**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE ASSEMBLY

## FIFTY-SIXTH PARLIAMENT

## FIRST SESSION

**Tuesday, 23 March 2010**

**(Extract from book 4)**

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Professor DAVID de KRETSER, AC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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| Cabinet Secretary | Mr A. G. Lupton, MP |

## Legislative Assembly committees

**Privileges Committee** — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

**Standing Orders Committee** — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

## Joint committees

**Dispute Resolution Committee** — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

**Drugs and Crime Prevention Committee** — (*Assembly)*: Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

**Economic Development and Infrastructure Committee** — (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

**Education and Training Committee** — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar and Mr Hall.

**Electoral Matters Committee** — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

**Environment and Natural Resources Committee** — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mr Murphy and Mrs Petrovich.

**Family and Community Development Committee** — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey. (*Council*): Mr Finn and Mr Scheffer.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

**Law Reform Committee** — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

**Outer Suburban/Interface Services and Development Committee** — (*Assembly*): Mr Hodgett, Mr Langdon, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

**Public Accounts and Estimates Committee** — (*Assembly*): Ms Graley, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Dalla-Riva, Ms Huppert. Ms Pennicuik and Mr Rich-Phillips.

**Road Safety Committee** — (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

**Rural and Regional Committee** — (*Assembly*): Mr Nardella and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Mr Burgess, Mr Carli, Mr Jasper and Mr Languiller. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Acting Secretary: Mr C. Gentner

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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**Deputy Speaker:** Ms A. P. BARKER

**Acting Speakers:** Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

**Leader of the Parliamentary Labor Party and Premier:**
The Hon. J. M. BRUMBY

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**
The Hon. R. J. HULLS

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**
Mr E. N. BAILLIEU

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

**Leader of The Nationals:**
Mr P. J. RYAN

**Deputy Leader of The Nationals:**
Mr P. L. WALSH

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| Andrews, Mr Daniel Michael | Mulgrave | ALP | Lindell, Ms Jennifer Margaret | Carrum | ALP |
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| Batchelor, Mr Peter John | Thomastown | ALP | Maddigan, Mrs Judith Marilyn | Essendon | ALP |
| Beattie, Ms Elizabeth Jean | Yuroke | ALP | Marshall, Ms Kirstie | Forest Hill | ALP |
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| Brooks, Mr Colin William | Bundoora | ALP | Morris, Mr David Charles | Mornington | LP |
| Brumby, Mr John Mansfield | Broadmeadows | ALP | Mulder, Mr Terence Wynn | Polwarth | LP |
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| Cameron, Mr Robert Graham | Bendigo West | ALP | Napthine, Dr Denis Vincent | South-West Coast | LP |
| Campbell, Ms Christine Mary | Pascoe Vale | ALP | Nardella, Mr Donato Antonio | Melton | ALP |
| Carli, Mr Carlo Domenico | Brunswick | ALP | Neville, Ms Lisa Mary | Bellarine | ALP |
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| Eren, Mr John Hamdi | Lara | ALP | Powell, Mrs Elizabeth Jeanette | Shepparton | Nats |
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| Fyffe, Mrs Christine Ann | Evelyn | LP | Robinson, Mr Anthony Gerard | Mitcham | ALP |
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| Haermeyer, Mr André [3] | Kororoit | ALP | Seitz, Mr George | Keilor | ALP |
| Hardman, Mr Benedict Paul | Seymour | ALP | Shardey, Mrs Helen Jean | Caulfield | LP |
| Harkness, Dr Alistair Ross | Frankston | ALP | Smith, Mr Kenneth Maurice | Bass | LP |
| Helper, Mr Jochen | Ripon | ALP | Smith, Mr Ryan | Warrandyte | LP |
| Hennessy, Ms Jill [4] | Altona | ALP | Stensholt, Mr Robert Einar | Burwood | ALP |
| Herbert, Mr Steven Ralph | Eltham | ALP | Sykes, Dr William Everett | Benalla | Nats |
| Hodgett, Mr David John | Kilsyth | LP | Thompson, Mr Murray Hamilton Ross | Sandringham | LP |
| Holding, Mr Timothy James | Lyndhurst | ALP | Thomson, Ms Marsha Rose | Footscray | ALP |
| Howard, Mr Geoffrey Kemp | Ballarat East | ALP | Thwaites, Mr Johnstone William [8] | Albert Park | ALP |
| Hudson, Mr Robert John | Bentleigh | ALP | Tilley, Mr William John | Benambra | LP |
| Hulls, Mr Rob Justin | Niddrie | ALP | Trezise, Mr Ian Douglas | Geelong | ALP |
| Ingram, Mr Craig | Gippsland East | Ind | Victoria, Mrs Heidi | Bayswater | LP |
| Jasper, Mr Kenneth Stephen | Murray Valley | Nats | Wakeling, Mr Nicholas | Ferntree Gully | LP |
| Kairouz, Ms Marlene [5] | Kororoit | ALP | Walsh, Mr Peter Lindsay | Swan Hill | Nats |
| Kosky, Ms Lynne Janice [6] | Altona | ALP | Weller, Mr Paul | Rodney | Nats |
| Kotsiras, Mr Nicholas | Bulleen | LP | Wells, Mr Kimberley Arthur | Scoresby | LP |
| Langdon, Mr Craig Anthony Cuffe | Ivanhoe | ALP | Wooldridge, Ms Mary Louise Newling | Doncaster | LP |
| Languiller, Mr Telmo Ramon | Derrimut | ALP | Wynne, Mr Richard William | Richmond | ALP |

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 13 February 2010
[5] Elected 28 June 2008
[6] Resigned 18 January 2010
[7] Elected 15 September 2007
[8] Resigned 6 August 2007

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# Tuesday, 23 March 2010

**The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.**

## CONDOLENCES

### Janet Tindale Calder Wilson, AM

**The SPEAKER** — Order! I advise the house of the death of Jan Tindale Calder Wilson, AM, member of the Legislative Assembly for the electoral district of Dandenong North from 1985 to 1999.

I ask members to rise in their places as a mark of respect to her memory.

**Honourable members stood in their places.**

**The SPEAKER** — Order! I shall convey a message of sympathy from the house to Jan Wilson's relatives.

## BUSINESS OF THE HOUSE

### Broadcasting of proceedings

**The SPEAKER** — Order! Before calling questions I advise the house that the webcasting project is still on track and that this week the cameras will move as members are called. There is no filming and no broadcasting; it is just testing of the system that links the sound to the video.

## QUESTIONS WITHOUT NOTICE

### Electricity: smart meters

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the fact that the Auditor-General found last year that the smart metering program has blown out from $800 million to more than $2 billion, and to the fact that the government yesterday suspended indefinitely its claimed principal benefit of smart meters — the time-of-use charging.

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Mr BAILLIEU** — I ask: is it not a fact that the rollout of smart meters in this state has been a complete and utter disaster, more costly to Victorians than even myki?

**Mr BRUMBY** (Premier) — I thank the Leader of the Opposition for his question. I remind him that smart meters were first agreed to at a Council of Australian Governments meeting in 2006 with the Howard government.

In 2008 Victoria committed — and it was the first state to commit — to a rollout. The Leader of the Opposition would also recall that, again back in 2006, the policies that were then released for the state election in that year included the following:

> A Liberal government will also ensure the rollout of interval meters, with minimum mandated technology …

The rollout of smart meters across Australia is of course overseen by the Australian Energy Regulator (AER).

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn members of the opposition that the Premier will not be shouted down. I ask for some cooperation from the member for South-West Coast and the member for Scoresby.

**Mr Baillieu** interjected.

**Mr BRUMBY** — So, Speaker, I think — —

**The SPEAKER** — Order! I warn the Leader of the Opposition. Question time will not continue in this vein.

**Mr BRUMBY** — I think time has passed the opposition by. The fact is that the energy industry across Australia is now subject to national regulation. This is something — —

*Honourable members interjecting.*

**Mr BRUMBY** — What, the Australian Energy Regulator does not exist? It is a figment, is it, Kim?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast will cease interjecting in that manner.

**Mr BRUMBY** — As I have also indicated to the Parliament previously in response to questions by the Leader of the Opposition, smart meters are being rolled out not just across Australia but across the world. In relation to the pricing arrangements, the Australian Energy Regulator made the pricing decision in October 2009. What that decision did was front-end the cost of the meters for consumers with the benefits of course accruing over a longer period of time. What the Minister for Energy and Resources has announced

today is a moratorium on the network time-of-use prices which are associated with smart meters. He did that after a meeting last night with the Customer Consultation Working Group, which includes VCOSS (Victorian Council of Social Service) and the St Vincent de Paul Society. The reason the minister made that decision is that we had listened to the concerns of the community and we had acted to protect those — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader of the Opposition will cease interjecting in that manner, and I ask the member for Warrandyte to cease his constant interjections.

**Mr BRUMBY** — We had acted to protect those who are most vulnerable. In relation to the rollout of time-of-use charging, it is obviously important that the industry and the AER get that exactly right. What we on our side of the house do not want to see is vulnerable consumers — large low-income families, pensioners or elderly Victorians — unfairly charged by the new pricing regime. The announcement that was made by the minister has been welcomed by a range of groups across the state. St Vincent de Paul, for example:

> … welcomed the Victorian government's decision to declare an immediate suspension on electricity time-of-use pricing structures associated with the rollout of smart meters across the state.

St Vincent de Paul went on to commend the Victorian government for the decision.

A Consumer Utilities Advocacy Centre media release of 23 March states:

> The Consumer Utilities Advocacy Centre … welcomes the Victorian government's decision to delay the introduction of time-of-use pricing as part of the rollout of smart electricity meters across Victoria.

A media release of 22 March from the Victorian Council of Social Service is headed 'VCOSS welcomes Victorian government move to investigate impact of smart meters on low and middle-income Victorians'.

We will work now with the distributors and with the Australian Energy Regulator to ensure that the community gets the maximum benefit from smart meters into the medium and longer term, but that in the immediate term those vulnerable groups in our community — groups that we care about on our side of the house, such as pensioners, the elderly and low-income families — are properly protected by an appropriate pricing regime.

## China: trade

**Ms GREEN** (Yan Yean) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline how the government is working to strengthen our ties with China and update the house on the economic benefits this provides?

**Mr BRUMBY** (Premier) — I thank the honourable member for the question. Earlier today I was at Docklands with the Minister for Industry and Trade and the commissioner general of the Australian expo pavilion in Shanghai, Lyndall Sachs, to confirm the Victorian government's commitment to the Shanghai expo and to really reiterate the importance of our relationship with China and the significance of that in terms of the opportunities that the expo will provide. The expo in Shanghai will be the largest expo in the world. It is expected that 70 million people from countries right around the world will visit the expo and that there will be something like 40 000 visitors a day passing through the Australian pavilion. The Victorian government is a platinum contributor to the Australian pavilion. We have committed $6 million — the largest amount of any Australian state. This reflects the huge importance of our relationship with China to Victoria today and into the future.

It is now a matter of fact that China is Victoria's largest single trading partner. Our two-way trade with China is $13.57 billion per annum, and it is continuing to grow at about $1 billion a year. Mainland China is our second largest export market. In terms of tourism, the number of tourists from China coming to our state over the last decade has increased more than fourfold. Tourism Victoria expects that by 2012 the largest single source of tourists to our state will be China. Then there is international education and higher education. Chinese students now represent the second-largest group studying in our state, but again this has very significant growth rates. If you think of all the significant recent investments made by Chinese companies in Victoria and by Victorian companies in China, you realise that what all this goes to show is that this relationship is of fundamental importance to our state.

In 2005 we released our China framework document. We were the first state in Australia to release such a document. It set out the arrangements to continue to grow that relationship into the future. We want to grow that relationship because it means jobs, investment and opportunities for the people of our state.

The theme of the expo this year will be Better Cities, Better Life. We will be contributing strongly along that theme, and we have through many of our government initiatives many projects involving Victorian government architects, town planners, environmental engineers and others in China assisting the Chinese with their building and construction program.

As the minister made clear in her speech at this event today, the additional infrastructure being created in China every year caters for something like 20 million people — that is, the process of cities and the construction there. That is equivalent to adding a whole Australian population every year in terms of that construction program. We have Victorian architects and environmental engineers, particularly in the Jiangsu Province, helping with the planning of cities in that area.

I will be visiting the expo in May. Other members of the government will visit as well. We see this as fundamentally important to building this relationship between China and Victoria.

Finally, the economics of this is very important for our state. It builds on 150 years of Chinese migration to our state, the great friendship we have with the people of China, a very strong relationship we have built up in education — for example, there is a Caulfield Grammar School campus in Nanjing — and the great relationship we have built up in the arts, culture and sport. All these things I think will be the focus of what we do at the expo. It will be reinforced by the AFL game later this year and a series of other events that are again about building this relationship.

This is a positive step forward. It is a significant investment by our state, but I think, given the strength of this relationship with China now, this is the appropriate step for the government to take to build as many new opportunities as we can off the expo and off the 40 000 visitors a day who will come through the Australian and Victorian pavilion.

## Electricity: smart meters

**Mr O'BRIEN** (Malvern) — My question is to the Premier. I refer the Premier to the disastrous smart meter program, and I ask: is it not the case that, as a result of his government's incompetence, Victorian households are now forced to pay for smart meters they do not have, containing features that will not work and which, if they eventually do work, will make the price of electricity unaffordable for many?

**Mr BRUMBY** (Premier) — The answer is no.

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to the member for Burwood that he cease interjecting.

## Alcohol: police powers

**Mr LUPTON** (Prahran) — My question is to the Minister for Police and Emergency Services. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby government is working with police to ban troublemakers from licensed premises and entertainment precincts, and has the government considered any alternatives?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Prahran to repeat the last half of his question.

**Ms Marshall** interjected.

**The SPEAKER** — Order! The member for Forest Hill is warned! I ask the member for Prahran to repeat the question, and I ask all members to listen to the question in silence so that the Chair can hear the member.

**Mr LUPTON** — My question is to the Minister for Police and Emergency Services. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby government is working with police to ban troublemakers from licensed premises and entertainment precincts, and has the government considered any alternatives?

**Mr CAMERON** (Minister for Police and Emergency Services) — The Brumby government is committed to providing police with the resources, training, equipment and powers they need to do their job in the interests of Victorians. That is why just over a couple of years ago we introduced laws whereby people could be banned for 24 hours from designated entertainment precincts. That was in late 2007. Unfortunately some people in this house and in another place tried to block those laws.

Since those laws finally got through, we have seen over 2900 banning notices issued to remove drunken yobbos from entertainment precincts. We want them removed; we recognise that that is not a unanimous view in this house. These entertainment precincts are across the

state, including in Chapel Street in the electorate of the honourable member for Prahran.

We believe those laws have been effective, notwithstanding that in the latter part of 2008 the then shadow minister for police attacked those laws. But we believe that those Labor laws need to be built on. We have listened to the Chief Commissioner of Police. We have had that discussion and we have agreed that the banning notices should be increased from 24 hours to 72 hours. The Premier announced that earlier this month.

We are aware that there are different approaches around these issues; we appreciate that they can be contentious in some quarters. Only this morning I logged onto a website that put forward a plan for 24-hour bans for drunken troublemakers. We have considered that, and we reject it because we believe — as the chief commissioner and other police believe — it should be extended to 72 hours. Certainly we do not want to water down that approach — the approach which the Premier outlined only a few weeks ago.

I can tell you, Speaker, that that website — and I urge all members of this house to totally reject the website — is www.tedbaillieu.com.au. I call on those opposite to walk away from that website.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister not to debate the question.

**Mr CAMERON** — In addition, Speaker, you will know that late last year the government introduced laws for on-the-spot fines and infringement notices for those who are drunk or drunk and disorderly, and also for a new offence of disorderly behaviour. Certainly Andrew Crisp, the acting assistant commissioner for the city, said that in the past when a person was found drunk and causing trouble they might be detained by police for a few hours and then sent home. He said that now, however, there are significant consequences, and drunks in trouble may get hit with a $234 on-the-spot fine. As was announced a few weeks ago by the Premier, we are extending Labor's laws, and we are going to double those fines.

I will conclude my comments by saying that recently the chief commissioner made some comments about some reduction in assaults on the street, and he attributed that to the good work of police in dealing with antisocial behaviour. He also said the decline is in large part because police have very largely taken up the new powers available to them, being the infringement notices and the banning notices. The issuing of banning notices increased from 365 in 2008 to 2043 in 2009.

Police are taking up these powers. They have been designed to be sensible and to be used sensibly. That is what we are seeing now. I can assure you, Speaker, that the government stands by its commitment to increase bans to 72 hours.

## Planning: Hotel Windsor redevelopment

**Mr CLARK** (Box Hill) — My question is to the Premier. I refer the Premier to the Hotel Windsor advisory committee planning report released by the Minister for Planning last week, which reveals that one of its three members is Mr Graeme Holdsworth, and I ask: can the Premier confirm that this is the same Graeme Holdsworth who is a senior figure in the ALP, a member of the ALP's internal policy committee and a campaign manager for federal ALP MP Lindsay Tanner as well as the member for Richmond, the Minister for Housing?

**Mr BRUMBY** (Premier) — I do not know the person concerned, and I — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier.

**Mr BRUMBY** — I do not know the person concerned, and I will make inquiries and respond to the member's question.

## Water: sportsgrounds

**Ms MARSHALL** (Forest Hill) — My question is for the Minister for Sport and Recreation. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the government's water plan is securing water for our ovals and our sports fields for our communities?

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Forest Hill for her question and her great support for both elite sport and community sport in her area.

Under the responsible easing of water restrictions announced last week, three in four of Melbourne's sportsgrounds can now be watered, up from one in four under stage 3a. This is effective immediately, and will enable councils to prepare grounds for the upcoming footy and soccer seasons. This terrific news was welcomed by sports clubs, by players and by sports

codes right throughout Melbourne. I quote Peter Schwab, the CEO of AFL Victoria, who said this:

> This is an outstanding result for us, for football right throughout Victoria.

The past several years have been tough for community sport, but there have been positives through this period of drought. Councils and clubs have become much more innovative and water wise than they have ever been before. That has been no accident. The Brumby government has invested $27 million over the past three years. The statistics speak for themselves: Victorian sporting grounds with new water tanks and harvesting measures number 161; the number of grounds which now have drought-proof grasses is 112; the number of new synthetic surfaces that have been laid is 122; the number of grounds with new irrigation systems is 82; and the number of grounds with new recycled water connections is 47.

In total over 680 drought-proofing projects at sporting clubs have been funded by the Brumby government. These 680 projects have changed the face of community sport over the past three years, ensuring a lasting legacy for our environment for decades to come. In total and on an ongoing basis these projects will save an estimated 3 billion litres of water a year. To put that into perspective, it means Victorian sporting clubs are saving 3 billion litres of water every year for our farmers, for our households, for our community and for our environment.

Twelve months ago we read that the future of Victorian football, soccer and hockey was in dire straits. We read predictions of cancelled seasons right across Victoria due to dustbowl ovals being unsafe for use. Under the headline 'Sporting ovals left to wither', one doomsayer said:

> The Labor government has failed to use recycled water and stormwater options to ensure our sporting fields remain safe to play during extreme weather …

He also said:

> It's just heartbreaking for local communities …

That was the member for Lowan. The first port of call for the policy-free rabble opposite is to preach Armageddon. They had no policy then, and they have no policy now.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will not debate the question.

**Mr MERLINO** — Armageddon never came. The drought did not cancel a single sporting season, it did not end a single sporting code and it did not cause a single club to fold. Sport survived and thrived in the drought. We will never go back to where we were. Through record Brumby government investment, through the cautious and responsible easing of water restrictions and through the great work of councils and clubs, Victorian sport will continue to flourish in the years ahead.

## Planning: Hotel Windsor redevelopment

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his commitment on radio on 2 March that the integrity of the Windsor Hotel planning process would be guaranteed by the appointment of a probity auditor, and I quote 'what the probity auditor will do … is look at all of the processes to date'. I ask: given that the planning application was first made in July 2009, the advisory committee report was provided to the minister's office on 8 February but the probity auditor reported last week that it had 'been limited … to the process going forward from 11 March 2010', is it not a fact that the Premier has misled Victorians and has been engaged in a cover-up of this process, or is conning Victorians just normal procedure for this government?

**Mr BRUMBY** (Premier) — The reality is that what has occurred here is the minister has accepted the recommendations from the independent panel. It has been overseen by the probity advisers. He has accepted the advice of his department and the advice of Heritage Victoria and has issued a conditional planning permit. In each of those four areas — the independent panel, the probity advice, the departmental advice, the Heritage Council advice — in each of those areas, Speaker — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Narre Warren North to cease interjecting.

**Mr Baillieu** — On a point of order, Speaker, the Premier is debating the question. He was asked a specific question about the time frame and the operation of the probity auditor. The probity auditor was clearly restricted. The Premier should answer the question. He made a commitment and the commitment was not honoured.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier's response is — —

**Mr Baillieu** — Typical!

**The SPEAKER** — Order! The Leader of the Opposition has been warned once today.

**Mr BRUMBY** — As I have said, the independent panel, the independent probity adviser, the advice from the department, the advice from Heritage Victoria — in each of these cases they are the appropriate checks. In each case the minister has taken the appropriate advice. The minister has issued the conditional planning permit.

In relation to the matters raised by the Leader of the Opposition, as soon as those matters came to light, the minister announced that probity advisers would be appointed. They were appointed, and they have overseen that decision-making process, as is appropriate in the circumstances.

The issue for the opposition is whether it supports the decision or whether it does not.

*Honourable members interjecting.*

**Mr BRUMBY** — Whether it supports the decision or whether it does not!

**The SPEAKER** — Order! Premier!

**Mr BRUMBY** — What is it? Do you support the decision?

*Honourable members interjecting.*

## Water: Victorian plan

**Mr TREZISE** (Geelong) — I refer the Minister for Industry and Trade to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the government's water plan is assisting industry and business?

**Ms ALLAN** (Minister for Industry and Trade) — Once again I thank the member for Geelong for his question. As the member for Geelong knows very well, the Brumby government is absolutely committed to providing water security, whether it is for households, whether it is for community sporting organisations or whether it is for industry and business. That is because we have a plan.

*Honourable members interjecting.*

**Ms ALLAN** — I can assure the Deputy Leader of the Opposition that we have a plan to enhance water security for all of Victoria. Over the last few years government and households have recognised they have a role to play in reducing water use and it is important that industry too has recognised that it has a role to play in reducing its water use and securing water supplies for all of Victoria.

What has been important in helping industry to achieve this is that the Brumby government has provided constant and consistent support. We have been very consistent in our policy approach and our program response to supporting industry to do that. One way in particular we have been supporting industry is through our Regional Infrastructure Development Fund. We have had two dedicated programs under the RIDF — a great fund. We have had the water for industry program and the water and industry energy efficiency program.

**Ms Asher** interjected.

**Ms ALLAN** — I am pleased to report to the house today that regional businesses have responded, and I am pleased to tell the Deputy Leader of the Opposition that regional industries have responded very well.

**The SPEAKER** — Order! I ask the Deputy Leader of the Opposition to cease interjecting. I ask the minister to ignore interjections, which are disorderly.

**Ms ALLAN** — There are some good examples of projects that have been supported by the Brumby government for industry. They include a $1.3 million grant that the Premier announced in Geelong to support Godfrey Hirst to save up to 250 million litres of water through a stormwater harvesting and waste recycling project. There is the $1.2 million water-saving project at Fonterra in Darnum Park, where I was able to visit late last year, which will save around 150 million litres of water a year. Finally there is the water recycling plant at R. Radford and Son in Warragul, an investment of $1.1 million which will save 58.5 million litres of water a year. These are great projects that are all about helping industry to reduce its water use, providing more water for local communities and at the same time preserving jobs and helping grow jobs in those areas.

As I said, this has come about because this government has had a plan to provide greater water security for the state. Business will also reap benefits from another important element of the plan — that is, the food bowl modernisation project. That $2 billion project will not only create vital jobs during construction but will also be a key driver of future economic growth across the broader region.

A locally formed group dedicated to advocating for jobs and investment off the back of the food bowl project is the Foodbowl Unlimited group. It wants to capitalise on this government's massive investment in infrastructure for the region and wants to make sure that

as a result it is attracting industry, investment and jobs to the region. It is so confident and it has been working so hard on attracting investment that it has been able to run some promotions about the region in publications like the *Business Review Weekly* and also the *Australian Financial Review*. They say:

> Where business grows … Introducing 'Victoria's food bowl' where outstanding agribusiness investment opportunities await you.

That is a great way to promote the region and to make sure it is attracting jobs and investment into the region. It has been able to do this work and business has been able to partner with government across the state because the government has had a consistent policy approach. We have been consistent. What business and industry need from government are certainty and consistency, and that is absolutely what they get from the Brumby government.

What they do not need is opposition from others to these sorts of projects. What they do not need are others who, as a result of their narrow bloody-mindedness, would choose instead to turn investment away from regional Victoria. There are others who, in not providing certainty, have one view in Shepparton and another view in South Yarra. That is disappointing because, as I said, business needs certainty, and when it is looking for certainty it does not need the sort of response that was provided in last week's *Weekly Times*, which quoted someone as saying, 'I'm not in a position to talk about policy at this stage …'.

*Honourable members interjecting.*

**Ms ALLAN** — Who was it who was not in a position to talk about policy — about water policy, about the future of regional Victoria? It was none other than the Deputy Leader of The Nationals and a member of the coalition opposition. It is absurd that he cannot state what the policy is. But I am absolutely pleased to tell the Deputy Leader of The Nationals and to inform you, Speaker, and the house that the Brumby government can say what its water policy is. We have a plan that is providing water security for the whole of this state, and it is about time the opposition came up with one of its own.

## Police: Ballarat

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the rising tide of violence in Victoria and the brutal knife assault last week in Ballarat in which a 20-year-old university student was viciously stabbed. I ask: given that violent assault in Ballarat has risen by more than 75 per cent over the past 10 years, will the Premier now concede that by ignoring Ballarat's serious police shortage his government is leaving local residents dangerously exposed to violent assaults?

**Mr BRUMBY** (Premier) — I thank the Leader of The Nationals for his question. The fact of the matter is that across the state of Victoria — in every part of the state — there are more police today than there were a decade ago.

*Honourable members interjecting.*

**The SPEAKER** — Order! The opposition will not be allowed to shout down the Premier.

**Mr BRUMBY** — The fact of the matter is that we have been busy building up police numbers, and there are more police today in Melbourne, more police in Geelong, more police in the Latrobe Valley, more police in Ballarat, more police in Bendigo, more police in Shepparton, more police in Mildura, more police in Wangaratta, and more police in Leongatha — there are more police across the state in every part of the state.

That is a very different story from what occurred in the 1990s. We have been busy building up police numbers. The Leader of The Nationals was a member of a government that slashed police numbers. I know this is an embarrassment, a deep and profound embarrassment, to the Leader of The Nationals, to the deputy leader — —

**The SPEAKER** — Order! I warn the member for Lara.

**Mr Ryan** — On a point of order, Speaker, the Premier is debating the question, and I ask you to have him answer the question he has been asked, without assistance from the — —

**The SPEAKER** — Order! The Leader of The Nationals knows not to behave in that manner.

**Mr Donnellan** interjected.

**The SPEAKER** — Order! I ask the member for Narre Warren North to cease interjecting, or he will cease to be in the chamber.

I uphold the point of order, and I ask the Premier to respond to the question without debate.

**Mr BRUMBY** — As I said, the question was about police numbers. We have been building up police numbers; our predecessors cut police numbers. The Leader of The Nationals, who asked the question, is a former parliamentary secretary for police — —

**The SPEAKER** — Order! I ask the Premier to confine his remarks to government business.

**Mr Ryan** — On a point of order, Speaker, the Premier is debating the question, and apart from that he is wrong — I was not the parliamentary secretary.

**Mr BRUMBY** — The fact is we are hiring more police than ever before, to make our streets safer. On Friday, 5 March, the police minister announced the graduation of another 51 recruits from the police academy. We have delivered the biggest increase in police numbers in the state's history. We have committed to delivering 1870 new police members by the end of this current term, and that commitment we made at the last election has been augmented by the 50 additional transit police and the 120 in the operational task force. We have a good record.

