be appointed to deal with the backlogs in the courts, I do not think anyone in the community could be anything but concerned by the comments that have been made by members of the bar and by judicial officers this week about their grave concerns in relation to the backlog in

the courts and overcrowding both in the prison system and in facilities for housing prisoners who need to appear in court. Grave concerns have been raised by the judicial community about prisoners not appearing in court, and there is even the prospect of habeas corpus being invoked if this situation is not corrected.

It is all fine and well for the government to keep on with its tough on crime and jail means jail rhetoric, but we now have a situation where the prison system and police cells are unsafe. We have people in vans waiting to go into court, and we have all sorts of inappropriate and unsafe arrangements for the housing of prisoners. It is unsafe for the prisoners and unsafe for the community. It is a very unsatisfactory situation. The Attorney-General gets up and says to the community that it is because the government has come down hard on parole, on bail and on violent offenders. I do not think anyone disagrees that we need to make sure the community is safe from violent offenders, but an awful lot of people who appear before the courts are not violent offenders.

Everybody has been caught up in this situation, and we need to be looking, as a community, towards the use of community correction orders for low-level, non-violent offenders. A way to deal with the overcrowding is to get people who are not a threat to the community and people who are not violent or serious offenders out of prison. Community service orders should be invoked more readily and more often for those types of offenders so that they are not clogging up the prison system. As the evidence has always shown, prison should be a last resort, particularly for young offenders and for people who are not violent and not a threat to the community.

The Greens will support the bill. By and large the amendments are good amendments. The government should have accepted the amendments put forward by the ALP, and supported by us, in February. Those amendments that were put forward by the opposition have actually been accepted this week by the government, which is the first time in this term of government. We have predicted that many bills will come back to be amended as suggested by either the opposition or the Greens, and we have one of them in front of us now.

As I have said before, we need to examine legislation where changes are proposed by the opposition, the Greens or anyone else. Those bills should go, as a matter of course, to the upper house legislation committees to have those issues sorted out. Often that can improve the legislation, as happens in the Senate on a day-to-day basis. It is just ordinary day-to-day business in the Senate, and it ensures that legislation does not have to keep coming back to be amended. With those comments, the Greens will support the bill.

Mrs COOTE (Southern Metropolitan) — I have listened with great interest to the contributions to the debate on the Courts Legislation Amendment (Judicial Officers) Bill 2013. I commend Mr O'Brien for his opening remarks on behalf of the government. He explained that this bill is an extensive bill, containing 101 pages and an explanatory memorandum that covers 59 pages. Rather than focus on the detail of the bill as other speakers have done, I will look at some of the more generic issues and at what the bill actually does. Very broadly, it improves the independence of our judiciary. As Mr O'Brien rightly said in his contribution, the independence of our judiciary is one of the pillars on which our democracy is built, and we must endeavour to make certain that every aspect of it is supported in the best possible way.

The bill does that in three ways: it improves the manner in which reserve judicial officers are appointed and operate; it creates a uniform scheme for part-time judicial officers across all levels of the Victorian judiciary; and it changes the manner in which non-judicial VCAT members are paid in order to improve the tribunal's independence, and I will come back to that.

I will briefly refer to reserve judicial officers. This bill improves the manner in which reserve judicial officers are appointed and operate. It is very important to scrutinise exactly what is happening and to make certain that this bill tidies up and addresses some of those issues. One element of that is the tightening of the criteria necessary for someone to be appointed a temporary judicial officer. At present people who have never held a judicial commission can be appointed as a reserve judicial officer. This is not desirable. The bill tightens those requirements, ensuring that only people who have already served on the judiciary are able to be appointed as reserve judicial officers. I suspect that the wider community thinks that already happens, so it is important that the bill tightens up this anomaly and makes certain that the process is transparent.

Additionally, the bill will increase the retirement age for reserve judicial officers from 75 years of age to 78 years. This is in line with what the rest of the community expects across a whole range of occupations. We have an ageing population; we do not want to lose experience and corporate knowledge across all sectors of our community, but most importantly in an area such as the judiciary. It is vitally important that we recognise the huge experience of

some retired judges. In terms of the age being set at 78, I think the saying goes that the closer you get to it, the less important 78 seems to be. The Family and Community Development Committee conducted an inquiry on senior Victorians. As I have said in this place before, a senior Victorian is now anyone aged over 45. As I look around this room, I suspect that most people in this chamber are closely heading that way.

The appointment of reserve judicial officers is designed to relieve pressure on our courts, as Ms Pennicuik rightly pointed out, and I reinforce that point because there is a huge backlog in the courts. I bring to Ms Pennicuik's attention the enormous amount of work that the Attorney-General, Robert Clark, has done in this area, remembering that one of the coalition's mandates on being elected to government was supporting law and order. The Attorney-General has introduced a plethora of bills to support every level of law and order in Victoria, including looking at judicial issues and the pressure on our courts. As we know, in addressing the backlog some courts will be sitting on weekends, and this will alleviate some of that pressure.

These positions are ideal for retired judges, so increasing this retirement age keeps the pool larger for longer. It also allows retired judges who become reserve judicial officers to finish hearing a case that was only partially heard at the time they reached retirement age, so long as it commenced prior to them reaching retirement age. That continuity is something that the broader community would have expected was already a reality. That will tighten up that area, and it is very welcome. During his second-reading speech the Attorney-General said that the main aim of the legislation is to only deal with minor unfinished aspects of a case. That tidying up is an important element here.

I will briefly talk about the Victorian Civil and Administrative Tribunal (VCAT) and how this bill impacts upon it. It will improve the remuneration of non-judicial VCAT members. The salaries of those members will be directly paid through the Consolidated Fund. As we know, VCAT is an independent part of the judicial system, and this reform will reinforce this important aspect of the tribunal.

On many occasions in contributions in this place from members of all the four parliamentary parties in here we hear criticism of VCAT. However, we must remember how good the work is that is done by so many of the people involved with VCAT. We forget about the people and the time and effort they put in — the long hours and their hard work and objectivity. I think recognition in this way through improving their remuneration is an important element of this bill. It is timely to put on the record on behalf of all of us the great work that all the people at VCAT do.

In conclusion, this bill is quite extensive and yet it is also quite simple. It reinforces the independence of the judiciary through the appointment of reserve judicial officers and ensures that those reserve judicial officers have previously served as members of the judiciary. It extends the maximum age of reserve judicial officers, so increasing the pool of qualified people. The heads of jurisdiction can allow judges to work on a part-time basis, so improving the flexibility of the courts. It also improves the operations of VCAT. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to make a contribution to the debate on the Courts Legislation Amendment (Judicial Officers) Bill 2013. As has been indicated to the house already, the opposition is not opposing the bill. This bill is necessary for the administration of our overburdened court system in Victoria. It was inevitable that this situation would arise as the expansion of the population of Victoria and the tough-on-crime stance by this government have increased exponentially the sheer number of trials awaiting a hearing.

The bill makes some amendments which are important to maintaining both the sanity of our current judicial officers and the semblance of applied justice within our state. One thing that is evident is that the demand for services will only continue to increase as the prisons and holding cells across the state are further choked with prisoners awaiting trial.

Firstly, the bill allows the retirement age of sitting appointees to be lifted from 75 years to 78 years of age and provides for a retired judge to determine trials that were begun prior to his or her retirement. Secondly, but just as importantly, the definition of who may be appointed a reserve judge is clarified to incorporate only retired or former judges. The pool from which reserve judges can be selected is small, and as the years progress no doubt we may see judges working into their 80s, although why they would do that remains a mystery to me. They are ordinary men and women with exceptional skills and expertise in their field, but they are also human beings with families and a life outside their judicial roles. Other amendments pertain to the Coroners Court and its capacity to appoint reserve coroners.

The government has responded to the community's demands for harsher laws and sentences for criminals, and that is okay, but the government needs to understand that the more pressure that is applied to the

system, the more money and resources are needed to cope with the results.

In essence, the bill tinkers around the edges. The root causes of crime are in the disadvantaged segments of the community whose members are denied education and opportunities to develop a career or a worthwhile job that sustains them and their families. The amendments before this chamber may ease the current backlog of trials in the courts in the short term, but in the long run we need a more considered long-term strategy that will tackle crime in a preventive and sustainable way that we can all live with.

Motion agreed to.

Read second time.

Third reading

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — By leave, I move:

That the bill be now read a third time.

I thank members for their contributions.

The ACTING PRESIDENT (**Mr Tarlamis**) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order to determine that an absolute majority has been obtained, I ask members in favour of the motion to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

FISHERIES AMENDMENT BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms TIERNEY (Western Victoria) — I rise to speak on the Fisheries Amendment Bill 2013 and state from the outset that the opposition does not oppose the bill. It gives me pleasure to speak on the bill because fishing is particularly popular in Western Victoria Region, and there are a number of constituents and coastal towns in my electorate with a very strong stake in this industry.

There are two aspects to the bill before us today. Its primary purpose is to establish the Fisheries Advisory Council. The 14-member advisory council has been operating in an interim capacity for some time. It is made up of 5 commercial fishing representatives, 5 recreational fishing representatives, an ecologist and an economist, as well as a member representing Indigenous fishing interests. The Fisheries Advisory Council will provide advice to the minister and the department in a number of areas including, but not limited to, commercial and recreational fishing management, access to resources, licensing, research and compliance. I think all members of the chamber would agree that all five areas are extremely important to the industry, but as I said, the council will not be restricted to those primary responsibilities.

As stated in my introductory remarks, many townships in my electorate have recreational fishers, not only those who live in the electorate but also those who come to fish on weekends and on industry rostered days off or during school holidays. The boat ramps around western Victoria remain full throughout the day and often for weeks on end during the holiday periods. Fishing is popular not just with the locals but also with visitors and tourists, whether they be regular or one-off visits.

During the Bracks and Brumby Labor governments I had the pleasure on many occasions of representing the then Minister for Agriculture and the Minister for Regional and Rural Development in announcing a number of significant projects for the fishing industry, which included funding for piers, marinas, fish cleaning tables and the like, from Portland, Warrnambool, Port Fairy and the Surf Coast. As the member for Ripon in the other place, who is a former Minister for Agriculture, stated during his contribution to this bill, there are 720 000 recreational fishers across Victoria. That is a significant number of Victorians undertaking this activity. What I have said on previous occasions and when there have been community events relating to the funding of fishing infrastructure is that it is one of the recreational pursuits that everyone can enjoy. Fishing is a low-cost activity and it does not matter whether you are a man or a woman, a child or an adult or where you live, it is very accessible and a great way for an individual to take time out to enjoy the sport and also the environment. It is a great family activity and a great way for parents to introduce young children to fishing, cooking and enjoying the fresh country air.

Many licence-holders reside in the electorate of Western Victoria Region and there are excellent fishing opportunities in Corio Bay, Port Fairy and even beyond Portland. During the tuna season in Portland and the surrounding area, we are inundated by people who have come from interstate and are there for weeks on end. The seals that hover around the cleaning tables put on an enormous amount of weight during that period. It is great to see because it brings significant tourist activity, whether it be for accommodation, food or petrol in the area, and it brings the townships to life leading up to the Christmas period.

As I said, the fishing industry is important in terms of tourism. It is important to stores that sell fishing equipment, bait and fuel for boats and to providers of accommodation, whether it be caravan parks, bed and breakfasts or hotels and motels. It is estimated that Victoria's recreational fishing industry provides the state with more than $3.2 billion in economic activity. Recreational fishing is important at a state level, but it is also important to many small townships, particularly in the tourism off-season. The commercial fishing industry in this state is also very strong. The Australian Bureau of Statistics indicates that there are about 1700 Victorian jobs that are directly linked to commercial fishing.

I note that the member for Bellarine in the Assembly, Lisa Neville, spoke on this bill when it came before the lower house, and she talked about how she has enjoyed the quality of the seafood that has come from her electorate. I must agree with her. It is true that Lisa and I are fortunate to have electorates with highly productive and pristine water resources. We both enjoy the mussel festival that is held in Portarlington each year, which is all about teaching the local community and tourists the importance of the mussel industry, in terms of not just mussels being a nutritious food source but also how the mussel industry needs to be protected at all costs. There was a problem with the mussel industry some time ago, but government department staff based at Queenscliff were able to work through that problem. We now again have a very active, prosperous and successful mussel industry around the Bellarine Peninsula. Statistics show that commercial fishing contributes over $60 million to the state's economy.

Labor is supportive of setting up the Fisheries Advisory Council. We were also supportive of the consultation with the industry about this initiative, and it is supported by the industry. I am a member of the Education and Training Committee, a joint parliamentary committee that released a report fairly recently on agricultural training, the major recommendation of which was to set up an advisory committee for the agricultural sector. Unfortunately the government did not see fit to support that recommendation, saying it was going to be too costly, too bureaucratic and a few other things. I wonder how the government can make that argument in that case but not in the case of the Fisheries Advisory Council.

However, Labor supports the establishment of the Fisheries Advisory Council, the conducting of industry consultation and for there to be mechanisms through which consultation can be exercised on an ongoing basis, not just through one-off round tables. The Fisheries Advisory Council will play a serious role in making sure that significant research is undertaken to underpin this important industry. It is an industry that can be quite fragile at times, whether it be because of disease — which we have seen with the abalone industry and the mussel industry, which had problems some five years ago — or other factors. We need to be ahead of the game and ensure that the Fisheries Advisory Council is able to play a significant role in forcing government to put adequate resources into this area.

As we know, last year the government slashed half the research and science positions in the Department of Environment and Primary Industries that were stationed at Queenscliff. Members of this chamber would be aware that I spoke out quite vigorously on that issue, not once but several times, as did the member for Bellarine. It is not just the scientists and the staff who are no longer there; the laboratories and equipment were also cut. I hope the advisory council makes some clear, straightforward statements to this government to ensure that the funding is resurrected for the research to continue. The expertise, research and science based in Queenscliff was invaluable in terms of informing good policy decisions, and under this government that is now gone. If something is not done about it, a dynamic industry that delivers so many benefits to a number of stakeholders will be the poorer.

In conclusion, I wish the Fisheries Advisory Council well in its responsibilities going forward. The Labor opposition looks forward to the council having success in informing the government about issues that affect the industry, both commercial and recreational, such as research and the sustainability of resources. We look forward to the council being able to exercise cohesive leadership. Its leadership role will bring the many stakeholders and various parts of the fishing industry together to have a strong and active voice that will urge the government to do the right thing by the industry.

Mr BARBER (Northern Metropolitan) — This bill is about one of my favourite subjects — fishing. Earlier this year, just after Christmas, I was out on the water, in a boat on the Nambucca River, with my extended family.

Mr O'Brien — And your fishing licence?

Mr BARBER — With fishing licences, of course. I was enjoying the pursuit of fishing, as I have so many times in that exact place, which is in fact the place where that side of my family has grown up and farmed for the best part of a century. For me the act of fishing is not simply a pastime I enjoy. The entire landscape of that area — the mudflats, the water, the other species you see, the view to the mountains, the ocean, the river mouth, fishing off the rocks, the waves, the salt, all of it — is completely and utterly inseparable from my youngest memories as a child and, when I think about it, those of generations who came before me. For the benefit of Mr Ramsay, they are a bunch of cow cockies on the river along the Nambucca and Kempsey flood plain. It is more than mere recreation to me. The whole pastime and experience that goes with fishing and the very deep environmental vibes one gets from it is the perspective I bring to this bill.

The bill and the provisions it contains also have a little history. In 2008 the Labor government decided to abolish the consultation mechanisms that were written down under law and replace them with, as I characterise it, a 'trust us, we're the government' approach to consulting all the relevant people — commercial, recreational, management, agricultural and even environmental interests. I am sure the minister responsible for the bill in this place, Mr Hall, will recall the bill that was brought to the Parliament by the Labor government. It was an omnibus bill; it had a bunch of provisions in it. One particular provision that I thought was rather dubious was the removal of the requirement for crop dusting aircraft to have insurance. That, along with a number of other primary industry measures — including the abolition of, if you like, the fisheries consultative and management body — were all rolled up into this one bill, which we were invited to vote for.

It was a Greens-Liberal-Nationals alliance that knocked off that particular set of clauses. The bill went to the lower house and then came back to the upper house, but in the meantime the coalition parties had a change of heart; they decided to vote for the provisions. The Greens stayed the course. As I understand it, that led to the coalition government's commitment to restore the original provisions. In fact in the policy document the coalition put out at the election the coalition said it would immediately legislate to reinstate effective and proactive consultation with commercial fisheries and consult all recreational fishing peak bodies. 'Immediately' has taken three years, but here we are; we have this bill that proposes to set up a new form of fisheries advisory committee. In between, of course, a stakeholders round table has been in operation. From what we have heard, that pre-existing model looks similar to the model that has been proposed in this bill.