**Mr Ryan** interjected.

**Mr BRUMBY** — The Leader of The Nationals, who asked the question, had a reputation around this place as the Copper Chopper, and as the Parliamentary Secretary for Justice — —

**The SPEAKER** — Order! I ask the Premier not to debate the question.

**Mr BRUMBY** — People can make a judgement about our government, which has progressively, successively and significantly increased police resources, versus the Liberal and National parties, which promised 1000 but cut 800.

## Water: Victorian plan

**Ms DUNCAN** (Macedon) — My question is for the Minister for Water. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, the best place to work and the best place to raise a family, and I ask: can the minister explain to the house the benefits that are flowing from the government's water plan and any endorsement of that approach?

**Mr HOLDING** (Minister for Water) — I thank the member for Macedon for her question. I was very pleased last week to join the Premier and the member for Forest Hill to announce the easing of water restrictions for Melbourne.

This is great news for the people of Melbourne, and as the Minister for Sport, Recreation and Youth Affairs and the Minister for Industry and Trade have already pointed out to the house, we are now seeing the benefits of the state government's investment in water projects flowing to people right across the state. Whether it is industry, sporting clubs, households, regional communities, people in Melbourne, whatever it is, we are seeing the benefits flowing from the government's water plan.

Melbourne, in moving from stage 3a to stage 3 on 2 April, will be one of the last cities in Victoria to see water restrictions eased. We have seen water restrictions in about 260 towns and regional cities across Victoria eased over the last 12 months or so, and overwhelmingly the easing of these water restrictions has come about because of the government's investment in major water projects. For towns in the Wimmera-Mallee area, such as towns around Horsham — more than 40 towns in that region — the investment in the Wimmera–Mallee pipeline project, as the member for Lowan well knows, saving, as it will, something like 103 billion litres of water, will enable those towns to survive with far less water in their storages than would have ever been possible in years gone by.

We have seen water restrictions eased in towns like Bendigo and Ballarat because of the investment the state government made in the goldfields super-pipe — a project that was opposed by those opposite. This investment has seen water flowing into the regional centres of Ballarat and Bendigo and towns that at that time were on some of the most severe water restrictions in Victoria are now seeing their water restrictions being eased.

We have seen water restrictions in Geelong eased back to stage 3 because of the investment in the Anglesea bore field project as well as other water projects that will generate benefits for the Geelong region and the growing towns and suburbs around Geelong. It is great news for them to see water restrictions eased.

For Melbourne there has been the investment in the Tarago Reservoir as well as the investment in the north–south pipeline. Both projects were finished ahead of schedule and under budget. The desalination project is progressing well, is on schedule and is poised to deliver water into Melbourne's system. It will also benefit towns like Geelong and the Western Port and South Gippsland areas. These projects are critically important to the decision to ease water restrictions for Melbourne from 2 April.

Not only have households received benefits from this investment in projects but we have also been able to return water to stressed river systems like the Yarra, the Thomson and the Tarago and also provide some

additional water to irrigators in the Bacchus Marsh and Werribee areas.

It is great news for households, great news for sporting groups and local councils, great news for stressed river systems and great news for irrigators as well.

I am very pleased that this government has made it clear that the centrepieces of our water strategy — certainly in the Melbourne area but also across Victoria, or if you like some of the most controversial parts — have been our investment in and commitment to the north–south pipeline, our investment in and commitment to the desalination project and our opposition to building large new dams in Victoria.

The member for Macedon asked about endorsements of the government's water plan. I am very pleased to say that we are seeing an increasing range of people through the community who are supporting the state government's water plan. We have seen, for example, the commitment from those opposite that there are now circumstances in which they would take water down the north–south pipeline and use that critical piece of infrastructure. We saw the admission last week that desalination 'should be now seen as part of the supply equation for Melbourne in the future', and of course we have seen those opposite backing away from their commitment to building additional dams — backing away firstly on the Mitchell River and backing away in other parts of Victoria as well.

The state government's commitment is very clear. We are in favour of the north–south pipeline. We committed to building it. The pipeline is finished, water is flowing down it, and those opposite now say they will accept water from it. We are committed to building a desalination plant. We have been able to generate the finance for it. The project is proceeding apace, and it is on schedule to deliver water to Melbourne's supply system and surrounding areas by December 2011. This is an important part of our plan, and those opposite are now saying it is part of their plan too.

We say we are opposed to the construction of new dams for Melbourne and for other parts of regional Victoria. Those opposite now say they too are reassessing their views in relation to dams.

We say that at the end of the day, when you put aside all the pontificating, when you put aside all the faux outrage, when you put aside all the politicking and the back-pedalling and the backflipping and the contortions, the opposition's position on water is increasingly to endorse the position that has been adopted by this government.

## MEMBERS OF PARLIAMENT (STANDARDS) BILL

*Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to provide for a statement of values and code of conduct for members of the Parliament of Victoria, to establish a register of interests for those members and for other purposes.**

**Read first time.**

## JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL

*Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Infringements Act 2006, the Liquor Control Reform Act 1998, the Sentencing Act 1991, the Stalking Intervention Orders Act 2008, the Summary Offences Act 1966 and the Victims of Crime Assistance Act 1996 and for other purposes.**

**Read first time.**

## TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL

*Introduction and first reading*

**Mr HULLS** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Trustee Companies Act 1984, to consequentially amend the Administration and Probate Act 1958, the Guardianship and Administration Act 1986 and the State Trustees (State Owned Company) Act 1994 and for other purposes.

**Mr CLARK** (Box Hill) — I ask the Attorney-General to provide a brief explanation of this bill.

**Mr HULLS** (Attorney-General) — Briefly, this bill will facilitate transition of the responsibility for regulation of trustee companies to the commonwealth. It will ensure that appropriate provisions remain to enable effective state regulation of unincorporated trustees and State Trustees Ltd and will ensure that certain activities of trustee companies relating to probate and state administration remain the subject of state legislation.

**Motion agreed to.**

**Read first time.**

## EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL

*Introduction and first reading*

**Ms PIKE (Minister for Education) introduced a bill for an act to amend the Education and Training Reform Act 2006, to repeal the Mildura College Lands Act 1916 and to repeal the Institute of Educational Administration (Repeal) Act 1993 and other spent acts and for other purposes.**

**Read first time.**

## THERAPEUTIC GOODS (VICTORIA) BILL

*Introduction and first reading*

**Mr ANDREWS** (Minister for Health) — I move:

That I have leave to bring in a bill for an act to repeal the Therapeutic Goods (Victoria) Act 1994, to provide for the application of the Therapeutic Goods Act 1989 of the commonwealth as a law of Victoria, to provide for continued controls over therapeutic goods not covered by the commonwealth act and for other purposes.

**Mr BLACKWOOD** (Narracan) — Could the minister please provide a brief explanation of the purpose of the bill?

**Mr ANDREWS** (Minister for Health) — This bill makes arrangements necessary to align our national laws. It is all about improved efficiency and effectiveness for natural persons and for corporations alike.

**Motion agreed to.**

**Read first time.**

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 8 to 11, 97 to 99, 185 to 193 and 227 to 235 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

## NOTICES OF MOTION

**Notices of motion given.**

**Mr DELAHUNTY having given notice of motion:**

**The SPEAKER** — Order! I advise the member for Lowan that his previous notice of motion may be tweaked a little by the clerks.

**Further notices of motion given.**

## PETITIONS

**Following petitions presented to house:**

### Phillip Island: health services

To the Legislative Assembly of Victoria:

The petition of residents from the electorate of Bass draws to the attention of the house the urgent need for a 24-hour accident and emergency service and bulk-billed medical care on Phillip Island. There is a vital need for this because:

the Rudd and Brumby governments allowed the former Warley Hospital — a community-run bush nursing hospital — to close in January 2008;

the number of permanent residents and holiday-makers on Phillip Island continues to soar;

the main access route from the island can become blocked for hours by congestion or a road accident, leaving residents with no way of reaching Wonthaggi hospital in an emergency;

the current accident and emergency service provided by local doctors is struggling to cope and finishes at 10.00 p.m.;

with very limited opportunities to access bulk-billed medical services on the island, elderly residents are forced to travel a considerable distance for routine medical attention.

We note that the Warley hospital building was recently sold and is now available for rent. We call on the state government to rent the hospital building and establish an accident and emergency department and bulk-billed medical care under the auspices of Wonthaggi hospital.

The petitioners therefore request that the Legislative Assembly of Victoria immediately fund this much-needed medical service on Phillip Island.

**By Mr K. SMITH (Bass) (1138 signatures).**

### Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and

points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

**By Dr SYKES (Benalla) (41 signatures).**

## Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Assembly's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from $800 million to $2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around $300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Assembly require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government mistakes in the smart meter project.

**By Dr SYKES (Benalla) (38 signatures), Mr DELAHUNTY (Lowan) (37 signatures) and Mr WALSH (Swan Hill) (167 signatures).**

## Schools: regional and rural Victoria

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the Brumby Labor government's failure to support education in regional Victoria. In particular:

that country secondary school retention rates (the percentage of students remaining at high school until year 12) have fallen from 72 per cent in 2002 to 67 per cent in 2009 compared to city schools that have remained at 85 per cent; and

that when Labor were elected in 1999, Victorian government education funding per person was the second highest of any state, but after 10 years of Labor, Victoria now spends the least on education per person of any state in the nation.

The petitioners therefore request that the Legislative Assembly of Victoria require the Brumby Labor government to stop their neglect of regional education and provide schools, teachers and students with the resources and support they need to improve educational outcomes.

**By Mr DELAHUNTY (Lowan) (19 signatures).**

## Rock Eisteddfod Challenge: funding

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the failure of the Brumby government to adequately fund the Victorian Rock Eisteddfod Challenge, therefore threatening the future operation of this important event for Victorian students, teachers and families.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge to ensure this event continues this year and in future years.

**By Mr DELAHUNTY (Lowan) (9 signatures).**

## Liquor licensing: fees

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

**By Mr DELAHUNTY (Lowan) (34 signatures).**

## Liquor licensing: fees

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the massive increases in liquor licence fees in view of the severe financial pressure these are having on country liquor outlets.

Such huge blanket increases in licence fees are impacting on employment, community organisations and sponsorships, and even business survival in a number of cases.

Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and thus be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases are causing, particularly in many country communities and review the legislation as a matter or urgency.

**By Mr WALSH (Swan Hill) (268 signatures).**

### Rail: Mildura line

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

**By Mr CRISP (Mildura) (51 signatures).**

### Rock Eisteddfod Challenge: funding

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the failure of the Brumby government to adequately fund the Victorian Rock Eisteddfod Challenge, therefore threatening the future operation of this important event for Victorian students, teachers and families.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge to ensure this event continues this year and in future years.

**By Mr NORTHE (Morwell) (8 signatures).**

**Tabled.**

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

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

**Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).**

**Ordered that petitions presented by honourable member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).**

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

## VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

### *Getting It Together — An Inquiry into the Sharing of Government and Community Facilities*

**Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission), by leave, presented report and government response.**

**Tabled.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Review 2009

**Mr CARLI (Brunswick) presented annual review, together with appendices.**

**Tabled.**

**Ordered to be printed.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest* No. 4

**Mr CARLI (Brunswick) presented *Alert Digest* No. 4 of 2010 on:**

**Accident Compensation Amendment Bill**
**Child Employment Amendment Bill**
**Crimes Legislation Amendment Act**
**Crimes Legislation Amendment Bill**
**Equal Opportunity Bill**
**Health and Human Services Legislation Amendment Bill**
**Justice Legislation Amendment Bill**
**Justice Legislation Miscellaneous Amendments Bill**
**Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

## DOCUMENTS

**Tabled by Clerk:**

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

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Torquay Foreshore Reserve

Essential Services Commission — Review of the Victorian Rail Access Regime (three documents)

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

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

Ballarat — C137

Brimbank — C119, C123

Casey — C112, C131

Greater Bendigo — C126

Hume — C113

Manningham — C88

Mildura — C65

Moreland — C81

Murrindindi — C27

Strathbogie — C21, C47

Wellington — C53 Part 2

Wodonga — C58

State Services Authority — The State of the Public Sector in Victoria Report 2008–09

Statutory Rule under the *Infringements Act 2006* — SR 17

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 13, 14, 15, 16, 17.

## ROYAL ASSENT

**Messages read advising royal assent to:**

**16 March**

**Crimes Legislation Amendment Bill**
**Liquor Control Reform Amendment (ANZAC Day) Bill**

**23 March**

**Accident Compensation Amendment Bill**
**Offshore Petroleum and Greenhouse Gas Storage Bill.**

## APPROPRIATION MESSAGES

**Messages read recommending appropriations for:**

**Equal Opportunity Bill**
**Health and Human Services Legislation Amendment Bill**
**Justice Legislation Amendment Bill.**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 25 March 2010:

Equal Opportunity Bill

Justice Legislation Amendment Bill

Legislation Reform (Repeals No. 6) Bill

Magistrates' Court Amendment (Mental Health List) Bill — Amendments of the Legislative Council

Radiation Amendment Bill

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill

Victoria University Bill — Amendments of the Legislative Council.

In putting forward the government business program for this parliamentary week we have identified seven items from the notice paper to be included as part of the government business program. However, Speaker, you would notice that two of those items relate to amendments that have been returned to this chamber from the Legislative Council. The other five items are different pieces of legislation that commenced their second-reading journey through this chamber. This week it is the government's intention to deal with these seven items and in that context, together with the notice of motion given today by the Minister for Water, it will more than adequately provide a workload of sufficient breadth and depth for the Parliament to deal with this parliamentary week.

**Mr MCINTOSH** (Kew) — I am not surprised but I am certainly disappointed that what the Leader of the House has indicated is not the full ambit of this week's program. When we were first informed about the government business program at the end of last week, we were told we only had five bills and two bills being returned from the upper house to consider. Yesterday afternoon after the rising of shadow cabinet I was informed by the Leader of the House the government proposed to deal with notice of motion 1 on the government business program relating to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill and the reference to the Dispute Resolution Committee immediately after members statements this afternoon.

Literally 2 minutes before the Minister for Water gave notice of a motion relating to the water issue I was informed by the Leader of the House that that too is proposed to be debated during the course of this week. We had what appeared to be an achievable outcome in relation to the government business program, but we were yet again disappointed by a government that seems to be swinging from one set of political stunts to a different set of political stunts. I am disappointed we have had these two other major items added to the business of the house that will have to be conducted by this house during the course of this week. I understand they are not on the government business program, but they will take up a significant amount of debating time.

We were given late notice in relation to the growth areas infrastructure contribution bill, and we were advised about the water bill 2 minutes before the notice of motion was given. We have not even seen the motion in writing. The government does not even have the courtesy to have that provided in writing to the opposition. It will not formally be before us until it appears on the notice paper tomorrow morning. I am profoundly disappointed. The opposition will oppose the government business program.

**Mr STENSHOLT** (Burwood) — I rise to support the government business program. As has been outlined by the Leader of the House, there are amendments to two bills returning from the Legislative Council and five bills that we have to consider. There is a notice of motion which has been standing for a long time. I am sure the member for Kew would have prepared himself well by now. Given his previous history in the courts, he is used to preparing things. That is something that is now timely to consider.

The other matter referred to in the notice of motion given by the Minister for Water is not a very long matter; the words were quite self-explanatory. I can understand why the opposition will be highly embarrassed to be discussing this in this house. I think it is an adequate program. It is one that should be able to be covered reasonably and successfully by the house in debates this week. I support the program.

**Mr DELAHUNTY** (Lowan) — The Nationals in coalition will also be opposing this government business program. As has been highlighted by the member for Kew and the Leader of the House, there are seven pieces of legislation on today's program. We were told last week there would be five bills, which we have worked through and prepared for, and also two bills returning from the Legislative Council with amendments. But as has been highlighted, there are two other major items being discussed here today: there is a notice of motion in the name of the Minister for Police and Emergency Services, and there is also an item that has now been dropped in our laps today by the Minister for Water. These are major items, and they need to be prepared for. In particular, members of The Nationals from the country need papers they may not have with them.

The reality is that the opposition has had a lack of notice. I heard the member for Burwood speak about notices on the government business paper. There are also many other notices on the government business paper dealing with liquor licensing fees — we could go through many of them. If the government wants to bring on a notice of motion, it should bring on some of the other notices of motion. The reality is that there has been a lack of notice given to the opposition, a lack of transparency and a lack of respect. Therefore we will be opposing the government business program.

**Mrs MADDIGAN** (Essendon) — I am pleased to support the government business program. I must say I am a little surprised by the comments from the opposition in relation to the government business program this afternoon. Is it not intriguing that — —

**Mr McIntosh** interjected.

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

**Mrs MADDIGAN** — The member for Kew, who was heard in silence, takes a particularly liberal view of interrupting women in particular when they speak in this house. The member for Kew should learn to behave himself. He has been here long enough to know better. If the member for Kew were confident about the argument he is raising in this house in relation to the government business program, he would not have to be so offensive.

**Mr McIntosh** interjected.

**The SPEAKER** — Order! The member for Kew will cease interjecting.

**Mrs MADDIGAN** — I am surprised, because two of the pieces of legislation have amendments from the Legislative Council. It would be fairly difficult to sustain an argument that members had not had time to examine the information in these bills or the amendments, because the Liberal Party was involved in those amendments.

**Mr McIntosh** interjected.

**The SPEAKER** — Order! The member for Kew will cease interjecting.

**Mr McIntosh** interjected.

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

**Mrs MADDIGAN** — The member for Kew seems to be under the impression that every comment I make is about him. I had actually finished with the member for Kew and had gone on to the broader issue of the government business program. Many people have finished with the member for Kew — I think we will probably find that in the November 2010 election.

Returning to the government business program, the program being proposed by the government is a reasonable one. Things change. I recall when we were in opposition many government business programs came as a total surprise to us on Tuesdays when Parliament sat. The member for Kew can possibly remember that far back, and he would know that was the truth. The protestations from some of the opposition members today are a little difficult for members on the government side to accept.

We have ample time to debate the bills on the program before us. I think it is a sensible program.

**An honourable member** — Yes, when you put them to the guillotine!

**Mrs MADDIGAN** — The new shadow minister speaks about the guillotine. We remember who brought the guillotine into this Parliament. It was the Liberal Party, was it not? When the Liberal Party was in power sometimes bills went through the Parliament without any debate at all because the government never brought them on. Perhaps the new shadow minister should check the history of how the government program was used by his party when it was in power; he might then have the capacity to interject in a manner which is based on fact rather than his normal rantings. The government business program is excellent. I commend it to the house.

**Mr HODGETT** (Kilsyth) — I rise to make a brief contribution opposing the government business program for this sitting week. It is probably necessary to say that the member for Essendon, in typical Labor fashion, was not listening, so for her benefit I will make the point again that the member for Kew made. We are opposing the government business program on the basis that the Leader of the House cannot get his act together. Perhaps he was focusing on his speech on 3AW this morning, as he plans for his retirement.

We are opposing it on the basis that, in typical fashion**,** we were informed the government business program would comprise five bills and two other items, being amendments from the Legislative Council. Then as late as Monday afternoon two additional items were thrown onto the program. That is the reason we are opposing the government business program this parliamentary sitting week. It has nothing to do with the bills, important as they may be, and there will be a number of contributions made to the debate on those bills. We are opposing the program on the basis that the Leader of the House cannot get his act together to inform us in a timely manner of the government business program for this parliamentary sitting week.

**House divided on motion:**

*Ayes, 51S*

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Hennessy, Ms
Holding, Mr
Hudson, Mr
Hulls, Mr
Kairouz, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

*Noes, 33*

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.

Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

**Motion agreed to.**

## MEMBERS STATEMENTS

### Planning: Warrnambool

**Dr NAPTHINE** (South-West Coast) — Warrnambool is a growing regional city; it is a city which has a very real need for new residential and industrial land. However, the Brumby Labor government's planning processes are causing problems in dealing with both of these shortages. With respect to residential land, one clear example of the delays by the Minister for Planning is the protracted and unexplained delay in gaining ministerial approval for the rezoning to residential of the proposed 100-lot Martin Place subdivision in north-east Warrnambool.

There is enormous demand for new residential lots. The development has gone through all the local community and council consultation and approval processes — prior to Christmas 2009 — but it seems to have been lost, languishing on the desk of the Minister for Planning. At the same time the Brumby Labor government is using the very secretive priority development panel process to ride roughshod over the rights of local landowners who are genuinely concerned about proposals to rezone land from rural residential to industrial in Horne Road, Warrnambool.

The developers and the community want an open, proper process with rights of appeal for both sides, not a secretive process that will divide the community and cause delays rather than speed up the process. There is a real need for more industrial land in Warrnambool, but there is no excuse for taking away the rights of local people to have their say. We live in Victoria in 2010, not in Zimbabwe. I call on the Brumby Labor government to abandon the priority development panel process and to allow any proposed rezoning to run its course, as has happened for Martin Place.

### Jan Wilson, AM

**Mr HULLS** (Attorney-General) — I rise to mark the contribution made to Victorian life by a former member of this place, Jan Wilson, AM, who sadly passed away earlier this month and whose funeral I, along with other members of Parliament, attended last Monday. The embodiment of public spirit, whether as secretary of the Save Our Sons campaign against the Vietnam War, local councillor or Shadow Minister for Racing in the mid-1990s, Jan Wilson gave her all for a better Victoria. She may well be remembered best, however, as the trailblazing chair of Greyhound Racing Victoria, the first woman to be president of the World Greyhound Racing Federation, the chair of Greyhounds Australasia and at all times an innovator and leader in the industry.

Jan Wilson oversaw huge growth in wagering turnover and returns to participants in the industry. Just as vitally, however, she forged relationships that signalled the role that sport can play in the life of any community. From the greyhound adoption program and Prison Pet Partnership, which engages inmates in the rehabilitation of retiring four-legged athletes, through to links forged with disability support groups through the Great Chase program, Jan Wilson saw the possibilities in everything.

She was passionate in all she did and her legacy is a strong, sustainable industry that ranks among the best in the world. It certainly was my privilege to work with her in realising this goal. My condolences to her son, Craig, who I might say showed amazing stoicism during her illness. I am sure all members of this house will agree that is a sad loss for Victoria.

### School buses: Echuca

**Mr WELLER** (Rodney) — There is a great deal of community concern about the process the Department of Transport is using to try to force changes on the Echuca and district school bus network. The proposal includes removing two or more of the existing services, despite the overloading issues that exist on the vast majority of buses servicing our schools. Operators are being told to overload vehicles beyond the legal carrying capacity, causing major concerns for the contractors. The department expects buses to travel in the 100–kilometre-an-hour zone with standees, totally disregarding student safety. It expects route service buses with low seating capacity and high standee capacity to be used in 100 kilometre-an-hour zones on highways.

Country students will be disadvantaged time wise. They will all have to go through the interchange at Echuca College in order to get onto the right bus to go home. There is already a great deal of concern about small children missing connecting buses. Many worried mothers have come to me with concerns about their

children being left unattended in Echuca for an hour. Student safety should be the top priority. The Brumby government must stop its penny-pinching with student transport in the Echuca district. It must ensure that every student has a seat and provide Echuca College with the resources it needs to supervise the interchange properly so that student safety is paramount at all times.

## Asylum Seekers Resource Centre: *Journey of Asylum — Waiting*

**Mr BATCHELOR** (Minister for the Arts) — It was with much pleasure that last Tuesday night I was able to attend the theatrical premiere by the Asylum Seekers Resource Centre of *Journey of Asylum — Waiting*, which was staged at the Bella Union theatre in the Trades Hall. This dramatic true-to-life performance relates through a powerful and moving poetic play the experiences of real-life asylum seekers who are now residing in Melbourne. These individuals share with us their personal struggles and uncertainties as people waiting in the immigration process and gives the audience an opportunity to hear the stories of asylum seekers and gain an insight into their plight.

*Journey* aims to awaken us as audience members, challenging us to think critically and reflect on the privileges of living in a free society. It provides valuable insights, and it will challenge perceptions of reality for some. But it is not only the true stories that make this production truly remarkable, it is the use of art. Art has been used to bring a diverse community together and provide much-needed support to vulnerable members of that community.

I commend the Asylum Seekers Resource Centre on its great work and thank its many caring volunteers and supporters. It is interesting to note that the production was so popular it had sold out before it opened its doors last Tuesday night.

## Budget: government performance

**Mr WELLS** (Scoresby) — In this statement I condemn the Brumby Labor government for misleading Victorians on the true position of the state's finances. Victoria's budget is being kept afloat by the taxes, fees and charges that are imposed on hardworking Victorians and by ever-higher levels of debt. Despite record levels of state taxes and charges and a huge increase in federal grants from the Rudd government stimulus package, the budget barely recorded a surplus. The recently released 2009–10 midyear financial report shows the budget surplus was just $11.7 million.

Without additional grants from the Rudd government, which resulted in total federal grants rising by more than $2.2 billion over the previous year, and a surge in taxes, fees and charges from 'patient fees, health services and ambulance services', the budget would have been in substantial deficit. But there is no end to the Premier's tax grab, with the report also noting a huge increase in revenues for the public sector corporations from the previous year due to the huge water bills Victorian families will have to pay to metropolitan water retailers. At the same time, total public sector net debt jumped by more than $2.7 billion, or 25 per cent, to $13.4 billion during the last six months of 2009, and it continues to climb rapidly. Net state debt is forecast to reach a staggering $31.3 billion by 2013. The Premier is taxing Victorians to the hilt and borrowing on the never-never to pay for the gross waste and mismanagement on projects like the myki ticketing fiasco.

## Shire of Buloke: community projects

**Ms D'AMBROSIO** (Minister for Community Development) — I rise to draw attention to the wonderful work being done by the community in Buloke shire, residents of which I had the great pleasure of meeting last Friday afternoon in Wycheproof. I was in the town to open the Great Grain Festival and to announce over $72 000 in funding for the Charlton men's shed and for works at Watchem Lake Foreshore. This funding was from the Macpherson Smith Community Alliance, which is a partnership between the Helen Macpherson Smith Trust, the Victorian Council of Social Service and the Brumby Labor government.

While in Wycheproof I was shown firsthand by local people the amazing work being done as a part of the Buloke community building initiative. The hard work of the council, the community building initiative steering committee and residents and volunteers across Buloke has resulted in over $210 000 in funding for a range of locally driven projects, including the Charlton travellers rest information centre, upgrades and maintenance work at the Wycheproof pool, the Great Grain Festival and many more.

The hospitality I was shown in Wycheproof last week was heart warming. The men at the Wycheproof men's shed involved in cleaning motors, turning wood and the like have really provided great services to the whole community and amazed me with their skills, which were on display. I am amazed by the resilience of a community that has been so heavily affected by the drought. I wish to thank the Buloke Shire Council, the Buloke Community Building Initiative Steering

Committee and the many local residents who have taken such an active role in keeping their town and their community vibrant and strong.

## Planning: Warrandyte green wedge

**Mr R. SMITH** (Warrandyte) — It is with some concern that I rise today to comment on what seems now to be a regular occurrence. The Minister for Planning, Justin Madden, has once again acted inappropriately in the discharge of his duties, this time in my own electorate of Warrandyte. The minister signed off last week on the expansion of a nursing home situated in a green wedge zone. Despite allegations that the mayor and deputy mayor bypassed the local council's planning processes on this matter, despite the fact these allegations have been raised with the Minister for Local Government, despite the fact that council unanimously voted on a motion to the effect that this planning process was inappropriate and despite the fact that the community has signalled its objection to the lack of consultation, the minister has approved the controversial expansion.

I reiterate that the views of my community do not adversely reflect on the need for aged-care beds or on the nursing home directly; rather the issue is the lack of community consultation and the perceived diversion from proper planning process. I said previously in this house that in authorising this expansion the minister would be flagrantly disregarding the views of my community. Mr Madden and the Brumby government have now shown that community views do not form part of the decision-making process with regard to local planning matters. The platitudes mouthed by local Labor members of Parliament regarding the sanctity of the green wedge can also be held up as being a demonstration of spin over substance. It is easy for these people to say what the public wants to hear, but when it comes to actually supporting community views they are absent.

The Minister for Planning, Justin Madden, has become the myki of ministers — an embodiment of the Brumby's government's failure to listen to and show respect for Victorians, the Brumby government's failure to understand local issues and the Brumby government's failure to act appropriately when making decisions that affect local communities.