In the meantime a New South Wales ministerial fisheries advisory council has been established, which we might also look to for comparison. It differs from this proposal in a number of ways. First of all, there is a formal application process for council members, and that is now under way in New South Wales. That means people have to go through a suitability process. The proposed Victorian model is entirely hidden away and at the discretion of the Minister for Agriculture and Food Security. There are regulatory requirements for pecuniary interests to be disclosed under the New South Wales regulations. I am presuming that with this Victorian model it will simply be part of the normal practice of the public service, of directors and of other people on advisory committees which set up that requirement.

The New South Wales council has five members, one of whom is someone 'the Minister is satisfied has expertise in the conservation of aquatic resources or will represent those conservation interests'. That is important, because the current Victorian council has 14 members, with 1 fisheries ecologist management expert and zero conservation group representation on the council. This is unfortunate, because the consultation principles were inserted into the Fisheries Act 1995 through section 3A in 2009, when the current mechanism was set up. The council that is proposed to be created under this bill does not follow the principles in the act, particularly the requirement to consult conservation groups. It is for that reason that I am proposing an amendment — and I am happy for this and my subsequent amendments to now be circulated, as I believe they have been informally circulated to the other party whips — to create a provision for the representation on the committee of all relevant interests, including conservation interests.

Greens amendments and suggested amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — Why would anybody object to that? Is it really possible to separate the environmental question, the protection of the fisheries and their intrinsic value, from the interest in recreation? It might even be argued that it is a false dichotomy to separate

out the environmental interests from the recreational, commercial and economic interests, because they are in fact one and the same. It is after all what we are talking about. The whole purpose of this bill is to set up a framework in which the public interest in a good, healthy fishery, an environmental asset, can be managed. The government well understands that it is not simply groups organised around the pursuit of recreational or commercial fishing that have something to say about that. The government well and truly understands that there are those who take a more environmental perspective who have something to say on this question.

For example, the Victorian National Parks Association (VNPA) wrote to Minister Walsh to congratulate him on the decision to form a new Fisheries Advisory Council and to put forward its own credentials to be a member of the council. The VNPA wrote:

> As the leading marine nature conservation organisation in Victoria the VNPA engage in a number of fisheries management processes and decision-making processes. We are involved as conservation representatives on the Victorian Abalone Fishery Management Plan steering committee and the Victorian Fishing Research Advisory Committee, providing valuable input from an environmental perspective.
>
> The VNPA also published a new report in 2013, *The State of Recreational Fishing in Victoria*, which provided a review of the ecological sustainability of recreational fishing in Victoria as well as management options. The report was written by two independent scientists …

and it was made available to the minister via its website. The letter goes on:

> As stated in the Fisheries Act 1995, fisheries management monitoring is to be aligned with the principles of ecosystem-based management. The input of all sectors into achieving this holistic framework and management is critical.

We know that this government, and the Liberal Party more broadly — particularly when it comes to environmental questions — has been shooting the messenger lately. For example, in the same period that the federal Minister for the Environment, Greg Hunt, announced he was going to close down the senior and well-resourced climate advisory body to the government of the day, the minister himself had to jump on *Wikipedia* to find out if there was a link between bushfires and climate change. It certainly did not stop the debate from continuing — —

Honourable members interjecting.

Mr BARBER — You see, Acting President, there is some discomfort when that is pointed out. The members opposite are suckers for punishment. That is why I am actually trying to be brief — so that we can get onto the debate later tonight, which is when we will talk about how they think we should all roll over and repeal the carbon tax, but I will say a bit more about that. It was really an aside, Acting President, that this government, now in power at both levels, likes to shoot the messenger.

In this case the government excludes even one solitary representative of an environmental organisation from its body of 14. We understand fully that the government's policy is not to create any more marine-protected areas, let alone no-take zones, in Victorian waters. We understand it is a message the government does not want to hear. The government has locked itself into a situation where such a measure — a protected area or a no-take zone — could never, ever be warranted, but that would not stop the government from putting a token greenie on its advisory committee and letting them have their say so that the government has got at least a formal avenue for advice.

That brings me to my second amendment, which has already been circulated, and which relates to the fact that the reports of this advisory committee will not actually be made public. It is not simply a matter of Greg Barber saying this; it was in fact members of the coalition in the 2008 debate who were making the same point. Mr Philip Davis, who continues as a member for Eastern Victoria Region, made the very same point.

Mr Ramsay interjected.

Mr BARBER — Not *Wikipedia* but in fact *Hansard*. He said:

> I am stunned by the government's proposal to completely repeal all the existing institutional arrangements, which have been in place now for more than a decade, in relation to consultation with all the stakeholders — the recreational fishers, commercial fishers, environmental interests and all those who have an interest in Victorian fisheries — given that all the government proposes to replace the model with is a commitment to consult.

Mr Philip Davis said those exact words on 2 December 2008 in a debate on the Primary Industries Legislation Amendment Bill 2008. Mr Hall, who will be the minister speaking on the bill before the house today, also made the observation that reports from the new body that Labor was setting up would not necessarily ever see the light of day.

I have got a very simple solution for that. It is an amendment that would mean that when the relevant minister received the report of this formal statutory body, which will be brought into existence today through legislation — which I am supporting and the Greens are supporting — that report would be tabled in

Parliament. As an administrative step, that is basically nothing. We know every time we walk in here on a Tuesday there will be dozens of little reports and various other items that have to be dropped on the table, so I do not think that is an unreasonable requirement, and certainly, going back to 2008, Mr Hall agreed with me. That in a nutshell is my view of the bill and the Greens' view of the bill.

I am an avid participant in fishing whenever I get the chance, which is not often. I almost reeled a couple in a minute ago! Just talking about it I am salivating as I imagine the taste of a flathead, one of my favourite fish and a fish I have been eating all my life. There are a heap of bones, a lot of tiny little bones, in a flathead. You cannot eat it fast. If you are hungry, you actually take in meat and spit the bones out as you go.

As an MP I do not get to go fishing very often. I watch it on telly whenever I get a chance. There is a whole proliferation of fishing shows now on all those various free-to-air channels. There are so many free-to-air channels you cannot keep track of them. There is *IFISH*, there is Robson Green's *Extreme Fishing* and there is another one that seems to be about a bunch of blokes perpetually going around Australia in a four-wheel drive! There are at least three different fishing shows, and on some afternoons or evenings when I have time I actually surf from one fishing show to the next. That is a vicarious pleasure I take in between instances of what is now effectively a once-a-year activity on the Nambucca River.

But I know there are tens of thousands of people who get more opportunities to fish than I do, and I know there is a broad and general interest in and almost an agreement on the broad aim — that is, a healthy fishery that is available for everybody forever. Surely, having a well-balanced committee providing a variety of advice to the minister is a worthwhile gesture. For that reason, while I will support the bill overall, I have brought forward two amendments that I think are quite important, and I hope other members of the house will see fit to support them.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to be able to speak to the Fisheries Amendment Bill 2013. In doing so I note that the opposition is not opposing the bill. However, I also note that the Greens wish to make two sets of amendments to it — one to have an environmentalist on the advisory committee, and the second to have the report of the activity of that committee tabled. I will leave it to the minister to respond to the proposed amendments, but I note that there is an ecologist on the advisory council, who could well assume responsibility in relation to any concerns about the environment. I also note that the activities of the committee will be posted on a website, so there will be plenty of transparency and accountability in relation to the activities of that committee. This should satisfy Mr Barber in relation to his proposed amendments.

My electorate of Western Victoria Region, like those of other speakers who spoke on the bill, is blessed with a number of idyllic fishing spots. In fact we have the luxury — Mr O'Brien, as a colleague from Western Victoria Region does as well — of having one of the best, most historic, iconic and well-known landmarks in Australia. A number of wonderful fishing villages along the Great Ocean Road provide people with abundant opportunities to fish and to enjoy fishing. My favourite idyllic fishing spot is off the pier at Lorne, where I learnt to fish. On that pier, not the one that is there now, I gained a lot of experience and joy in learning how to fish and being able to catch fish.

But I am digressing. I do not want to spend a lot of time talking about recreational fishing and fishing spots — —

Mr O'Brien — You wouldn't want to stray from the bill.

Mr RAMSAY — Quite right, Mr O'Brien. I am actually here to speak on the bill, which is quite a simple bill, but I wanted to take the opportunity to say that we are well blessed in Victoria in terms of our capacity to engage in both commercial and recreational fishing. We have an abundant supply of good quality fish for eating.

The bill amends the Fisheries Act 1995 and also establishes a new Fisheries Advisory Council, which will be a cross-sectoral, expertise-based body that will provide advice to the Minister for Agriculture and Food Security on strategic matters relating to the management of Victorian fisheries. The primary purpose of the bill is to improve Victoria's fisheries management framework by establishing the new Fisheries Advisory Council. The council is being embedded in legislation to both fulfil the government's election commitment and demonstrate its long-term commitment to effective consultation with commercial and recreational fishers.

In 2010, in fulfilment of the coalition's election commitments, the government released its plan for agriculture. The plan included the commitment to amend legislation to reinstate an effective and proactive consultation process with industry and to legislate to reinstate a consultative process that involves all the

peak bodies in the industry in relation to recreational and commercial fishing. These policy commitments will be delivered through the bill, which establishes a Fisheries Advisory Council.

The council will build an understanding and consensus with all fishing sectors on improvements to fisheries management arrangements. It will also advise on means to introduce more efficient and flexible fisheries management arrangements, securing access to resources, stewardship incentives and ways to optimise value from the use of Victoria's fisheries resources.

The council may well be put to the test in the discussions currently occurring in relation to Corio Bay, which I am very familiar with, where concerns have been raised about finding an appropriate balance between commercial and recreational fishing interests. I am pleased to see the minister has been willing to consult with both recreational and commercial fishers in relation to Corio Bay, and he has noted their concerns. He seeks to ensure that both commercial fishers, who make a living from the stocks within the bay, and recreational fishers can operate harmoniously in the bay.

The advisory council will build an understanding and consensus with all fishing sectors on improvements to fisheries management, and it will also advise on means to introduce more efficient and flexible fisheries management arrangements. The council will manage issues that arise, such as the management of commercial fishing, recreational fishing and Aboriginal fishing interests; the promotion of the co-management of fisheries and improved governance; statewide policies in relation to fisheries licensing, management, research and compliance; matters relating to intergovernmental agreements and arrangements relating to fisheries; and issues relating to the security of access to resources in particular fisheries.

The council will consist of 14 members, who will be chosen to obtain a broad range of expertise and experience, in order to maximise the quality of advice provided to the minister and build an understanding and commitment across sectors on improvements to fisheries management arrangements. The minister will appoint an independent chairperson; 4 members from the Victorian commercial fishing sector; 1 member from the commonwealth commercial fishing sector; 4 members from the Victorian recreational fishing sector; 1 member from the Victorian recreational fishing business sector; 1 member who represents the interests of the Aboriginal community; 1 fisheries ecologist; and 1 economist. Members of the council will be appointed by the minister for up to three years. They will not hold office for more than two terms to ensure a rotation of members. Funding has been allocated for the council, and the Department of Environment and Primary Industries will provide secretariat support to the council.

In addition the bill makes several miscellaneous amendments to the principal act to improve fisheries management outcomes, including streamlining the existing provisions, which will enable the department to levy commercial fishers for the provision of government services, and it will give the department more flexibility to determine the method for calculating levies, replacing the requirement for the minister to publish a new fisheries notice in its entirety in a local newspaper with a requirement to publish the notice on the department's website. The bill will also amend the definition of 'rock lobster' to reflect new scientific information on the classification of the species.

Fishing is a significant sector in this state, and it is incumbent on the government to get the settings right for the sector. Many small communities rely on it, the state economy as a whole relies on it and many other significant sectors interact with it. The fishing tackle industry, for example, is a very sizeable industry in the state, as are the boating industry and the many ancillary industries that make up the commercial component of the recreational fishing industry, which I believe contributes around $2.3 billion to the economy.

The Victorian government has demonstrated its strong commitment to improving fishing opportunities by investing around $16 million over four years in a recreational fishing initiative, which aims to develop new fisheries by stocking Australian bass, estuary perch, Macquarie perch and trout cod; to improve fish migration by installing fish ladders and removing in-stream barriers; to improve access for anglers; to improve boat launching facilities; to install fish-cleaning tables; to conduct public forums to exchange ideas on ways to improve fishing; to increase fisheries patrols on weekends and public holidays; and to undertake research to support recreational fishing.

These are the ways in which this government is continuing to invest in the fishing industry, and the introduction by this legislation of an advisory council, that is fully representative of the industry, to provide advice to the minister is yet another indication of the government's continuing approach of consultation, which aims to ensure that the interests of all sectors of the industry are accommodated. It is on that basis that I commend the bill to the house.

Mr LENDERS (Southern Metropolitan) — I will speak briefly on the bill, because my colleagues Mr Helper, the member for Ripon in the Assembly, and Ms Tierney have covered its main provisions.

There are a couple of matters I would like to raise. I will address Mr Barber's proposed amendments shortly. In the briefing the minister provided on the bill, I addressed three questions to him, and rather than put them again, I will invite the Minister for Higher Education and Skills to respond to them in this place. I am sure he will provide a satisfactory answer; he will say it once, and then we can go into the committee stage. I will pass on the areas that will be dealt with in the committee stage.

However, I have another question I will put to the minister, and rather than taking it into the committee stage I will invite him to reply to it at the end of the second-reading debate. It is in relation to clause 7, which goes to an amendment that removes a requirement from the secretary of the department. To paraphrase the explanatory memorandum, at the moment if there is a levy imposed to raise money for an organisation, that money must go to the organisation. The explanatory memorandum states that that money can now go wherever the minister directs it, obviously under the terms of the Financial Management Act 1994. My question to the minister relates to the abalone industry, where funds have been levied in the order of $200 000 to $400 000. I ask: where has that money gone? Has it been expended on that industry or for other purposes? I will await the minister's response at the end of the second-reading debate before, perhaps, pursuing it further in the committee stage.

But the main area I wish to address is the issue of Mr Barber's suggested amendment to the Assembly and his direct amendment to the bill in the Council. People have recapped the history of this piece of legislation: that it was a deadlocked bill between the houses and a whole range of things, the long history of which has already been adequately covered. From the Labor Party members' perspective, we thought a flexible approach was better than a structured consultation process like this. We proposed that in government, and it was ultimately adopted by the house. We think that is a better form of consultation, but we accept that the coalition said that if it were elected it would bring back this structure, and it has. Hence we are not opposing the bill, because of that clear commitment to bring back the structure.

What Mr Barber is doing is proposing from his perspective to improve the structure by adding a 15th board member with a conservation perspective. We could have a debate over whether they should be from an ecologist group or a conservationist group, and I am sure there could be a long debate on it if people wanted that. But from our perspective we accept that the government said it would bring back the structured approach that we got rid of, so we will not be opposing the government's bill. In fact there are good things about the bill. For those reasons we will not be supporting Mr Barber's amendment. This is not a reflection on Mr Barber, who came in good faith with the amendment, but if we had had more time we may have given it more consideration. Our starting point is that this was the government's proposal. It was flagged in debate in this house on several occasions back in the last Parliament, so we will not oppose that part of the bill — the structure.

Regarding the second of Mr Barber's amendments, which is essentially that this committee report to the Parliament, we will support that. If the government wants to have a structured, formal body, its reporting to the Parliament is more than appropriate. We will support Mr Barber's amendment on reporting to the Parliament.

In closing, the urgency of having a report of some form obviously goes to some of my questions to Mr Hall, which he has on notice, about the remuneration of the committee and whether people can put things on the agenda of the committee. There are a range of questions, which hopefully he will address, which all go to wanting some accountability for this formalised committee. I will conclude my remarks on that and reserve the right to come back in at the committee stage, but I am very confident that this minister will answer those questions.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I first of all want to thank all members — Ms Tierney, Mr Barber, Mr Lenders and Mr Ramsay — for their contributions to the debate, and indications of support from all parties for this legislation. I want to say a couple of things in reply. I know we are going to go into committee and talk about Mr Barber's proposed amendment and suggested amendments covering clause 4 of the bill, but I want to cover off on a couple of other issues, particularly the issues which Mr Lenders gave an indication of — that is, questions that have been raised both in the debate, in the other place and here, and also during the course of briefings.

I have in front of me seven questions asked by Mr Lenders. I will not read all the answers onto the record; I might go over my 15 minutes. The first of them relates to remuneration of directors: will Victorian

public service bands be followed and what level of remuneration will be provided to the Fisheries Advisory Council members? The second one talks about the development of the agendas of the Fisheries Advisory Council meetings: will the council have the opportunity to generate agenda items and the like? The third is on the origin of the $80 000 used to fund the Fisheries Advisory Council: where does the money come from? The fourth question goes to how to change amendments regarding levy collection, and why it was considered necessary to broaden the ability to collect levies and the like. The fifth relates to asking whether the privacy commissioner has been fully briefed regarding the proposal to provide licence-holder information to representative bodies, and will the minutes of the council be made public? There is then one further question on where the best spots are for fishing, and perhaps the last question might be of more interest to Mr Barber and others.

What I am prepared to do — and I have spoken to Mr Lenders about this — is to provide him with a full copy of these answers, and indeed if any other members who have participated in this debate would like a copy of the answers to these questions, headings of which I have just announced, I would be happy to make those answers available to them as well.

An honourable member interjected.

Hon. P. R. HALL — I will put on record the answer to no. 7, 'Where are the fish?':

> Victoria's fisheries are diverse and geographically extensive, including productive coastal, bay, inlet and freshwater fisheries.
>
> Our bays, inlets and oceans support productive recreational fisheries for snapper, King George whiting, flathead, bream, sharks, tuna, calamari and Australian salmon to name a few. Scallops, abalone and rock lobster are available.
>
> Whiting are currently being taken off Sorrento and Queenscliff on pippis. Squid are also being taken on lures in a variety of colours. Salmon can be found at a number of locations within Port Phillip Bay and coastal areas.

It goes on and includes some inland fisheries as well. I would be happy to make all this available to interested members upon request — a full copy of the answers to these questions. I think it is probably more efficient if we leave a response to the questions regarding Mr Barber's amendments and the Labor Party's indication of its support for one of those amendments to consideration of clause 4 of the bill.

Mr LENDERS — The abalone one?

Hon. P. R. HALL — The abalone one; let me answer that too. Mr Lenders indeed asked me a question, and for some reason I did not have an answer on notice on that, regarding funds from the levies collected from abalone licence-holders, and in particular whether those funds collected were spent in full or in part, or where they were spent in terms of managing that abalone fishery, and that includes research as well. What I am going to offer Mr Lenders by taking this on notice is a response where I will provide him with a full acquittal of the funds collected through that levy and where they were spent. Again, if other members are interested in that, then I will provide an answer to them as well; they will just have to indicate that to me. So I have not got a complete answer right now, but I give a commitment to provide that full acquittal as promised.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Barber has proposed a number of amendments in relation to clause 4, some of which can be treated as ordinary amendments while others must be put in the form of suggested amendments. The suggested amendments propose an increase in the membership of the Fisheries Advisory Council. As members of this council are paid, any increase in its membership would have financial implications under section 62 of the Constitution Act 1975 and therefore may only be considered by the Legislative Council as suggested amendments to the Assembly.

Mr Barber's suggested amendments will be considered prior to his ordinary amendments, which relate to a separate issue. Mr Barber's suggested amendment 1 is a test for his further suggested amendments 2 and 3. I call Mr Barber to move his suggested amendment. Mr Barber can move the whole three suggested amendments if he wishes.

Mr BARBER (Northern Metropolitan) — I move:

> That it be a suggestion to the Assembly that they make the following amendments in the Bill:
>
> 1. Clause 4, page 3, line 12, omit "14" and insert "15".

2. Clause 4, page 4, line 20, omit "." and insert ";"

3. Clause 4, page 4, after line 20 insert —

"( ) one member from a relevant conservation group who, in the opinion of the Minister, represents the community interest in the protection of aquatic ecosystems.".

I will very briefly recap on the rationale for these. The previous government amended the Fisheries Act 1995 to insert a set of consultation principles. In fact they are at section 3A of the act, immediately below section 3, which sets out the objects of the act. This bill has not sought to change those original principles. They were new principles created by the previous government; they are apparently principles that are supported by this government because in moving this bill it has not sought to change those principles.

The principles include:

… be clear, open, timely and transparent;

… reflect the likely impact of decisions on persons and fisheries resources;

… the consultation process should be adequately resourced;

… should be flexible and designed to take into account … persons to be consulted and their ability to contribute to the process;

… the consultation process should involve consideration of representative advice which represents the views and values of the persons represented …

And finally — and this is at subsection (f):

representative advice in relation to the following persons or groups should be considered during any consultation process —

(i) recreational fishers;

(ii) commercial fishers;

(iii) aquaculture operators;

(iv) conservation groups;

(v) indigenous groups …

The purpose of my suggested amendments is to add to the line-up of 14 members one member from a relevant conservation group who, in the opinion of the minister, represents the community interest in the protection of aquatic ecosystems. The language I am using there and the intent of it matches exactly the principles that were inserted by the previous government at section 3A and that are being endorsed by the government with this bill.

If it will save us time, I will quickly address my other amendment. As I have just noted, transparency is an intended outcome of the consultation principles, and that is why my other amendment calls for the tabling of the report of the work of this committee in Parliament, where it is easily accessible to all members.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The government will not be supporting either of these sets of amendments, but I want to extend the courtesy to the house of giving a clear explanation as to why. First of all, in terms of the composition of the council, new section 93 on page 3 of the bill spells out the composition of the council. It is very clear, if you look at the categories of persons who will form the council, that the government's intention is to move to a skills-based council — people who have the knowledge and experience to add value to the workings of the council.

Not in any of those categories do we suggest that membership of an organisation is a criterion — indeed, we have moved away from that — whereas in previous co-management councils, bodies and the like, there was then a requirement that some members be members of particular named organisations. So where the bill talks about people who have experience in commercial fishing and represent the interests of the fishing commercial sector, again it does not require that they come from a particular group, nor does it do so with the people with experience and knowledge of recreational fishing. I particularly want to draw the attention of the committee to new subsection 93(g), where it speaks about:

… one fisheries ecologist who, in the opinion of the Minister, has knowledge and experience of the sustainable use of aquatic resources and represents the community interest in the sustainable use of those resources …

This is in contrast to Mr Barber's amendment, which describes the additional person he seeks to appoint as:

one member from a relevant conservation group who, in the opinion of the Minister, represents the community interest in the protection of aquatic ecosystems.

We do not believe there is any substantial difference between Mr Barber's description and the way the additional person is described in the bill, apart from the fact that Mr Barber's amendment suggests that the person be a member of a relevant conservation group. We believe the intent of bringing a person with the knowledge and experience that Mr Barber seeks is already provided for in the bill, although according to the terms of the bill that person does not need to belong to a particular conservation group. We are suggesting that members of the council should be people with

experience and knowledge rather than being members of organisations, so for the reason of consistency we do not support Mr Barber's suggested amendment with respect to the composition of the council.

One of the amendments Mr Barber proposes is that:

> The Minister must lay before each House of the Parliament a copy of a report under subsection (1) on or before the 6th sitting day after receiving that report.

I want to mention an answer I provided to Mr Lenders, which I will make available to other members. The answer is a response to the question: will the minutes of the council be made public? The answer is: council outcomes and actions rather than verbatim minutes will be communicated on the Department of Environment and Primary Industries website following each meeting. In addition, annual reports will be available on the department's website.

The commitment I am giving to the house is that annual reports and reports of outcomes of each of those meetings will be made publicly available on the department's website. Given that this is an advisory committee rather than one that would be described as a statutory committee with particular functions, we believe that the publication of these reports on the website will provide the transparency that Mr Barber seeks. We do not believe it is necessary to take the additional step of having those reports tabled in the house, given that they will be available on the website and that this is an advisory committee rather than a committee with statutory functions.

Committee divided on suggested amendments:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Noes, 34

Atkinson, Mr	Lenders, Mr
Coote, Mrs	Lovell, Ms
Crozier, Ms	Melhem, Mr
Dalla-Riva, Mr	Mikakos, Ms
Darveniza, Ms	Millar, Mrs
Davis, Mr D.	O'Brien, Mr (*Teller*)
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Koch, Mr	Tarlamis, Mr
Kronberg, Mrs	Tee, Mr (*Teller*)
Leane, Mr	Tierney, Ms

Suggested amendments negatived.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask Mr Barber to move his proposed amendments 1 and 2. Amendment 1 is a test for amendment 2.

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 4, page 7, line 17, before "The" insert "(1)".

2. Clause 4, page 7, after line 20 insert —

> "( ) The Minister must lay before each House of the Parliament a copy of a report under subsection (1) on or before the 6th sitting day after receiving that report.".

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have already indicated that the government will oppose these amendments, and I have already given the reasons.

Committee divided on amendments:

Ayes, 17

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

Noes, 19

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

Pairs

Broad, Ms	Atkinson, Mr
Viney, Mr	Finn, Mr

Amendments negatived.

Clause agreed to; clauses 5 to 12 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CORRECTIONS AMENDMENT (PAROLE REFORM) BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — While I welcome the opportunity to speak on the bill, it comes at a time when our corrections system is in crisis. It comes at a time when the government has failed Victorians when it comes to the corrections system. Amendments to the parole system will occur as a result of the review by former High Court Judge Ian Callinan, which identified 23 recommendations. We now see the fourth bill on the issue of parole. Once again it reflects a government that has adopted a very ad hoc approach not only to parole but to the justice system, prisons, and corrections more generally.

When we examine the bill we see tinkering more than anything else. There is a provision which requires that the safety and protection of the community is paramount when it comes to parole decisions — and we absolutely support that sentiment and that provision, and indeed we do not oppose the bill — but there is no point making important statements like that unless you back them up. There is no point going around telling everyone that community safety and protection is paramount, and indeed legislating for that kind of glib clause, when you do not back it up.

What we have seen over three years is complete neglect. An examination of the adult parole board's annual report shows that the parole board met on 30 more occasions last year. It examined some 10 000 cases, which is a 30 per cent increase in its workload, yet its funding increased by only 14 per cent in actual terms. In addition, administrative staff have been cut by two full-time-equivalent positions. On the one hand we have seen a 30 per cent increase in the number of meetings and on the other hand we have seen a 14 per cent increase in the budget, along with staff cuts.

Looking at the result of this government's neglect over three years, the annual report of the Department of Justice 2012–13, which was tabled in the last sitting week, shows that for the first time in eight years the recidivism rate — the rate of return to prison within two years — is increasing. It has increased from 35 per cent in 2011–12 to nearly 37 per cent in 2012–13. The government has a policy of no more than 100 prisoners being held in our state cells on any given day, but because of the overcrowding we routinely see more than 300 prisoners being held in our cells. We see police resources wasted in attending to prisoners. We see police members doing things like dispensing medications, dealing with mental health issues and dealing with the disabilities that are prevalent amongst our prisoners, but we do not see our police force out on the front line. We see a police force trying to babysit prisoners when it should be out stopping crime. Just last night on *ABC News* the Assistant Commissioner of Police, Tim Cartwright, said that the overcrowding issue, 'is going to affect operational front-line policing'.

You cannot have a situation where the overcrowding in our cells and the requirement for police to act as prison officers impacts on front-line services. You cannot expect the parole system to operate effectively with its increased responsibilities and increased duties when it is not properly funded or properly staffed. Prisoners are now being shopped around police cells because there is no limit on how long they can be held in a police cell and there is nowhere else to put them. Our system is in crisis, and there are fewer police on our streets as a result of that crisis and mismanagement. Our community is less safe because there are fewer police on the front line doing what they should be doing, which is stopping crime and catching criminals. Instead, they are in police cells looking after prisoners.

This crisis in our system, which is the result of three years of neglect, is now pushing into and affecting the way in which our courts operate. The court system is grinding to a halt because of the overcrowding of prisoners in holding cells. Cases are being adjourned, and that has an impact on everyone. There is an impact on criminals when cases are adjourned, but more importantly there is an impact on victims. People cannot be brought in from the remand centre prior to their case being heard because there is no holding cell available at court to hold them, so their case cannot be dealt with. It is a cost to the entire legal system, with the time of lawyers and judges being wasted. Most importantly, it is an indictment of this government, and victims are emotionally hurt. As a result of this crisis Corrections Victoria is being charged the costs associated with wasting the time of the court and legal representatives. Last night concerns were raised about authorities being sued for contempt. The Criminal Bar Association says there are now over 300 people who have not appeared in court due to this issue.

As I said, we do not oppose this bill, but we are concerned about the three years of neglect that has occurred under this government and about the criminal justice system effectively grinding to a halt. There are no winners out of that; neither our court system nor the overworked members of the parole system who are dealing with more and more cases under more and

more pressure, with an insufficient budget and without the resources to do their work. This is a crisis about which we are very concerned. We are hoping the government takes this opportunity to take stock and that it tries to redress some of the deficiencies that are now starting to pile up as a result of this government's incompetence.

If we look back at the Callinan review, which was the genesis of this bill, we see that it was a review conducted in secrecy and that it failed to give Victorians the opportunity to provide input. It was a missed opportunity to consider the views of many victims, experts, workers and the public more widely in the consideration and development of that report and its recommendations.

We are very concerned about the state of corrections in Victoria. This bill is now the fourth attempt to make some changes, which we do not oppose. We applaud the recognition that community safety is paramount, but it is clear that this government is not delivering on that. It is clear that this government is delivering the opposite. It is delivering increased recidivism rates and, more alarmingly, it is taking our police off the streets where they should be combating crime. Instead they are acting as prison officers in our overcrowded police cells. It is a recipe for disaster, and I urge the government to take heed before it is too late.

We do not oppose the bill. We do not oppose the changes. We do not oppose enshrining in legislation the recognition that the safety and protection of the community is paramount, but we also do not see any evidence of that ambition being realised. In fact it is quite clear that all the traffic is running the other way. We urge the government to remedy that as soon as possible because community safety is what is at stake here.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to rise on behalf of the government to make a contribution to the debate on the Corrections Amendment (Parole Reform) Bill 2013, and to speak in favour of the bill. I was somewhat surprised and disappointed to hear the previous contribution from Mr Tee, because clearly at no point did he give any indication that he was concerned about the functions of the Adult Parole Board of Victoria, and at no time did I get the feeling that he was concerned about the rights of victims. That is not surprising, given Mr Tee worked with the former Attorney-General who, one could say, was more interested in the rights of offenders than the rights of victims. As a government we have been very clear about our commitment to the rights of victims, and that is the reason for the amendments in the bill before the chamber.

I must say that some of the untruths coming from the opposite side of the chamber surprise me. This is a clear piece of legislation. It is the first of a tranche of legislative reforms arising out of the review of the Adult Parole Board of Victoria by former High Court judge Ian Callinan, AC, known as the Callinan report. It is important to note that whilst those opposite do not oppose the bill, the principal purpose of the bill before the chamber is to provide that the safety and protection of the community is the paramount consideration in all parole decisions by the adult parole board. If this is not the overriding principle, then everything else falls away.

Listening to Mr Tee, it was as though the adult parole board was operating very effectively before November 2010. The reality is that the adult parole board was in need of review. The review that was released on 20 August 2013 identified 23 measures for improvement to Victoria's adult parole system. Despite the statements made by Mr Tee in his contribution, we have acted swiftly and decisively to implement a number of the administrative and legislative changes recommended in the report. Mr Callinan found that the system had become too far skewed in favour of the offender and away from victims, their families and the broader community.

I was disappointed that there was no concern for those victims in the contribution of Mr Tee. Instead he used the time allocated to him to go on a political diatribe about issues that could have been raised in relation to other pieces of legislation or perhaps in other forms, such as a members statement or an adjournment matter. However, we have a piece of legislation before the chamber that is concerned with the adult parole board and reforms that we are undertaking as a result of the Callinan report.

We make no apologies to the Victorian community that we have acted swiftly on this. We believe the recommendations of the Callinan review need to be implemented quickly. As I said before, this is the first in a tranche of legislative reforms arising from that report. The legislation before the chamber also reforms the membership of the adult parole board and provides for registered victims to be notified before the release of a prisoner on parole.

Whilst I am on the topic of the adult parole board, there was some suggestion that the adult parole board has been diminished by this government. I put on record the fact that the adult parole board budget has increased

from what was $2.5 million to what is now $3.2 million. The number of full-time-equivalent employees funded at the parole board has increased to 31. We have seen not only legislative reforms to improve the administration of the adult parole board and ensure that the paramount consideration of the board is the safety and protection of the community but also a commitment to fund and increase staff within the adult parole board.

Unlike those opposite, who would like to play politics on this issue, many in the community see this as a step in the right direction. We have seen many newspapers report on this issue, including an article in the *Border Mail*, Albury-Wodonga, on 23 September 2013, headlined 'Parole system failed Jill Meagher — Andrews'. The article quotes Victorian opposition leader Daniel Andrews as having said:

> The best way we can honour Jill Meagher's memory and perhaps ease the burden that Tom Meagher and Jill's family face every day is to ensure these failings never happen again.