## Essendon: 58th battalion memorial

**Mrs MADDIGAN** (Essendon) — I had the pleasure of joining relatives of members of the 58th battalion at the rededication of their memorial in Pascoe Vale Road, Essendon, which was a very exciting occasion. It was enjoyed by all those who attended. The rededication followed the restoration of the memorial with a grant from the state government. We were very pleased to have the Minister for Gaming there to open the newly restored memorial. The group is very important in that it works extremely hard to maintain contacts with soldiers from the Second World War and, later on, national servicemen to assist them as they progress through their lives. The event was also attended by the battalion's patron, Major General Kevin Cooke, who came from Queensland for the occasion.

The memorial has been restored to how it was when it was first erected after the Second World War. It remembers the many soldiers who died during the First World War, mainly in France and in Turkey, and for the first time it recognises all the civilian soldiers who have been part of the various regiments since the first in 1913, named the Essendon Rifles. In its time it had a very famous general, Pompey Elliot — —

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

## Drought: government assistance

**Mr NORTHE** (Morwell) — Last week's announcement that exceptional circumstances (EC) in both central and east Gippsland had been extended until 30 April 2011 was welcomed in many quarters. However, Latrobe city farmers remain bewildered that they have been excluded from this important program. I have been contacted by many farmers from various communities, including Toongabbie, Glengarry, Yinnar and Callignee, who have expressed their grievance at Latrobe city not being declared an EC region. Whilst interim EC was declared in Latrobe post the bushfires of February 2009, it did not include interest rate subsidies, which are an important element of the EC package.

In August 2009 it was determined that Latrobe city would no longer be declared an EC region, but unfortunately many of the outstanding challenges remain for these farmers. These challenges include recovering from the scourge of bushfires, the low price of commodities such as milk and a decline in rainfall in the Latrobe Valley over the past few years. The annual average rainfall in the Latrobe Valley in the 1990s was approximately 783 millimetres. However, in 2008 and 2009 respectively, 526 millimetres and 563 millimetres of rainfall was recorded. For dryland farmers this has provided an enormous challenge, particularly given the need to contend with low milk prices and the time and cost associated with bushfire recovery.

Farming enterprises are the lifeblood of many rural communities, and it is imperative that they are appropriately supported by government. I challenge the Minister for Agriculture to meet personally with farmers in Latrobe city so he better understands the issues confronting our farming communities.

## Liz Tito and Jack Formosa

**Ms BEATTIE** (Yuroke) — I rise to acknowledge two extremely young and talented constituents of Yuroke: Liz Tito of Greenvale, who attends St Columba's College in Essendon, and Jack Formosa of Greenvale Primary School.

On 15 March I was very pleased to attend the National Council of Women of Victoria's International Women's Day celebration to hear Liz speak. I congratulate Liz and her proud parents, who were there on the day. Liz was one of only seven girls who were finalists in the Victorian regional 2009 Legacy Junior Public Speaking Awards. Liz had extensively researched her topic and spoke with great clarity. Once again, I congratulate her on her efforts.

I would also like to highlight the achievements of Jack Formosa, who attends Greenvale Primary School. Jack was recently awarded as one of Victoria's most promising sports stars in the Victorian School Sports Awards. Jack's achievements have included playing in the boys Victorian state under-12s basketball team, competing in regional and state level athletics and cricket and captaining his interschool AFL team.

I am sure we will be hearing a lot more about these terrific young people in years to come. Liz and Jack are yet another example of Yuroke having some of the most talented young people in Victoria. I was particularly pleased that Liz acknowledged me on the day.

## Government: performance

**Mr K. SMITH** (Bass) — Sometimes I find it hard to think of the right words to describe some people. Arrogant, stupid, silly, uncaring, not understanding, gutless, vain, dill, selfish, out of touch, callous, disrespectful, disgraceful, deceitful, petty, thick, egotistical, self-centred, smug and pompous — each of those words describe this government, its leaders, its ministers and its members, except you, Acting Speaker. I do not know what ministers hope to achieve by thinking it is smart to not invite local members of Parliament to attend functions, openings of facilities and announcements in their areas. I am sure all local Labor members are invited.

What brought this to a head was the Minister for Health's recent visit to my electorate to make an announcement about the opening of two extra beds in an emergency ward at the local hospital we have down there. The hospital was originally built by the Kennett government, and this government has put very little more into it.

I know the government stacks the boards of local authorities and public facilities, and they have to advise the ministers when opposition members are going to those facilities. We know it happens, but it is wrong. The government should recognise the work of local members of Parliament and invite them to go along to those things instead of it being as smart as it thinks it is.

## Children's Protection Society: art exhibition

**Ms RICHARDSON** (Northcote) — Last Thursday I attended the official opening of a very special art exhibition at the Children's Protection Society (CPS). The exhibition displays the works of 43 very talented children from four primary schools in my electorate. The exhibition explored harmony through the eyes of the children in preparation for National Harmony Day.

Holy Spirit Primary School was represented by the art of Brigette Maguire, Anika Luna, Tom Perrett, Tom Dawson, Mia Doherty, Simon Rebellato, Chandelle Piazza, Natalie Sartorel, Brianna Addamo, Luca Fedele and Nadia Rizza-Bordieri. Nadia provided a great lesson for us all when she wrote, 'I feel that harmony is about being graceful and that it is hard work to get the balance right. If not, you fall off the leaf'.

Pender's Grove Primary School's display included fabulous art from Dennis, Isabella, Claire, Ellouise, Kiki, Isabelle, Alexis, Sarah and Omar and reminded us of nature's wonder. Thornbury students included Chea, Noah, Kiahni Atkinson-Brown, Priyanka Jonnalagadda, Horonuku Reihana, Anna You, Tommy, Nathan Fisher, Max Hapi, Sheeneeya Penrith and Shivya Nath. Grade 5 student Horonuku highlighted our cultural richness by writing, 'My dad is Maori and my mum is Australian and German. Because I have three nations in my heritage it is my privilege'.

Wales Street Primary School children included Yiannis Tsalkitzakos, Elena Holmes, Caitlin Howden, Chester Cooney, Ruby Wright, Hannah Tellimur, Jack Brenton, Imogen Temby, Emily Williams, Stella Farnham and Minnie Perry. Perhaps 8-year-old Minnie thought of members of Parliament when she wrote, 'Harmony is when everybody works together to make people happy'.

Congratulations to all the students and with Rhonda Simons, who put it all together. Thanks also to the CPS president, Tim Mulvany, and the CEO, Bernadette Burchell, for their wholehearted support of this great initiative.

## Students: youth allowance

**Mr BLACKWOOD** (Narracan) — The changes to the youth allowance that passed through the Senate last week have left most of the students in my electorate who intend to go on to tertiary education feeling completely abandoned. They have been terribly let down by the former Minister for Skills and Workforce Participation, the Minister for Regional and Rural Development. The minister has sat back and done nothing to assist country students who are now classed as inner regional and will be treated exactly the same as capital city students. These students will now be forced to work 30 hours a week over 18 months under the new rules that apply to eligibility for youth allowance.

The new agreement, which passed through the Senate last week after intense negotiation by the federal coalition, was a major backflip that gave students in outer regional, remote and very remote areas access to youth allowance under the old rules, meaning they only have to work 15 hours a week over two years. In my electorate of Narracan, Erica and Rawson are the only two towns that are classed as outer regional.

On many occasions in this house we have heard the minister brag about her initiatives to stem the dropout rate of country students from tertiary study, and yet she has done nothing to influence her federal colleagues on behalf of country Victorian students on this issue. Just like the minister's increase in TAFE fees, which is really having an adverse impact on country students, this change in youth allowance is another blow and a disincentive to take on further study. I challenge the Minister for Regional and Rural Development to do something positive for country students instead of sitting back and watching their educational opportunities disintegrate because she just does not care.

## Aunty Maria Starcevic

**Mr FOLEY** (Albert Park) — I rise to speak a few words in support of Aunty Maria Starcevic of South Melbourne who was recently inducted into the Victorian Honour Roll of Women. Last week I had the pleasure of acknowledging Aunty Maria's contribution to the Koori community in general and on the issues of homelessness, community health and domestic violence within the Koori community more specifically at the weekly lunch she instigated for the homeless and those on the margins of our community in St Kilda. While she has not enjoyed the best of health in recent times, it was pleasing to see Aunty Maria back in her stomping ground, building links and services with some of our most destitute and marginalised community members.

Aunty Maria was recognised for her advocacy for indigenous and local communities over many years. As chair of Victoria's indigenous family violence strategy and indigenous family violence 10-year plan she has been at the forefront of tackling indigenous family violence. Besides being a regular pillar of advice and leadership for her community, she has contributed at local, regional and state levels on policy and programs in this difficult area.

Aunty Maria is more than a leader in her own Kulin nation group, as reflected by the lunch last week. She says one of her proudest achievements is having established a weekly lunch on Mondays for the parkies in St Kilda. She said:

> Monday was the worst day. After the weekend you have no smokes, you have no money, and your belly was touching your backbone. Now Monday's the best day for a free feed in the park. Some days we have up to 50 people for a lovely community meal in the park. White, black, anyone that's hungry comes and has a feed there.

Well done, Aunty Maria.

## Rural and Regional Committee: Labor members

**Mrs FYFFE** (Evelyn) — It was with shock and disappointment that I read of the appalling display of unprofessional behaviour from a Labor member for Northern Victoria Region in the other place and the member for Melton at the inquiry into the extent and nature of disadvantage and inequity in rural Victoria by the Victorian Parliament's Rural and Regional Committee. In an article in the *Sunraysia Daily* of 6 March, referring to the members' behaviour at the hearing, Graham O'Neill quoted a letter published nearly a decade before Federation in which a woman describes a member of Parliament as 'so low on the human scale as to require a special dispensation from providence to raise him to the status of total depravity'. Whilst I would not use that level of language, it seems, as is stated in the article, that 'for some modern politicians, little has changed'.

I have also received a copy of a letter of complaint sent to the Speaker in which allegations are made of arrogance, point-scoring, rudeness to the chair of the committee and a person making a submission, swearing, threatening and intimidating behaviour —

behaviour so threatening that the complainant feared the member for Melton would become physical to her and to the chair, Damian Drum, a member for Northern Victoria Region in the Council. In fact the writer felt so threatened she had to leave the hearing because, in her words, 'I was scared'. The writer has asked the Speaker to take action against the two members, because as she said:

> … I do not believe they —

the member for Melton and a Labor member for Northern Victoria Region —

> have the right to behave in such a manner … nor the right to mislead … abuse, intimidate, threaten and swear at —

members of the community. I call on the member for Melton and the member in the other place to formally apologise.

## Women: Yan Yean electorate

**Ms GREEN** (Yan Yean) — I rise to pay tribute to many fabulous women in my community who were honoured in a number of fitting ways on International Women's Day. Many of these women — indeed about half of them — have made enormous contributions over many years, but particularly since last year's tragic bushfires. Diamond Valley's own Selina Sutherland, the founder of Sutherland Homes for Children, was posthumously added to the Victorian women's honour roll. In Whittlesea the annual International Women's Day awards saw the woman of the year award go to Colleen Monteleone, the rural woman of the year award go to Mary Wood, the senior woman of the year award go to Val Brennan and the personal achievement award go to Adriana Saleh.

I was pleased to launch the Nillumbik Women's Network's *Celebrating Nillumbik Women 2010*, which included Janine Brandt, Tracey Toal, Mona Bromley, Maggie Broome, Diana Edwards, the Firefoxes, the Ladies of the Black Belt, Jenny Ginsberg, Bronnie Hattam, Katherine Kingsbury, Cathy Lance, Helen Legg, Debby Maziarz, Desiree Paine, Charis Pelling, Gaye Ponting, Marlene Pugh, Lenny Pritchard, Elizabeth Savage Kooroonya, Eliza Smith, Ness Stables, Ronnie Travassaros, Elizabeth Wykes and Lisa Young.

My electorate certainly has a fantastic group of women who have made contributions over many, many years to our community. One of the editors of the *Australian Dictionary of Biography* remarked that women do not really do much; these women provide clear evidence to counter that claim. Well done to the women of the Yan Yean electorate!

## Rail: Mildura line

**Mr CRISP** (Mildura) — On Wednesday, 17 March, 1200 people packed the Mildura Settlers club for a meeting in support of the return of the Mildura passenger train. It was a hot night, but the locals stuck it out for 2½ hours and delivered a strong message to the Department of Transport panel about current service standards and the community's desire for a train service. Speaker after speaker added value to the case. The Brumby government must now take this issue seriously. It should undertake the necessary studies into returning the trains, such as studies into stations and platforms; terminus facilities; locomotives and rolling stock availability; track issues, such as signalling and passing loops; track speed capability; and level crossings — and no doubt other studies.

These reports should be made public to allow discussion and debate as well as review. When a draft report is compiled it should then be made available for public comment. In my electorate Mildura as well as Ouyen have demonstrated their interest through community members attending in numbers. This is yet another test for the Brumby government: spin or substance?

## Christie Centre: funding

**Mr CRISP** — The Christie Centre is a provider of disability services to Mildura. The current funding to the centre falls short of meeting the true costs of providing services. This impacts on staffing, training, transport and individual support. All the Christie Centre asks for is a fair allocation of state revenue to secure a future for those with a disability.

## Berwick District Woodworkers Club

**Ms GRALEY** (Narre Warren South) — I would like to pay tribute to the wonderful people at the Berwick District Woodworkers Club. I recently had the pleasure of delivering more than 30 handcrafted wooden toys to the playgroup at Brentwood Park neighbourhood house. The toys were donated by the Berwick woodworkers. When I asked the woodworkers if they would donate some toys to Brentwood Park, they were only too happy to assist. The Berwick woodworkers make more than 500 toys every year and donate them to not-for-profit organisations. The kind donation of toys from the Berwick woodworkers means that the playgroups at Brentwood Park can provide an even more interesting and diverse playtime for the

children. The donation includes beautiful toy cots and cradles, sweet little quilts, wooden wheelbarrows, aeroplanes, cricket bats and wickets, rocking horses, trucks and even a blackboard, on which they had written to me 'From your toyboys'. The woodies have a cheeky sense of humour too!

Playgroup leader Jackie Blackburn and the mums and dads were most grateful for the donation of the toys, and the kids just love them. I would like to particularly thank the president of the Berwick woodworkers, Chris Drysdale, and the secretary, James Hayes. I would also like to acknowledge the rest of the committee: vice-president Jack Croucher, treasurer Richard Gething, Joe Kleinekoort, Rick Hoare, Elsie Hoare, Ian Ferris, Stewart Moyes and Denis Nicholson. They are all dedicated woodies and very kind people. A big thankyou to all the fantastic members of the Berwick District Woodworkers Club for this generous donation to the young families of Berwick.

## Stud Road: bus lanes

**Mrs VICTORIA** (Bayswater) — I was contacted recently by some constituents who raised concerns about the establishment of bus-only lanes on Stud Road between Boronia Road and Burwood Highway. They would like to know why the lane is not a shared one, given the number of streets leading off Stud Road, particularly into the Studfield shopping centre, where many fantastic specialty businesses operate. In a state that is supposed to be a better place to live, work and raise a family, why is the Brumby Labor government making it more difficult for families to access their local shopping strips and for small businesses to make ends meet? Moreover, in 2005 the Labor government promised that no surrounding roads would be altered to funnel traffic onto the EastLink tollway. Obviously that was as much of a lie as was the actual tolling of what should have been a freeway. I am all for reducing traffic on our roads and facilitating the smooth running of public transport, but surely common sense has to prevail at some point.

## Electricity: smart meters

**Mrs VICTORIA** — How fantastic that the government has halted the activation of the so-called electricity smart meters. Charging the most financially vulnerable groups in society much more to use lights, air conditioning or even their vacuum cleaners is a callous grab for cash by a money hungry Labor government. I am sure the review will find out what Victorians already know: greed and bullying arrogance by Premier Brumby and his comrades do not benefit the public.

## Eastern Palliative Care: gala ball

**Mrs VICTORIA** — Congratulations to everyone at Eastern Palliative Care on the occasion of its gala ball a few weeks ago. It was a fantastic event, and I am pleased that the money raised is going to such worthwhile work. Well done!

## Somali Australian Friendship Association: graduation ceremony

**Mr LANGDON** (Ivanhoe) — On Friday, 12 March members of the Somali Australian Friendship Association (SAFA) held their graduation ceremony, as my guests, in the Labor Party room in Parliament House. The evening was extremely well attended, with the Minister Assisting the Premier on Multicultural Affairs as special guest. All present were delighted with the opportunity to meet with the minister.

SAFA is a group of community-oriented Somalis and Australians who have formed an organisation to aid the integration and development of the Somali community in Australia. The ceremony saw Somali high school and university graduates recognised for their achievements in completing their studies. After the award ceremony the group moved to the back parliamentary gardens for a barbecue, again as my guests. The evening was enjoyed by all who attended.

I would like to thank all involved who organised this successful night for the Somali community. Special thanks go to the Minister for Sport, Recreation and Youth Affairs for his attendance; the president of SAFA, Yusuf Omar; and vice president, Rick Garotti; executive members Saharla Hassan, Sagal Yusuf and Ahmed; as well as Dr Hussein Haraco, a Somali community leader. A special mention should also go to the Somali Australian Council of Victoria, Jesuit Social Services, the Heidelberg Star Soccer Club and the Victorian Cooperative on Children's Services for Ethnic Groups for their support of the event.

May SAFA continue to support the community in building bridges between Australian and Somali cultures in the great tradition of multiculturalism that is alive and well in our state of Victoria.

## Woodend Lions Club: art show

**Ms DUNCAN** (Macedon) — I would like to congratulate the Woodend Lions Club on its most recent art show some weeks ago. I had the pleasure of opening the art show. The club does the show every year and has done for many years.

**The ACTING SPEAKER** (**Mr Seitz**) — Order! The time for members statements has ended.

## PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

*Referral to committee*

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

> That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

I will go through the necessary preliminaries just to set out what is now an issue of contention between this house and the other place.

On 11 November 2009 a second-reading motion was moved in this house for this piece of legislation. On 26 November the bill was passed in the Legislative Assembly and was transmitted to the Legislative Council, where it was second read on 27 November. On 8 December there was debate in the Legislative Council and there was a Greens motion to defer the debate for a week. That was negatived — that is, the Labor and Liberal parties voted against it.

The debate resumed on 9 December, and it was interrupted pursuant to standing orders. On 10 December the government circulated various amendments to the bill in the Legislative Council. On the same day in this house notice of a motion to refer the bill to the Dispute Resolution Committee, should it fail to pass, was placed by me on the Legislative Assembly notice paper. After the Christmas break, on 4 February, debate on the bill resumed in the Legislative Council. It was then adjourned. On 23 February it was resumed. Amendments were proposed by the Democratic Labor Party member, but ultimately the Liberal Party, with its coalition colleagues, The Nationals, and the Greens voted down the legislation.

As a result of the new constitutional provisions — when I say 'new', I am talking about in the last decade — this bill is capable of being referred to the Dispute Resolution Committee, which is what this motion is all about. The changes made to the constitution reflect the Westminster way in relation to this house vis-a-vis another place. There are those opposite who would disagree, but clearly they are unaware of the provisions of section 16A(1) of the Constitution Act, which was inserted in 2003, which state:

> The Council as a House of Review will exercise its powers in recognition of the right and obligation of the current Government to implement —
>
> (a) the Government's specific mandate … and
>
> (b) the Government's general mandate — to govern for and on behalf of the people of Victoria.

Division 9A of the constitution sets out the provisions relating to disputes concerning bills, and where a bill has been rejected by the Legislative Council it is then a bill which is capable of being referred to the Dispute Resolution Committee of Parliament.

That is what the government now seeks to do. It seeks that this bill be sent to the Dispute Resolution Committee so there can be discussion and, hopefully, a resolution. The government's policies and actions through the planning system have enabled Victoria to maintain its relative lead when it comes to housing affordability. We have a big affordability advantage over Sydney, Brisbane and Perth, and regional Victoria is the most affordable region in mainland Australia.

As you know, Acting Speaker, people come to Victoria in larger numbers than they go elsewhere. That is because it is one of the most livable places in the world. We are certainly very proud of the fact that it is a very livable place. All honourable members of this house, at least all honourable members on this side of the house, are very proud of Victoria and that it is so livable.

In the December quarter no less than 60 per cent of the national market of lots under $170 000 were sold in Melbourne. The driving force for land prices is land supply. We have proposed plans to expand Melbourne's urban growth boundary, which will provide at least 20 years of land supply and keep downward pressure on house prices. The growth areas infrastructure contribution (GAIC) legislation is essential to fund the infrastructure needed to provide for sustainable communities in our growth corridors, because there is no point in putting lots and lots of people into an area and then leaving them without any services at all. Those services are very important in communities becoming livable, and they contribute to the fact that Victoria is such a livable place.

Levying the GAIC at the point of sale is simply a tax on home owners — taxing the dreams of homebuyers. It strangles the land supply and pushes prices up even higher, with the only winners being speculators.

However, the government, as you will be aware, Acting Speaker, has been in negotiations with the development industry, the outcome of which will see a levy introduced at the time the land is rezoned and there is uplift in its value. Thirty per cent of the levy will be paid up front, with the remaining 70 per cent paid in stages as the land is subdivided. That will be indexed pursuant to the consumer price index up to the point in time the government starts borrowing to fund the infrastructure and will then be paid at the 10-year bond rate.

That is where we have got to. We believe this is a reasonable proposition, and it is a proposition that we want to put to the Dispute Resolution Committee. What we have had from those opposite has simply been a rejection around all these issues.

**Mr Walsh** — Why don't you put it to the Parliament?

**Mr CAMERON** — The honourable member for Swan Hill asks, 'Why don't you put it to Parliament?'. But the honourable member for Swan Hill does not appear to understand that if it were not for the — —

**The ACTING SPEAKER** (**Mr Seitz**) — Order! The minister will ignore interjections; they are disorderly.

**Mr CAMERON** — I will ignore it. However, what I probably should have said earlier in the preliminaries is that if it were not for these new constitutional provisions, the legislation would be dead, the bill would be dead. That would have been the end of the matter because it would have been killed, and you cannot reintroduce a bill when it has been rejected.

But if either the same bill or a similar bill is brought in, it has to be referred to the Dispute Resolution Committee, and that is the advantage in having the Dispute Resolution Committee. Certainly, as the constitution envisages, the Legislative Council has to have regard to this house, to the government and to the government's mandate to govern for all Victorians.

In 2009 there were 51 730 first home buyers in Victoria. I know there is a proposition from members opposite that, as a result of what they want to do, would simply force up house prices. It would effectively be a slug of $30 000 on each of those home owners. That is $1.6 billion extra that home owners will be slugged if there are not going to be sensible arrangements to allow the expansion of growth areas.

You would think those opposite might actually reflect on this issue because the idea of having an available land supply has been around for a long time. The former federal Treasurer, Peter Costello, hammered this point in 2007. But it seems that those opposite were not listening when he was talking about identifying land to be released, whether the land is privately owned, state government owned or commonwealth government owned. At the time the former Treasurer was really dwelling on the issue of commonwealth government land, but he said we should identify it and work out what the blockages are so that the land could become available for first home buyers.

We have a proposition and that is why we have been in discussions with the development industry. We believe we have a good proposition and that is why we want to send this to the Dispute Resolution Committee. We hope that compromise, which we believe is a good compromise, is adopted. We want those opposite to support the development industry rather than continuing to oppose the bill because we believe this is important for first home owners. Consequently I urge all members to support this motion.

**Mr CLARK** (Box Hill) — There is one thing that is absolutely clear in this debate: if the Bracks and Brumby governments had not wasted billions of dollars of taxpayer funds on bungled projects such as myki, the regional fast rail, numerous police IT projects, numerous court IT projects and a long list besides, we would not now need to debate proposals for a bill to impose a new tax on land development in Victoria. As a result of the Bracks and Brumby governments squandering those billions of dollars, the Labor government is now scraping the bottom of the barrel and is determined to press on with a badly flawed bill that will impose a substantial new charge on Victorian land development.

We on this side of the house do not accept that sending this bill to the Dispute Resolution Committee is even a valid process in the case of defeated bills for the reasons we have debated on previous occasions, arguments which I do not intend to repeat today. However, even if you put aside the point about the validity of the process, it is clear that this process is hopelessly flawed.

The whole idea of getting 12 senior government ministers and opposition frontbenchers and the minister concerned to sit together around a table and thrash out a piece of legislation that had previously been unable to be resolved through debate in two chambers of Parliament, particularly when those 12 senior figures from both sides of Parliament may not necessarily have any background or experience in the issue concerned, stretches credulity to breaking point. In effect the

government is saying it wants these 12 people to get involved in this process in order to sort out a bill that the responsible minister has not had the competence to sort out under his or her own steam.

In the 19th century a committee of members made up from both houses may have been able to play some role in an environment where there were multiple parties and individual MPs with a variety of positions; then you might have formed an ad hoc committee and put on that committee a range of members with a burning interest in the issues concerned. You might then have made some headway out of such a committee, particularly if you did not try to lock it into a framework requiring it to reach a conclusion within 30 days because that puts all concerned under enormous pressure and makes it difficult to actually work through the issues.

That might have been the case in the 19th century, but in the modern world where parties have adopted positions and when you have responsible ministers and shadow ministers, the suggestion that you should gather this group of additional people together just does not make sense at all. Even as a device to bypass a hopelessly incompetent minister, it is not a good approach. The solution should be simply for a few of the minister's colleagues to grab him by the scruff of the neck and drag him kicking and screaming, if necessary, in order to sort out the impasse that he has been unable to sort out to date.

**Mr Walsh** — He is too tired!

**Mr CLARK** — As the member for Swan Hill said, maybe the minister concerned is just too tired to be able to get himself up to speed to sort out this bill. We have seen the problems with the Dispute Resolution Committee in the previous experience we had regarding the so-called development assessment committee (DAC) proposal, when the committee had three meetings, including two meetings held on the drop-dead date, the final date that, on one interpretation of the constitution, was allowed for the committee to reach a resolution. That second meeting took place late into the evening and members had to be scraped up from all different corners in order to form a quorum. Now it seems that even in that process involving the development assessment committee issue the government was incapable, under the framework of the Dispute Resolution Committee, of getting the drafting in proper order to arrive at a solution that would work.

The solution the government came up with, through the DRC process, has been slammed even by those who supported the DACs in principle, and I quote from an article in the *Australian Financial Review*:

> The Planning Institute of Australia has pushed strongly for such committees to be established but its Victorian president, David Vorchheimer, has told the *Australian Financial Review* that the bill, in its amended form, would struggle to deliver on the government's promised policy.
>
> Mr Vorchheimer said the bill had been rushed through the disputes process and contained flaws.
>
> 'They drafted amendments on the run', he said. 'There are a whole stack of errors in there that make it impossible to implement until they are fixed. It is all symptomatic of how this has been rushed'.

If you want just a few succinct remarks to show how flawed the whole dispute resolution process is when it comes to dealing with complex bills on planning or other matters, you just need to have regard to those observations by Mr Vorchheimer. But nonetheless the government seems determined to try to have another go at it on this occasion.

There are further serious problems with the constitutional provisions that were rammed through the Parliament when the Labor Party had a majority between 2002 and 2006. The constitution contains a provision that says that the committee must meet in private, so anything that is being done to try to negotiate an outcome has to fit in with that constitutional requirement. This creates great uncertainty both as to what can and cannot be said about the deliberations of the committee to interested parties who might be strongly concerned and interested in the subject matter of the committee's deliberations, and also as to what members of the DRC might be able to say in the house about what has happened or what has been said within the committee process.

In the case of this current issue we have a wide range of groups with passionate interests in the outcomes, ranging from landowners whose livelihoods and life savings are threatened through to developers and builders who are trying to get on with doing their job and homeowners who are trying to acquire affordable housing. How and to what extent can all of these groups have a say in this flawed DRC process when they are being forced to operate under some ill-defined cone of silence?

We had press reports, and indeed we had the Minister for Police and Emergency Services confirming just a few minutes ago in the debate in this chamber, that what the DRC is going to be asked to consider is not a resolution of the dispute in relation to the bill that was defeated in the Legislative Council but a new package that the government has been busy negotiating with

various parties out in the community — in other words, the very process laid down in the constitution is being abused through what the government is asking the house to agree to.