I did not hear that from Mr Tee. I did not hear him speak about the reasons the Callinan review was undertaken. The events that led to the review were distasteful, and I did not hear Mr Tee indicate what we are seeing in the papers, which is support of the government for bringing forward these legislative changes.

In the *Sunraysia Daily* we saw an article in favour of victims being given two weeks notice before the person who hurt them is released from prison under the changes to Victoria's parole system. In the Ballarat *Courier* of 19 September we saw an editorial headlined 'A step in the right direction towards fixing parole system'. If Mr Tee wants to play politics on this issue, I remind him that we came to government promising to fix the problems. I suggest that part of the problem involved the adult parole board, and we are moving swiftly to ensure that some of the shortcomings overseen by the previous government are being dealt with. There was even an article by Melinda Tankard Reist in the *Sunday Age* of 25 August headlined 'Parole board failures a matter of life and death', with the subheading 'Offenders' rights shouldn't trump victims' rights'. There is further material from newspapers and plenty of other literature about this issue.

As I said, the government stands proud in bringing in the legislation before us in the chamber. This bill is about setting up the right framework for the adult parole board so that it understands that the safety and protection of the community is paramount in consideration of all parole decisions. The bill also ensures that we reform the membership of the adult parole board so that it is reflective of the needs, wishes and aspirations of the community and it takes into account the wishes of registered victims so they can be notified of the release on parole of a prisoner.

It was sad that in the interests of the community we had to bring this piece of legislation to the chamber. I hope members on the opposite side of the chamber recognise the importance of this piece of legislation more than was outlined in the contribution of their lead speaker.

Ms PENNICUIK (Southern Metropolitan) — The Corrections Amendment (Parole Reform) Bill 2013 follows on from other amendments to the parole system and corrections amendment bills we have already seen before the Parliament. I start by complimenting the parliamentary library on its research and the bill backgrounder it produced on this bill, which is very helpful to read not only for MPs but for people in the community who want to get across the complex issues that are involved in the public discourse that has been carried on over the last two years or longer with regard to heinous offences that have been committed by some parolees and serious violence offenders who have been released on parole or bail. We have addressed those issues in debate on previous bills.

The bill before us now implements some of the measures recommended by former High Court judge Ian Callinan arising from his review of the parole system in Victoria, which was commissioned by the Minister for Corrections, who is sitting opposite me today. It is worth us pointing out that the review conducted by Justice Callinan is not the only review we have had before us recently; there was also the review conducted by Professor Ogloff. The last time I spoke about the parole system in this place I mentioned the distressing nature of Professor Ogloff's report. There has also been a review conducted by the Sentencing Advisory Council.

Going to the bill, this particular bill amends the Corrections Act 1986 to provide for a number of things, including that the safety and protection of the community be paramount in parole decisions. Justice Callinan stated in his report that he believed that this particular principle — the safety of the community — is paramount in parole decisions and that the Adult Parole Board of Victoria had strayed from this principle. It is worth stating that in its response to the Callinan report the parole board itself admitted that mistakes had been made with particular parolees but did not accept that it did not have this particular principle as its paramount concern. Nevertheless, given that there has been commentary from other stakeholders in the community regarding this particular

provision and whether it should be put in legislation, I do not have a particular problem with the principle of the safety and protection of the community being the paramount concern of the parole board being put in legislation.

The bill also reforms the membership of the adult parole board to include allowing for the appointment of a full-time chairperson to the board and introduces time limits for appointments to the board of not more than nine years in total. Again, these were measures recommended by Justice Callinan. Certainly in terms of the appointment of a full-time chair, that is widely supported. It is a sensible measure. That would mean it would be very unlikely that a serving Supreme Court judge would also be a full-time chair of the parole board, because you could not really be a full-time chair of the parole board and a full-time judge of the Supreme Court. Perhaps the bill that went through the Parliament earlier today, whereby judicial officers can be part time, will mean that a Supreme Court judge could have a role in chairing the parole board.

The bill also introduces a measure, recommended by Justice Callinan, for registered victims — that is, victims who have registered on the victims register — to be given at least 14 days notice of the release of a prisoner on parole. That is another sensible measure and certainly would preclude the situation where sometimes victims are not alerted in a timely way and often do not find out about the release of a particular prisoner until after the prisoner has been released. They sometimes find that out indirectly, often through the media. This is also a sensible amendment.

The other major change provided for in the bill is that the board is required to include in its annual report the number of persons convicted of a serious offence while on parole during the reporting period. That is an essential measure. I raised this in debate on the last two bills on parole and bail that came before us. The chamber may remember that I asked the minister in committee how many people had committed offences while on parole or bail, and the minister informed me that that information was not collected by Corrections Victoria. That goes to the crux of the problem we have witnessed, and this has been covered in contributions to debate on previous bills.

There has been a lack of coordinated information between Corrections Victoria, the police and the adult parole board as to the history of parolees and bailees on whether they had committed crimes whilst on parole or bail. It has, in some cases, led to dreadful consequences, which we all know about.

The minister also mentioned in his second-reading speech that the government is committed to quickly implementing a number of the 23 measures recommended by former Justice Callinan, but that other measures require further detailed consideration. This is being undertaken by a cabinet task force established to consider complex legal challenges. While I accept that, I would also encourage the government to be more open and not to limit the task force to cabinet deliberations. There should be public input into this process, and the government should make its intentions clear and public before it introduces another bill. There are many stakeholders, including the Law Institute of Victoria, the Federation of Community Legal Centres Victoria, the Victorian Bar and the parole board itself, as well as the general public, that need to have input into these decisions.

Given that the operation of the parole system, its deficiencies and the need for improvement are now a subject of wide public debate, it is no longer acceptable for the government to proceed in a secretive way with any improvements or changes to the parole system. It should be open and transparent. Mr Dalla-Riva talked about the protection of the community, and I fully agree with him, but any further improvements or changes to the parole system need to be open, transparent and given a full public airing.

It is worth saying that one of the shortcomings of the parole system identified by former Justice Callinan was the unbearable workload of the adult parole board, the obvious need for additional staff in Corrections Victoria and the parole system and the need for more IT resources and equipment so that the parole board does not have to deal just with paper records. The parole board challenged that finding of the Callinan report, suggesting that it did not agree with some of Justice Callinan's remarks about the records of certain parolees.

As I have said previously, it is fair to say that the adult parole board has worn most of the public criticism about the failures of the parole system, and it has admitted it has made mistakes. It also agreed with Mr Callinan's observation that its workload is unbearable, and if you look at the statistics, you have to agree. The parole board's workload has grown with the general population increase, and the changes to sentencing arrangements that have been brought in by this government have put more and more pressure on the board.

Professor Ogloff recommended that there be separate categories of prisoners. I made the same suggestion in Parliament before I knew about Professor Ogloff's

report. It seems to me that there needs to be a different stream for prisoners who have been convicted of lesser offences to the stream for serious violent offenders, or what Mr Callinan is now calling 'potentially dangerous parolees'. I believe that measure is being instituted. I encourage the government to be open about its proposed changes to the parole system. Certainly changes need to be made, but at the core is the need for more resourcing. I heard the minister say funding has increased from $2.5 million to $3.2 million, but that is still a lot less than the New South Wales parole board, for example, receives in funding.

The minister said there had been an increase of 31 full-time-equivalent staff, but it is difficult to know whether that is going to be adequate. Certainly all the reviews have pointed to the problems that Corrections Victoria has had with staff retention, particularly in the parole area, and to the fact that serious violent offenders have often been supervised by inexperienced staff, and measures were recommended to change that. There is still a lot to be done — a lot of which is not legislative — and I encourage the minister to be open and transparent about what is happening. I also encourage the parole board to be comprehensive in its next annual report as to whether the changes that have been put in place in terms of legislation, administration and resources are working and to make its own recommendations about what needs to be done to ensure that the parole system works the way it is meant to work.

The parole system is meant to provide an opportunity for offenders who have served a non-parole period and then been given the opportunity or the privilege of parole to make the best use of it. Prisoners are released with parole conditions imposed upon them, and they are supervised. Notwithstanding, former Justice Callinan stated that the parole board needs to be cognisant of whether the supervision that is realistically able to be applied to serious violent offenders is enough to protect the community. Organisations such as the Federation of Community Legal Centres Victoria and the law institute have rightly pointed out the benefits of and the reasons for parole. They have pointed out that if prisoners are not released on parole, they are not supervised. Of course if they are serious sexual offenders, they should be placed on the register and on supervision orders when they are released. I would advocate more use of supervision orders for those types of prisoners.

It is a complicated issue. The government needs to put more resources into it. I encourage the government to be open and transparent about non-legislative changes to the parole system as we go forward. With those remarks, I note that we will support the legislation.

Mrs COOTE (Southern Metropolitan) — It is a great honour to speak on the Corrections Amendment (Parole Reform) Bill 2013 because it reflects the coalition government at its very best. There was a huge outcry over the murder of Jill Meagher and over a number of other parole-related crimes, as my colleague Mr Dalla-Riva said in his contribution. The public focused on the Adult Parole Board of Victoria and its operations and had a very good look at what the board did and did not do. As a consequence the Premier commissioned former High Court judge Ian Callinan to prepare a report, and on 30 August Ian Callinan reported his findings. This is the first piece of legislation as a consequence of that report, and it comes only three months later. The recommendations in the Callinan report, which was prepared in response to what has been a serious issue for the community of Victoria, are here before us in legislative form three months later.

I was going to say in my contribution how pleasing it is to see that there is support for this legislation across the Parliament, and if members read the contributions to the second-reading debate in the lower house, they will see some very good contributions from the members for Lyndhurst, Altona and Eltham, Martin Pakula, Jill Hennessey and Steve Herbert respectively, in which they say community safety is essential and that this is a good piece of legislation. I was particularly disappointed to hear Mr Tee make some cheap political points on something that his own party colleagues in their speeches in the Assembly actually supported and agreed was very important. Those comments were totally beneath Mr Tee.

There are some issues we deal with in this place on which it is really important that we take a united approach, and this is one of those issues. Mr Tee's own party thinks that. It is a pity he is out of step and out of line. One of the criticisms he made of the coalition was that the adult parole board had not been given any increase in resources. Ms Pennicuik also made that claim in her speech. I would like to assure both Ms Pennicuik and Mr Tee that there have been significant additional resources given to the parole board — not just money but staff support as well. I would like that clearly on the record.

I pick up Mr Tee on another point. He said there was an ad hoc approach to this issue. Nothing could be further from the truth. As I said, the Callinan report was only presented on 20 August, and here we are just three months later with legislation responding to it — and I

understand this is the first piece of a lot more legislation that will come before us in this place to address those issues. We are taking a systemic, thorough approach to the whole issue. This issue should not be responded to with a knee-jerk reaction; it needs to be thought through, and I commend the minister for the very thorough and systemic approach he is taking.

Ms Pennicuik also made a claim that there is secrecy and a lack of transparency. I remind her that at the time the Premier announced the Callinan report he also announced an opportunity for people to give their feedback online. This was an opportunity for the public to talk about the parole system. The email address, for those who are interested, was parolecomments@justice.vic.gov.au. Members of the public were asked what their points of view were and were definitely encouraged to have their say.
Ms Pennicuik also questioned the openness and transparency of the minister, and I would have to suggest that Ms Pennicuik was confusing this minister with the minister from the former government. She may have noticed that this is a different government. This is a coalition government, and openness and transparency is a hallmark of a coalition government. I would suggest the minister is doing everything to achieve openness and transparency.

I refer to the explanatory memorandum for the bill, which sets out three principal amendments made by this legislation. I would like to reiterate them so that we all know what we are speaking about. They are to reform the membership of the adult parole board; to provide for registered victims to be notified before the release of a prisoner on parole; and perhaps most importantly, to provide that the safety and protection of the community is the paramount consideration in all parole decisions by the adult parole board. That last principle reflects what our community expects of us as legislators. Community members want to know that their lives are cared about and that their safety is supported at every turn.

The Callinan report, as the Premier has said, was a comprehensive review of the adult parole board. The Premier is on the record as saying that community safety is this government's first, second and third priority. It is so important to us. This bill goes a long way towards addressing some of the issues. Justice Callinan said in his report that many offenders suffer mental disabilities, which are not always self-inflicted. He said there were some very sad stories of children affected in the womb by the alcoholism or drug addiction of their mothers. He said that offenders included children from both dysfunctional and drug or alcohol-affected households and that violence occurs routinely in some households. He went on to discuss how difficult the job is and how complex some of these people's lives are.

Like many members, I know that dealing with people on parole is not a straightforward issue; it is very complicated. Something that was pleasing to see recently was the implementation by the Department of Human Services of Services Connect. The department has recognised that many fragile families are being dealt with, or in the past have been dealt with, by up to 10 case managers. With Services Connect, the department has a holistic approach — one case manager looks after and understands every other element. Hopefully this will go some way towards resolving these complexities — how some of these people end up in the justice system and how important it is to have a consolidated approach in order to help them to, first and foremost, avoid reoffending.

The primary consideration of the protection of the community is one of the most important reforms in this bill. That the protection of the community is to be the paramount consideration of the parole board is enshrined in the legislation. This is reflected in measure 7 of the Callinan report, which states:

> The legislation should also specify the paramountcy of the safety and protection of the community in all considerations for parole or at least in consideration of parole for PDPs —

potentially dangerous parolees.

As I said, the Premier has made this an absolute priority. He has said that community safety is of paramount importance. We have seen numerous pieces of legislation to support this. This bill is another step in the right direction, and I commend it to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate on the Corrections Amendment (Parole Reform) Bill 2013. I will make my contribution concise and to the point. The legislation before the house has arisen as a result of the review of the operation of the Adult Parole Board of Victoria conducted by former High Court judge Ian Callinan, AC. We all understand the community's anger and grief at the murder of Jill Meagher by a vicious sex offender who had been freed on parole. It is my belief that this bill is supported by members on all sides of this chamber because it makes an amendment that touches all our hearts.

This bill amends the Corrections Act 1986 to ensure that the safety and protection of the community is of paramount consideration in considering whether parole should be granted, varied, revoked or cancelled, or

whether the granting of parole should be revoked entirely. The bill should put the minds of members of the community relatively at ease because it addresses key concerns that were made apparent after several high-profile murder cases brought to light the fact that the offenders were actually on parole and were violent criminal offenders known to the police and the justice system.

The bill provides for the appointment of a full-time chairperson to the Adult Parole Board of Victoria. In all honesty, this is something that should have occurred decades ago. The bill will set a time limit for the appointment of members of the board of not more than nine years in total. The bill ensures that the board will include in its annual report the number of persons convicted of serious offences during the reporting period. This is right and proper, because one would think that after almost a decade of sitting on the parole board a person may become hardened or insensitive to the community's expectations. Although, I have to say, in fairness to the present parole board, the calculations in decisions to grant parole were made up of factors that included administrative or financial aspects and were not done solely on the grounds of what the community considers appropriate.

The bill also provides that registered victims are to be given at least 14 days notice of a prisoner's release on parole. This will give peace of mind to victims of crime that they will not bump into or see their tormentors without prior notice — forewarned is forearmed. As I have indicated, the opposition will not be opposing this bill.

Mr EIDEH (Western Metropolitan) — I am very pleased to rise to speak on the Corrections Amendment (Parole Reform) Bill 2013, which will amend the Corrections Act 1986 and implement new measures to keep Victorians safe from serious offenders seeking parole. We on this side of the house support this bill because we believe, as I am sure all members of this Parliament do, that the safety of our communities should be any government's first priority. Recently the adult parole system has let us down: it has let down the victims of horrific crimes; it has let down families who have lost their loved ones at the hands of senseless criminals; and it has let down Victorians who believe in our justice system. That is why this amending bill is so important. Parole is not a given; criminals should not assume that parole will be granted on their earliest release date. Parole is a privilege.

It is terrible to think that the parole system, which was designed to integrate criminal offenders back into the community, has in fact created opportunities for offenders to reoffend. This was seen in the shocking cases of Jill Meagher and Sarah Cafferkey, who lost their lives at the hands of criminals who, despite their histories of violence against women and contempt for the law, manipulated the adult parole board, and led its members to believe that they were rehabilitated and should be eligible for parole. It is the deaths of these innocent women, the memories of the lives they led and the life sentences of suffering that their families will face, that make this amendment so vital.

In the 2012–13 annual report of the Adult Parole Board of Victoria, the former chairperson, Justice Simon Whelan, said:

> If a prisoner gets to the end of his or her sentence without parole, they walk out the prison gate and there is no power to supervise them or restrict or monitor their behaviour in any way. They have served the full penalty imposed on them. The correctional system has no power over them anymore.