The government is not asking the house to agree to send to the DRC the proposal that it brought to this Parliament. It has now come up with an entirely different proposal which it wants to put before the DRC — in other words, there is no genuine bona fide dispute between the houses about the bill as the government brought it to the Parliament, because the government no longer wants to proceed with it. Regardless of the validity of a reference in that context, it is a blatant abuse of the constitutional mechanism.

What ought to be happening in relation to this issue is that the government should be going back to the drawing board. It should be conducting whatever negotiations it wants with different groups in the community; it should be reconsidering its approach in light of the debate that has taken place in the Parliament; and then it should be preparing and bringing to the Parliament a new bill, and that bill should then be open for debate and for community input in the ordinary way. That would be the democratic and open way of going about it, rather than trying to shoehorn through the DRC process some package that the government has been cobbling together over recent times.

Certainly if the government, as part of its negotiations and its reconsideration of the issue, wanted to speak to and engage with the opposition on that, it need only pick up the phone and contact the shadow minister, who has made clear that he is available to be contacted by the Minister for Planning. However, that is not an option that to date the minister has seen fit to take up.

We should not be going through this process that the government is inviting the house to go through today. We should not be referring this to the Dispute Resolution Committee. We should be bringing a new bill to the Parliament. The government has both the legislation and the process entirely wrong. The bill it brought to the Parliament was a dog, and this process we are being asked to embark on is a farce.

**Mr LUPTON** (Prahran) — I want to speak in support of the motion before the chamber to refer the growth area infrastructure contribution (GAIC) bill to the Dispute Resolution Committee of this Parliament for further consideration of the bill and any amendments that may arise as a result.

I want to deal with a couple of aspects of this debate. One is the Dispute Resolution Committee process, and the other is why it is important to refer this bill to the Dispute Resolution Committee.

The opposition has consistently — and I have to say that on this subject it is consistent — opposed the Dispute Resolution Committee process from the word go, and on every debate we have had in this chamber since the constitutional provisions were inserted the opposition has maintained its outright opposition to this process. All that really illustrates is that the opposition is not interested in the constitutional provisions; it is only interested in trying to undermine them.

What we have before us is a constitution that provides a mechanism for resolving disputes relating to bills between the two houses of Parliament by a constitutional process — by way of a Dispute Resolution Committee of members of both chambers. If a dispute is the subject of an appropriate resolution, the bill is able to proceed and be passed by both houses and the legislation that was intended to pass into law can in fact be passed as the government intended. If there is no resolution of the dispute and the bill cannot go through both houses, then that matter can be ultimately put to a joint sitting if the constitutional processes arise in that way following a subsequent election.

They are the constitutional provisions that govern the way in which these matters are dealt with in the state of Victoria. Deadlock provisions like this, where processes between the two houses of Parliament are gone through in order to seek resolution of disputes and agreement so that good legislation can continue through the houses and be passed, are not unknown in parliaments around the world, but the opposition continues to maintain its head-in-the-sand attitude as far as these things are concerned and does not embrace the ability to work through issues in order to get the best legislative outcome for the people of Victoria.

That is what this government is intent on doing — getting the best legislative outcome for the people of Victoria — and utilising the Dispute Resolution Committee, the constitutional process of this Parliament, is the appropriate way to do that. That is why it is important that we look at why we should refer this GAIC bill to the Dispute Resolution Committee. Here in Victoria it is acknowledged that Victoria is the engine room of the Australian economy at this time.

We have an enormous amount of economic activity going on, and we are seeing an increase in population caused by a number of different factors. We are a very livable state. We are the best state in Australia to live in,

and a lot of people understand that and are coming from interstate and overseas because they know they have good opportunities here in Victoria and a great quality of life, and they look forward to taking part in the benefits of living in Victoria and the opportunities that this gives them and their families. We are seeing a higher birthrate. We are seeing a natural increase in the population as a result of the way in which people are determined to see that their families have the best future — and the best future for families is here in Victoria, there is no doubt about that.

In considering the rise in population as a result of interstate and overseas migration and natural increase, we need to make sure that our planning processes are modernised. We need to make sure we are in a position to have affordable housing. We need to make sure we are in a position to have a sufficient supply of land for the future so that the price of land remains affordable.

We need to do a number of things to bring that about. One of those is to make sure there is available land on the fringes of Melbourne so that appropriate developable land is available for housing and all the other services that are needed in growing communities are provided. We also need to make sure that in appropriate areas in the developed parts of Melbourne we are able to utilise infill development and brownfields sites in appropriate ways so that we can increase housing opportunities and the availability and affordability of housing for people in Melbourne. We need to get that balance right. We need to make sure that we have the ability to provide the same new housing options for people in established areas as well those in areas that are yet to be developed.

In areas on the outskirts of Melbourne where people wish to live in the future we need to make sure appropriate infrastructure is in place to enable the establishment of good communities where residents have a good quality of life and where good services and good opportunities for education, employment and all the other services that growing communities need are available. We need to make sure that infrastructure is in place. The appropriate way to do that is by putting in place a growth areas infrastructure contribution and making sure that the development industry and people who make windfall gains from the sale of land that has been zoned residential make some contributions towards that important public infrastructure.

The way in which the government is proposing to go forward with this has been the subject of a considerable amount of negotiation with the development industry over an extended period of time. The government has in fact announced that the Property Council of Australia and the Urban Development Institute of Australia, the two significant peak bodies of the development industry, have come to an understanding with it in relation to the way this charge should be applied. We are very pleased that outcome has been reached.

We intend to pursue the appropriate process of Parliament to ensure that this bill, which was defeated by the opposition parties in the Legislative Council without any amendment being proposed, can be put before the Dispute Resolution Committee. That is the appropriate constitutional process to seek a resolution of the outstanding issues in relation to this bill. We can then get on with the job of making sure that as we go forward, as Melbourne goes forward as a developing and growing city, we have in place the right infrastructure — all of the things that growing communities need, such as rail access, schools, hospitals, community facilities and services, and employment opportunities.

That infrastructure and those services are the things that make new and developing growth areas around our city places in which people will want to live and which provide a great quality of life for those who live there. People living in those communities will not have to commute long distances to work. They will be able to live in close proximity to the place of their employment because their employment opportunities, their services, their educational opportunities and physical infrastructure will be in place as those communities develop and not afterwards — these things will be put in place not as a catch-up situation but when the communities are being developed.

There is a need to have that growth area infrastructure contribution in place so we can make sure we have the economic ability to deliver those services in a timely way. The way we will achieve that is by referring this bill to the Dispute Resolution Committee in the way that this motion anticipates. The Dispute Resolution Committee will be able to consider the options for how to proceed with this legislation so that it is capable of being passed by both houses of this Parliament. That is necessary so we can ensure that people living in developing communities in areas on the outskirts of Melbourne that need this infrastructure have a good quality of life and that those communities are as livable as we can possibly make them. For those reasons it is important that we refer this matter to the Dispute Resolution Committee without delay.

**Mr McINTOSH** (Kew) — What the Minister for Police and Emergency Services was essentially saying earlier was: how dare anybody oppose a government program and how dare anybody have the temerity to

actually argue against the government's position in relation to something it says it has a mandate to do? He was saying, 'How dare anybody actually vote against a piece of legislation either here or, more importantly, in another place?'. The government set in place the constitutional mechanism that changed the method of voting for the upper house, which resulted in five different parties being represented there.

The most important thing about this is that the government is saying, 'How dare anybody actually articulate their opposition to what the government may or may not be doing? How dare they vote against something the government actually puts up as a bill? If anybody does exercise what they are constitutionally and democratically entitled to do' — in fact, are obliged to do — 'which is to, perhaps, articulate their concerns about government legislation and if necessary to vote against it, we will crush them. We will stamp out all opposition by means of this new Dispute Resolution Committee (DRC) process'.

I hark back to the debate we had a number of years ago about the passage of an ordinary act of Parliament that entrenched this provision into our constitution and which will require a referendum to amend. This particular part of that bill got very little discussion but one of the comments made by the Leader of the Government in another place, John Lenders, was that this measure was being put in place to be used sparingly to resolve disputes between the houses. What has played out in the last six months is that three bills have gone through the process of referral to the DRC. There was an attempt to refer the Police Regulation Amendment Bill 2007. It sat on the notice paper but because it was so politically unpalatable, the government did not proceed with it and ultimately withdrew it.

The Planning Legislation Amendment Bill was propelled through the DRC process. What we found out at that time was that there is a deadline of 30 days. The ticker starts from day one and you have 30 days to notify the committee of a dispute. What we also learnt from that process is that it occurs in a secret meeting, which is quite alien to what we know of parliamentary democracy. A resolution is reached in secret during a secret meeting by selected members of both houses, but guess what? The government has the numbers on the committee. Government members can vote to do whatever they like in the DRC. There can be a situation in which government members, no matter what members of the opposition parties — be they members of the Liberal Party, The Nationals or the Greens, who are represented on that committee — say can vote to create out of the ether a resolution that says, 'We do have a resolution. We have passed a resolution, and we are going to impose it upon you. Yes, we have gone through a sham process of consultation'.

Let us have a look at the sham process of consultation. We read today in the paper about a compromised proposal. I have not seen it. I do not know much about it apart from what I read in the paper. That is the compromise. Government members have had 16 months to put up some sort of compromise on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill and what happens? At 5 minutes to midnight, when we are about to put this bill through the DRC process, we find out the government has entered into a compromise with two industry groups.

Government members did not enter into a compromise with all industry groups who have an interest in this matter, such as many of our constituents who have an interest in the issue.

Most importantly, the matter has not been brought into the broadest picture where it can be seen by the whole community — the community that we are supposed to represent. Apparently if we have the temerity to argue against and vote against a piece of legislation, this government will say, 'We will insist you do it', and 'We will insist that you adopt this compromise'. Government members did this on the day we are having this debate. That is when we first learnt about it, and that is a bloody disgrace. The DRC process is undemocratic, it is held in secret and the government ultimately controls the numbers and can do whatever it likes on that committee.

We cannot even come back into this place and express our concerns about what might be happening during the DRC process. We probably cannot go out to the press and talk about it, and journalists probably cannot report on it because if they do so, they will probably commit an act of contempt of this Parliament. This is what is happening under the legislation the mob opposite introduced and passed through both houses when they had the numbers in both houses, and that process has been entrenched in legislation so that no matter what happens going forward it will be part of the law of this land for a long time to come. It is disgraceful!

This government has had 16 months to propose a resolution, and now government members want us to accept a resolution of which we do not know the full details. Nothing has come to me in my role as the manager of opposition business about what government members propose to do. As a member of the DRC I have not seen any proposal, and government members

expect us to resolve this dispute with a gun pointed at our heads, which is profoundly undemocratic.

What is worse, government members have used this whole process as an act of intimidation. Before the debate had concluded in the other place — before a vote was taken, and some two months after the bill was introduced and the debate commenced — the government used this process as an act of intimidation. A government minister gave notice of this motion before there had been a failure to pass the bill in the upper house. Before this bill had been rejected by the Council government members decided to put this motion on the notice paper in the Assembly, effectively telling everybody in this place and another place — and everybody in Victoria — 'We will pass this. We will bang it through. We have got the numbers. How dare you have the temerity to oppose what the government wants to do? If you do, we will run roughshod over your rights, and we will do whatever we like because at the end of the day we control the numbers on the DRC'.

The DRC process is held in secret. It is undemocratic, and government members have used intimidation to get this through. Indeed government members are not being full and frank with this Parliament about what they propose to do, as we still only read about these things in the paper. It is a disgrace, and I hope this house rejects the motion to refer this bill to the DRC process.

**Mr STENSHOLT** (Burwood) — I rise to support the motion put forward by the minister, which states:

> That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

This is the method provided for in the constitution, as agreed to by this Parliament and signed off by the Governor, for seeking resolution. I reject the language used by the members for Kew and Box Hill. This process is constitutional and one in which no rights are compromised. This is agreed in the constitution as a method for resolving disputes. It is a very careful process set out in sections 65C and 65D of the Constitution Act as amended not so long ago. It is a method for seeking resolution, and obviously I am disappointed that members of the Liberal Party — we have not heard from The Nationals yet, but I am sure they are probably in coalition with the Liberals on this — do not accept the constitution and seek to undermine it.

I heard the member for Box Hill saying that 12 good women and men cannot resolve this issue and that they are not capable. The opposition might not be capable, might be a rabble and might not be ready. That is a fact that has been admitted — the member for Warrandyte may not be ready. Opposition members are woefully unprepared to make decisions for the benefit of working families. That is exactly what we are seeking to do here. Here is a question of housing affordability for working families. The party on this side of the house stands up and sticks up for working families. We know that because people are coming to Victoria in droves — in huge numbers — because it is one of the most livable places in the world, particularly Melbourne. People are also coming to regional Victoria. We know that because there are record numbers of people coming to Shepparton, to Ballarat and to Bendigo. Of course they come here because Melbourne is the most livable city in Australia and because Victoria has a proud record of housing affordability.

We know that because in the December quarter it was not just 25 per cent of the national market of lots under $170 000 which were sold in Melbourne — it was 60 per cent. The price of land and land supply is very important for young working families. We have made decisions here in terms of what we anticipate the growth of Melbourne to be, about the urban growth boundary as well as proper planning in terms of density, particularly in brownfield areas in inner and middle Melbourne. However, the government has proposed plans to expand the urban growth boundary so that at least 20 years of land supply can be provided. We need to make sure in expanding that area that any infrastructure can be paid for.

The alternative is that the last person on the chain — the homebuyer — pays for the infrastructure. It seems the policy of the Leader of the Opposition and the coalition is to slug first home buyers. The Baillieu plan — the plan of the Leader of the Opposition — has been to vote down the growth areas infrastructure contribution legislation, which would inflate house prices by $30 000. I am sure that members of the coalition will stand up for the Baillieu plan and say, 'Yes, here is the bill — $30 000!'. The Leader of the Opposition would tell a family of new homeowners — a young dad and mum and perhaps a couple of young kids under 5 years of age — that they will have to pay $30 000 extra for their home. If that had been done in 2009, it would have meant an extra $1.61 billion would have been paid by people buying homes in those areas.

I am really disappointed that the opposition — self-confessedly — does not support the constitution. It is

woefully underprepared — self-admittedly — to make decisions for the benefit of working families. It has no policies; the opposition is a policy rabble. It is not interested in good governance. The opposition seems to be only interested in the sad art of opposition for opposition's sake.

I was very surprised to hear the member for Box Hill, who normally is a more careful reader of the provisions of acts, say there is going to be a blatant abuse of the constitutional mechanism because there will be a different proposal made. He said that what has been discussed in this house and in the other place is not going to be considered but there is going to be another proposal made. That is how you resolve disputes. If you look at the pros and cons which people have suggested, you come up with something which is a compromise, a change and a resolution. That is what the words 'dispute resolution' mean in general. In the act there is also a particular meaning insofar as there is actually a dispute resolution amendment put to this house and the Legislative Council for approval.

I point out to the member for Box Hill and the member for Kew — and maybe the Leader of The Nationals will be interested as well — that section 65D(2)(b) of the Constitution Act states:

> if the Dispute Resolution provided that the Disputed Bill be passed with the amendment or amendments specified in the Dispute Resolution …

The Constitution Act clearly provides for amendments to be put forward by the Dispute Resolution Committee. I am very surprised that the member for Box Hill does not seem to understand that amendments can be proposed as part of dispute resolution. He called it a blatant abuse of the constitutional mechanism, when this process is actually provided for in the constitution. I think that shows a woeful lack of understanding by the member for Box Hill in terms of this provision of the constitution.

We heard the bluff and bluster from the member for Kew, including the statement, 'How dare you not follow the constitutional provisions for the Council.' This is what we are talking about here. We are talking about constitutional provisions in terms of dispute resolution. They are put there, they are very careful and there are a number of stages. The motion before us takes us to the first stage along the dispute resolution process. We have a disagreement between the Legislative Assembly and the Legislative Council. The dispute resolution process seeks to move that further. If the dispute is not resolved, there are other provisions, which I will not go into the detail of because it would be inappropriate, but I point out to members of the house that there are other processes which can be followed following the Dispute Resolution Committee process.

This is a very sensible proposal because we have an issue — that is, we want to have housing affordability for working families. Other members have mentioned that. There is a proposal before us, and we do not stop working on these things. Just because there is frustration in the upper house, it does not stop the government from trying to come up with solutions. We have worked very hard on this particular issue; the record would show that, and other members may wish to go through that.

There has been a gradual movement on this issue in order to make sure we can look after working families, including young working families, in growth areas. That is the whole idea. We have continued to work on that issue. We have been discussing it with industry, and there is now a proposal that 30 per cent of the levy be paid up-front with the remaining 70 per cent being paid in stages as the land is subdivided. There seems to be agreement on that: it has been endorsed.

The issue is also about interest rates, and the proposal is that the levy be indexed at the consumer price index up to the point of time the government starts to borrow to fund the infrastructure and that it then be paid at the 10-year bond rate. That was part of the discussions held in the Council about what should be the rate of interest as well as the timing for the levy to come into effect.

The Dispute Resolution Committee would be able to take up those proposals and examine them. I hope they will be examined in good faith. I hope the Leader of The Nationals will be able to assure us of that. I think he is a member of the Dispute Resolution Committee, is he not?

**Mr Ryan** — No. That is the third error you have made today.

**Mr STENSHOLT** — Okay. I am sure there are members of The Nationals who are on it, and I am sure the Leader of The Nationals talks to them all the time. I am sure they will be able to examine these issues, come up with a dispute resolution and present it to this house. I support the motion before the house.

**Mr RYAN** (Leader of The Nationals) — It is my pleasure to join this debate. This is a dog of a bill and a farce of a process. The real pity about this is that this government which came to power lauding the fact that it was open, honest and accountable has now sunk to the point where its seeking to implement the provisions of the constitution in a way which was contemplated

would happen but only on a very rare basis and certainly not in the context of what we have before us today. I will return to that in a moment.

But firstly, I have listened with passing interest to the rhetoric of the government members who have spoken so far about the apparent benefits of this legislation. We all accept — in what has become a pretty generalised debate — that Melbourne is growing a pace. We all accept that. What this government refuses to do is acknowledge the fact that you have to take positive steps to ensure that you can provide not only for the future of Melbourne but also for rural and regional Victoria. We need to be certain that in time to come that the needs of this great city of Melbourne are also reflected in the needs of our country centres.

Just as we are looking to supply apparent solutions to Melbourne's needs, we are also looking to supply solutions to the needs of rural and regional Victoria. That fundamental issue has escaped the government completely not only throughout its almost 11 years of governance but very particularly in the context of this debate. I hear those sorts of issues reflected in the commentaries of those who have spoken on behalf of the government today. The absolute fact is this bill has already been debated. The people have spoken.

I have heard reference from government members about this bill being defeated by the opposition. The bill was not defeated by the opposition, the bill was defeated in the Legislative Council of this state by members of the Liberal Party, The Nationals, the Greens and the Democratic Labor Party. The opposition parties that are represented in the Parliament of Victoria in its upper house combined in their numbers to defeat this bill. The people have spoken. This bill is dead. It has now gone. In fact through the use of the DRC we are seeing again a parody of that famous John Cleese sketch: they are trying to breathe life back into the dead parrot. This bill has actually been debated. The people have spoken. The bill has been consigned to the grave, and now we have the government trying, through this DRC process, to breathe life back into it.

The government argues that there is a new proposal that needs to be considered by the DRC process. This, apparently in the eyes of this government, is now the new way of governance in the state of Victoria: that we all wake up this morning and we find in that fine production the *Herald Sun* a little article tucked away between the latest escapades of Tiger Woods and his most recent confessions on the one hand and the daily editorial on the other. We have a little pocket of about 55 words which purports to be a new agreement which has been struck between this government and those who are said to be reflective of the other side of this argument. This is government at its most cynical.

The first thing is that if the government has a proposition that it wants to put to the people, then it should bring it to the Parliament. The second thing is, and as the member for South-West Coast reminds me, those who are party to this so-called agreement which has been reached with the government are stakeholders. They are legitimate stakeholders, but they are only a small component of those who have an overview in relation to the issues which are fundamental to this legislation. What about the people who live out there and who are going to be subject to this? What about those various groups in their different forms that have protested so ably and for so long about the ramifications of this legislation?

Getting into an agreement with those who are party to it apparently is like putting the fox in with the chooks, with due respect to those with whom the government has struck the agreement. Is it any surprise at all that the development industry has now signed up to some sort of new arrangement with this government, which is intent on its course? Where are the voices of those other people who are directly affected by the context, intent and effect of this legislation? What about the poor old landowners? Where are they in terms of this government's considerations? It is the absolute height of farce.

As I say, this is the way government is now supposed to happen. Instead of bringing new legislation to the Parliament, as has been suggested to the government many times, it says that because it has an agreement which was written up in a small article in the *Herald Sun* today that is supposed to be the basis upon which the state of Victoria is to function in terms of this particular bill. It is the absolute height of farce. If the government has a proposition which is a new proposition, and it patently is, then it should bring it back to the Parliament and put it through the process which is appropriate for legislation which comes before the two houses. We can debate it again, and we can then have a decision made by this Parliament, which is after all purportedly reflective of the people of Victoria, and see what the people have to say about it.

That is the way the process should work and that is what the government knows should be the case. It is a reflection of where this government has sunk to that it is now wanting to put this bill through the dispute resolution process. The other element of this debate that is important is that this particular motion before the house is an attempt by the Brumby government to cast

the operations of Parliament in the image of the Premier and his government. This is not democracy; this is an autocracy. This is not anymore the notion of the Legislative Assembly and the Legislative Council debating legislation that is brought before it. It is not that at all. This is the intention of the Premier to punch through a proposition which he believes should be done because that is what he wants to have happen.

This is not an issue of the people of Victoria being able to have those who represent them come into these two chambers, put their respective arguments and then deal with these matters on the floor of the respective houses. Not at all. This is the Premier seeking to circumvent the parliamentary system. All of this of course is done on behalf of a party which came to government in 1999 swearing above all else that it would be open, that it would be honest, that it would be accountable and that it would be transparent to the people. Here we see the complete antithesis of those principles. We see it yet again as we have seen it so often.

We also see in play here the other element which is all too often a part of the way this government now presents itself. If it gets a voice in opposition to it, what it does is belt them. If it opposes the way in which other people put a point of view, it seeks to crush them, and it is prepared to extend that to the way in which this Parliament operates. We see the same thing at the bushfire royal commission: when the commission makes findings against the interests of this government we get the legal team on behalf of this government putting propositions completely contrary to those which the commission has already found.

This is the way this government works. If those who are brave enough to speak out against what it is the government wants to say dare to have that commentary made public, we find this government using all the force available to it to crush the opposing opinion. And we are seeing it here again. But it is worse still for the fact that the government is employing a process which was never intended for what it is being used for now. The dispute resolution process was always intended, when you look at the debates, to be one that would be employed in the most remote of circumstances, and that is evidenced by the way this was employed the last time we were here having a debate similar to this. This government did not even know how it worked. We had a mickey mouse start to the debate at the time. The government had to pull out and come back the next day; it had to withdraw and rearm itself as it stumbled through the way in which this whole process was to happen.

The government is trying to paint this as being a foundation element of the constitutional change. It is a fiction — an absolute fiction. What it has done by accident rather than design is fall upon a process which now serves its own miserable ends and particularly those of the Premier of Victoria. The fact of the matter is we have a proposition which is being advanced to us here today which should not be here. This is the government of Victoria trying to circumvent the Parliament of this state. This is completely contrary to the way the Parliament of Victoria was ever designed constitutionally to work. This is seeking to have a process, an imperative to the future of this state, being sought to be employed outside the way in which this Parliament functions.

Behind it all is the closing commentary from the previous member who spoke where we have the veiled threat of what can otherwise happen if the government does not get its way in relation to the dispute resolution process. If that is what the government wants to do, I say on behalf of The Nationals, and dare I say on behalf of the Liberals, let it have a go at it and let the people of Victoria voice their views about the way this government governs for Victoria in this world.

**Ms GREEN** (Yan Yean) — It is with great pleasure that I get up to support the motion moved by the Minister for Police and Emergency Services to take the bill in relation to the growth areas infrastructure contribution (GAIC), which has recently been defeated, to the Dispute Resolution Committee. I am very pleased to be the first speaker in a long debate who actually represents a growth area. I am proud to represent that growth area, and I think I might bring some informed discussion to the debate.

No-one on the other side has mentioned anything about their support for the needs of the outer suburbs, because they do not like the outer suburbs. I am proud to be part of a government that is committed to governing for every Victorian, a government that respects Victorians wherever they live and wants Victorian families to have affordable housing wherever they choose to live. We also want them to have good services and infrastructure wherever they choose to live.

The Leader of The Nationals, who immediately preceded me in the debate said he would oppose the matter of the GAIC because it did not take into account the needs of regional Victorians. Why on earth would he oppose this? It is some measure of $2 billion of much-needed infrastructure for the outer suburbs. The alternative is that all Victorians will have to bear that cost. Either he is saying that those in regional Victoria should bear the cost of supplying much-needed

infrastructure to the outer suburbs through their taxes and charges or he is condemning the outer suburbs to not being provided with appropriate infrastructure. The Nationals have got form in their views on regional Victoria and on the outer suburbs — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I bring to the member's attention that we are debating this motion to refer the GAIC bill to the Dispute Resolution Committee.

**Ms GREEN** — Thank you, Acting Speaker, for drawing that to my attention, but there has been a very free ranging — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I ask the member to return to the debate.

**Ms GREEN** — I will do that. I am very pleased there is a tool available within the Victorian constitution which has the simple objective of trying to reach a resolution of any disputes. This bill is of such importance that it absolutely needs to go before this dispute resolution process. I am very interested that some opposition speakers seem to think this is a breach of democratic principles. The community expects us to be able to sit down and resolve and sort things out, not constantly oppose, oppose, oppose.

Throughout the time these proposals were out in the community for discussion and the bill was in its draft form, as a representative of a growth area I constantly lobbied the minister and other members of government for changes and improvements to it to accommodate things such as enabling cases of personal hardship arising from the application of the GAIC to be considered by a new hardship relief board similar in structure and operation to the land tax hardship relief board. I also lobbied for the enabling of the staging of the payment of GAIC and for the inclusion of transitional provisions in the legislation to provide that the growth areas infrastructure contribution could be waived or reduced where an agreement existed between the government and a developer to provide infrastructure for the public benefit and for a number of other changes.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I again ask the member for Yan Yean to return to what we are debating today, which is the referral of the GAIC bill to the Dispute Resolution Committee. I ask her to return to the motion that is before the house.

**Ms GREEN** — I am very pleased that this motion is before the house, because as I said, the community expects that we as legislators and representatives of the people can use the constitutional mechanisms that are available to us, that we can debate bills in this house and refer them to committees and have appropriate discussions and hear the views of Victorians in respect of this and that at the end of the process there can be this dispute resolution process. I think it was very short-sighted of the opposition parties, the Greens and the Democratic Labor Party to vote down this proposal, because that will diminish the availability of the $2 billion worth of much-needed infrastructure in my community.

I referred before to The Nationals describing growth suburbs as 'tumours'. They are not tumours, they are great communities that deserve support. That is why I am very pleased that this motion is before the house for referral to the dispute resolution process that exists under the Victorian constitution. Those on the other side are crying crocodile tears when they say that having a discussion and a means to resolve disputes is antidemocratic. When those on the other side were in government they were quite happy to use whatever means existed in the constitution to ride roughshod over the Victorian community to get their way and curtail Victorians' democratic rights in so many ways. Now they have the temerity to come in here and say it is a poor process for adult members of Parliament, representatives of the Victorian community from both sides, to sit down and talk and resolve disputes.

Kids in a playground would think it was pretty appalling to say that it is a bad process that grown adults and representatives of the Victorian community should have the ability to sit down and work through a dispute. That is what we say to our kids in playgrounds: to have respect for the community and actually sit down and talk through matters of concern to the community and deliver results and improve the lives of Victorians. After all, that is what we are elected to do.

I am proud to represent the area that I represent. It is a great area. We have looked after the environmental assets, such as the red gums, and we have good services, but we could do so much more if we were able to have a small contribution from those who reap the benefits of land development. We are also absolutely committed to keeping the cost of our homes down so that more Victorians can realise their dream of home ownership and being able to raise their families in a well-serviced area. Victoria is in a very competitive position, and resolving this matter will mean we can cope with the growth that is happening and continue to offer a great lifestyle.