Given the events of the recent year and the extremely serious offences committed by parolees, the current system of parole seems to have lost its ability to control whether parole is granted. Whilst I acknowledge that parole may be appropriate for one-time offenders who are truly sorry for their errors in judgement and law-breaking behaviour, the system seems to have been fooled by those who have exploited the judgement of the underresourced board. Justice Whelan stated that parole offers supervision and support to offenders, but we on this side of the house think that that support should focus on victims and their families as opposed to the offenders, because our state does not tolerate vicious crimes in our communities.

That leads me to my next point in considering this bill. Justice Callinan's report on the adult parole system highlighted some disconcerting facts, in particular the chapter entitled 'The victims' perspective'. The opening sentence of that chapter at page 80 reads:

> I have no doubt that many of the victims of serious violent and sexual crimes do not believe that their concerns are fully taken into account by the 'authorities' of which the parole board is one.

In addition to this, he stated that:

> The second theme which was consistently repeated was that victims were not given notice, either at all or in a timely way, of the release of a serious violent or serious sexual offender on parole.

These excerpts indicate that the current processes, for whatever reason, are failing to protect and consider those who have been damaged the most by these criminals. Callinan also indicated that based on his consultation with Victoria Police, in many instances

they had not been consulted before parole had been granted either. He indicated that the stretched service of Victoria Police is spending a great deal of time finding and arresting offending parolees. Whilst the parole board is struggling to cope with the number of prisoners facing parole, it is not engaging with victims. The police are not being informed and are underresourced themselves to monitor parolees.

I believe Justice Callinan's recommendations will make a significant difference to the way parole is considered and granted, in particular recommendation 12, which indicates the need to have the voices of victims heard by the board and for the victims to be informed of the release date no fewer than 14 days prior. Whilst all of these recommendations are to be implemented by this government, I hope that it fully funds the board — which is, as highlighted in Justice Callinan's report, struggling to cope with the high influx of cases being presented to it — so our community can restore its trust in the parole board and our justice system. We support the bill.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I would like to take this opportunity to thank the members of the house for their contributions on this bill, the Corrections Amendment (Parole Reform) Bill 2013, and for the support of all parties for the passage of this legislation. I would like to thank Mr Tee, Ms Pennicuik, Mr Dalla-Riva, Mrs Coote, Mr Elasmar and Mr Eideh for their contributions on this bill. This is indeed a very important piece of legislation. It is the first tranche of legislation to implement the 23 recommendations or measures, as he referred to them, made by Mr Callinan in his review of the Adult Parole Board of Victoria and its functions and of the parole system. This legislation implements measures 7, 9, 10, 12 and 21C, each and every one of them being of significant importance. I acknowledge the contribution of members of the Assembly, from the opposition and from the government, in their very measured contributions to debate on this legislation.

I wish to respond to some matters regrettably raised by Mr Tee. In debate on the previous parole legislation, the Corrections Amendment (Breach of Parole) Bill 2013, which passed this place recently, Mr Tee had clearly failed to open the Callinan report, because he said in his contribution that the terms of reference were secret. If he had turned to page 3 of the report, he would have seen there the terms of reference which I provided to Mr Callinan. He also referred to the Gray report, which of course was erroneous; he was referring to the Ogloff report.

Today in his contribution Mr Tee has regrettably sought to play politics about a matter which should be above politics. He has made false assertions about a reduction in staffing at the adult parole board when indeed funding of the adult parole board has provided for an increase in staff numbers to 31. Funding provided by this government to the board has increased from $2.5 million to $3.2 million. Mr Tee made reference to the paramount nature of community safety, which is one of the measures implemented by this legislation, as a 'glib clause'. It is not a glib clause; it is a very clear statement by the Parliament of the priorities of the adult parole board and the expectations of this place — and, through this place, the Victorian community — when it comes to matters of parole.

Ms Pennicuik also made reference to transparency and not being secretive. When I commissioned the Callinan review, Mr Callinan consulted widely, including with victims of crime, the heads of the jurisdictions, including the Chief Justice of the Supreme Court, and a range of other stakeholders. When the Premier and I released the Callinan report it was made public. We also worked to have the Ogloff report released, and the Ogloff report, as members would be aware, related to parolee murders up until the end of 2010. So we have been absolutely transparent. Since the release of the Callinan review we have sought community feedback from the organisations that Ms Pennicuik referred to and any others wishing to make comment to the task force at parolecomments@justice.vic.gov.au. Any submissions received are very carefully considered. There are some very significant matters that Mr Callinan refers to in his report that are challenging for the system, and we welcome the feedback from those who have an interest in this matter.

I take this opportunity to congratulate the Corrections Victoria team and those in the Department of Justice for the way they have worked to implement these recommendations. I am very pleased that with the passage of this legislation we are implementing some very important measures from the Callinan review. We are working to implement a range of other measures from the Callinan review that do not require legislative change.

I foreshadow that at a future time further legislation may be required to implement other measures of the Callinan review. The cabinet task force, ably supported by the Department of Justice and Corrections Victoria, is working diligently to implement and consider the recommendations that Mr Callinan has made.

Let me conclude by saying again that the government welcomes the support of the Labor Party and the

Australian Greens. I acknowledge the measured contributions by people like Mr Eideh and the contributions by members of the Assembly. It is regrettable that Mr Tee has decided to play politics with what is a most serious matter.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.34 p.m. until 8.06 p.m.

CARBON TAX

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

That this house —

(1) notes the clear election commitments of the new federal coalition government and its mandate to implement those commitments with respect to the carbon tax;

(2) notes that any unreasonable delay in the implementation of this commitment will detrimentally impact —

(a) individuals, families, senior citizens and businesses; and

(b) hospitals, health services and other providers including public, private and not-for-profit health services;

(3) supports the federal government's election commitment to abolish the carbon tax as soon as possible; and

(4) calls on the federal opposition, other non-government parties and Independents in the federal Parliament to support the early abolition of the carbon tax.

We have discussed the carbon tax in this chamber many times. We have discussed the impact of the carbon tax on Victoria, and its merits and demerits, particularly its impact on individuals, families and businesses, including small businesses. I have discussed many times its impact on our hospitals and health services, both public and private.

Former Prime Minister Julia Gillard broke her promise on the carbon tax. She promised at the 2010 federal election not to introduce a carbon tax, but then she introduced it, which had a serious impact on our hospitals and health services and on individuals, businesses and families. However, leaving aside the broken promise the impact is still there. We have now had more than a year of the carbon tax, including a full financial year and we are now into the new financial year, and the impact on many of our services is very significant. It has hit our manufacturing industry and many small businesses are suffering.

At the recent federal election, the former federal Leader of the Opposition and now Prime Minister, Tony Abbott, and his coalition team took a policy to abolish the carbon tax to the people of Australia. Never in the history of the Australian federation has there been a clearer and sharper mandate delivered to a federal government than the one that was delivered at the election. I understand that people of goodwill and genuine commitment to the community can have a different view on the carbon tax to the view that is taken by Tony Abbott and held by many in the Liberal-Nationals coalition. I accept that, and I accept that other parties went to the federal election with different policies. That is quite legitimate. However, elections are held in our democratic system, and where there are clear items of policy, the parties that are successful at an election have a mandate to implement the items of policy that they took in clear and unarguable form to that election.

To many in the Labor Party and the Greens movement, Tony Abbott became a figure of attack for using three-word slogans and distilling things to very clear positions. He said, 'Stop the boats'. That was a clear slogan, and he intends to implement it. But let me be clear: one of the things he also indicated was that he would abolish the carbon tax, which was another three-word slogan. No-one amongst the millions of Australians who voted at the election could doubt that Tony Abbott and the coalition government were going to abolish the carbon tax. However, its impact continues because the carbon tax is still in place, and it is clear that when the federal Parliament resumes the new Prime Minister and his government will introduce a bill to abolish it.

In health services in Victoria, the carbon tax bills are in. Those health services are receiving their electricity and gas bills from their utility providers, and all of them articulate clearly the carbon tax that our hospitals are paying.

I have said in this chamber before that this could not be in more stark contrast to what happened when the GST came in. When John Howard introduced the GST he went to an election and he got a mandate, but he took

health care out of the GST. He said, 'You will pay the tax, but you will be able to recoup it from the tax office', so health, education and other key services were taken out of the GST.

By contrast, they were put into the carbon tax and they got the full clobber, the full treatment, the full thump, the full tax — a tax on health care, a tax on small business and a tax on patients. It is extraordinary that no-one in the Labor Party or the Greens would stand up to Julia Gillard on this.

Others will say that it is up to all segments of the economy, including education and health, to lower their carbon output, and I do not disagree with that. In fact the state has gone to enormous efforts to lower the carbon intensity of our hospitals. We do that for good reason — because it is good business practice. If you lower your input costs, you have more money to spend on services. We are going to continue lowering our input costs, because it is good business practice to do so.

I was up in Yarrawonga recently opening an installed solar panel system on the roof of a health service. That system will lower the energy costs for the health service forever and into the future. It is a good source of energy, and the state government funded it. It makes sense; it is good business practice. But let me say that for that health service at Yarrawonga, whatever level of energy efficiency it puts in place — it does not matter how good it is if it gets the energy costs down — you get to a level where whatever your energy consumption the carbon tax is still imposed on top. You pay the tax. It does not matter how efficient you become, you still get a carbon tax on top, meaning that you pay more than you would without the carbon tax. Let us be quite clear about this: we are talking about a tax on hospitals, a tax on health services and a tax on health providers, public and private.

The costs are very significant. In Ballarat the carbon costs in the last financial year were $502 000. That is the carbon tax impost on Ballarat Health Services.

Mr O'Brien — Health care should not be clobbered with the carbon tax.

Hon. D. M. DAVIS — I do not think it should be either. The former federal government should have put in a system like the GST, where a rebate was put in place so that the tax was taken off health care. Yes, they paid it, but then they claimed it back. That was not the system that Julia Gillard, the Labor Party and the Greens in the federal Parliament put in place. They put in place a tax on health care.

The carbon tax cost Albury Wodonga Health $208 000, and it cost Western Health $785 000. I know Bernie Finn would be making this point if he were here in the chamber today; he would be making this point very strongly. The cost at Monash Health was $1.299 million which is almost $1.3 million. The cost of the carbon tax was $462 000 at Peninsula Health and $494 120 at Barwon Health. These are very precise figures. Austin Health was clobbered with $1.440 million. These are very significant hits for our major health services. Alfred Health was clobbered with $814 000. These are very significant impacts, costing more than $13.5 million across the public system. That is before starting on the private system, before starting on our community health sector, and before starting on — —

Mr Ondarchie — Victorian families.

Hon. D. M. DAVIS — That is about the impact on patients. That is before even talking about the non-hospital health services that have been clobbered. Our ambulance service will pay hundreds of thousands of dollars.

I have made the point in the chamber before that the carbon tax was put on aviation spirit. If you are operating an air ambulance and you go to fill up, you pay carbon tax. Every time the emergency air ambulance needs to fill up, it pays carbon tax to Canberra, for which there is no rebate to Victoria and no rebate to our ambulance service. There are hundreds of thousands of dollars in the tax on air ambulances around Australia. It is an extraordinary tax to put on all health services.

I have made my point. This is an outrageous imposition. It ought to have been modulated and implemented differently, but now we have moved beyond that. We have moved to the point where there has been an election, and the newly elected federal government has a clear mandate. All parties in the federal Parliament ought now to respect the will and the intention of the Australian people. Millions of people voted with their pencils, making the decision to abolish the carbon tax, and now is the time for Labor and the Greens to decide whether they are democrats first or whether they are prepared to be ideologues first and stand against the will and decisions of the Australian people. Even as I say that, if you are a person of goodwill, you can see that others have a different view, but in a democracy the vote is taken, the vote is held and the vote is in. The vote is clear and the mandate is clear, and it is time that the new Leader of the Opposition at a federal level made a clear decision and

came out and said, 'I am somebody who will respect the decision of the Australian people'.

Mr Leane — He has.

Hon. D. M. DAVIS — I have to say that he has not actually said that clearly yet. If he is prepared to say that clearly, that will be a step in the right direction. I will look forward to the full support of the Labor Party on this matter of respecting the mandate, respecting the decision of the Australian people and supporting the clear abolition of the carbon tax at a federal level. This motion is clear, and it is appropriate for the chamber to take a clear position on it tonight, a clear position through which we can send a signal to all members of the federal Parliament. They can then understand that at a state level there is support and respect for the decisions of the Australian people, and a wish to take this tax off so many of our services, our pensioners, our seniors and our health services.

Mr LEANE (Eastern Metropolitan) — It is interesting that the Victorian Minister for Health comes to this chamber with a motion regarding a mandate in a different jurisdiction when we really need to revisit the mandate the Baillieu-Napthine governments has had in a number of areas.

Let us start with health. If Mr Davis wants to talk about health, I have with me an extract that appeared on every Liberal Party how-to-vote card in 2010 regarding health. It talks about, in dot point form, the $1 billion health infrastructure fund. It talks about the delivery of 1600 new hospital beds statewide, and part of that was 100 new hospital beds in the first year. When the minister who has brought the motion to the chamber was asked to identify where those 100 new hospital beds were that formed part of his mandate from his own policy, he could not do it. The dot point says there will be 1600 new hospital beds statewide, and if he cannot identify the first 100, I say good luck with identifying the next 1500 and completing the mandate — the promise he took to the election.

In terms of slashing hospital waiting lists we all know this minister is presiding over a crisis in emergency departments and hospitals. We all know he currently has ownership of a crisis in ambulance delivery, and every day we read about how in this area he has failed remarkably. Yet the best way the minister can see to use his time in the chamber, rather than fixing the issues and delivering on his mandate, is to bring forward a motion about a mandate in another jurisdiction.

In speaking about that jurisdiction he is cherry picking, because his government promised to lower federal debt, yet just in the last week it has hiked it right up. If he wants us to talk about mandates, let us talk about the complete mandate that the Baillieu government came to office with — promises like building a rail line to Doncaster. That is something in which I was very interested at the time. The previous Leader of the Opposition, who went on to become Premier, Mr Baillieu, went out to Doncaster and said, 'We will build this rail line. There is no more waiting. We will plan it, we will get the funds and we will build it'. If that is not a clear mandate for the people of Doncaster, I do not know what is.

Mr Ondarchie interjected.

Mr LEANE — I suppose members of the government would be embarrassed about their commitments that they would reform Parliament and that there would be no Dorothy Dixers. I have seen you, Mr Ondarchie, and I have seen your Whip hand you a Dorothy Dixer at question time — —

Mr Ondarchie interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr Leane and Mr Ondarchie! Mr Leane, through the Chair, please.

Mr LEANE — If government MPs want to concentrate on mandates, what they should do is call on their health minister to fulfil the mandate they went to the election with, as set out on their how-to-vote card, on what they would do in health alone. They should forget all the other rubbish about reducing the cost of living, which they have also not delivered on; they should forget about the other garbage that some of them went to the electorate with, such as eliminating graffiti, even though I think that is also a mandate — if you say you will eliminate graffiti, you should do it; and they should talk to their health minister about the $825 million in cuts to health. If their issue is about producing good outcomes in health, they should talk to their minister about the $825 million in cuts to health.

As far as the opposition is concerned this motion is just a sad stunt which will take the government nowhere. Rather than the health minister coming in here and performing stunts, he ought to fulfil the mandate he has to deliver the 1600 beds statewide, to slash hospital waiting lists and to fix the ambulance system, which is in absolute crisis. We are not interested in stunts. We want this minister to fulfil his mandate. We want every government member to fulfil what they put on their how-to-vote cards. On their how-to-vote cards they said they would deliver 1600 new hospital beds statewide, and their minister cannot even identify the first 100.

They said they would slash hospital waiting lists, and emergency departments are under all sorts of pressure.

If the minister wants to come in here and talk about mandates, the debate would be endless in terms of the mandates he has not delivered. If he wants to bring in motions about mandates, he should keep bringing them, because we will keep bringing up the promises and commitments the minister made to the electorate which he has not fulfilled.

Mr BARBER (Northern Metropolitan) — This motion was introduced by the Minister for Health, and lined up with him I see Mrs Millar, Mr Drum, Mr O'Brien, Mrs Peulich and Mr Ramsay, all ready to say that they support getting rid of the carbon tax. What we will not get from a single one of these members today is an alternative plan to combat climate change. Mr Ondarchie, who has just re-entered the chamber, is also a starter. They will not be able to articulate even their own stated so-called 'direct action plan' — another term for 'paying polluters'. They will not be able to articulate, nor will they try, the likely impact of climate change on the state of Victoria, on its economy, on human health, on ecosystems, on livability, on essential services, on the electricity supply and on the water supply — and it is not that they will not be able to do this because they lack access to information. In fact their own government, in the time it has been in office, has published papers on these very things. The reason they will not be able to mount an argument for a better way to deal with climate change is that they are afraid to do so.