I am sick of the naysayers who talk down the great growth suburbs in our areas, whether it be the latte set of faux Greens who talk down life in the outer suburbs

and say we only go to sleep or whether it be the silvertails of Hawthorn, Kew and Toorak who do not want to come out to the outer suburbs. I love living in the outer suburbs, where we have a great environment and provide a great education.

If we resolve this issue through the dispute resolution process, we will have a much better outcome than otherwise. We will continue to support life in the outer suburbs and bring forward great infrastructure projects such as the extension of heavy rail into Mernda or Epping North, and I support that. Those on the other side do not support the outer suburbs; they never have, and they never will. I hope the motion gets up so we can deal with supporting life in the suburbs.

**Mr WALSH** (Swan Hill) — I rise to speak on the motion moved by the Minister for Police and Emergency Services, which states:

> That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

In starting my contribution I have to say I think the member for Yan Yean has grown very brave in this place. It is my understanding she was never quite this brave at the public meetings that were held near her electorate when the issue was discussed by the public — —

**Ms Green** — On a point of order, Acting Speaker, the member for Swan Hill has just defamed me. I take offence to what he said. He was not at any public meeting — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! What is the member's point of order?

**Ms Green** — My point of order is that I would like him to withdraw the comments he has just made — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! On what basis?

**Ms Green** — I am offended by the comments he made, and I ask for their immediate withdrawal because they are not true.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I do not see there is a point of order.

**Ms Green** — If a member — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! On consideration of advice, I ask the member to withdraw.

**Mr WALSH** — With deference to the member for Yan Yean, I withdraw.

Why are we here discussing the motion? If you bring it right down, the issue is that the Brumby government proposed a huge new tax for the outer areas of Melbourne. That is what we are here to discuss. Legislation was introduced into this place that was going to impose a huge new tax on anyone who owns land in the outer areas of Melbourne.

Members talk about the parliamentary process and democracy, and that has been canvassed by quite a few of the speakers in this place in relation to this issue. When you talk about how the parliamentary process and democracy work in the Westminster system, it is usually about the way ministers go about negotiating the passage of legislation through the houses of Parliament, particularly if they are in a parliament where the government does not have the numbers in the upper house.

The Brumby government introduced this legislation in this house and used its numbers to pass it, despite our opposition to it. It was the job of the Minister for Planning in the upper house to get it through that house. But we have a minister in the upper house who several times now has said he is too tired to do things. When an issue becomes a bit contentious or when there is some hard work to do, the excuse the minister uses is that he is too tired. He was obviously too tired to pick up the phone to speak to the shadow planning minister, who happens to be in the upper house with him. He could have walked across to the other side of that house and sat down with the shadow minister to talk about how they could facilitate some sort of resolution of the issue. But the minister was too tired to do anything about trying to negotiate with the opposition a compromise to get this new Brumby tax passed through the upper house. This is the same minister who in the last 12 months has had two no-confidence motions passed by the upper house in relation to his ability to carry out the work of his portfolio.

We are here to debate a motion to refer this legislation to a secret process away from the Parliament of Victoria because the upper house does not have confidence in the minister's ability to do his job. For those on the other side who talk about the democratic process, what we are doing here is trying to have a secret committee process make up for the failings of a Minister for Planning who cannot do his job. He needs

to work to guide his legislation through the upper house where the government does not have the numbers.

The member for Burwood talked about democracy at work, but he also let slip that the government felt 'frustration with the upper house'. Those were the words he used. I think it comes back to the issue of the arrogance of the government. It does not want to do the hard work needed to deal with an upper house where it does not have the numbers.

**Ms Green** — On a point of order, Acting Speaker, I ask you to ask the member to return to the motion, as you asked me to do when I spoke. He is straying from the motion before the house.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! There is no point of order.

**Mr WALSH** — The motion before the house is about referring the legislation to a secret committee of the Parliament — —

**Ms Green** — Secret?

**Mr WALSH** — It is a secret committee, because it meets in secret, and by rights those on the committee — and I am one of its members — are not supposed to talk outside about what goes on in the committee. We are supposed to have a government here in Victoria that is open and transparent, and as one of the previous speakers said, this government was elected in 1999 with a mantra about being open and transparent and dealing fairly with all Victorians. This is what we have come to now: the government wants to introduce a new tax, it does not want to accept that the legislation was defeated in the upper house and it wants to refer the matter to the Dispute Resolution Committee (DRC).

The nub of the issue here, and we went through the same debate when legislation on the development assessment committees was referred to the Dispute Resolution Committee, is whether when the upper house defeats a piece of legislation it is a defeated bill or a disputed bill, and there is conjecture about that. In my humble view if you have a democratic process in Victoria and the government uses its numbers in the lower house to pass legislation but it does not have the numbers in the upper house and after due debate the upper house defeats the legislation, it means that legislation is dead. If the government wants to bring in a compromise, it needs to work with the industry and it needs to talk to all of the stakeholders again. If it has found some sort of different opinion, it needs to introduce new legislation into this place. It does not need to refer the legislation to the Dispute Resolution Committee.

To finish, while I cannot talk about what went on in the committee last time it met when it dealt with the development assessment committee issue, I must admit I found the process rather underwhelming, particularly the way ministers treated it and their lack of professionalism. They could not get their facts right and we had to meet late at night to amend what they had suggested so we did not hit the 30-day deadline on the issue.

I draw the attention of members to the contribution of the member for Prahran. All he seemed able to talk about was Melbourne. There is a lot more to Victoria than Melbourne, and if this government wants to look for growth areas, there are plenty of places out in country Victoria that would love to have some of the development the government is talking about. I invite them to come to the electorate of Swan Hill. If they want to buy reasonably valued land for housing, there are a lot of towns in the electorate of Swan Hill that would love to have them up there. We would prefer to have them bring their houses to Swan Hill than take our water to Melbourne.

The motion by the police minister to refer this to the DRC should be defeated by this house, and I urge those on the government benches to cross to our side and oppose it.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to rise and support this motion to refer the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill to the Dispute Resolution Committee. I am just sorry that the member for Warrandyte has scurried out of the chamber. I would like to note that in the chamber representing the other side are the member for South-West Coast, the member for Rodney, the member for Mildura, the member for Benalla, the member for Lowan and the member for Swan Hill — members with not a growth area amongst them.

*Honourable members interjecting.*

**Ms BEATTIE** — They can cry crocodile tears about who represents the growth areas. It is Labor members who represent the growth areas. Here we are debating — —

**Mr Walsh** — On a point of order, Acting Speaker, I take exception to what the member for Yuroke has said. She is implying that nowhere out of Melbourne is a growth area. I find it a slight on all of country Victoria that the member for Yuroke would imply that country Victoria is not worth worrying about, and I ask her to withdraw.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I uphold the point of order.

**Ms BEATTIE** — Thank you, Acting Speaker. I point out to the member for Swan Hill that the growth — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I ask for a withdrawal.

**Ms BEATTIE** — Sorry?

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I am asking for a withdrawal. The member has asked for one.

**Ms Green** — On the point of order, Acting Speaker — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! We are dealing with it.

**Ms Green** — On the point of order — —

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I have ruled on the point of order.

**Ms BEATTIE** — I am sorry, Acting Speaker. What was your ruling?

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I upheld the point of order. The member has asked for a withdrawal. I am asking the member to withdraw.

**An honourable member** — Of what?

**Mr Walsh** — Of the slight on country Victoria.

*Honourable members interjecting.*

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! The member for Swan Hill said he felt he had been slighted. He went on to say that he felt rural Victoria had been slighted. He took it as a personal insult and then as a direct insult to all of rural Victoria. I am asking the member for Yuroke to withdraw.

**Ms BEATTIE** — I withdraw the remark, but I direct the member for Swan Hill to the growth areas defined by the government. That is what we are talking about — the referral to the Dispute Resolution Committee of the bill to introduce the growth areas infrastructure tax for those defined growth areas. If the member is offended, then I can honestly say he is a delicate flower, and I apologise to him!

**Mr Walsh** — Which he is!

**Ms BEATTIE** — I am quite used to delicate flowers, so don't worry about it!

The Dispute Resolution Committee is a new constitutional tool inserted into the Victorian constitution with the simple objective of trying to reach a resolution of any disputes which may arise between the two houses of the Victorian Parliament. This followed reforms to the Victorian upper house that resulted in the method of election and composition of the upper house changing quite significantly. I support the dispute resolution process and the Dispute Resolution Committee as a companion to the historic reform of the upper house.

I can see why opposition members do not like the Dispute Resolution Committee. I can see why they did not like the reform of the upper house as well. We in this Parliament do not forget how the upper house was gerrymandered before. We now have a fair system, but there has to be a system to break the nexus when the two houses are locked and cannot reach a resolution to a dispute.

As the electorate of Yan Yean takes in growth areas such as the municipality of Whittlesea — which is defined as a growth area — the member for Yan Yean knows what she is talking about when she talks about the growth areas. We have to have a system.

I will stray into the area that the member for Gippsland East strayed into. He talked about Gippsland East wanting infrastructure. We had much the same discussion when we were talking about the tolling of roads. The member then said: why should people in Gippsland East pay for a toll on a Victorian road? Now there is a complete backflip with members opposite asking country Victorians to pay for infrastructure that might be supplied to those growth areas. Those growth areas deserve the infrastructure other areas have, but somebody has to pay for it, as we all know. What we are asking does not seem to be much.

Opposition members have listened to members of certain groups who have put forward a view. I ask opposition members if any of them have been out into the growth areas or on the fringe of the growth areas, where a lot of farmers are saying, 'We can no longer farm this land because of increasing pressure. We have to do something with the land'. I invite any opposition members — oh, the member for Warrandyte has appeared!

**Mr R. Smith** — On a point of order, Acting Speaker, the debate is about the motion, and I think the member for Yuroke is leaving the realms of the motion.

**Mr Merlino** — On the point of order, Acting Speaker, this is a fairly broad-ranging debate. You would recall that the Leader of The Nationals referred to the bushfires royal commission, and that was allowed, so I suggest that this is a relatively broad debate.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I ask the member to return to the debate on the motion to refer the growth areas infrastructure contribution bill to the Dispute Resolution Committee.

**Ms BEATTIE** — Thank you, Acting Speaker. The member for Swan Hill talked about the Dispute Resolution Committee being a secret committee, but then he let the cat out of the bag and said that he was a member of the Dispute Resolution Committee. If it is such a secret committee, why is he telling us about it? He is telling the whole Parliament.

**Mr Robinson** — Big-noting.

**Ms BEATTIE** — He is big-noting himself, that is right. The Dispute Resolution Committee is a good way, a good process, by which to break a dispute when the houses cannot agree. Once again I say to people: come out to the outer suburbs and ask the people there if they would like this bill to be a dead bill or whether they would like it to go through the dispute resolution process.

I can take all those country members on the other side of the house to the outer suburbs. I can even lend them my satellite navigation device to go out there. I can take them out there to talk to those farmers on the edge of the city who want their land to be in the urban growth boundary and those farmers will say to them, 'We want some certainty in our future, and the way to get certainty into our future is to resolve this matter, and the way to resolve this matter would be to go to the Dispute Resolution Committee'.

If those on the other side of the house would come out to the designated growth areas, landowners out there would say to them, 'Please send this to the Dispute Resolution Committee because that is the way we will resolve it. Don't get caught up in your petty politics'.

I am heartened to see that a couple of members on the other side who represent the suburbs have come into the house to listen to the debate, because it is a very good thing. Maybe they can teach their country cousins over there what the outer suburbs are like. I commend this motion to the house. The dispute resolution procedure was put there for this very purpose.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! I call on the member for South-West Coast.

**Mr Nardella** interjected.

**The ACTING SPEAKER** (**Mr K. Smith**) — Order! The member for Melton has only just come into the chamber. We do not need to have this interruption, thank you.

**Dr NAPTHINE** (South-West Coast) — Thank you, Acting Speaker. The motion before the house seeks to refer the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill to the Dispute Resolution Committee (DRC). The bill referred to in the motion was and is a bad bill. This bad bill was defeated by the Legislative Council in a proper democratic process. The bill is dead. It is totally wrong that the government now seeks to exhume this rotting, decomposing bill that nobody supports. It is clear from the comments of the Minister for Police and Emergency Services that not even the Labor government supports the bill that was defeated by the Legislative Council. It has no support anywhere in Victoria. But this government now seeks to exhume that bill, to bring it back to life through a Lazarus-type process and to bring it before the secret, behind-closed-doors Dispute Resolution Committee process.

**Mr Robinson** — Secret.

**Dr NAPTHINE** — Absolutely secret process, and I will talk about that in a minute.

I say to the government that if it has new proposals, new ideas and what it believes is a new way forward on this legislation and the issues it raises, it should draw up a new bill and bring it before the Parliament so it can be debated in a proper democratic process by the Legislative Assembly and the Legislative Council. That is the proper democratic way.

Let us come back. The bill was defeated in the Legislative Council by the combined vote of the Liberal Party, The Nationals, the DLP (Democratic Labor Party) and the Greens — —

**Mr Robinson** — The DLP member abstained; you are wrong.

**Dr NAPTHINE** — All non-government parties did not support this bill.

**Mr Robinson** interjected.

**Dr NAPTHINE** — It is contrary to the democratic principles that the executive government should seek to

circumvent a decision of the democratically elected Legislative Council. Let me remind the house that the Legislative Council was elected using — —

**Mr Ingram** interjected.

**Dr NAPTHINE** — I probably still do. The Legislative Council was elected using a system put in place by this Labor government. It put in place the construction of the Legislative Council, and contrary to the comments of those opposite, the previous Legislative Council was not a gerrymander process; it was one vote, one value on electoral boundaries based on the electoral boundaries of the Legislative Assembly.

One of the problems with this motion to refer this bill to the DRC is that it shows what the government is trying to do — that is, to circumvent the proper democratic process. The motion we are debating was introduced to the Legislative Assembly prior to the bill being voted upon in the Legislative Council. In other words, the government was trying to threaten the members of the Legislative Council. It was hanging a sword of Damocles over the heads of members of the Legislative Council and threatening them by saying, 'If you don't vote for this bill, if you do not do what the government wants, we will bring this bill before the DRC process and get our way irrespective of the view of the Parliament and the people'.

Certainly we are concerned with respect to the secrecy of the DRC process. That is contrary to what we consider to be modern democratic processes. It is contrary to the Westminster principles on which our Parliament was formed. It is more akin, unfortunately, to the sort of processes we see under the Robert Mugabe regime in Zimbabwe or some of the other totalitarian and dictatorial regimes around the world, where there are secret, behind-closed-doors processes. Members of the executive government are not game to bring the bill, or the amendments they want to make to the bill, before the democratically elected Legislative Assembly and Legislative Council.

Indeed, in the debate the Minister for Police and Emergency Services advised this house that the government is considering new proposals. If that is so, the government should do the right thing. Instead of trying to discuss the proposals in some secret DRC process, it should do the right thing and bring before the Parliament a new bill reflecting the changes that the government seems to have found at the last minute — at a minute to midnight — that is, instead of the Brumby Labor government attempting this cynical abuse of power, its so-called DRC process.

Fundamentally the bill has two components, as I understand it. There is the extension of the urban growth boundary and there is a massive new tax on landowners in that area. That tax adds to the 26 new taxes and charges introduced by this government. The bill, as it was originally framed, was opposed by all industry groups, key stakeholders and affected landowners. Now we find that it is opposed by all political parties, including the Labor government. Indeed, on 11 November 2009 a letter was sent to the Premier which read:

> The Australian Property Institute, Housing Industry Association, Master Builders Association of Victoria, Property Council of Australia and the Urban Development Institute of Australia, the peak bodies representing the development and building industries, have united to oppose the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill …

There was enormous opposition to this bill. For 15 months the Liberal-Nationals coalition tried to get the Minister for Planning to negotiate on this bill so that we could get a bill that was satisfactory to put before the Legislative Council and the Legislative Assembly, but the government refused to negotiate. Whether the Minister for Planning was too tired or it was not in his media strategy or his secret plan, whatever it was, the minister, who in the upper house has had two votes of no confidence in his ability as a minister, has refused to negotiate.

Government members said it had to be 'My way or the highway' and now we see them trying to do this through the highway. They are trying to force this Parliament, and therefore the people of Victoria, to walk the DRC plank. They are trying to say that through this DRC process the government will introduce sweeping changes to the bill that was defeated in the upper house — that is, through a secret process that excludes the affected landowners, the major stakeholders, some of the major parties represented in this house, and the independent member of Parliament. All of those are excluded from this secret DRC process.

This secret DRC process will circumvent and take over from the democratic institution of the Parliament of Victoria. That is fundamentally wrong. There is something wrong in Victoria when the executive of the Brumby Labor government wants to use that sort of secret process of going behind closed doors to try to force legislation through this Parliament, rather than having the honesty, integrity, openness and transparency it promised the Victorian people during the 1990s — and that seemed to have gone out of the window when it got into government — to say that the

bill has been defeated. The Legislative Council has spoken. The people are opposed to the legislation but the government believes it has some new ideas, new concepts, new proposals that it wants accepted. It should do the right thing and redraft some new legislation to bring before the Parliament so that the democratically elected members of Parliament can debate it, consider it and vote on it.

The Brumby government wants to go through a secret process. It wants to circumvent the will of the Parliament and of the people and act in defiance of the proper democratic processes. This is fundamentally wrong and this motion, along with this bill, which has no support in the community, or even from members on the government's side of the house, ought to be defeated as the bill was defeated. It is dead. It should not be exhumed.

**Mr INGRAM** (Gippsland East) — I rise to speak on the motion before the house. I have followed some of the contributions with a fair amount of interest. The bill and the process it has gone through have generated an enormous amount of interest and excitement; some of it is probably justified and some of it is an overstatement of the process.

Whilst members of this place may not agree with the changes to the constitution that allow for this process to put the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 before the Dispute Resolution Committee, some members are not looking at the next stage of that process. Once the committee makes a determination — and I fully acknowledge that the opposition does not have the numbers on that committee as set down as part of that constitutional process to make sure that the upper house can no longer permanently stifle a government agenda — the process allows the committee to make recommendations, make changes if that is the way forward, and then put the bill back before the Legislative Council. The Legislative Council can then either agree to it or vote it down again.

There is a potential process after that. It is an election year. Government and opposition members need to consider very carefully whether they want to use that type of mechanism — particularly on a bill like this, which is effectively a new tax — just before going to an election. Any government that goes to an election with a new tax through a dispute resolution process needs to be fairly careful to make sure it has support for that.

In the debate on the original Planning and Environment (Growth Areas Infrastructure Contribution) Bill I supported the legislation, and I did that for a particular reason. I find it strange that I am following a lot of regional Victorian members who are opposing this motion, but one of the arguments that is put very often in the regions is why are regional taxpayers and ratepayers paying for the development of infrastructure for those growth areas around Melbourne, particularly when there are plenty of regional areas where the current infrastructure arguably has the capacity to increase the population and improve the economic outcomes in those regional communities.

If you look at this issue, the inequity that has historically been built into the development of residential areas around Melbourne is the taxpayers of Victoria pay for infrastructure in those areas yet local roads in regional areas, which are a large portion of the ratepayer base of cost in local government in regional areas, are paid for by the ratepayers, so basically we have regional communities paying twice for infrastructure — one lot of infrastructure in the city that they will never use and another lot of infrastructure in the regions that probably only they will use. I think there is an inequity. I have made a number of presentations in this place and other areas about trying to deal with it, and the solutions, in my view, that need to be dealt with.

When motions like this come before the house we could argue about the merits of the bill, but the process that we are talking about here is referring this bill to the Dispute Resolution Committee process, and that is part of our constitution. It was set down as part of the upper house reforms, and basically I support that process. Ultimately what comes out of that is if the upper house — the Legislative Council — decides it does not like the changes to the bill or if there are no changes but it still does not like the bill, it has the ability to vote that down. That is what the upper house does. This is not an attempt to stomp on the democratically elected members of the other place; far from it. This is part of the constitutional process which was set up to reform the upper house, to bring in proportional representation, to change the democratic nature of the other place, but to also make sure that government still has some ability to have legislation it sees as important proceed through both houses.

Let us say the dispute resolution process comes up with amendments — and I think there is some discussion around that judging by a number of presentations here today — what will happen? The bill will go back to the Legislative Council. If there are amendments to that bill, those amendments will have to come back and be debated here. That is the democratic process that we are talking about. There is an opportunity for everyone to have a debate on the merits of that. Whether I support

that or other people do not support that, I am sure if members of Parliament or other people would like to be involved, maybe there is even an opportunity for the committee to seek input from the public through that process. Committees have fairly wide powers.

There have been some interesting comments which were based more on the politics of this, so I will be supporting the motion. I believe the constitution is very clear about what the Dispute Resolution Committee process is about, and it is part of the nature of this place now with the changes that if legislation is amended or blocked in the other place, there is the opportunity for the government to use that process, and I believe that is fair and consistent with our constitution, so I will be supporting the motion.

**Mr CAMERON** (Minister for Police and Emergency Services) — I would like to briefly sum up and thank honourable members for their contributions. You have to say that this topic has certainly brought about a bit of passion, but I say to the honourable member for Gippsland East that he has brought a bit of calm to this debate. He wanted to set out the basic rules. Unfortunately we heard all sorts of contortions from those opposite. The honourable member for South-West Coast was taking the view that this bill simply should not be exhumed, in his words. The way he set it out was that if the Legislative Council has spoken, that should be the end of the matter. The Legislative Council apparently is some divine institution that nobody should ever question.

Of course from time to time members say, 'Bring it back, bring it back', but the honourable member for South-West Coast has been here for a long time and as someone who has been here for a long time he would know standing order 152, the same question rule.

*Honourable members interjecting.*

**The ACTING SPEAKER** (**Mrs Fyffe**) — Order!

**Dr Napthine** — It isn't the same question.

**The ACTING SPEAKER** (**Mrs Fyffe**) — Order!

**Mr CAMERON** — Under the same question rule, if a bill is in the same or substantially the same form — in other words, a bill with amendments — it cannot be introduced into the house. You have to go through the dispute resolution process, and of course when you go through the dispute resolution process, if the recommendation of the Dispute Resolution Committee is that a bill pass with amendments, that is a matter that will be put to this house and hopefully will be put to another place. Again, the Legislative Council can reconsider it, but we have to remember that the Legislative Council has to be looked at as a house of review, and in the new constitutional arrangements set out in section 16A the Legislative Council has to have regard to the fact that this is the house of government. It is a house of review, and that is what section 16A is all about.

With those things said, there should be no reason the opposition would want to block this going to the Dispute Resolution Committee, unless of course the cat is out of the bag, and as the honourable member for South-West Coast has pointed out, the bill simply should not be exhumed because those opposite are devoted to a policy where we cannot have more land freed up. They are devoted to a policy where first home owners are going to have to buy existing properties in the existing areas, which will jack up the price by $30 000. We on this side of the house take the view we are a party that wants to protect first home owners, and we urge those opposite to reject the policy position of their leader and come and join us and be in favour of first home owners.

**House divided on motion:**

*Ayes, 53*

| | |
|---|---|
| Allan, Ms | Kairouz, Ms |
| Barker, Ms | Langdon, Mr |
| Batchelor, Mr | Languiller, Mr |
| Beattie, Ms | Lim, Mr |
| Brooks, Mr | Lobato, Ms |
| Brumby, Mr | Lupton, Mr |
| Cameron, Mr | Maddigan, Mrs |
| Campbell, Ms | Marshall, Ms |
| Carli, Mr | Merlino, Mr |
| Crutchfield, Mr | Morand, Ms |
| D'Ambrosio, Ms | Munt, Ms |
| Donnellan, Mr | Nardella, Mr |
| Duncan, Ms | Neville, Ms |
| Eren, Mr | Noonan, Mr |
| Foley, Mr | Pallas, Mr |
| Graley, Ms | Pandazopoulos, Mr |
| Green, Ms | Perera, Mr |
| Hardman, Mr | Pike, Ms |
| Harkness, Dr | Richardson, Ms |
| Helper, Mr | Robinson, Mr |
| Hennessy, Ms | Scott, Mr |
| Herbert, Mr | Seitz, Mr |
| Holding, Mr | Stensholt, Mr |
| Howard, Mr | Thomson, Ms |
| Hudson, Mr | Trezise, Mr |
| Hulls, Mr | Wynne, Mr |
| Ingram, Mr | |

*Noes, 32*

| | |
|---|---|
| Asher, Ms | Northe, Mr |
| Baillieu, Mr | O'Brien, Mr |
| Blackwood, Mr | Powell, Mrs |
| Burgess, Mr | Ryan, Mr |
| Clark, Mr | Shardey, Mrs |
| Crisp, Mr | Smith, Mr K. |

| | |
|---|---|
| Delahunty, Mr | Smith, Mr R. |
| Dixon, Mr | Sykes, Dr |
| Fyffe, Mrs | Thompson, Mr |
| Hodgett, Mr | Tilley, Mr |
| Jasper, Mr | Victoria, Mrs |
| Kotsiras, Mr | Wakeling, Mr |
| McIntosh, Mr | Walsh, Mr |
| Morris, Mr | Weller, Mr |
| Mulder, Mr | Wells, Mr |
| Napthine, Dr | Wooldridge, Ms |

**Motion agreed to.**

## MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL

*Council's amendments*

### Message from Council relating to following amendments considered:

1. Clause 1, lines 2 and 3, omit "Mental Health" and insert "Assessment and Referral Court".

2. Clause 4, after line 11 insert —

   "***Assessment and Referral Court List*** means the list established by section 4S;".

3. Clause 4, lines 14 and 15, omit the words and expressions on these lines.

4. Clause 4, page 3, line 7, omit "Mental Health" and insert "Assessment and Referral Court".

5. Clause 4, page 3, line 13, omit "Mental Health" and insert "Assessment and Referral Court".

6. Clause 5, line 17, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

7. Clause 5, line 18, omit "A Mental Health" and insert "An Assessment and Referral Court".

8. Clause 5, line 19, omit "Mental Health" and insert "Assessment and Referral Court".

9. Clause 5, line 23, omit "Mental Health" and insert "Assessment and Referral Court".

10. Clause 5, page 4, line 8, omit "Mental Health" and insert "Assessment and Referral Court".

11. Clause 5, page 4, line 11, omit "Mental Health" and insert "Assessment and Referral Court".

12. Clause 5, page 4, line 16, omit "Mental Health" and insert "Assessment and Referral Court".

13. Clause 5, page 4, line 18, omit "Mental Health" and insert "Assessment and Referral Court".

14. Clause 5, page 4, line 23, omit "Mental Health" and insert "Assessment and Referral Court".

15. Clause 5, page 4, lines 27 and 28, omit "Mental Health" and insert "Assessment and Referral Court".

16. Clause 5, page 5, line 3, omit "Mental Health" and insert "Assessment and Referral Court".

17. Clause 5, page 6, line 9, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

18. Clause 5, page 6, line 10, omit "Mental Health" and insert "Assessment and Referral Court".

19. Clause 5, page 6, line 22, omit "Mental Health" and insert "Assessment and Referral Court".

20. Clause 5, page 6, lines 27 and 28, omit "Mental Health" and insert "Assessment and Referral Court".

21. Clause 5, page 7, lines 3 and 4, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

22. Clause 5, page 7, line 8, omit "Mental Health" and insert "Assessment and Referral Court".

23. Clause 5, page 8, line 7, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

24. Clause 5, page 8, line 11, omit "Mental Health" and insert "Assessment and Referral Court".

25. Clause 5, page 8, line 14, omit "Mental Health" and insert "Assessment and Referral Court".

26. Clause 5, page 8, line 18, omit "Mental Health" and insert "Assessment and Referral Court".

27. Clause 6, line 17, omit "Mental Health" and insert "Assessment and Referral Court".

28. Clause 6, line 19, omit "Mental Health" and insert "Assessment and Referral Court".

29. Clause 7, line 24, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

30. Clause 7, line 28, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

31. Clause 8, line 4, omit "**Mental Health**" and insert "**Assessment and Referral Court**".

32. Clause 8, line 6, after "of" insert "***Assessment and Referral Court List,***".

33. Clause 8, line 7, omit ", ***Mental Health List***".

34. Long title, omit "a Mental Health" and insert "an Assessment and Referral Court".

35. Short title, omit "Mental Health" and insert "Assessment and Referral Court".

**Mr HULLS** (Attorney-General) — I move:

That amendments 1 to 35 be agreed to.