They are now in government at both the state and the federal levels, and on this question — the single biggest challenge that humanity has ever faced, the most pervasive, the widest ranging, the most pernicious and the most deadly — you will not get a straight word out of these people.

They are cowering, they are afraid. They are cowering from the denialists in their own party. It has been noted that we are not blessed with the presence of Mr Finn today. Mr Davis, the mover of this motion, understands exactly what climate change is, exactly what impact it will have, what is driving it and how far it is likely to go. It is a fair bet that Mr Davis, after the many different shadow portfolios he held in opposition, could tell you what the necessary steps are to combat climate change, but Mr Davis is not allowed to talk about that because the person who writes climate change policy for the Victorian Liberal government is that selfsame Mr Finn, who is not here tonight but whose spectre is haunting us.

When Mr Finn comes in here, yells and blusters and shows his particular version of the very thing that we know just does not work in politics, and that is bluster and bravado, he leaves the rest of his party cowering. They are completely incapable of taking him on. He is the most radically rabid, anti-environment member of the Liberal Party, and he is the one ruling the roost, leaving Mr Davis with nothing else to talk about, completely constrained and completely incapable of setting a new direction for his party. All he can talk about is a 0.1 per cent increase to the cost base of the hospital system. We are talking about 0.1 per cent increase to the cost base of the health system here in Victoria, but the phrase '0.1 per cent' will not come out of the mouths of Mr Davis, Mrs Millar, Mr Ondarchie, Mr Drum, Mr Ramsay or Mrs Peulich because they cannot face reality. They cannot talk about anything that is real any more. They are cowering from this issue. Despite being in government at both state and federal levels, all they can do is hide in the bushes and throw rocks at other people. They cannot govern.

They say a week is a long time in politics, and it is true that a week can be a very long time in politics. When it came to last week, it was a very long time for the new federal government. At the beginning of that week we were facing, as everyone understands, a highly unusual phenomenon for October, which was severe fire conditions in New South Wales. Federal Greens member Adam Bandt came out and said what is completely obvious and completely uncontroversial, which was that the impact of climate change and the warming of Australia has already driven more severe fire weather, a fire season that is more intense and longer running and that has a huge impact on our emergency services. Of course the Liberal Party members went absolutely off their nuts. To those head-in-the-sand ostriches, this was completely new information.

Mr Ondarchie interjected.

Mr BARBER — Because in the 1990s I had already read the CSIRO's research modelling the likely impacts of climate change on fire danger. As long ago as 1990, if Mr Ondarchie had wanted to inform himself, he could have understood exactly the impact of the global warming hazards rolling out in Australia on fire danger weather.

Mr O'Brien interjected.

Mr BARBER — Go ahead. I hear Mr O'Brien wants to contest that claim, and he will have his chance to propose an alternative, denialist view, a view that warming is not happening, or if it is happening, it is not

driven by humans. In any case, he should look at the biophysical reality and the scientific information that has been presented to him by the CSIRO as long ago as the 1990s and as recently as in the updated research in 2007. Or if Mr O'Brien would like to, he could read the Country Fire Authority (CFA) internal discussion paper in which it discusses the challenges for its future operations. Mr Ondarchie would never seek a copy because, like Galileo's telescope, he is unwilling to look at anything that might tell him something he is not yet ready to believe. Mr O'Brien could obtain for himself a copy of the CFA's current discussion paper on those likely impacts, and he would see that the CFA has set out very clearly and in simple terms that the bushfire weather we are experiencing is as a result of climate change, including in the summer just gone, which was Australia's hottest summer on record.

Mr Ramsay — This is about the carbon tax, not climate change.

Mr BARBER — I am sorry. Mr Ramsay just said that this is not about climate change, that it is about the carbon tax and that I am the one confusing the issue. This is in fact my very point and Mr Ramsay is another person who is quite capable of talking about the carbon tax but who cannot talk about climate change. He will not come in here and articulate his party's plan to combat climate change. Nor will he talk about what he believes to be the impacts of climate change on the citizenry of Victoria.

Mr Davis, the Minister for Health, already knows this, because he sat in on a parliamentary inquiry. He understood very well what the heatwave of 2009 did to Victoria's hospitals. It filled our emergency rooms with people who were suffering the acute effects of that heatwave. It impacted on ambulances, it impacted on emergency systems, it impacted on GPs and it impacted on local community health centres. The next time a heatwave comes around — and those heatwaves will be more severe and more frequent, as a result of climate change — the cost will be felt in Mr Davis's health system.

Mr Ondarchie interjected.

Mr BARBER — I hear Mr Ondarchie saying something about data, that he cannot wait to see the data. If Mr Davis wanted to cut costs in the health system and he said to his health managers — and for that matter, to every health professional — 'I want to lead a charge to reduce both the resource use and the energy use across the health system', he would have every health professional in the system wanting to join his crusade. Mr Davis will not do that, because he finds it easier, more convenient and less demanding on his scarce political capital to come in here and prattle on about the carbon tax.

The coalition parties federally collected 46 per cent of the vote across the Australian electorate and their members believe that that gives them 100 per cent of the power to decide what happens in Victoria and, apparently, to make decisions for future generations of voters, although the impact of climate change is not just coming; it is right here, right now. The fires in New South Wales, the record hot summer that we have just experienced, the record warm winter that we have just experienced and the follow-through effects on all the essential survival systems that will be felt is a function of the rise in greenhouse gases and this government has no plan to do anything about it.

By the way, this government has no plan for what it will do about electricity bills generally. There are a few coalition members, and I presume that new state and federal energy ministers are amongst them, who actually understand what is driving up the price of electricity bills. It is what is being done by the uncontrolled private monopoly distribution businesses — their gold plating and their predatory behaviour — and their ability to hold governments of the day to ransom, as they did over the question of smart meters with this government when it came to power. Quite simply, they threatened the incoming government, which rolled over and gave them more money to pay for more smart meters that so far have been of little or no benefit to the community.

The reason that coalition members all look so scared — that is, the Prime Minister, Mr Abbott, the Minister for Energy, Mr Kotsiras, the Premier, Dr Napthine, and especially the federal Minister for the Environment, Mr Hunt, who will never live down his gormless statement that he looked it all up on Wikipedia and so he knew the answers — is because they know that these problems, such as the problem of rising energy bills, are now problems for them to solve. They know the driver of the problem of rising energy bills is the structure of the electricity industry, as bequeathed by Jeff Kennett after he flogged it all off to the private sector.

Frankly, coalition members are not ready to take on the challenges. They will cower in the bushes and they will throw rocks at alternative policies such as a carbon tax, a carbon trading scheme, an energy efficiency scheme or the renewable energy target. They will throw rocks at wind farms and at the people who want to develop them and they will come out with more hocus-pocus and nonsense about their health impacts. They will not articulate an alternative policy. They have no direction

in which they want to take the energy system. They just want to hide.

Coalition members are afraid. They are not up to the challenge that climate change presents to them. That is why we saw members of the West Australian branch of the Liberal Party moving that there be a royal commission into the science of climate change. If that were ever to eventuate, I think those same West Australian Liberals would be rather shocked when they read the report. What that says about them is that they would rather thrust rocks at the science than face up to what they have to do.

Then we have the Tasmanian Liberal Party branches. This just goes to show the kinds of feral people that Liberal Party MPs have to answer to when they go back to their branches. The Tasmanian Liberals just want to pass a motion saying that the science is not there. By the way, the Tasmanian government will certainly lose a significant dividend from its clean green sources of power, being power generated by Hydro Tasmania, when this carbon tax is scrapped. If anybody wants compensation for the tax, I am sure that there will be a couple of parties down in Tasmania saying that Hydro Tasmania got a windfall as a result of the carbon tax, that it got to sell more of its product, and that those who bought it avoided the carbon tax. This is a tax they want us to avoid.

Honourable members interjecting.

Mr BARBER — I do not pay the carbon tax. I am on 100 per cent green power. I purchase green electrons for my house and therefore there is no carbon tax on my electricity. I just want to hear Mr Davis acknowledge one simple, unarguable fact from his own report. He spent a year doing a dance around this report. That is what coalition members do: they dance. They cannot face facts. Let us hear Mr Davis say that the impact of the carbon tax on his health system is 0.1 per cent to the cost base. He should not dance and throw different figures around. He should just throw around the one figure that is unarguable — that is, that it led to 0.1 per cent inflation, if you like, in the cost inputs to the health system.

We know the impact on electricity bills. It came out exactly the way that Treasury estimated it. We were told by various loopy members of the coalition that the cost of lamb roasts would double, that whole towns would be wiped off the map and that small businesses would close. They still have not come in here and named one. What about Mr O'Brien's friend at Dex? Has his business closed? How much was his last power bill? Has he brought Mr O'Brien his power bill? Mr O'Brien made a big thing of it. They all have their talking points about small business, but I am yet to hear — —

Mr Ondarchie interjected.

Mr BARBER — Is Mr Ondarchie trying to change the subject? Does he want to get off the subject of climate change? I can imagine Mr Ondarchie would like to get off this subject as quickly as possible. He is like Mr Ramsay. Mr Ramsay says it is not fair. He came here to talk about the carbon tax, and I am talking about climate change. Those evil Greens they are changing the rules on coalition members. We are making them talk about things they do not want to talk about. They are quaking in their boots. I want to talk about small business. What is the impact on the small business electricity bill?

Honourable members interjecting.

Mr BARBER — Listen to them. Are they going to drown me out? Is that how it is going to work? If they are going to try to drown me out, why do they not develop a chant or something? They should chant in unison and drown me out that way, because when they all say different things simultaneously it just sounds like, 'Rhubarb, rhubarb, rhubarb'. They should get a bit of a soccer chant going or something. If the last shot in the locker is to drown me out, they should try to be a bit organised about the way they do it. Do they think this issue is going away?

Mr Ondarchie interjected.

Mr BARBER — How many friends did you lose on Black Saturday?

The ACTING PRESIDENT (**Mr Eideh**) — Order! Through the Chair!

Mr Ondarchie interjected.

Mr BARBER — Do you really want to make it a competition about who lost friends on Black Saturday?

Acting President, you can see that the impacts of climate change, which we are experiencing right now and which are coming down the line, are a very uncomfortable subject. That was my point about Adam Bandt's comments, which were uncontroversial. Whether you choose the research of the CSIRO, the research of the Intergovernmental Panel on Climate Change or the detailed information presented in the CFA's current discussion paper that talks about the future operational challenges it is facing, it is absolutely

uncontroversial that climate change is leading to an increased severity and length of fire season.

It would be much better if in this place there could be a debate on that very subject, because weighed up against the cost of the carbon tax — and the impact it has had on the use of electricity, the source of electricity provided to the grid and some related issues such as waste disposal and certain industries — is the very real cost of climate change, not 100 years from now, not in 2050, but right now. These are very uncomfortable facts, scientific certainties, that many people are debating right now in Australia and around the world. The Greens do not shirk from debating them. Tonight and over the last week we have seen exactly what happens when the Greens raise these issues: some people find them very, very confronting.

That is why the most important point I have made tonight is that one realises when looking at Mr Davis's motion that the coalition is afraid to tackle the challenge of climate change. Despite being in government at both state and federal levels, the coalition is still running a completely negative discourse against someone else's policy. The coalition has no policy of its own, it can articulate no policy of its own, it is hopelessly internally divided on this question and it is working very hard to export its internal divisions to Australia as a whole.

While that may be enough to get the coalition the few extra per cent it needs to take government at the federal level, it is not enough and it is not going to help it to govern the country. The coalition can take its internal divisions on this question and export them to Australia as a whole, but then it cannot govern a country that is divided in this way. Members of the coalition can get the numbers in the Senate from a temporary majority to wind back a comprehensive program of action on climate in a way that no other country in the world is doing, with the exception of their fellow ostriches, the Canadian Conservatives, but how long will it last? How long will it be until members of this government and the political grouping that goes with them find themselves even more divided, paralysed and fearful than they already are, as exemplified by this wholly negative motion that does not in any way address the challenge?

Mr DRUM (Northern Victoria) — It is an interesting motion the Minister for Health has put on the table today. Obviously this is based solely on the health minister wanting to be able to provide the health budget that his hospitals are always going to cry out for. It does not matter how much we try to scrounge from our budget and it does not matter what moneys the previous state government tried to scrounge from its budget to pour into health, it is always going to be an area where we could do with more.

As Mr Barber was saying throughout his entire contribution, it is only 0.1 per cent of the total cost of the health budget that goes into the carbon tax. However, the CEOs I know who run health services around the state have a rough rule of thumb about operations: as a rule of thumb, elective surgery costs around $5000 per operation, so every time they can save $5000 they equate it to an elective surgery they can get done as opposed to the scenario where another person is added to the waiting list. We all know how tough it is for every government — federal or state, Labor or Liberal — to provide the money needed to keep hospital waiting lists under control.

We have a list here. We do not talk in percentages, like 0.1 per cent; we talk in real dollar terms. For the Bendigo Health group we are talking about over $400 000, for the Mildura Base Hospital it is over $100 000, and on it goes. I am not going to go through the state and start reading out how many millions of dollars are being taken out of elective surgeries and taken out of health budgets to pay for energy costs that Mr Barber says he does not pay for.

One thing about being in this house is that you should always try to put yourself in the shoes of the people you represent. Unfortunately many of the people I represent are not very well off. Those people feel every little bit of pain. There is no doubt that the worst bit of pain they can feel is when they lose their job, but you never hear Labor or the Greens talk about the cost of the carbon tax on jobs. Whether it be a food manufacturer in the Goulburn Valley closing down or the car industry closing down, you never hear any sort of admission that this carbon tax has been a burden on competitiveness that was cast upon Australia not by an overseas country, not by some evil regime from overseas but by our own people.

Sometimes you have 'rich' debates in this country. We have 'rich' arguments — arguments that only rich people have. The carbon tax is a 'rich' tax; it is one we put on ourselves to make ourselves feel good. It has not done anything to climate change, it has not done anything to lower the temperature of the world we live in and it has not done anything to lower emissions, but it has certainly made the Greens feel good. This is the issue. We had a Prime Minister who gave us a solemn pledge that there would be no carbon tax under any government she led, and then she gave us a carbon tax. And it was not just a carbon tax; she went so far out in front of our competitors and so far out in front of the rest of the world — the world we compete with on a

daily basis to drive our industry — that she put this noose around our neck which we have been battling with in addition to battling our competitors over the last two to three years.

As I say, we need to be aware of the cost of doing business and the cost of one person losing his job and having to go home to his kids. That would be the worst feeling, and it is something we should all think about. We should think about what it costs when people lose their jobs. I have never heard Mr Barber's party come out and argue about the damage to families in this country caused by stopping the live cattle trade to Indonesia and the contribution that made to unemployment and to reduced sales on an annual basis. We have had trade mission after trade mission going back to Indonesia trying to fix up that abysmal bit of Labor Party management from a federal Minister for Agriculture, Fisheries and Forestry who came out of the middle of Sydney and had no idea what he was talking about. We had one TV show, and he shut down a $100 million to $200 million industry overnight, thinking, 'When it suits us, we'll start up again'.

Mr Barber — You said emissions didn't go down. Emissions went down, Mr Drum.

Mr DRUM — The only reason emissions have gone down in this country is that we no longer clearfell our forests. Mr Barber can go and mix his figures whichever way he likes. I have always said that humans are playing a role when it comes to global warming, but now the Greens political party has changed its tack. It used to just be a conversation about global warming and how it was never going to rain again. Then, when it started to rain, all of a sudden the Greens political party started changing its language and started talking about 'extreme weather events'. Now it is talking about 'climate change'. If it rains, if it is a tornado or if it is four days of drizzling rain, it is an 'extreme weather event' because we have mucked up the climate. This is Labor and the Greens at their best, making sure that everybody else is to blame for whatever it is.

I say to Mr Barber that I do not know. I acknowledge that the science tells us that we are playing a role in global warming, but to effectively blame humans for every adverse weather event is just being a little bit opportunistic — as was Adam Bandt two weeks ago. He was being opportunistic in the face of some of the greatest tragedies — —

Mr Barber — Is he right or is he wrong?

Mr DRUM — He is neither right nor wrong; he is just being opportunistic. That is all it is. It is disgraceful and disgusting, and Mr Barber knows it is — or he might not. There is no doubt that our health minister has this motion on the table tonight because he knows what this tax did to our health system.

Mr Leane interjected.

Mr DRUM — It has also happened on top of reduced federal funding from Mr Leane's Labor colleagues in Canberra, based on dodgy population figures. Mr Leane even voted in favour of the health cuts. We had a discussion on it in this chamber, and Mr Leane voted in favour of those cuts to the Victorian health system based on what he knows to be dodgy population figures. We have had cuts to the health system based on dodgy population figures and we have had an increased cost of running health services in this state based on a carbon tax that we were told we would never have — a carbon tax that is so far out in front of the rest of the world that even the Labor Party eventually realised it had to scrap it.

Then we get around to the hardened facts, and they include that at that time we had a federal Leader of the Opposition, Mr Abbott, who had the courage and the conviction to go out and say, 'If you vote for me, I'm going to scrap the carbon tax'. Ultimately he put all the Greens offside. He put everybody who firmly believes in the carbon tax offside before the event, and he asked the people to go to the election with his mandate on the books. He was granted that mandate. That is what this is about. Never more clearly has a Prime Minister been given a mandate in Australian political history than Mr Abbott was on this issue. Now we have Labor and Greens members posturing as to whether or not they are going to allow it through in the Senate, because they still control the Senate numbers.

This is what we are trying to get through. Again this is something that has impacted on the average dairy farm's energy costs. The average school has had to wear this, as well as the average everyday supermarket — so food has been a victim of the tax. Transport costs have been — —

Mr Barber interjected.

Mr DRUM — I do not know what the increase in the price of food is, but I can tell Mr Barber that the average cost of running a fridge in a local supermarket is about $150 000 per month.

Mr Barber — You said it is putting the price of food up. I am asking: how much?

Mr DRUM — Okay, Mr Barber wins; I do not know.

Federal Labor agreed to get rid of the carbon tax and it has not done that. We have witnessed an awful lot of pain associated with this tax and yet no one in the Greens or the Labor Party has had the courage to connect the tax with jobs being lost in our industries. They have conveniently failed to make the link. In his contribution Mr Leane said that the coalition was given a mandate when we were elected to government and that we have not done anything about that. Let us go back and review the mandate that we were in fact given. We were given a mandate to fix the problems and to stop the spiralling debt, and we have done an enormous amount in this area. We were given a mandate to stop the waste and as yet — touch wood — we do not have a myki hanging over our heads or a desalination plant or a north–south pipeline. We have not had a regional fast rail project or a HealthSMART; we have not had any of these absolute failures.

In fact I cannot think of one project that Labor started and finished that was not a financial disaster. We said we would deliver responsible financial management. We said we would deliver over 400 paramedics, which we have done. We said we would give record funding to our Country Fire Authority brigades so that they could be better prepared than ever before to fight bushfires, and we have delivered on that. We said we would provide record funding for our schools, and the funding arrangement that we put in place is something that has never been seen anywhere before.

I would like to touch on one thing that Mr Barber also spoke about and that is 'gold plating'. I agree with him that a certain portion of the increased cost of energy has been due to gold plating. But if he wants to blame former Premier Jeff Kennett for selling the State Electricity Commission of Victoria (SEC), I would ask him to think about the times when, again, this state was crippled by Labor debt. Mr Kennett sold the SEC for $23 billion, with which he repaid Labor's debt, and this state has been $800 million a year better off every year since. That was the cost of Labor, and that is what we had to pay to effectively get this state moving again. Mr Barber cherry picks when it suits him. He believes what he wants to believe and cherry picks various aspects from the whole. Yes, we wish we could have more control over wholesalers who may, in Mr Barber's words, gold plate. However, what was done was done for a reason and it will continue to be done.

I commend the health minister for bringing this motion forward. I commend the work he is doing in health in this state. It is an incredibly difficult job and he has done it with one hand tied behind his back because of what federal Labor has been doing in Canberra over the last two years. Hopefully we will now be in a position to get some clear air, and some of the plans we have put in place will bear fruit. Certainly the first thing we need to do is repeal the carbon tax so that we can all get on with the job of making Australia more competitive. When we do put a carbon emission system in place we will do it at a speed equivalent to that of our competitors on the world market.

Mr O'BRIEN (Western Victoria) — It is a great pleasure to speak on this motion. It is a very important motion for all of our health services, particularly those that I represent in the Western Victoria region. I note the lament of the Minister for Health, Mr Davis, that it was a pity Mr Finn is not here. I am sure he would have liked to make a contribution, but we are blessed in that Mr Drum elevated himself and gave a powerful contribution on the various reasons why this motion should be supported and why the position of the Labor Party on this issue has been to flip-flop, tax, promise not to tax, then tax again. Now we have more flip-flopping occurring between the federal Leader of the Opposition, Mr Shorten, and the federal shadow Minister for Infrastructure and Transport, Mr Albanese. I think the latest is that Mr Shorten agrees that he ought to respect the Abbott coalition government's mandate, and we hope that position will prevail through the more sensible members of the failed former federal Labor government.

We could not expect such sense to prevail in the Greens, and we have heard a rather mischievous contribution from Mr Barber, which was quite inflammatory in part. I think if Mr Ondarchie gets an opportunity, he will address those aspects.

I would like to talk particularly about the important issues facing the hospitals in the region that I represent and the concerns that have been raised with me no less recently than about an hour ago by representatives of the West Wimmera Health Service. It has to pay a carbon tax on its health services, as do all health services in Victoria — in response to Mr Barber's criticism — no matter how efficient they are with energy. This point was well made by Mr Davis. If one is to look at this tax in economic terms, which is how one must look at a tax, there can be two extreme assumptions in relation to taxation. One is that a tax raises revenue on goods or services where behaviour does not change, and that is often said to be an aspect of, say, cigarette taxes, where there is no so-called price elasticity between the behaviour of the taxpayer and that of the government. The other assumption is that a tax will seek to change behaviour, and some taxes have elements of things between.

Mr Barber — Which one is this?

Mr O'BRIEN — Mr Barber asks which one this is. The point I am making is that Mr Barber seeks to have it both ways. He says that it has only a small impact on our health services, only 0.01 per cent. We have the bills, and by way of an example I can tell the house that Ballarat Health Services had a carbon cost of $502 000. In terms of smaller health services, Casterton Memorial Hospital had a bill of $15 000, Edenhope and District Memorial Hospital of $12 000, West Wimmera Health Service of $79 000 and Western District Health Service of $145 000. That is revenue raised. That is what a tax does, but will it change behaviour? Will it change the behaviour of hospitals in relation to what they have to do, which is to roll out electricity for patient delivery? No, it will not, because they have to use the electricity supplied through our electricity providers, as has been put so well by Mr Drum. What you have is a situation where that tax is raised but there is no ability for all those people who are being charged to change behaviour, even if that was to be desired.

This is where you get this ridiculous and extreme argument put by Labor and the Greens, because not only did Ms Gillard break a promise not to bring in a carbon tax — a promise that was made to match the promise and the mandate sought by the coalition in the 2010 election — but she also imposed the highest carbon tax in the known world. That is why in relative terms it is a major impost on our businesses as well as our hospitals, manufacturers and farmers. As I understand it, the average dairy farmer paid approximately $7000 in carbon tax. It is an impact upon our — —

Mr Barber — Where did you get that stat from?

Mr O'BRIEN — I got that stat from Senator McKenzie, who no doubt got it from Barnaby Joyce, the federal member for New England, who was well ahead of the Labor Party and the Greens on this, and who together with Prime Minister Tony Abbott has made a very clear decision that this is a tax — I think the words were, 'A great big tax on everything' and that was absolutely right. The aspect that has been lost in the Labor-Greens debate is that this has had an impact on manufacturing, it has had an impact on jobs and it has had an impact on the health services, because it is a tax that has to be paid. It does not change your behaviour in relation to your need for electricity. There are efficiencies that can be gained.

Mr Barber — So there is elasticity?

Mr O'BRIEN — No, Mr Barber, you have got it all wrong. There are efficiencies that need to be gained in hospitals, and in fact this government, through the Minister for Health, Mr Davis, has been an important initiator of energy-efficient programs through the Greener Government Buildings program. Those programs are progressing. As has been outlined by Mr Davis, in places such as Yarrawonga an effort has been made to save power. Every business seeks to save power. Every business seeks to save energy. That is something that is already being pursued by hospitals, it is something that is already being pursued by manufacturers and it is something that is already being pursued by commuters. In fact saving energy and saving costs is something that all businesspeople pursue.

The irony of the carbon tax is that even if they are pursuing those laudable efficiency gains, as has been pointed out by Minister Davis, they still had to pay the highest carbon tax in the world — or the second-highest or whatever Mr Barber says it is — at $23 a tonne, when Europe was trading at between $7 and $4. That is a ridiculously high reverse tariff, as Barnaby Joyce and Tony Abbott have said. It is a reverse tariff on our jobs, on our hospitals, on our dairy farmers, on our producers and on Victorians in a situation where Ms Gillard had promised the exact opposite. If you talk about mandates, you see that some promises are more difficult to keep than others, but a promise that is really easy to break is when you promise not to do something and then you go ahead and do it, when you promise not to bring in a carbon tax two or three days before an election and then two or three days after it you change your mind and do a deal with the Greens and the Independents.

To finish off my contribution to this debate, I commend Barnaby Joyce, the federal Minister for Agriculture, for winning the seat of New England back for The Nationals, for delivering it back to the coalition government, for putting Mr Windsor where he belonged in relation to his lack of mandate to go against the wishes of his constituency in putting in place the now-failed Gillard government. I commend this motion to the house.

Mr RAMSAY (Western Victoria) — I am pleased to contribute to this motion by the Minister for Health, David Davis. In essence Mr Davis brought this motion to the house because he wanted to make sure that the Victorian Parliament endorsed and supported the mandate of the Abbott government in relation to repealing the carbon tax, and that it was on record. In doing so he has highlighted the significant costs imposed on the health system by the carbon tax.

I put on record that I am totally disgusted with the Greens, and in particular Mr Barber, for the way they have sought to confuse the issue by using the climate change debate in this motion. It is not dissimilar to the disgusting behaviour of his federal colleague Adam Bandt, who used the climate change debate in relation to Greens policy by inferring that the New South Wales Blue Mountains bushfires were the direct result of climate change. I am going to have more to say about that later.

I can go back — I remember it very clearly — to when then opposition leader Tony Abbott at a meeting in Beaufort which I attended made his position very clear in relation to the drivel that was coming out from the Greens at the time about a proposed carbon tax. In fact Labor got so confused it did not know what to do or what sort of mechanism to use to address potential carbon pollution in the atmosphere. They started with an emissions trading scheme, which did not get industry support. They then went to a new name, which was the carbon pollution reduction scheme, which again floundered through lack of support. They finally arrived at a carbon tax, which they told the Australian people they were not going to introduce, and they stuffed that up again by imposing a $23 per tonne charge on industries.

That is world best practice — a tax that no other country in the world inflicted on its industry base or its communities. There was not one thing that Labor or the Greens managed to get right in responding to the increase in carbon pollution or greenhouse gases.

The one thing we all agreed on was a renewable energy target, but what we did not agree on was the manner in which we would arrive at that target. Tonight we have heard an extraordinary contribution from Mr Barber on this motion and his views in relation to climate change and the impacts it is having, and I am not sure whether his comments represent his party's views on these matters. In debating this motion we are discussing the impact of the carbon tax on the health system, which has been clearly identified by earlier contributors to the debate. I shall refer to some figures, as there are some hospitals in my electorate that have incurred significant costs due to the carbon tax.

The Ballarat Hospital has incurred costs of over $500 000 associated with the carbon tax; the Colac hospital, my own local hospital, has incurred costs of $60 000; Beaufort and Skipton Health Services, $8000; Stawell, $36 000; and Barwon Health, $500 000. The manufacturing industries of Geelong — where I live — including Alcoa, Ford, Shell, Avalon Airport, the processing and agricultural industries and others have incurred significant costs to their businesses as a result of the carbon tax.

I fully support the motion put forward by the Minister for Health, the Honourable David Davis, in that, firstly, this Parliament strongly supports the Abbott government in relation to the repeal of the carbon tax; secondly, we acknowledge the significant costs to Victoria's health system in relation to the imposition of a carbon tax; and, thirdly, we absolutely debunk the contribution of the Greens to this debate and their opportunistic remarks about climate change in relation to the Abbott government's moves to repeal the carbon tax: the federal government has received a very strong mandate from the Australian people to repeal this tax.

The pathway that Labor and the Greens took in responding to an increase in greenhouse gases globally, and in relation to an emissions trading scheme, a carbon pollution reduction scheme and a carbon tax, has created huge uncertainty in the business world in Australia. It has created a whole range of broken promises, confusion, economic instability, rising energy costs and increased costs in manufacturing. However, the most critical thing it has done is create an opportunity for the Greens to spin their nonsense in relation to climate change. They have used climate change as an explanation for natural disasters that have been occurring over many centuries.

For the record, once again I indicate that I am absolutely disappointed and ashamed that I had to bear witness to a discussion between Mr Ondarchie and Mr Barber in relation to Mr Barber's comments about his party's stance on climate change. The Greens would say that climate change has a direct link to the bushfires in New South Wales and to the impacts those fires have had on the community of New South Wales. Mr Barber should hang his head in shame, as should Adam Bandt. It was disgraceful and opportunistic of the Greens to push their nonsense about climate change policy in relation to those bushfires.

Mrs PEULICH (South Eastern Metropolitan) — I join my colleagues in supporting the motion of the Minister for Health, Mr Davis, that this house:

(1) notes the clear election commitments of the new federal coalition government and their mandate to implement those commitments with respect to the carbon tax;

(2) notes that any unreasonable delay in the implementation of this commitment will detrimentally impact —

and obviously this is in reference to the way in which the Labor Party and the Greens will vote in the Senate on the federal government's legislation —

(a) individuals, families, senior citizens and businesses; and

(b) hospitals, health services and other providers including public, private and not-for-profit health services;

(3) supports the federal government's election commitment to abolish the carbon tax as soon as possible; and

(4) calls on the federal opposition, other non-government parties and Independents in the federal Parliament to support the early abolition of the carbon tax.

Victorian and other Australian voters have had their say, and in this debate there has been a struggle for the major political parties to capture the environmental ideologues and hang on to them. However, those ideologues have been found wanting in relation to this particular area of policy and in the schemes they have devised to raise revenue under the misguided assumption that somehow human behaviour will change so dramatically that climate change will turn around significantly. Indeed we are only talking about anthropogenic climate change, which is the human contribution to what is a significant phenomenon, one that is largely attributed to biotic processes, variations in solar radiation received by the earth, plate tectonics and volcanic eruptions.

The concept of climate change does exist, and it always has existed; it is part of the history of the world and our universe. However, the Greens have been trying to create an ideology or mythology that captures the imaginations and votes of the young and those who wish to have causes for which to fight. It now appears that the cause in which the Greens have been placing all their electoral fortunes is going to be ditched by the federal Labor Party under the leadership of the new federal Leader of the Opposition, 'Electricity' Bill Shorten, and the Greens will be left high and dry.

A lie has been put to the sorts of commitments that federal Labor has expressed in the past. There have been comments such as, 'There will be no carbon tax under the government I lead', by former Prime Minister Julia Gillard and comments by the former Prime Minister, Kevin Rudd, saying that climate change is the greatest moral challenge of our times, and yet it is likely that federal Labor will not oppose the repeal of the carbon tax legislation, and of course that is with good cause. We know what hardship has been caused as a result of Labor's carbon tax to industry, to manufacturing, to the cost of electricity, to the cost of household goods and to health, which is the subject of the motion before us today.

The energy bills that have been provided to the government by Victorian health services show that for the first year of the scheme, the impact of the commonwealth's carbon tax pricing scheme on public hospitals and hospital energy use, was $13.5 million in total. Ambulance Victoria incurred additional costs of $0.3 million for aviation fuel and energy. The carbon price has increased the energy costs of health services in the range of 9 per cent to 23 per cent, with an average increase of 15 per cent in energy costs across all public health services. As Mr Drum said, the average cost of surgery is approximately $5000 per procedure, but a lot of surgery has been forfeited as a result of these health services having to pay for increased energy costs.

Commonwealth funding provides no adjustment or compensation for the impact of the carbon price. The carbon tax has had an impact on some of the hospitals in South Eastern Metropolitan Region, which has also been hit very substantially in its manufacturing sector and businesses.