This bill has returned to the house following an amendment to the name of the list. Following

widespread consultation, the government has decided to change the name of the list to more accurately reflect the nature of the work done by the list. The list will now be known as the assessment and referral court list or ARC list. This name reflects the list's role in assessing the individual needs of defendants who appear before it and referring them to appropriate health, welfare and disability services that are tailored to their particular needs. The new ARC list will hear cases involving defendants who have a mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or neurological impairment, including dementia. Defendants charged with serious violent or sexual offences will not be accepted.

The broad scope of the list follows the approach taken in other jurisdictions where courts adopt broad eligibility criteria inclusive of all forms of mental impairment. The model of the ARC list places emphasis on the accurate diagnosis and comprehensive assessment of needs. The assessments will be undertaken by appropriately skilled and experienced clinical advisers employed by the court. Participants in the list will receive interventions and referrals to other services which are appropriate to their particular needs and situation.

I am pleased to say that $13.8 million of funding over four years has been provided to the ARC list to ensure that it is properly resourced to enable this to occur. The list uses a defendant's involvement with the court as a vehicle for change in that person's life. It has the aim of reducing further offending and of diverting that person away from the criminal justice system. It uses the court as a lever to encourage social inclusion and to bring people back in from the margins of society.

Staff of the ARC list will work with each participant to develop a tailored individual support plan which will be ratified by the ARC list magistrate. As part of the plan each participant will be required to return to court regularly to meet the magistrate and discuss their progress. At the end of their support plan the defendant who pleads guilty will be sentenced within the ARC list. If a defendant pleads not guilty, they will have their case returned to the mainstream court for a contested hearing.

The ARC list will operate out of the Melbourne Magistrates Court and hear about 300 cases a year. The ARC list will commence in April this year and run initially for three years as a pilot program. In order to assess the success of the list, the Department of Justice will commission an independent evaluation to examine the efficiency, effectiveness and cost benefit associated with the program. The evaluation report will also recommend changes or improvements to the operation of the list and will be publicly released.

It is quite extraordinary. Anyone who has actually sat in on hearings involving similar lists in other jurisdictions will know how the court can be used as a positive intervention in a person's life. We know there are a whole range of reasons why people commit offences. The fact that somebody is suffering from some form of mental illness or disability can lead to them committing offences. I see our court system as not a simple system where you lock people up and throw away the key, as some people might think the court system ought to operate. The court system is a means of punishing people who commit offences, There are people who are simply bad people who will commit offences and should face the full force of the law, but there are also people who I believe can be helped by the court process and for whom the court process can be used as a positive intervention in their lives.

I think this ARC list will be successful. We will await the evaluation. I have had the good fortune to look at similar lists in other jurisdictions, in places like Canada — and America, for that matter — and I have to say that the positive turnaround in people's lives through this court intervention process has been quite extraordinary. We have also seen how positive court interventions can make a difference to people's lives through things like the Neighbourhood Justice Centre, which has been extraordinary in positively intervening in and turning around people's lives. We have seen it with things such as the Koori Court as well.

I hope the new ARC list will be successful. It is a great reform in this area and the new name better reflects the work that will be done in the list. I hope it now has support from all sides of the house, and I wish the bill a speedy passage.

**Mr CLARK** (Box Hill) — The outcome on this bill is a disappointing setback in trying to help people with cognitive impairments who come before the courts and in trying to achieve better and more effective outcomes for the community. It is a particularly bitter setback in seeking to recognise and respond to the particular needs of people with intellectual disabilities, acquired brain injury, autism spectrum disorder and neurological impairments. The debate in the Legislative Council raises concerns as to whether the entire program is being set up in a way that will deliver anywhere near the potential benefits that well-structured interventions could achieve.

Let us put this amendment in context. Unlike Labor members, coalition members believe in being tough on

crime where offenders know what they are doing and consciously engage in acts of serious and deliberate violence. We believe in being tough on those offenders who commit such crimes, because in those circumstances that is the appropriate response, and a response that will work effectively to protect the community. However, it is not an appropriate and effective response, as Labor's justice system does, to automatically hit people with fines time and again when they are mentally ill, homeless, cannot cope and cannot pay. It is not an appropriate and effective response to order people to abide by a community-based order when they have a cognitive impairment that means they cannot find their way to the correction centre or cannot organise their time or their lives to turn up at the right time without help. It is certainly not an appropriate and effective response to jail or send to a youth detention centre a young offender with autism or Asperger's syndrome, to be tormented and tortured by other prisoners while their cries of pain are ignored by those in authority.

A separate list in the Melbourne Magistrates Court on a trial basis — as this bill proposes — aims to be one component of an attempt to try to overcome some of those problems. We should not need to have such an ambulance at the bottom of the cliff, but if real help is provided to people, even at this late stage, it would be better than never. However, what the Legislative Council debate shows is that there may well be a huge gap between the name given to the list by this amendment and what will happen in reality.

The amendment before us terms the list an 'assessment and referral court list', but in fact what appears to be intended is that persons be referred to the list first and then, if they are lucky, later they will receive an assessment of their situation and condition. That begs the question of how they can qualify to be referred to the list in the first place. The court is supposed to be satisfied that they fulfil the criteria, including the diagnostic criteria but, as best one can work out from the rather tortured explanations that were dragged from the Minister for Planning in the Legislative Council by Mr Gordon Rich-Phillips, what is intended is that at best there may be a report from a general purpose staff member from CISP (court integrated services program), who may or may not have any relevant professional qualifications or experience, and that report will be telling the court that in their opinion the person ought to go on the list. It is unclear whether in practice the court will consider that that enables it to be satisfied that the test for inclusion on the list that the government has laid down in this bill has been met, or whether we will see the government back here in a few months time seeking further amendments.

It seems the intention that once a person has been referred to the list in some unspecified way a plan will then be prepared for them based, as the Minister for Planning said, on the advice of the respective experts in the field, but with no assurance as to what professional assessment of the individual's needs would be required or by whom such an assessment would be carried out. That is in stark contrast to what the Attorney-General told Victorians on the Jon Faine radio program on 12 February. Margaret Ryan, who is well known to members of this Parliament for her advocacy on behalf of people with intellectual disabilities, provided me with a transcription of an exchange between the Attorney-General and Jon Faine on ABC Radio on 12 February. The interview proceeded as follows:

> ROB HULLS: … the list will have court-based clinical assessment functions and case management and liaison functions so — —
>
> JON FAINE: Will people with a disability be referred to and assessed by mental health professionals?
>
> ROB HULLS: They will be assessed by experts, experts in the field.
>
> JON FAINE: In their field?
>
> ROB HULLS: Absolutely. It is just wrong to be saying that this is going to be a mono focused list.

The risk and concern is that, despite all these bland words of comfort that we are being given, what will happen in practice is the persons referred to the list will be seen by a hardworking but severely overburdened general caseworker from CISP, who will do his or her best to put in place a plan for the accused, but will have neither the expertise themselves nor the resources to call in the necessary external expertise to properly assess the nature of the accused person's impairment, and therefore to know what that person's situation is and how best to respond. In other words, what looks set to happen in practice could well make the name of the list proposed in this amendment a complete misnomer. The gap between spin and reality will be as wide as ever it is under this government.

The government's expert committee wants this list to operate as an assessment and referral list, the government agreed to call it an assessment and referral list, but what the community will get in reality will be at best a referral and assessment list, and what the community risks ending up with is a referral and no assessment list. If this proves to be the outcome, the consequence will be substantially inferior outcomes for anyone referred to the list, and thus substantially inferior outcomes for the community. The risk of inferior outcomes falls particularly heavily on those with intellectual disabilities, acquired brain injury,

autism spectrum disorder and neurological impairments. What is clear from what we have been told time and again by the government is that the list was set up primarily to work with people with mental illness, that those with other impairments have been added as an afterthought and that the needs of persons with other impairments have not been properly considered.

The needs of those with mental health problems are of course very important, and they are likely to be the large majority of those referred to the list. However, it has taken decades of struggle by people helping those with intellectual disabilities and other cognitive impairments to achieve recognition that their needs are different and therefore require often radically different forms of help and support. To give just one example, the primary need of many people with intellectual disabilities is strategies and support to better cope with a lifetime of challenges in dealing with a world the ways of which they do not fully understand, whereas in the case of many people with mental illnesses the primary strategy may well be one of recovery, management and rehabilitation. If that and other fundamental differences between different impairments are not recognised and provided for, people with intellectual disability will not receive the help they need to avoid further entanglements with the law, and the community will not receive the avoidance of further offences that could be achieved.

On this score I would like to quote the compelling words of Ms Margaret Ryan, to whom I referred earlier and who, as many members will know, has worked tirelessly and effectively for years in standing up for the needs of people with intellectual disabilities when matters come before the Parliament or our committees and has put an enormous amount of diligent and thorough research into this issue, which I have quoted previously. Ms Ryan wrote:

> I do hope that there is opportunity in the lower house to make it loud and clear to Rob Hulls that he has turned back the clock for people with disabilities in the state of Victoria. This bill does not deliver equal justice for people with disabilities. And to make it loud and clear that the Minister for Community Services has failed in her responsibilities to uphold the rights of people with disabilities.

On Ms Ryan's behalf, I make those points as loudly and clearly as I can.

The coalition parties support this amendment, because it sets out how the list should operate. The tragedy is that under the current government, as is so often the case, words and reality look set to turn out to be two entirely different things.

**Mr LANGUILLER** (Derrimut) — I am happy to make a few remarks in the debate on the Magistrates' Court Amendment (Mental Health List) Bill 2009. It is important to say that the first clause sets out the purpose of the bill, which is to establish the mental health list in the Magistrates Court of Victoria. My understanding is that the mental health list is a three-year pilot program that will cease on a day to be proclaimed.

The new section to be inserted by clause 5 provides for the establishment and operation of the mental health list and provides for its jurisdiction. In particular the new section specifies that the mental health list has jurisdiction in criminal proceedings that are referred to the list by the court. It also specifies that the mental health list does not have jurisdiction to hear charges involving violent offences, serious offences or sexual offences as defined in section 6B(1) of the Sentencing Act 1991. It further specifies that the court can only refer a matter to the list if the accused consents to have the matter dealt with under the mental health list and if it meets the eligibility criteria, and it limits the operation of the list to the venue.

The diagnostic criteria requires that the accused has a mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or a neurological impairment including but not limited to dementia. Finally the needs criteria requires that the accused would derive benefit from receiving coordinated services in accordance with a care plan that may include psychological assessment, welfare services, health services, mental health services, disability services, drug and alcohol treatment services or housing and support services.

I think this is a very good reform. It is one I understand has been used in other jurisdictions, and it is one that has been and is used in Canada and the United States. It is absolutely appropriate that the court system uses it properly and gives regard to mental health issues and other conditions, including disability support. This list will be very helpful, as other jurisdictions have demonstrated. I also believe, and this happens in other jurisdictions, there should be positive court intervention in people's lives and that the courts should actually help — and this does not take away from potential punishment that may have to take place; if there are criminal offences, they need to be dealt with appropriately — and give consideration to this mental health list. That is what the community would want us to do. It is a good reform.

I will make only brief remarks; I understand other members in this chamber wish to make remarks. I also need to place on record that there has been widespread

consultation. Therefore the government has decided to change the name of the bill to more accurately reflect the nature of the work to be done by the list. With those succinct remarks, I commend these amendments to the house.

**Mr CRISP** (Mildura) — I rise to talk about the amendments to the Magistrates Court Amendment (Mental Health List) Bill 2009. We have received from the Council 35 amendments which almost entirely deal with deleting the words 'Mental Health' and replacing them with the words 'Assessment and Referral Court'. The amendments also amend — and this is at the end of the list of amendments — the long title of the bill by omitting the term 'Mental Health' and inserting 'an Assessment and Referral Court' and the short title of the bill by omitting 'Mental Health' and simply inserting 'Assessment and Referral Court'.

These amendments are welcome. When we spoke about and debated this bill the name of this list was raised as an issue by the members for Box Hill and Doncaster. It is an issue that the community, including the mental health and disability sectors, is very keen on.

This bill will establish a framework in the Magistrates Court to meet the particular needs of defendants who experience mental illness or cognitive impairments. The defendant must consent to being referred to the list. They must have one of the following criteria: a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment including but not limited to dementia.

The change to the name of the bill more accurately reflects what we expect this court to do. That is why these amendments are being supported. However, my concern remains that access to the service by people in regional Victoria is very problematic. We need a better way to manage people who have the disabilities and mental health issues that I have just listed, prior to them getting to court. Early intervention is the key, as the member for Box Hill clearly pointed out. For many of these people the court process is daunting, confusing and possibly not even understood.

For a whole number of reasons dealing with these people who have come before the courts is going to be difficult. The need for experts to assist the court and develop treatment plans is going to be difficult. It is an assessment and referral list. I am very worried about the skills we are going to need to find in the country. They are not readily available; those in our communities who have those skills are already overworked and overstretched. If overworked and overstretched regional services have to get to court and do this work — because that is what the court will require — it will just be another call on their precious time that needs to be met. Therefore others will miss out.

There is a plethora of organisations that deal with early intervention and try to work with people. One of them is the Christie Centre which mostly works with people in the disability sector. It has written to me only recently about a fairer go for people with disabilities. Essentially what the Christie Centre is saying — and I will shortly quote some of the letter — is that its sector is already underfunded. Therefore people are falling through its net to a more expensive net at the courts. We need to put more effort into early intervention and the care provided by those organisations which we already have.

In 2009 a price review of out-of-home disability services showed annual underfunding for a range of disability services and supported accommodation. A parliamentary inquiry into supported accommodation for Victorians with a disability and/or mental illness in January 2010 recommended more supported accommodation beds, the funding of additional support packages and the adoption of findings of the price review to fund the real cost of service delivery.

So we have a crisis in one area which will translocate itself to another area, and that is of considerable concern to me. Longer term solutions and better funding are required to alleviate this crisis in disability support. Even the concept of a national disability or no-fault insurance scheme for everybody who has or acquires a significant disability is being canvassed by that sector, which is desperate to find a way to meet the needs. A long-term schedule would transform the way services are funded and provided, and while the service providers wait for such a scheme urgent action is needed by the Victorian government. We cannot keep waiting while services are forced to close and families continue to that breaking point.

What the service providers want is a fair go for people with a disability who rely on their services and for their services to be funded to a level indicated by the price review. Essentially they are seeking support for a fairer allocation of state revenue. We wonder where we will get the best cost benefits. We are going to have to fund these courts, and those courts are going to cost money. Would we be better off putting that money in at that earlier level?

Similarly, we have issues with the revolving-door process at our mental health facilities attached to our hospitals. At night people are picked up by the police and taken to these facilities. In country areas it is a

struggle to retain them for the time they really need, so they go out the revolving door, and sooner or later they will go through the revolving door at the Magistrates Court to have a better plan worked out. But that plan will only work if there are the resources and the strong presence of the services in the communities to deliver the services that the courts are going to specify. If the professionals and skilled organisations are not there, then this court system is going to struggle to deliver the results we all want. The regional dimension of this is that we need the support services and adequate funding in our communities. With that, The Nationals are not opposing the amendment.

**Ms MUNT** (Mordialloc) — I am conscious that there are other members who wish to speak on this bill in the limited time available to us, so I will keep my comments fairly brief. I am pleased to rise to speak in support of the amendments to the Magistrates' Court Amendment (Mental Health List) Bill that have been put before the house. The part that I would like to speak to is how the mental health list for the Magistrates Court will now be known as the assessment and referral court list, or the ARC list. I would imagine that this is to remove any stigma from being on the mental health list, which will furthermore be known as the assessment and referral court list.

This list is in place for defendants who appear before the court who may need a multidisciplinary approach and a care plan to support them. As it says here in the legislation, that may include psychological assessment, welfare services, health services, mental health services, disability services, drug and alcohol treatment services or housing and support services. Regardless of the name — and I do think this is a more appropriate name for this list — these services are available to be put in place for those individuals who require a tailored support plan as part of the court process. I support the amendments as they have been put before the house, and I commend them to the house.

**Ms WOOLDRIDGE** (Doncaster) — I am pleased to have the opportunity to again speak on the Magistrates' Court Amendment (Mental Health List) Bill, as it was known, and the amendments that we have before us, which will change the name of the list from the 'mental health list' to the 'assessment and referral court list'. It is a disappointing outcome, particularly for people from the disability sector — for those individuals in our community who have intellectual disabilities, who have an acquired brain injury (ABI) or who suffer from dementia or autism spectrum disorder and are classified under this bill. Unfortunately, as we have heard throughout the earlier debate, they are not necessarily recognised for their specific needs.

We support the change in the name because that was an issue that we advocated for. We listened to the community and we understood the community's concerns, and we support changing the name, but there are a number of additional changes that we believe should have been made to this bill that have not been reflected in it. I have to say that it is also incredibly disappointing that we have heard absolutely nothing from the minister, who is both the Minister for Mental Health and Minister for Community Services. She directly represents all the groups who are represented in this bill and who will be using the list and accessing the support and services.

She is listed in the government's statement of government intentions as the minister who is co-responsible for the bill, yet she did not speak in the first second-reading debate for this bill. Given her absence from the house tonight, I suspect she will not be speaking on this amendment either. I think it is incredibly poor form for a minister who has direct responsibility for a bill and who represents 100 per cent of the groups of individuals who are affected by the bill to not come and speak on the bill and answer the many questions that have been put to her and to the government in relation to the failure of this bill to separately recognise people with disabilities.

As I said, the coalition had called for the change in the name. We advocated for it and listened to the community, and we support the changes. But in the upper house debate there were a number of other changes and amendments we proposed that unfortunately were not supported. These changes included making sure that people with appropriate qualifications are assessing individuals for their inclusion on the list. They included enabling the chief magistrate to create separate or sublists to reflect distinctions in the needs of eligible individuals. They also included amendments to look at increased transparency so that the Magistrates Court would report annually in relation to the performance of the list and so that we would have a thorough evaluation. I was very pleased that we got on the record this evening the comment from the Attorney-General that the evaluation will be publicly released, because we had not had that commitment from the government beforehand. That will enable us to assess if this pilot has been effective.

The coalition had also proposed an amendment to ensure that individual support plans are tailored appropriately to the person's needs, recognising their particular impairments. We have had a change to the name but not these other changes which we believe are necessary to make sure that people's specific needs and the range of impairments that people who are affected

by this list have are reflected in and fully incorporated into the process by this legislation.

Government members called this 'adding layers of bureaucracy' in the debate in the upper house. But rather than adding layers of bureaucracy, we were trying to add layers of appropriately tailored assessments and ensure that people with appropriate expertise and qualifications were determining the needs of and the support required by individuals, whether it be from mental illness, intellectual disability, ABI, dementia or autism. Unfortunately what we achieved was the agreement of the Legislative Council to the new name for the list only and not to the other changes.

As the member for Box Hill has mentioned, the name may be a furphy, and we certainly hope that that is not the case. We feel that everything needs to be done to make sure that it is not. Unfortunately there are only a small number of generalist staff in the court integrated services program (CISP); at our bill briefing we were told there are eight CISP case managers and that they operate across three different regions. At most there would be three or four, if a high proportion is in the Melbourne Magistrates Court area, doing the assessments in the first place. Given this small number of staff, there is no way they can know about the full range of needs and diagnoses in relation to people with an intellectual disability, mental illness, autism or other impairment. If an individual then gets through the assessment process and qualifies for the list, they will get a plan and hopefully be able to access services.

Again in the briefing we were told that the new list would have three equivalent full-time staff, described as clinical and forensic psychologists, and that they could get brokerage as required. This is clear evidence that we are approaching this from the perspective of mental health rather than the full five categories, four of which are disability related. What we have seen again and again is that all roads lead to Rome in relation to this list — that it was set up for people with a mental illness, that it is structured to deal with people with a mental illness and that the staff have those skills and qualifications. There is brokerage and there have been reassurances, as the member for Box Hill said, through the Attorney-General's comments on the Jon Faine program, but we will be waiting for the evidence to make sure that, given the changes were not accepted by the government, people with a disability can access appropriately tailored supports delivered by people with qualifications to deal with their needs.

Unfortunately all the risks are for people with a disability rather than for people with a mental illness. Just to reiterate the point I just made in relation to the fact that everything is mental health oriented, a large number of the speakers from the other side of the house did not even mention disability in their contributions to the debate. There is a strong feeling about this focus on mental health services and that this is for people with mental illness. The changing of the name in and of itself is an improvement, but it does not deliver what is needed for people with a disability.

I also want to say that unfortunately there are a number of issues with the mental health and disability sectors generally, which means that people are getting to these points. Ideally if we had a system where people could access the services and support they needed, if they could access supported accommodation so that they had stable housing, they could be getting care associated with that, whether for their disability or their mental illness, and I think we would see a significant reduction in the number of people getting involved in the criminal justice system and needing these sorts of services. There is a critical need, as I have outlined many times in this house, for better mental health services at an earlier stage and better disability supports and services at an early stage so that people do not need the services of this list.

At this point I have to say that we are supporting the amendments. It is incredibly disappointing that the Minister for Mental Health has not fronted up to argue the case for the people she represents, and we are watching with interest and making sure that people with disabilities get the program supports they need under the legislation.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr HERBERT** (Eltham) — It is a pleasure to speak on Council's amendments to the Magistrates Court Amendment (Mental Health List) Bill 2009. I will keep my comments brief because I know there is some important legislation before us and that opposition members want to say a few words on the bill. The bill has come back to the house with amendments to change the name 'mental health list' to the 'assessment and referral court list', or ARC list.

This minor change gives me an opportunity to talk about the importance of the legislation in regard to having provisions for people who have a mental illness or an intellectual disability to ensure that when they come before the court system they are not harshly treated through no fault of their own. Of course all of us in this house would like not to have a separate bill. We would like to think people who have a mental illness or an intellectual disability do not find themselves before the courts, in many cases through no fault of their own.

I chair the ministerial advisory committee on disabilities for the Minister for Children and Early Childhood Development. There are a number of very hardworking members of the committee who are dedicated to ensuring we get our early childhood agenda and our education agenda in place for people who have an intellectual disability so we can maximise their opportunities in life and ensure that through the process of case management et cetera they do not find themselves before the courts in a disadvantaged position.

The new ARC list will hear cases involving defendants who have a mental illness, or as the member for Doncaster pointed out, intellectual disabilities, acquired brain injury, autism spectrum disorder or neurological impairment including dementia. Defendants charged with serious, violent or sexual offences will not be accepted for the list. The list will operate as part of the Melbourne Magistrates Court and hear about 300 cases a year. Support for defendants during their time of involvement with the list will be provided by case managers who will be able to purchase additional services to address the needs of defendants relating to mental illness, cognitive impairment and homelessness as well as drug and alcohol abuse. In other words, when you get on the list you will have a case worker and your health and welfare and a whole range of services will be provided for you in a coordinated manner to better enable you to solve a number of your problems and to address the difficulties you are having.

It is important to note that the Magistrates Court will have a full range of sentencing options or dispositions available to it from dismissal to a fine through to community-based orders or imprisonment. It is important to make sure we have case management and a holistic approach to the difficulties experienced by people who are on the list. I finish with the point that a trial of the mental health list will be evaluated. It will start this year and finish on 30 June 2013 when it will be assessed to make sure the intended outcomes of the legislation are in fact being effected. I commend the amendments to the house.

**Mr THOMPSON** (Sandringham) — I recently had a person contact my office who was concerned about the development of appropriate programs for people being discharged from prison. The overwhelming majority of prisoners do not have journeys after in terms of accommodation, employment and other support services. It was regarded as being of great importance that there be worthy mentoring for people to enable them to re-establish their lives in the wider world.

As a corollary of that, there are many people in the criminal justice system who have experienced difficulties in the outside world and end up falling back into that system. Too high a proportion are people who are illiterate, who cannot read or write and who have difficulty in utilising such skills in the wider world. There is another cohort of prisoners for whom mental impairment is a factor in their wellbeing. When someone has an impairment there are other issues that might suffer in their overall life pattern. There may be deficiencies in their diet, in their sleep or in their medical care and treatment or in their accommodation. That can be a pattern or cycle.

The opposition supports the amendments to the bill. They involve a change in the labelling to be attributed to an assessment stream within the court process. As opposed to it being referred to as the 'mental health list', the amendments will describe it as the 'assessment and referral court list'. It is noted that the diagnostic criteria is that an accused person has one or more of the following: a mental illness, an intellectual disability, an acquired brain injury, autism spectrum disorder or a neurological impairment including but not limited to dementia.

As members of Parliament the majority of us have dealt with constituents who might have fallen under one of the foregoing subheadings. It is important that there be appropriate methodologies to deal with people when they have a diminished capacity and where some sensitivity is required in terms of how they are classified, how they are treated and how they might be dealt with within the judicial process.

In the past I have alluded to a speech made by a former member of this place who has gone on to make a great contribution in the arena of mental health. He referred to an American doctor, Dr Arietti, who made the remark that no war, no disease, no famine had exacted so great a toll on lives as that associated with mental ill-health and schizophrenia. Through the ages that has been the mark of the disease, which causes great suffering. In this particular case there was a suggestion that the ingestion of marijuana had contributed to psychosis which had led to a range of behaviours which had contributed to conduct that could interface with the criminal justice system.

There is a range of other examples. There is another case where a fellow with an acquired brain injury was charged with criminal damage to a doctor's surgery and ended up before a court. After further assessment he was regarded as being unfit to be tried because of diminished capacity. He did not have the legal capacity — the mens rea — required to be responsible

for the offences he had committed. Then there are the circumstances of parents trying to help through the system children found guilty of criminal offences when in reality we as a community should have seen that behaviour as the workings of their medical conditions. Such children often find themselves before courts because there have not been appropriate support structures around them. A New York study evaluated the cost of imprisonment versus the cost of support within the community — some people need high levels of support to maintain medication and address general issues of wellbeing.

That leads on to a brief comment engaging with an earlier subject of this debate — a national disability insurance scheme and where that might lead. There is the issue there of balancing costs and the disproportionate support levels accorded to those who might come into the TAC (Transport Accident Commission) or WorkCover systems on the one hand and those who may have, for instance, fallen off their bike with no other vehicle involved and therefore will not come under the TAC compensation system and instead become reliant on the social security system.

As I indicated earlier, the opposition supports this labelling change. It is good in the sense that when someone goes to court they will not be accorded the labelling of the original wording and will come under the changed wording. 'Assessment and referral court list' gives some dignity to the process. However, it is important to emphasise too that we as a community have a responsibility to ensure that people who suffer from one of the conditions alluded to — mental impairment, an acquired brain injury or a neurological difficulty — have appropriate levels of support so that they do not come into the court process in the first instance.

**Mr CARLI** (Brunswick) — It is with pleasure that I rise to support the Council's amendments to what has been a fairly important bill. This is a minor change but it is an important one given the importance of what will now be known as the assessment and referral court list, or the ARC list. The change recognises that a number of people who come before the courts have acquired brain injury, autism spectrum disorder or neurological impairment, including dementia. Defendants charged with serious violent or sexual offences will not be covered by this provision, but many other people will be.

Clearly the government is attempting to create a separate list in the court so that people with those intellectual disabilities, autism or other mental disabilities are given support and are assessed according to their needs, ensuring those defendants, when they are charged and come before courts, can be referred to appropriate health, welfare and disability services, and services that are tailored to their needs.

The bill being amended is clearly a response to the fact that a number of people who come under these categories find themselves in our legal and criminal justice systems, and it is important that courts respond appropriately. These provisions are part of a series of reforms this government has made to ensure we provide a differential in the court system for some difficult groups. We all know of the success of the Koori Courts. This is another attempt to recognise particular people who, probably in disproportionate numbers, find themselves in difficult situations that on occasion end up before the courts. Hence we are ensuring we have this ARC list.

The government's commitment is to $13.8 million of funding over four years to provide for the list and ensure it is resourced. Clearly the needs of these individuals need to be recognised. Individual support plans will be able to be established so that when these people find themselves in the Magistrates Court and are assessed and placed on the list we will have a response tailored to them.

The list will operate out of the Melbourne Magistrates Court. It is estimated it will involve something like 300 cases per year. It will commence in April and will initially run as a pilot program. To ensure we have an assessment or evaluation, the Department of Justice will commission an independent evaluation to look at the effectiveness, efficiency and costs and benefits associated with this program. It is an important program. It recognises certain individuals who find themselves in the Magistrates Court — in our criminal justice system — and provides them with the necessary support. I believe it is a very important reform and very much demonstrates the commitment to social justice that is part of the Brumby Labor government. I commend the amendments to the house.

**Mrs VICTORIA** (Bayswater) — I too rise to give my support to the amendments before the house regarding what is presently known as the Magistrates' Court Amendment (Mental Health List) Bill. Of course we debated this bill only at the beginning of last month, and at the time many of us spoke about the inappropriate nature of the wording, 'mental health list'. It upset a lot of people in the community.

I am terribly pleased that the government has listened to this side of the house and has decided to make the change so that instead of being the Magistrates' Court

Amendment (Mental Health List) Bill this legislation will now be known as the Magistrates' Court Amendment (Assessment and Referral Court List) Bill. Certainly this is a far more respectful and accurate title in terms of reflecting the types of people who can be involved in this pilot program, which is due to start next month in the Magistrates Court. It is estimated the court will see 200 to 300 cases a year. The pilot program will hopefully, if it works well, continue on.

It was established to give defendants who have a certain mental impairment an opportunity, if they are pleading guilty, to have a specific type of care and nurturing package built around them rather than receiving incarceration or any other type of penalty that can be imposed under a general Magistrates Court list. The sorts of people who will now be included on the assessment and referral court list can be those people with an intellectual disability, an acquired brain injury, autism spectrum disorder, or a neurological impairment, and as other colleagues have said, that can include dementia and those types of issues. Basically these people will be able to come before the court and will be able to get a court-based clinical assessment and a case management program to suit them. Obviously each person is different, and it is really important that we give them an individual support plan that assists them in their needs.

During my speech in the debate on the bill last month I quoted from a letter that was sent to me. I want to read this out again because it is pertinent and is certainly why I was so passionate about not having this bill called the mental health list bill. The letter came from Stephanie Mortimer, who is a very active rights campaigner for those with intellectual disabilities, and certainly others came to me who were advocating on behalf of those with a mental illness. What Stephanie said was this:

> It has been many decades since the difference between an intellectual disability and a mental illness was established in law.
>
> In 1982 people with an intellectual disability were all decertified because of the difference and granted a disability pension. Society, the law and Parliament had acknowledged the difference.
>
> This draconian legislation takes us back to the dark ages.
>
> People with a psychiatric illness often only have a temporary limited capacity. With treatment their capacity returns. This is not the case with the other people with a disability who will be included on the list.
>
> What we need are two separate lists: one for mental illness and another for disability.

This is where I would like to reassure people like Stephanie, who have been such fabulous advocates for those with an intellectual disability, that the name change of the bill before the house through these amendments does address this anomaly. The bill will not now at any stage refer to mental health but all the way through will refer to assessment and referral. That is the main thing.

During my original speech on the bill I said to the Minister for Mental Health, who happened to be in the chamber, that I was saddened by the fact she had not spent more time in the chamber listening to the debate, and she said — and it is in *Hansard* — that it was the Attorney-General's bill. It may well have been the Attorney-General who introduced this bill, but it is incredibly important that the minister is aware of the debate.

**The ACTING SPEAKER** (**Dr Sykes**) — Order! I ask members to keep down the volume of noise and give due respect to the speaker on her feet.

**Mrs VICTORIA** — Thank you, Acting Speaker. In my speech I said that I had great concerns about the fact that the Minister for Mental Health was not paying more attention to what was being said in the chamber and that I hoped the government would address these issues. It is not often that I say thank you to the members opposite or to the Brumby government, but I want to say thank you from people like Stephanie Mortimer and Margaret Stevens, who are fantastic campaigners and are tireless in their campaigns for better rights and conditions for those who have any type of disability. I want to thank the government for listening to reason.

However, even though this is a far more respectful title for the bill, I also want to say to all of those talking heads over there who yap on so tirelessly that it is a shame that it took the government bringing the legislation into the chamber and members on this side saying, 'This isn't right, it doesn't sit right with the community, it doesn't sit right with those who it affects' to achieve this. Why did the government not think of this before it brought the bill to the chamber? We should not have to go through amendments on such short notice; this bill is less than a month old. We should not have to make these sorts of amendments. Why was this not done while the bill was being drafted? As I said, I will support the amendments because they achieve what I called for originally.

**Motion agreed to.**

# VICTORIA UNIVERSITY BILL

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 3, page 5, line 12 omit "Visitor." and insert "Visitor;".

2. Clause 3, page 5, after line 12 insert —

   "***Western Metropolitan region of Melbourne*** means the following —

   (a) Brimbank City Council;

   (b) Hobson's Bay City Council;

   (c) Maribyrnong City Council;

   (d) Moonee Valley City Council;

   (e) Hume City Council;

   (f) Wyndham City Council;

   (g) Melton Shire.".

3. Clause 5, page 8, line 18, omit "otherwise." and insert "otherwise;".

4. Clause 5, page 8, after line 18 insert —

   "( ) to develop and provide educational, cultural, professional, technical and vocational services, and, in particular, to foster participation in post-secondary education for persons living or working in the Western Metropolitan region of Melbourne.".

**Mr PALLAS** (Minister for Roads and Ports) — I move:

That the amendments be agreed to.

**Mr DIXON** (Nepean) — The opposition will not be opposing these amendments to the Victoria University Bill 2009. As members might remember, we had university bills which were basically template legislation for eight Victorian universities pass through this place last year. Amendments were moved by the Greens in the other place regarding the Victoria University Bill.

As I said, the legislation for the eight universities was basically template legislation — that was the whole idea so there was a similarity between all the eight Victorian universities which were covered by legislation from this place. But there have been a couple of amendments made along the way to basically reflect the special roles that some of our universities have, which are generally of a geographic nature. That is what we have here.

I would like to read the amendment to clause 5 which talks about a specific role for Victoria University that was not spelt out in these terms in the bill. It states that the objects of the university include:

> … to develop and provide educational, cultural, professional, technical and vocational services, and, in particular, to foster participation in post-secondary education for persons living or working in the Western Metropolitan region of Melbourne …

Victoria University is certainly known as the university for western Melbourne, and often people from country areas on that side of town go to that university because of its accessibility. The majority of students come from the western part of Melbourne. There is a fair degree of educational disadvantage in that area, and Victoria University has certainly worked well in its community in recognising the sometimes special needs of and offering courses that are relevant to the community. These amendments are part of what I think has been the university's culture up until now. That will now be articulated in the bill, but the record of the university speaks for itself.

When you look at this amendment the statement encompasses what should be the role of a university anyway, especially the universities that have a specific geographical role or perhaps a role in offering courses where they have developed certain expertise. This is perhaps a good snapshot of the broader role of universities as well. They are not just places where one goes to be educated, attend tutorials and lectures, do exams and come out with a degree of some sort. Universities have a broader role within our community, and I will take up a couple of those points very briefly.

Universities obviously provide educational services but they also provide cultural services. A university interacts with its community. It certainly adds to the cultural life of that community, especially when you look at perhaps the intersection of the personnel, course content and the use of and involvement in the community, not only for the students but also for the lecturers and other officers of the university. That can really change and contribute to the culture of an area, whether it be a town or a geographical area.

Victoria University does this exceptionally well in terms of the technical and vocational services it offers. Victoria University encompasses a very broad role in these vocational and technical services, probably more so than any other university. That caters and has catered for the people and the community that it serves. It adds to the skills of that community, which often breaks the

disadvantage cycle. In fact for a community with a lower percentage of people who go on and do university studies, whether it is straight after school or further studies once you are in the workforce, it is very important that a university is a leading light in the sort of courses, professions and vocations that people are pursuing in this area. It then gives an impression to the community that it offers something more than just a lecture, tutorial or degree. It offers a broader life, some important life experiences and it offers something to the area and to the career which people may wish to pursue.

It offers all that not only in terms of employees but also for employers. The companies and the various industries within that area value what a university such as Victoria University also has to offer, not only in terms of giving them a skilled workforce but also for upskilling the current workforce. That flows on through the culture of the society, of the local community, and it enriches it. It gives people the formal qualifications and skills needed so they can make their area a better area and break down some of the educational cycles of disadvantage that have been an issue in that part of Melbourne.

The last point in the amendment I will pick up on states:

> … to foster participation in post-secondary education for persons living or working in the Western Metropolitan region of Melbourne.

That is also very important because it is not just about university education, it is about gaining qualifications and skills in tertiary education. I am a member of the Education and Training Committee and we were looking at the role of universities in country Victoria and in isolated areas of Victoria. We certainly saw a role for universities being out there in the community, especially in schools talking not only to the students but also to their parents and the teachers so they understand what it is that a university can offer these days, what courses can be offered and what are the pathways that can be followed by students.

It is not just the students who need to know this. It is very important for their parents to know this because parents have a great influence over where students might go to further their educational life. It is sometimes very important for teachers to understand that too because often career counsellors and career teachers are not aware of some of the pathways that are available to students. They can go and look for that information but it is very important and it says a lot when a community comes to the school and the school explains what it has to offer, what courses it has to offer, the pathways it has to offer and shows what universities are about. It is a very positive thing that a university can do and is a great way of breaking the educational cycle of disadvantaged as well.

As I said at the outset, we are not opposing the legislation even if it breaks away from the template legislation that was the original vision of the eight bills debated in this place. Once again I put on record the great work that Victoria University has done. These amendments articulate that work, and I am sure it will continue into the future.

**Mr HERBERT** (Eltham) — It is a pleasure to speak on the amendments to the Victoria University Bill 2009. As the member for Nepean pointed out, this bill is part of a range of template legislation that has been before this chamber.

In saying that, 'template' does not really quite describe the depth of reform that we have seen in this legislation. What has been coming through this Parliament is by far the biggest rewrite of university legislation in this state's history. It goes to reforming legislation that was set over 100 years ago in some cases and brings the government's legislative arrangements for our universities into modern times and into the mode of operation of universities. It has covered management practices, academic practices, university boards, trusts, statues, land acquisitions, commissions, research and the whole gamut of things that modern universities operate through and the services they provide to our communities.

In saying that, the legislation also recognises that certain universities have certain expertise and certain specialties and operate in geographical parts of Melbourne or Victoria and provide incredible services to those areas, whether it be the Deakin University campus in Warrnambool or the Latrobe University campus in Bundoora.

With regard to Victoria University and the amendments before us which were put forward by the Greens in the upper house, in many ways most people in Melbourne would recognise that Victoria University is a university of the west. For a long time it has provided higher education and technical and educational skills to people living in the west. It is recognised as a western suburbs university and is highly acclaimed for the provision of academic studies and higher education in the west.

Having said that, I do not believe it hurts to acknowledge that in the legislation and also to acknowledge the basic fact that everyone knows that, so the amendment is supported on this side of the house. It should be said that the level of higher education

provision in the western suburbs of Melbourne is not as high as in other parts of Melbourne, and that is one of the tasks that this government has set — to lift attainment levels in the west and in areas that have lower educational attainment throughout Melbourne. That task has been aided enormously by the huge influx of funds the Rudd government has put into higher education since coming to office and the major increase in funded places we have seen in our universities this year. Victoria University, being an institution covering an area in the west that needs to lift the attainment levels in higher education among young people there, has benefited from those extra funds.

It is also important to acknowledge that universities play an even broader role. They work with schools, they often work with industry, they provide research and they can be the absolute foundations of economic growth, educational levels and skills needs within a community, and Victoria University plays that role very well. The university is very well known for its teacher training campuses. It provides an excellent level of teacher education. That is important. Many teachers in Melbourne live in the eastern suburbs, the bayside suburbs or the inner city, so to have a university that provides strong levels of teacher education in the west, mainly for young people who have come through schools in the west and who hopefully will go back and teach in the west, is absolutely crucial for that goal of lifting educational levels, lifting educational outcomes, getting more young people with degrees in the west and providing the skill needs that the west requires. I believe the amendment is quite reasonable. It fits in with the whole aim of the university legislation rewrite that we have undertaken, and I think it should be supported.

**Mr NORTHE** (Morwell) — It gives me pleasure to rise and speak on this very important bill. We have heard the member for Nepean speak about the importance of universities across Victoria. That certainly resonates throughout regional communities, particularly in my region, where we have the Gippsland campus of Monash University. As the member for Nepean also mentioned, through the Education and Training Committee, of which he is a member, we have recognised the importance of universities and the role they have to play amongst various communities. Likewise the Rural and Regional Committee, of which I am a member, has undertaken an inquiry into regional centres of the future and has conducted a number of public hearings throughout the state.

Looking at the *Hansard* record of debates in the Legislative Council, it is interesting to see the comments on some of the aspects of this bill. I suppose a lot of the debate has been around developing a template, if you like, that could be adopted across all the universities mentioned in the original debate: the Royal Melbourne Institute of Technology, Swinburne University of Technology and the Ballarat and Victoria universities. Of course each of these universities is unique in its own way. I have heard much said about equivalent national tertiary entrance rank, or ENTER, scores and the like and the need to ensure that universities are developed in a way that gives local people, and local disadvantaged people in particular, an opportunity to attend university, and having spoken with the vice-chancellor at the Gippsland campus of Monash University, for example, I can say that is certainly accurate for that university.

A lot of the discussion on this bill is around clause 5, and as previous speakers have mentioned, there does not appear to be a great deal of consternation about it. It is important to recognise that there should not be a standard template in some respects. The universities operate differently and there are other differences between them. Much has been said about the regional campuses of some of these universities and how they could be improved, but in terms of the bill before us now, as previous speakers have said, I do not see a great deal of consternation with what has been said this evening. As it is, all speakers have put forward the importance of the universities and the role they have to play across the Victorian community, and one would hope that they will continue to improve to offer such education and training for many Victorians. They have done so well in the past, and I am sure they will do so in the future. With those few words, I will conclude.

**Motion agreed to.**

## RADIATION AMENDMENT BILL

*Second reading*

**Debate resumed from 24 February; motion of Mr ANDREWS (Minister for Health).**

**Dr NAPTHINE** (South-West Coast) — The principal purpose of the Radiation Act in Victoria is to protect the health and safety of people and the environment from the harmful effects of radiation. The purpose of the Radiation Amendment Bill is to make amendments to the Radiation Act to improve its effectiveness in achieving that fundamental purpose.

Before we consider the bill, we need to consider what radiation is. Radiation is defined as energy travelling as waves or particles, and all people are exposed to a variety of natural and artificial or man-made sources of

radiation. We understand that radiation can be used in a very positive way in health services, in particular in diagnostic services — and you, Acting Speaker, would understand very well the benefits of radiation in diagnosis from your veterinary experience. It is also an absolutely pivotal part of the essential treatment services that we provide for people with cancer and indeed for animals with cancer.

We also know that while there are enormous benefits from radiation, it can be very harmful, and hence we need to have proper controls over its use. Marie Curie, who was twice a Nobel prize winner, for physics and for chemistry, and who was a pioneer researcher in radiology herself died of aplastic anaemia due to exposure to radiation. I think that highlights the dangers of radiation.

Fundamentally there are two forms of radiation. One form is non-ionising radiation, which has less energy but can excite molecules and atoms and comes in the form of light radio waves, microwaves and radar. Essentially it is non-harmful, but we need to be aware that because of the effect of ultraviolet light in damaging the skin and causing skin cancer, including melanoma, it does have some risks. The more serious form of radiation is ionising radiation, which has enough energy to change the chemical composition of matter, and hence produce immediate chemical effects in human tissue. Ionising radiation includes radiation from X-rays, gamma rays and particle bombardment. Indeed radiation sickness results when people or animals are exposed to very large doses of ionising radiation, either in a single large exposure, as in acute radiation sickness, or as a result of a series of small exposures over a long period of time, which is appropriately called chronic radiation sickness, which is often associated with premature ageing or, more commonly, I would say, with various cancers that are associated with chronic radiation sickness.

People have seen those horrific pictures of the effects of acute radiation sickness as a result of the atomic bomb blasts in Hiroshima and Nagasaki, and those who have been to have Japan and have visited Hiroshima will know there are horrific records of the effects of acute radiation sickness. We hope that we never see the same again in our lifetime. We need to be very wary of that.

The main source of ionising radiation would be from medical use, in both diagnosis and treatment. The second source would be from industrial uses, such as in the measurement of structural soundness, scientific research and even security at our airports and other areas where X-rays and other sources are used for security purposes. The third source would be fallout from nuclear weapons and/or nuclear accidents such as the one at Chernobyl.

Given the risks of radiation, it is vital that we have a sound regime in place to protect workers and users of radiation as well as people who are serviced by radiation with the proper checks and balances to make sure that those people who use radiation are appropriately qualified, that their equipment is properly supervised and checked on a regular basis, and that the people who are consumers of radiation are protected.

I move to some comments on the bill itself. With due respect to the Minister for Roads and Ports, who is at the table, it is a pity that the Minister for Health is not here. I have some concerns about clause 8. I note that the Minister for Health has not foreshadowed any amendments to the bill, but I think there is an error in the bill. I draw the attention of the house to clause 8, which states:

> After section 138(2) of the Principal Act insert —
>
> "(3) The Secretary may publish and maintain on the internet any one of more of the following things from the register …

I wonder whether that should be 'any one or more' rather than 'any one of more'. Perhaps the people who are here on behalf of the Minister for Health may look at that. I think that there may be some error in the drafting of the bill, unless I am misinterpreting it. If that is the case, I would appreciate the minister advising me of that.

I also draw to the attention of the house some comments I have received from Western District Radiology. A letter dated 3 March 2010, in response to my letter of 1 March, states:

> Re: Radiation Amendment Bill and your letter dated 1 March 2010
>
> I am in general agreement with the terms of the bill but would make just one further comment.
>
> In view of the recent public debate this week regarding public health information and Medicare breaches of patient privacy due to the presence of a patient name with other information, I suggest that consideration be made to exclude the licence-holder name from the register appearing on the internet.
>
> Paranoia it may be but I could envisage were I to be a terrorist seeking access to a radiation source for illicit purposes, I might very well scan such a register in order to target persons of interest. Such persons would therefore be at greater risk of injury.

I ask the minister and the government to take on board those concerns of a well-respected radiologist who works for Western District Radiology and certainly

makes general positive comments about the bill, but has some concerns about that aspect of the bill.

Clause 5 of the bill makes a change to the principal act which may seem subtle to some. The words 'must comply with every condition of their licence' are substituted with 'must not knowingly, recklessly or negligently fail to comply with any condition of their licence'. While that is a subtle change, it is a very important change, such that people who are involved in this industry cannot be held to account for inadvertent actions. They are to be held to account if they 'knowingly, recklessly or negligently' failed to comply. That is a significant change.

I move on to some of the issues regarding radiation in general. I refer to an article headed 'Call for greater MRI access' that appeared in the *Age* of 16 March. This article is directly related to the bill because it talks about how MRI (magnetic resonance imaging) offers the opportunity to reduce the risk of radiation problems in our community. As I quote from the article members will see the point I am making. The article states:

> Royal Australian and New Zealand College of Radiologists president Matthew Andrews said successive governments had 'contributed to the increasing exposure of the community to ionising radiation from unnecessary CT —

computerised tomography —

> scans'.
>
> This was because of government restrictions on patient access to MRI (magnetic resonance imaging) scans, 'which are a safer alternative, using no X-rays and thus having no cancer risk'.

Further the article, referring to the Organisation for Economic Cooperation and Development, states:

> Australia had one of the lowest levels of patient access to MRI among developed countries — 5.6 per million population compared with the OECD average of 11 per million in 2007.

The point I make is that, while CT scans do a fantastic job and our radiologists across Victoria use those CT scans in an expert way to provide services to patients, there is clear evidence that if we had greater access to MRI we would be able to use those machines where it was diagnostically appropriate. We would then use the CT scanners less often and people using MRI would be exposed to less radiation. Therefore there is a significant argument that MRIs should be more available in the community.

One of the dilemmas in country Victoria is the lack of availability and access to MRI facilities. I use the example of my electorate of South-West Coast, where the nearest MRI facilities are in Ballarat and Geelong. I quote from an article in the Warrnambool *Standard* of 15 October 2009, which states:

> Red tape is preventing Warrnambool from securing its own life-saving cancer scanning machine, according to south-west medical specialist John Hounsell.
>
> … He estimated that at least a dozen cancer patients had to be transported to Geelong from the south-west each week to use the screening service, jeopardising their wellbeing as well as costing the taxpayer.
>
> Hospitals in Bairnsdale, Sale, Traralgon, Bendigo, Ballarat, Wodonga and Shepparton all have MRI machines on site.

More recently an article appeared in the Warrnambool *Standard* of 2 February, under the heading 'Cancer machine mission' and subheading 'South-west medicos send MRI petition to Parliament'. It states:

> Twenty-six medical specialists and GPs from Warrnambool, Hamilton, Ararat and Stawell have got behind the push for South West Healthcare's Warrnambool hospital to have its own $3 million magnetic resonance imaging (MRI) machine.
>
> The petition, organised by Liberal Party candidate Dan Tehan, will be tabled in Parliament …

I congratulate Dan Tehan, the Liberal candidate for Wannon, on the initiative and the leadership he has shown in working with local health professionals to fight for a locally based MRI machine. He is doing a fantastic job as a local community champion in fighting for something that is really important for south-west Victoria.

People in south-west Victoria do not have access to an MRI machine. If they need to be scanned by an MRI machine, they have to go to Ballarat or Geelong, which is costly and creates enormous dislocation for the family. The alternative is to use a CT (computerised tomography) machine. Western District Radiology has excellent CT machines and people of excellent quality who operate those machines. However, often an MRI machine would be preferred and more appropriate. Indeed Western District Radiology would be more than happy to put in an MRI machine if only the federal government would give it a licence to do so. It would be at no cost to the taxpayers — Western District Radiology would pay for the machine — but they need a licence from the federal government.

I refer also to an article which appeared in the Warrnambool *Standard* of 16 February. Under the headline 'MRI service hopes dashed' the article states:

> Hopes of getting federal government approval for a vital magnetic imaging machine in south-west Victoria will have to wait at least another two years.

And further:

> The community affairs estimates hearing last Wednesday was told the whole issue of diagnostic imaging and access to Medicare was being reviewed and would be covered in a report to the 2011–12 budget discussions.
>
> 'There is no planned expansion of MRI eligibility at this point', said Tony Kingdon from the Department of Health and Ageing in response to a question from Senator Fierravanti-Wells, who had asked whether a licence would be granted to Warrnambool.

It is matter of real concern that the federal government is stopping access to MRI machines not only in Warrnambool but also in other parts of Australia and therefore forcing patients to not have access to the best diagnostic equipment or to drive long distances to access the best diagnostic equipment. It also potentially exposes those patients to greater levels of radiation through the use of CT scans, which are not necessarily the best diagnostic tool available.

There are two components to dealing with the needs of south-west Victoria and indeed many other parts of Victoria in terms of radiation services. One is the diagnostic side, of which the MRI is the key component. Indeed, as you would understand through your own training in animal health, Acting Speaker, people would argue that the MRI is the stethoscope of the 21st century. It is an important diagnostic tool and an absolutely essential piece of equipment. It is unbelievable that it is not available in a region such as south-west Victoria and the greater green triangle.

The other component is radiotherapy, which is the other side of the coin. We know that radiation therapy is one of the most effective tools in treating people diagnosed with cancer. Again, tragically, while each year 700 people in south-west Victoria — and more in the south-east of South Australia, which is serviced in that greater Green Triangle area — are diagnosed with cancer, those people are forced to travel to Geelong and Ballarat for radiotherapy treatment. This is one of the challenges in radiotherapy.

I refer to an article which appeared in the *Age* of 22 March. Under the headline 'Making three radiotherapy doses better than 33', it states:

> Melbourne doctors are at the forefront of a cancer treatment that uses large amounts of radiation to shrink tumours faster than ever.
>
> Associate Professor David Ball, from the Peter MacCallum Cancer Centre, said a new scanner and body stabilising equipment had allowed specialists to test a new form of radiotherapy, which he hopes will minimise the potential damage of radiation while also enhancing its cancer-killing properties.
>
> For many years, doctors have been reluctant to use big doses of radiation because natural movement of the body during radiotherapy could mean X-rays could hit the healthy cells surrounding tumours.
>
> Depending on the dose, this could be catastrophic for patients …

And further:

> … patients have generally been given 33 small doses targeting their tumour over about six weeks.

While that is experimental, it would be fantastic if that further develops as a treatment regime. But, as the professor rightly says in the article, when you are talking about high doses of radiation you have to be absolutely accurate and definitive in your targeting of those doses of radiation, or you can cause enormous damage. Imagine if you hit some of the vital organs with those high doses of radiation. You could cause serious radiation sickness. Directing better targeted and guaranteed high levels of radiation to the specific cancer site is a fabulous opportunity to improve radiation treatment but it does have high risks.

In 2010 the normal radiation treatment of cancer requires lower radiation doses, but we still try to target those doses specifically to the cancer site. That requires the use of radiotherapy machines. Unfortunately, despite 700 new cases of cancer being diagnosed each year in south-west Victoria there is no radiotherapy available there. The nearest radiotherapy machines are in Ballarat, Geelong or Melbourne. The cost to families is enormous dislocation, with disruption to normal family life and stress on those families. I have heard of cases where, despite the best advice of the medical practitioners, people diagnosed with cancer, including young mothers with young children, choose not to have radiation therapy simply because of the dislocation of and disruption to family life. That is one of the significant reasons why we have higher rates of mortality from cancer in regional and rural Victoria than in metropolitan Melbourne.

That is an enormous problem for country Victoria, and one we must address. That is why I make no bones about being a strong advocate for having not only an MRI service based in Warrnambool servicing south-west Victoria and the greater green triangle area of South Australia but also radiotherapy so that we can have improved use of radiation for better diagnosis and for better treatment of cancer. I believe having both kinds of these machines in south-west Victoria would significantly improve early diagnosis and early detection of cancer and better treatment of those who have cancer.

I hear time and again of sad cases where people with cancer have died prematurely simply because of the cost, dislocation and stress of having to go to Geelong or Melbourne for radiotherapy treatments. As I said earlier, when we are talking about radiotherapy treatment, we are talking about 33 small doses versus a few doses of very large amounts of radiation. With radiotherapy treatment the normal procedure is that the person with cancer has a small dose of radiation targeted specifically to the site of the cancer, but they have to have a 5-to-10-minute treatment a day each and every day for six to eight weeks. If you live in Portland, Nelson or Mount Gambier and you have to travel 200 or 300 kilometres to Melbourne, Geelong or Ballarat for that treatment, it is extremely dislocating for the family. It takes the person with cancer away from their loved ones, their work, their source of income, their support services and their normal health services. That is why they do not have as good a survival rate as people who are able to stay in their own home and at their own job, who have the support of their family and friends, and who have their own health services and simply have their 5-to-10-minute treatment each day in their local hospital.

When we are talking about radiation we know that it is an enormous friend of mankind in terms of improving diagnoses and treatment, but it must be accessible for people to be able to benefit from that radiation treatment.

What we need to do is to supply Warrnambool, in south-west Victoria, with an MRI machine. We need to get a licence from the federal government: it needs to lift the moratorium on licences so we can have an MRI machine based in Warrnambool to improve the diagnostic capabilities of our radiology services. But it is also absolutely vital that we have radiotherapy services based in south-west Victoria. The big challenge for radiotherapy services across regional and rural Victoria, not just in Warrnambool but also other locations, is to use a hub-and-spoke model so that the hub of the service is at a major hospital in, say, Geelong or Melbourne but there are spokes — radiotherapy machines — in the more regional and remote locations such as Warrnambool or out further into the hinterland and the servicing and management of those facilities can also come from the hub centre. That is absolutely essential. Warrnambool is the only regional centre that has two specialist oncologists but no MRI machine and no radiotherapy facilities.

John Krygger, the CEO of South West Healthcare which manages the Warrnambool Hospital, the Camperdown campus and the Macarthur campus, says we have an excellent range of cancer services but there are two missing links: the MRI services and the radiotherapy services. That is why I was disappointed by an article in Warrnambool *Standard* on 28 February 2009. It says when referring to the Minister for Health:

> Mr Andrews said the number of cancer patients in the region needing radiotherapy was too small to justify the specialised $3.5 million machine and support the team of experts who would have to be based in Warrnambool.