One of the two major health providers, Monash Health, is looking at a cost of the carbon tax of $1 299 009, which is a 15 per cent hit on its budget. This particular health service provides for much of the south-east. Hong Lim, the member for Clayton in the Assembly, has been silent on this issue; he has turned a blind eye to it, and he is sticking his head in the sand. Numerous surgeries could be forfeited as a result of Monash Health having to pay this increased energy bill. For Peninsula Health, which provides health services to the Mornington Peninsula and the Frankston electorate, the total bill for one year is $462 535, or 18 per cent of the total budget. That is a very substantial hit on those important health providers.

With those few words, I call upon the Greens to stop scaremongering and to find another cause. Much of Europe is pulling out of renewable energy because it has realised that renewable energy has been unreliable. It has been heavily subsidised and it can no longer afford the subsidies. Businesses are relocating in significant numbers, to the United States in particular, where there are cheaper sources of energy that are wooing businesses across the sea.

Mr Barber — Their energy is dearer than ours.

Mrs PEULICH — Mr Barber, get your facts right. I will say in closing that I have always had significant admiration for what I have thought until this point was Mr Barber's fairly practical, common-sense, measured perspective, notwithstanding he is part of a party that often lacks balance. Today he has proven me wrong. I

have never seen a sorrier performance than the desperate, arrogant, ignorant, one-eyed performance — driven by a mythology and an ideology that voters have rebuffed — than that of Mr Barber tonight. It is out of character and I hope it is a one-off, but I certainly found no joy in Mr Barber attempting to attribute blame for the deaths and destruction in the New South Wales bushfires to coalition policies on climate change. We know full well, for example, that Black Saturday would have been far less destructive to life and to property if there had been better forest fuel management in place and a reduction in fuel on the forest floors, which contributed substantially to the intensity and destructiveness of those fires.

We chose not to make a lot of those tragedies. Mr Barber has shown no such hesitation. It is deplorable. He owes this chamber and his colleagues an apology. I urge him to at least absent himself from the chamber rather than voting this down, because this position has already been rebuffed by federal Labor, which I believe will support the repeal of the carbon tax. It has certainly been rebuffed by Victorian voters and by voters across the nation. With those few words, I support the motion brought before the house by the Minister for Health.

Mr ONDARCHIE (Northern Metropolitan) — Tonight I rise to speak in support of Mr Davis's motion 639. It talks about noting the election commitment of the federal coalition government to abandon the carbon tax. It talks about the effect the carbon tax has had on hospitals and health services and, moreover, on individuals, families, senior citizens, businesses and Victorian patients. It supports the federal election commitment to abolish the carbon tax as soon as possible. The motion also calls on the federal opposition, other non-government parties and the Independents to support the early abolition of the carbon tax. Mr Leane's contribution today was fair and reasonable from the ALP's perspective. Mr Leane put his case and I respect him for doing that.

I could stand here tonight and run through the bottom-line financial impact that the carbon tax has had on health services and health providers in my electorate of Northern Metropolitan Region — St Vincent's Hospital, the Royal Melbourne Hospital, the Royal Children's Hospital, Northern Health, the Royal Victorian Eye and Ear Hospital and the Royal Women's. I could run through them all, but I choose not to do so at this time because tonight I have heard the lowest contribution that I have heard in my 2 years and 10 months in this place.

Frankly, as a member of Parliament I am embarrassed by Mr Barber's contribution tonight, because Mr Barber drew a parallel between his perception of a lack of action on climate change and the New South Wales bushfires and the deaths on Black Saturday. Not even his wannabe federal Australian Greens leader Adam Bandt stooped that low. How dare he, in the Parliament of Victoria, the people's house, which represents all the people of Victoria, use this opportunity to run the Greens manifesto and tie it to the deaths of Victorians on Black Saturday? That is the lowest performance I have ever seen. People died on Black Saturday. Families lost loved ones. My children lost friends. As I said to Mr Barber by way of interjection, he should try explaining to his kids how their friends died in the Black Saturday bushfires. Mr Barber used his contribution in the Parliament of Victoria tonight to tie the Greens manifesto on a lack of action on climate change to those deaths. That is the lowest performance I have seen in my 2 years and 10 months in this place.

Victorians expect better from their members of Parliament. They expect us to rise above that sort of behaviour. I am embarrassed for our profession, I am embarrassed as a member of Parliament, I am embarrassed as a Victorian and I am embarrassed as a father that the Greens would do that in the Parliament of Victoria tonight. Mrs Peulich called on Mr Barber to apologise to this chamber. Quite frankly that is not good enough for me. I say to Mr Barber that that is not what MPs are made of. I call on the leader of the Australian Greens in the Victorian Parliament, Mr Greg Barber, MLC, to resign.

Hon. D. M. DAVIS (Minister for Health) — This has been a very instructive debate in the chamber tonight. This is a very straightforward motion. It recognises the outcome of the recent federal election, and it notes the very clear mandate that the Australian people have given the Abbott government in Canberra to abolish the carbon tax. Nothing could be clearer. Nothing could have been better understood by the Australian people as they went into booths poised with their pencils to make a decision about the future of our country than that abolishing the carbon tax was at the top of the list.

I do not believe that Mr Barber — somebody who has some capacity — covered himself in glory today. He should not have drawn the parallels he did. He should not have made the comments he did about the Black Saturday bushfires. Aside from that, he failed to engage with the fact that the federal government now has a mandate to abolish the carbon tax. He seems to believe

that he can spout whatever he wants to in defiance of the Australian people — and that is what he did.

The Labor Party is missing in action today. I note that Mr Leane spoke in this debate, but he did not engage with the substance of this motion.

Honourable members interjecting.

Hon. D. M. DAVIS — He did not engage with the substance of this motion, which is about the mandate the Abbott government has to abolish the carbon tax. He was not supported by any member in this chamber; he spoke alone. It was a paltry contribution in which he failed to engage with the fact that there has been a federal election and that the new federal government has a mandate. He did not speak about the fact that hospitals are being clobbered hard. Key hospitals across our state are paying a big price — a carbon price. There is a carbon tax on every hospital and health service in this state — a carbon tax imposed by the Labor Party and the Greens in Canberra, a carbon tax that should be removed and a carbon tax without which every hospital in this state would be able to deliver more services to patients.

I agree there should be more energy efficiency, and I gave examples in the chamber of energy efficiency. At Yarrawonga recently we put solar panels across the top of the hospital. That will make the hospital more efficient. It will cuts costs, and patients will benefit from that. That is what should be done; I agree. But whatever level of energy efficiency you get to, if there is a carbon tax on the energy you are purchasing from the grid, you pay the carbon tax, and that is money that could have gone to patients.

This motion also makes the point that seniors, families and small businesses will be hit. It is now time to remove that tax. Prime Minister Tony Abbott and the new federal government have a mandate. Labor is yet to fully recognise that mandate. With their absence in the chamber here tonight — missing in action is what they are — I have to say the community will judge its members very harshly. On an earlier occasion in this chamber they voted in favour of putting a carbon tax on hospitals. Every Labor member in this chamber lined up to vote for an extra tax on patients and hospitals. It was disgraceful. It was a vote of shame.

I do not know what they are going to do today. Will they vote in favour of the mandate that the Australian people have given Tony Abbott and his government, will they vote against the Australian people and that mandate or will they flee the chamber? I do not know what they are going to do. We will see whether they are prepared to act as democrats and respect the wishes of the Australian people and remove the carbon tax — and remove it from our health services and hospitals.

House divided on motion:

Ayes, 19

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

Noes, 17

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

Pairs

Finn, Mr	Viney, Mr
Kronberg, Mrs	Broad, Ms

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Boundary–Fellmongers–Townsend–St Albans roads, Geelong

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Roads, Terry Mulder, and is in relation to Breakwater Road in Geelong. The minister would be aware of the $65 million upgrade and realignment to Breakwater Road in Geelong, which was one of many road infrastructure investments the previous government funded in Victoria. The project included a new bridge over the existing rail line connecting South Geelong station to Marshall station, as the original crossing under the railway line was constantly subject to flooding from the Barwon River. The new double-lane bridge and new road alignment also removed the height restriction that was in place from the original rail underpass crossing.

The new road also includes dedicated bike lanes and a pedestrian path on the north side of the bridge. The project was well received by the community, resulting in an instant increase in usage and opening up opportunities for commercial vehicles to access Geelong's east and the Bellarine Peninsula. However, the increased usage has resulted in issues a little further up the road at the roundabout intersection of Boundary, Fellmongers, Townsend and St Albans roads. This 5-point-entry roundabout is only one lane, and vehicles using this intersection are experiencing significant congestion during the morning and afternoon peaks.

The estimated cost for the upgrade is $10 million, and VicRoads advises that there is no low-cost option to reduce the congestion. As Geelong continues to grow, this route will increasingly be used by larger trucks as it is a key freight route, providing access from the west to the east. I know the City of Greater Geelong has recognised this as a major issue and is lobbying the state government to fund this intersection upgrade. I urge the minister to look upon this project favourably and provide the $10 million required to upgrade this intersection.

Protective services officers

Mrs COOTE (Southern Metropolitan) — I address my adjournment matter to Kim Wells, the Minister for Police and Emergency Services. On 21 October I had the great pleasure of joining with the minister, the Parliamentary Secretary for Police and Emergency Services, David Southwick, and my parliamentary colleague Georgie Crozier at Elsternwick railway station on the corner of Glen Huntly Road and Horne Street, Elsternwick, for the announcement of another successful story about protective services officers (PSOs) on railway stations. On 22 October this year 79 railway stations had a PSO presence. Fortunately many of those are in Southern Metropolitan Region. These include both Oakleigh and Ormond, which is very pleasing, as well as the extra PSOs in Elsternwick.

I remind the chamber of the budget for the PSO program. In the 2011–12 budget $212 million was allocated over four years for the recruitment, training and deployment of 940 PSOs. This includes their salaries, on-costs and allowances and associated operational support equipment and transportation costs. In the same budget the government allocated an additional $21.9 million for the upgrade of an initial set of railway stations to support the deployment of PSOs. The budget also provided $56.4 million to upgrade police stations to support the deployment of both the 1700 additional police and the 940 PSOs. This is a real commitment to safety on our public transport system. It was pleasing to see the public support for this at Elsternwick and to know that people want to feel comfortable and safe as they catch trains. This is the feedback that we are getting all the time. People are pleased to know that the PSOs are there to help and assist them.

Mr O'Brien interjected.

Mrs COOTE — Mr O'Brien rightly asks, 'Did Labor support it?'. Labor did not support it. Labor members do not care enough for community safety. They do not care about community safety on our public transport system. Mr O'Brien is so right.

This has been an excellent initiative. I am pleased to know that PSOs will now escort people who are feeling unsafe to their cars. My request of the minister is that he announce this more widely and help the public to better understand this additional service that PSOs on railway stations will be able to conduct. I know it will be very welcome in Southern Metropolitan Region.

East Werribee railway station

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Terry Mulder. It concerns rail infrastructure funding for the City of Wyndham, and in particular funding for a future station at Derrimut Road. The action I seek is that funding be brought forward for the Derrimut Road station to service the newly announced East Werribee employment precinct.

The City of Wyndham in its recent strategy for managing growth noted that growth projections on the Werribee line to 2020–21 stand at 8 per cent per annum, which is the highest of all rail lines in Melbourne. The regional rail link, which was a project envisaged, planned and funded by the previous government, will see greater capacity available on metropolitan rail lines in the west. It will increase peak period services on the Werribee line to 26 services every 2 hours, and see the construction of Wyndham Vale and Tarneit stations, providing better V/Line access for residents in Wyndham. However, more funding is required from the state government to ensure public transport options are available to residents and workers across Wyndham. This is especially true for the newly announced East Werribee employment precinct. While the Premier and the Minister for Planning, Matthew Guy, were happy to announce the East Werribee employment precinct, the City of Wyndham notes that the development of this precinct will require a station at Derrimut Road to promote growth and reduce congestion in the area.

A lack of public transport infrastructure in growth areas is continuing to create car dependency on already congested and underfunded arterial roads, making life harder for residents. Part of the solution to reducing congestion is better public transport access. However, the Public Transport Victoria network development plan does not envisage a Derrimut Road station being built for another 15 years, which I believe risks the viability and capacity of the East Werribee employment precinct. The City of Wyndham notes that the development of the station is not reliant on any other part of the network development plan. All it needs is funding to be made available by the state government. I understand that the planning minister committed further infrastructure funding in 2012 from the proceeds of government land sales. It is important that finance is made available for a Derrimut Road station to service the East Werribee employment precinct sooner rather than later.

Abortion legislation

Ms PULFORD (Western Victoria) — My matter this evening is for the attention of the Minister for Health, David Davis, and it relates to the Abortion Law Reform Act 2008. I have received a number of emails in recent weeks from people campaigning for the repeal of section 8 of the act. As the minister will be aware, section 8 relates to the obligations of a registered medical practitioner who has a conscientious objection to abortion. This campaign has come about in support of Dr Mark Hobart, who is being investigated by the Victorian Board of the Medical Board of Australia for refusing to comply with section 8. Section 8 of the Victorian law requires a doctor in this position to provide an effective referral — that is, a referral to another medical practitioner who is known to the referring doctor to not share the same objection. In my view the legislation strikes the right balance between a woman's right to choose and a doctor's right to refuse, while ensuring access to medical services.

The action I seek from the minister is to provide an assurance to Victorian women that the government has no intention of changing the Abortion Law Reform Act. I note that the minister is not in the house this evening, but I invite him to take the opportunity on another occasion in the Parliament this week, by way of a member's statement or otherwise, to convey his response to my question in writing to women's health organisations across Victoria. I know how he responds is entirely a matter for the minister, but I think women in Victoria would appreciate a statement from the government on this important matter.

Woorndoo native vegetation removal

Mr BARBER (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Planning, who happens to be in the chamber. It relates to the destructive practices of Powercor in ruining some important protected native grasslands on the Mortlake-Ararat Road at Woorndoo. We all understand that it is important and routine for Powercor to trim and remove trees to protect its powerlines and prevent fires. However, as reported by members of the Woorndoo Land Protection Group, Powercor has gone in and destroyed native grassland understorey with bulldozers, leaving a muddy mess which will soon be growing as high as your eyeball with weeds and creating an even greater fire hazard, which in future will be almost impossible to manage.

Local residents who have worked very hard to protect and restore native grasslands that are all but extinct on the western plains and which extend out to that area are absolutely devastated that a body like Powercor, which has clear legal responsibilities and at the moment is generally required to produce an annual plan, could have got it so wrong at this particular site. Tree-clearing activities and native vegetation removal do not require a planning permit when they occur under the protection of a code of practice under the Electricity Industry Act 2000. I am asking the minister to make a determination through Department of Planning and Community Development enforcement staff as to whether the destruction of native grasslands that occurred in this case was in line with the code of practice and in line with the annual plan that Powercor is required to prepare and, if not, whether planning enforcement action should be taken against it.

As the concerned group president, Susan Bosch, said in the *Mortlake Dispatch* of Thursday, 17 October:

> We aren't against clearing at all, if it's done in the correct way — everyone in our group are members of the Woorndoo CFA …

I concur with that. We have had many debates in this chamber about the necessity for rules on powerline clearance. However, in this instance the works that were undertaken were destructive for no good reason, and the minister should endeavour to ensure that this does not happen again.

Responses

Hon. M. J. GUY (Minister for Planning) — Ms Tierney had a matter for the Minister for Roads, Terry Mulder, around Breakwater Road, Geelong, and I

will refer that to him so that he can respond to her directly.

Mr Melhem had a matter for the Minister for Public Transport, Terry Mulder, about the city of Wyndham rail infrastructure in relation to Derrimut Road railway station. While the government is examining the use of development contributions in relation to that station being brought forward, I will send the matter to Minister Mulder to provide a proper written response to Mr Melhem.

Mrs Coote had a matter for the Minister for Police and Emergency Services, Kim Wells, in relation to protective services officers at Elsternwick railway station, a very good policy position of the Liberal-Nationals government which is working exceedingly well.

Ms Pulford had a matter for the Minister for Health, David Davis, in relation to abortion law reform. I will have him respond to her directly in writing.

Mr Barber raised a matter for me in relation to Mortlake-Ararat Road in Woorndoo. Mr Barber does get around; I will give him that. It is a shame he does not go to Docklands as opposed to Warndoo, but that aside, I will take some advice on the matter and provide a written response. I am not sure if some of the matters relating to native grasslands come under the jurisdiction of the Department of Environment and Primary Industries as well, but I will take some advice on that and get a proper response to Mr Barber.

I have six written responses to adjournment matters: for Mr Eideh on 12 June and 27 June, for Ms Broad on 21 August, for Mrs Coote on 17 September, for Mr Somyurek on 17 September and for Mr Barber on 19 September.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.01 p.m.