I say to the Minister for Health that when you take the number of patients in south-west Victoria and include the number of patients from the south-east of Australia, there are more than enough patients to justify a radiotherapy facility in Warrnambool, in south-west Victoria. If they listen to the personal stories of those patients, I defy the minister and the government to say radiotherapy services are not justified in that area.

In regard to expertise, it is up to the government to look at hub-and-spoke models and using the local oncology specialists. There is the expertise there. With the assistance of medical trainees at Deakin University there is more than enough expertise to maintain those services.

I totally reject the comments made by the Minister for Health. I strongly say we need two additional services for essential health services, particularly in cancer diagnosis and treatment in south-west Victoria: the first is a licence for the MRI machine which the local people will put in, and the second is radiotherapy facilities. Currently we are redeveloping the Warrnambool hospital of South West Healthcare. It would seem opportune to include in that redevelopment facilities that are appropriate for radiotherapy into the future for Warrnambool.

I will return to where I started. This bill makes a number of minor amendments to the Radiation Act. We know that act is important in terms of ensuring the health and safety of those people who use the great facility and great attribute we have for the improvement of diagnosis and treatment of human and animal health. In terms of industry, radiation has an enormous number of roles to play; it has a very positive role to play. We also know on the other side of the issue that radiation can cause significant sickness and illness in our community.

We need a proper regime of management and supervision to ensure that radiation facilities and radiation services in this state, and indeed across Australia, are such that we have confidence that the radiation facilities we rely on are safe and effective for both the patients — the people who are treated by the machines and diagnosed by the machines — and those

people who regularly operate and work within those radiation facilities.

The opposition does not oppose this legislation. However, I again ask that the minister particularly look at the issue I raised regarding clause 8 of the legislation where there may be an error. Other than that, we do not oppose this legislation. We trust it will have a speedy passage.

**Ms MUNT** (Mordialloc) — I am very pleased to rise and speak in support of the Radiation Amendment Bill 2010. I am also pleased to hear from the member for South-West Coast that the opposition will not be opposing this legislation.

The purpose of this bill is to make a series of minor amendments to the Radiation Act 2005 to ensure that Victoria has safety legislation in regard to radiation that is consistent with national agreements that are already in place. That is to protect the people of Victoria and the environment from the harmful effects of ionising and non-ionising radiation. I will go through a few of the clauses in the bill and describe the changes that are being made in them.

Clause 4 of the bill, which relates to the definition of 'radiation practice', will allow the Secretary of the Department of Health to impose further conditions on management licences that relate to the management or control of the use of a radiation source. There are approximately 2500 management licences currently on the books, and they are mainly held by companies. They authorise a diverse range of radiation practices, including in the medical, dental, veterinary, industrial, education and research sectors, which are just some of the uses of radiation in Victoria. As was noted by the previous speaker, radiation can be a powerful source of good but it can also be a powerful source of harm. Due to the use of radiation in these various practices we have to put in place these amendments to have best model legislation.

Clauses 5 and 7 of the bill clarify the scope of several key offence provisions in the principal act by inserting a fault element into those offence provisions. As was once again noted by the member for South-West Coast, under clause 5 there is a subtle but important difference in the fault requirement. Under the amended section 15(1) it will be an offence for a management licence-holder to knowingly, recklessly or negligently fail to comply with any condition of their licence. Under amended section 15(2) it will be an offence for a use licence-holder to knowingly, recklessly or negligently fail to comply with any condition of his or her licence. Under amended section 15(3) it will be an offence for a facility construction licence-holder to knowingly, recklessly or negligently fail to comply with any condition of their licence.

Clause 6 also provides for some changes to the act which will allow the secretary of the department to impose conditions on any licence exemptions that require compliance with incorporated documents such as codes of practice. Currently the exception can be made subject to conditions but the notice of exemption must reproduce the context of the particular code or standard.

Similarly, clause 8 will allow the secretary to publish on the internet specified details about the persons who are licensed to use radiation sources. Once again this will give details about the persons without giving full details, so there will be no publishing of their addresses or such other details. But this information is intended to be published on the internet so that persons who are checking if a company or person is licensed to use radiation can go to the internet and check their credentials.

There are over 9700 licences to use radiation sources currently issued to individuals in Victoria, ranging from basic X-ray equipment to industrial uses involving significant amounts of radioactive material. The original 2005 legislation was the first complete radiation safety legislation to be passed in Australia since a uniform national framework for radiation protection in Australia was agreed upon. This bill will make significant and important changes to the original legislation.

The licences currently in existence range from approximately 200 licences issued to solariums for commercial tanning units to licences issued to dentists for X-rays and licences issued to veterinarians, chiropractors, hospitals and for certain industrial uses. As also mentioned by the member for South-West Coast, the uses in hospitals are extremely important to the people of Victoria and include the use of radiotherapy bunkers for cancer sufferers. They are also important in some industrial applications.

This bill, with its compliance with the national code of practice, is designed in particular to make amendments in some other clauses that I have already mentioned.

In the time that I have left to me I want to speak on one particular aspect of the bill that has caught my attention, and that is that the original 2005 act, which this bill is amending, does have application to emergency powers. The act contains emergency powers to ensure that the government has the ability to respond to radiation

incidents involving the release or potential release of radiation from a radiation source that poses a serious risk to the health or safety of persons or the environment. Incidents could include a radioactive spill inside a building or in relation to the transport of radioactive material. The emergency powers that may need to be exercised include the need to detain a person for the purposes of decontaminating that person where they have been contaminated with radioactive material to make sure that they do not pose a danger to themselves or to others. The bill also provides for safeguards to the abuse of this power including that the use of the power must be authorised by the Secretary of the Department of Health. The Department of Health provides a 24/7 emergency response service involving two specialist radiation safety officers with specialist equipment available to respond when required and supported by additional staff from the department as needed.

The original 2005 act and the amendments to update that act provide for the licensing of individuals and companies, for the inspection of that licensing, for the publishing of that material so that the broader Victorian population can check on the validity of that licensing and also for specialist emergency powers if the worst were to possibly happen and an incident took place. We need to regulate radiation very carefully without impeding its use in the many areas that are beneficial to the people of Victoria through our hospital system.

I am very pleased to be able to speak in support of this very important piece of legislation. It is technical in detail but it is critical to the safety and wellbeing of Victorians considering the potentially damaging effect of radiation and the need to tightly control and safeguard the use of radiation and the application of radioactive material in its many therapeutic and other applications. I support this piece of legislation. I am pleased that the opposition will also support it, and I wish it a speedy passage through the house.

**Mr CRISP** (Mildura) — I rise to make a contribution to the debate on the Radiation Amendment Bill 2010. The Nationals in coalition are not opposing this legislation. The purpose of the legislation is to amend the Radiation Act 2005 to allow the Secretary of the Department of Health to impose further conditions on management licences relating to the management or control of the use of a radiation source; to clarify the scope of certain offences; to empower the secretary to impose conditions on licence exemptions that require compliance with incorporated documents; and to provide for the publication on the internet of parts of the register relating to licences and other purposes.

The provisions of this bill make minor amendments to the Radiation Act 2005 to maintain Victoria's safety legislation consistent with national legislation, to protect the environment and people from harmful ionising or non-ionising radiation and to define radiation practice. There are approximately 2500 management licences predominately held by companies and 9700 licences held by individuals, mostly for X-ray or related equipment. The bill inserts a fault element into the offence provisions, updates compliance requirements for codes of practice and allows the listing of licences on the internet. Most of the licences are in the health sector and are for diagnosis and treatment. Radiation in the form of X-rays has many health applications, as has its more sophisticated variant, computerised tomography, or CT, scans. Mildura, like the south-west coast, does not have a magnetic resonance imaging, or MRI, machine, and people have to travel to Bendigo or Adelaide for such services.

By far the community most associated with the use of radiation is made up of patients undergoing the treatment of cancer. The National Cancer Institute has defined the treatments that can be undertaken in radiotherapy. It has stated:

> Radiation therapy uses ionising radiation to kill cancer cells and shrink tumours …
>
> About half of all people with cancer are treated with radiation therapy, either alone or in combination with other types of cancer treatment.
>
> Radiation therapy may be external or internal. External radiation, the type most often used, comes from a machine outside the body and is usually given on an outpatient basis. Internal radiation is implanted into or near the tumour in small capsules or other containers. It may require a hospital stay …
>
> Different types of radiation are used to treat different types of cancer …
>
> A team of health-care providers helps to plan and deliver radiation —

and to monitor the patient.

If we wish to understand radiation, it is useful to resort to Wikipedia, a growing source of modern definitions. However, it simply describes radiation as a process in which energy is emitted from one body and travels through a medium or through space, ultimately being absorbed into another body. That is how radiation works. It can move in the form of particles or waves in order to enter the body or travel through space. Radiation can be from machines, but an isotope, which is an element with a different atomic structure — that is, it has a different number of neutrons — emits

radiation. I think that is the radioactive isotope which is available for some treatments.

Cancer is a major disease and requires complex treatment. I support what the member for South-West Coast said in his presentation about the difficulties faced by country people in having to undertake cancer treatment. Treatment outcomes vary. However, there is a demographic difference. Figures published by the Cancer Council Victoria epidemiological centre in 2007 suggest that the region of residence has quite a lot to do with outcomes. The five-year survival rate for metropolitan Melbourne is 62 per cent, whereas in the rest of Victoria it is 59 per cent. There is a disparity in the survival rates between regions. Why is there a difference? According to the health professionals I have talked to it is due to a complex basket of issues. We can begin with some that are to do with awareness and with access to health: GP ratios in the country, which affect the ability to access a doctor to begin with; later diagnosis; socioeconomic status; reluctance to undertake advanced care; competing interests — for example, a lot of older people are looking after family; and anxiety and fear of being away because there is travel involved in this treatment. What needs to be done to overcome these issues?

In order to justify having a radiation bunker and two oncologists, I am told you need a core population of 95 000. Currently the Mildura region population is about 60 000, so we are not going to have a radiation bunker for some time. In that case we need to improve the diagnostic tools that are available for people in remote areas. Diagnostic quality videoconferencing equipment would help. Diagnostic quality microscopes would help. Data encoding and transmission equipment for this information would help a great deal. On the data side of things, in after-hours radiology X-rays are digitised and sent somewhere for a radiologist to read, and a similar investment in equipment would help with some of the diagnostic services for cancer.

The need for radiation-based services will continue to grow. In the last year in Mildura about 298 people have been diagnosed with cancer requiring radiation treatment. That is predicted to rise to 400 by 2020. This is due to a number of factors, such as the ageing population. Despite education programs and better community screening, we are still going to have considerable growth in that area.

Access to MRI treatment is another issue. It is a federal issue, but good quality diagnosis from an MRI is absolutely important, and currently people are travelling to Adelaide or Bendigo to access those services. Access is limited, and many facilities are tied to the Victorian patient transport assistance scheme (VPTAS). Much has been said about the adequacy of that in the past.

On a brighter note, one company in Mildura, Lime Avenue Radiology, is in advanced stages of trying to bring an MRI facility to Mildura. However, at this stage it will not be a Medicare-licensed tool, so it will not be available for general use. If we are going to address the issues of that inequity in five-year survival rates, we have to do something more than we have been doing with services to manage country cancer patients.

Radiation has some non-medical uses, such as sterilisation. Some years ago I visited a company at Dandenong called Steritech, which uses cobalt 60 for sterilisation. The company uses gamma radiation for a number of reasons. From their information I understand gamma radiation is a physical means of sterilisation or decontamination. It kills bacteria by breaking down bacterial DNA and inhibiting bacterial division. Steritech is involved mostly in the sterilising of medical equipment as well as in servicing the pharmaceutical, veterinary and cosmetics industries. I was surprised to find a lot of birdseed in the company's factory that was bound for Western Australia. The seed has to be sterilised here so that there is not a spread of weeds over there. The company also deals with aseptic packaging for some foodstuffs that are stored as part of sterilisation.

Radiation has many uses which are mainly, but not entirely, in the medical area. The Nationals are not opposing the legislation, but we are looking to an improvement in cancer survival rates in country areas in times to come.

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Radiation Amendment Bill 2010, which is before the house. Members will note the Radiation Act was last amended in 2005, so it is entirely appropriate that it be reviewed. The bill includes a series of minor amendments to the Radiation Act 2005 to ensure the state maintains its radiation safety legislation consistent with national directions and that people are safe in the use of radiation. It is important to ensure also that the environment is safe from the harmful effects of any ionising or non-ionising radiation that may be utilised.

Around the state there are in the order of 2500 management licences for radiation facilities and equipment, and 9700 licences have been issued to individuals to use radiation sources. Why are they used? As we have heard from other members, there is extensive use of radiation in the health area. Of course these days almost all dentists — certainly all the

dentists I have been to — use X-rays, so they will be listed as licensees. There is a whole range of medical uses for which radiation is used so it is appropriate that, when a range of people are using radiation facilities for medical purposes, for research and for the broad range of very legitimate uses and have access to appropriate equipment, we ensure there is a range of appropriate restrictions placed on those licensees.

Clauses 5 and 7 clarify the scope of several key offence provisions in the act by inserting into those provisions a fault element so that licence-holders are clear about their responsibilities. We are upgrading the legislation so that when radiation is used for medical, dental, veterinary, industrial, educational or research purposes it is used appropriately and the public can feel assured that, although they are always being exposed to some level of radiation, whether it is from the sun or other elements within the soil or other materials around them, and where such devices use relatively high levels of radiation, whether it is ionising or non-ionising, the devices are used at a safe level and treated responsibly.

Members of the public are rightly concerned about radiation because they are aware of the harm it can cause. They are concerned when some people talk about the use of nuclear energy in this country. Many members of the house will remember the harm that was done in the 1980s when the nuclear power station at Chernobyl went into meltdown. Great harm was done in the short term, and many of the people who went in to try to stop the meltdown died an excruciating death in the fairly immediate period afterwards. For many years the people of the Ukraine were advised to move further away from Chernobyl. Many children from the area came to Australia to breathe the clearer air and eat the cleaner food in Victoria in order to reduce their potential for harm from radiation. People are aware that radiation can be a very harmful agent, and they want to know that any groups using radioactive materials use them safely.

In terms of the legislation clearly there is a need to provide information to those who may need to ensure appropriate people have licences. We need to balance that with concern about terrorism and access to information about people who may have radioactive equipment. We might have concerns that terrorists could get hold of such information. Although clearly they know that many dentists, doctors and medical facilities have such equipment, that does not necessarily help them.

The legislation provides for a public register to give limited details including the names of licensees, the number associated with a licence and its date of expiry. The member for South-West Coast was concerned about names being listed, but as the register will not list addresses or further details it seems quite reasonable. There is not a great deal of concern about terrorists getting hold of names on their own. I think we have established the right balance.

The member for South-West Coast also talked about the need for an MRI (magnetic resonance imaging) unit in Warrnambool. He certainly advertised the Liberal candidate for Wannon, who seems to be on the bandwagon supporting the need for such a device. It seems rather remarkable that such a unit was not provided in the 11 years of the Howard Liberal federal government that ended less than two years ago. It is rather surprising that even though the Rudd government has been in power for only two years it should be criticised for not providing an MRI unit in Warrnambool.

The member for South-West Coast talked about the value of delivering radiotherapy in regional Victoria. It is amazing that when he was a minister in the Kennett government no radiotherapy units were available outside Melbourne and Geelong. Suddenly he wants one in Warrnambool, and amazingly he talks about the provision of a hub-and-spoke system.

When I was a candidate for Ballarat East ahead of the 1999 election, the current member for Ballarat West, Karen Overington, and I worked with the Ballarat community because it did not have a radiotherapy facility. The Kennett government said, ‘It cannot work in towns like Ballarat. It cannot work in towns like Bendigo. It cannot work in the Latrobe Valley’. Under our government we found it could work, and we have established radiotherapy units in Ballarat, Bendigo and the Latrobe Valley, and devised the hub-and-spoke system so that people have access to hospitals in Melbourne — in the case of people in Ballarat, the Austin Hospital — and the system works.

Today we heard the member for South-West Coast say what a wonderful idea it is. He did not say it was an idea that was delivered under the Bracks and now the Brumby governments. It was not introduced during the time he was a minister of a previous Liberal government in the state. It is rather amazing that he is suddenly picking up on these ideas that could not be developed in the time he was a minister but which are now appropriate.

Certainly I would welcome the opportunity for other parts of the state to gain radiotherapy units, but the radiotherapy unit in Ballarat is used extensively — in fact it is overused. The member for Ballarat West and I

are working with our government, which has put in a submission to the federal government — with dollars attached — and are hoping to attract an improved facility for Ballarat. The Ballarat facility services a much broader area than some of the smaller facilities such as Warrnambool's. The Ballarat facility services a very large number of people. I am hopeful that this government and the Minister for Health, who has put a submission to the federal government, will be successful in working with the Rudd federal government to improve our cancer centre and radiotherapy unit in Ballarat.

Clearly radiotherapy is something that is valued in regions such as mine. It would be great if radiotherapy facilities could be put in smaller areas too. We need to move these facilities into the regions; they are of great benefit and have been of great benefit in Ballarat since the Brumby and Bracks governments put some there. I was really pleased to have been with then Minister for Health, John Thwaites, when these facilities were announced.

**Mrs SHARDEY** (Caulfield) — I too rise to speak on the Radiation Amendment Bill 2010. The main purpose of this bill is to give the Secretary of the Department of Health a number of additional powers. The purposes of the bill are to allow the secretary to impose further conditions on management licences relating to the management or control of the use of a radiation source, to clarify the scope of certain offences, to allow the secretary to impose conditions on licence exemptions that require compliance with incorporated documents, to allow the secretary to publish on the internet specified parts of the register — only parts of the register — maintained under the act that relate to use of licences and finally to make other minor amendments to the Radiation Act.

Clause 4 amends section 3 of the Radiation Act 2005 by inserting a new paragraph in the definition of 'radiation practice', which will now be defined to include the activity of managing or controlling the use of a radiation source. The explanatory memorandum says this amendment will allow the secretary to issue a management licence that is subject to conditions that are designed to ensure that a radiation source is used as safely as possible. I suppose this is the reason for this act: it introduces some additional safety measures to the provision of radiation. The example given in the explanatory memorandum is that the secretary will have the power to place limits on the purposes for which a radiation source is used or the way in which a radiation source can be used.

I wish to raise some issues. Other members have gone into a lot of detail about this legislation and raised a number of issues. Some of the issues I wish to raise have recently been raised in the media and point more than anything to the need for the Victorian government to ensure sufficient services are available across the board so as to ensure doctors can choose the most appropriate form of testing — that is, the most appropriate form of medical imaging — to diagnose the cases before them.

In terms of some of the concerns that have been raised, there are claims, for instance, that an overuse of CT (computerised tomography) scans is putting some patients at risk. It is claimed that more than 400 new cases of cancer per year in Australia are attributable to diagnostic radiology. The source of that was an ABC news item by Emily Bourke. She claims there is:

> … concern about the overuse of CT scans in Australia, with doctors being urged to stop the indiscriminate ordering of scans which can cause cancer.
>
> The Medicare watchdog says there is an alarming trend of doctors using the scans without clinical justification and not understanding the health risks.
>
> The Australian College of General Practitioners also concedes there is a problem.
>
> Over the past decade, there has been an explosion in the number and the availability of CT scans in Australia.

In the same article Dr Tony Webber from Medicare's professional services review says most people practice responsibly — I assume he is talking about GPs, and I would agree with him — although he also says:

> … I am really quite astonished when speaking to doctors about their ignorance of the risks of CT scans.

That is something we need to take into account. In another media item we are told the number of CT scans, which generate far more radiation than X-rays, has grown by some 12 per cent per year. That would be across Australia. I have already mentioned the Medicare watchdog, Dr Tony Webber, who took the unusual step of publishing an expert's call for doctors not to use CT scans as a first-choice diagnosis tool for conditions such as lower back pain.

In the same item Professor Richard Mendelson, head of radiology at Royal Perth Hospital, said that in the past 20 years there had been a marked increase in the exposure of the population to medical ionising radiation, which has been talked about by previous members. This is due to the increased use of CT scans. He says:

> Although the risk of a CT scan is relatively small, a CT of the abdomen and pelvis may expose the patient to a dose of up to 20 millisieverts and thus an increased risk of induction of a fatal cancer of 1 in 1000 —

people.

CT scans involve a much higher dose than conventional X-rays: a chest CT scan exposes a patient to more than 100 times the radiation dose of a typical X-ray. One critic has claimed that the problem relates to the federal government's frugal approach to the use of MRI (magnetic resonance imaging). Further on that situation, the *Age* newspaper published an article on 16 March this year which blamed Australia's rising use of CT scans on the current federal government not making MRIs more available.

I spoke to a radiographer who made the point that there can be a difference in the use of MRI and CT scans. MRI scans often relate to soft tissue, whereas CT scans can relate to more bony structures in the body. We must admit that there is a problem in this area. Australia has one of the lowest levels of patient access to MRI among developed countries. I think the member for South-West Coast gave those figures.

There is another issue I would like to raise in relation to MRI. During the time I was shadow Minister for Health I received a letter from a Peter Eastaugh in Shepparton. He said:

> Currently the Royal Children's Hospital has a waiting time of approximately 18 months for an MRI scan. Many rural settings in Victoria have equipment equivalent to that of the Royal Children's Hospital and also have available to them qualified paediatrically trained anaesthetists who can undertake the procedures. However the availability of paediatric neuroradiologists to report or give a second opinion in relation to the results of the procedure is limited to the Royal Children's Hospital in Melbourne.

That is a problem that he raised in regard to MRI. In relation to EEGs (electroencephalograms) he said:

> Similarly most rural centres have appropriate equipment for the reporting of electroencephalograms. The waiting time for an EEG is around one week in most settings but a paediatric EEG requires a paediatric neurologist to report the EEG.

In years gone by this could be done at the Monash Medical Centre or the Royal Children's Hospital in a short time, but at the time he wrote, in June last year, over the previous six months the reports seemed to have become unavailable.

I think there is a huge issue in relation to EEGs. For instance, last year in the media a case was raised of a little boy, a sick toddler, who languished for seven months waiting for a test that finally revealed he had a brain tumour. He was waiting for an MRI at the Children's Hospital. A spokeswoman for the Royal Children's Hospital at the time was reported as having said that the hospital had a triage system for MRIs. She said:

> But we do need more resources for children, as 25 per cent of our patients need an anaesthetic for an MRI …

She has clearly raised the issue about that situation.

In summary, while this bill is in a sense tidying up provisions, and most of the provisions in this bill are sensible, the government needs to clarify the capacity of the secretary to put certain information on the internet. There are issues around the availability of radiography in country settings, and the member for South-West Coast very rightly raised that issue. There is also the issue of the availability of MRI across the state of Victoria. The minister should be talking to his federal counterpart about that very important issue to ensure that rural children are not left languishing and are able to be diagnosed and therefore able to receive appropriate treatment for what appear to be very serious illnesses that can affect their capacity to have further life.

**Ms BEATTIE** (Yuroke) — The first direct regulation of radiation safety occurred in 1961, with the regulation of radioactive substances through the former Health Act 1958. The Health Act 1958 was gradually amended to eventually establish a licence and registration framework together with a range of offences relating to radiation therapy. It really takes us up to the present day, because the purpose of this bill is to make a series of amendments to the Radiation Act 2005 to ensure that Victoria has radiation safety legislation that is consistent with national agreements. I am sure everybody in this house would agree that national agreement to protect people and the environment from the harmful effects of ionising and non-ionising radiation is a very good thing.

The purpose of the bill is to expand the ability of the department to impose conditions on management licences which authorise radiation practices and to establish a power to publish a limited public use licence register on the Web. Much has been said about that. As an earlier speaker pointed out, a limited public use licence register would just have names and not specific addresses on it. The bill also makes a minor change to the power to make licensing exemptions, which I will go through in some detail later, and introduces a fault element into several existing offence provisions relating to compliance with licensing issues.

All of us understand the great changes that have been made in recent years in all forms of medicine. Victorians have been the beneficiaries of a lot of those advances in technology and diagnostic and therapeutic

uses of radiation. They are vital to the present quality of health care here in Victoria. Other things, such as advances in biochemical, medical and other research, have been greatly aided by the use of radiation. Indeed, radiation is used for many things. Equally I am sure that it has enhanced the quality of life for many, Victorians. However, having said that, I know that the use of radiation can and does involve hazards, particularly if it is used inappropriately or unnecessarily.

I will go through some of the figures that have been talked about in relation to licences. There are now approximately 2500 current management licences which authorise, among other things, the possession of approximately 7200 radiation sources ranging from radiopharmaceuticals and X-ray units used in medical practices to devices used to X-ray welds in industry.

Another figure to which I draw the attention of the house is that there are approximately 200 licences issued to solariums authorising possession of commercial tanning units. I understand that is a drop of about 40 per cent in the number of licences, and I can only say to the house that this is a very good thing. We know that there have indeed been deaths attributed to some of the tanning units and there are many products that can be used externally to give one a tan.

I believe a lot of those external products are used particularly around Brownlow Medal night when you see young women in the middle of winter with quite a dark tan. If they are tanning safely, I can only think that is a good thing, but I say to people generally that if they are thinking of going to a solarium, they should not do it.

The bill also seeks to expand the ability of the secretary to apply conditions to a management licence and to regulate the management and control of the use of a radiation source.

In the time left to me I refer members to the *National Directory for Radiation Protection*. It was republished in December 2009 and really does have quite a number of checks and balances in the procedures to minimise exposure to ionising radiation. There are general principles, and it talks about minimising doses to the patient and the use of receptive holders for intra-oral radiography. It talks about the positioning of the patient, the field sizes and the protective drapes that should be used. It talks about some of the safety precautions that should be adopted for a pregnant woman involved with radiography, including dental radiography, and a lead drape is recommended when the X-ray beam is directed towards the patient's trunk. There are a number of checks and balances.

The *National Directory for Radiation Protection* also talks about children and how they should be handled if they are being examined. In point 6 it talks about minimising doses to the operator and other staff, and that is a very important thing. The safety of workers when they are operating various machinery, whether it is computerised tomography scanners or magnetic resonance imaging machines, is very important.

The national directory talks about holding the image receptor. It even talks about the holding of patients. Sometimes children have to be examined, and the national directory talks about how they should be restrained during examination. It also talks about the protection of the operator during exposure and personal or area monitoring. Again, it focuses on pregnant operators and other staff. There are a number of checks and balances within the national directory, and I commend those.

The member for South-West Coast talked about the particularly fine work of a candidate — I believe he said the candidate for the federal seat of Wannon, although I could be corrected about that — advocating for more services in the Warrnambool area. Today there was a debate at the National Press Club involving the Prime Minister and the federal Leader of the Opposition, Tony Abbott. That would have been a great opportunity for the federal candidate for Wannon to have his thoughts put forward by Tony Abbott, but did we hear any policy from Tony Abbott about that? I did not hear any, so perhaps the candidate for Wannon should keep working so that the federal Leader of the Opposition takes some notice of him and develops a health policy quickly instead of just knocking the very fine health policy that the federal Labor government has proposed.

The Radiation Amendment Bill 2010 is a good bill, and I commend it to the house.

**Mrs VICTORIA** (Bayswater) — I rise to speak on the Radiation Amendment Bill, and I start by saying that I am not opposing what is contained in the bill. There are many provisions in the bill, but in the limited time I have available I will address the ability of the Secretary of the Department of Health to publish information on the internet and in particular information about the suspension or cancellation of licences.

There has been some talk about safety in the use of radiation not only in diagnosis but also in treatment. There is a lot of evidence to say that more education is needed for medical students. I refer to an extract from an article by Mark Metherell which appeared in the *Age*

of 15 March and which stated that the unjustified use of potentially cancer-causing computerised tomography scans in Australia has alarmed the Medicare watchdog. The article goes on to say that there are some 400 new cases of cancer a year directly attributable to diagnostic radiology and that there is really quite a deal of overuse.

As I say, there have been cases, especially in Western Australia where research was done on senior medical students, that have shown that most people underestimate the amount of radiation that is — —

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### Disability services: Box Hill North family

**Mr CLARK** (Box Hill) — I raise with the Minister for Community Services the urgent need for more out-of-home supported accommodation in the eastern metropolitan region. I ask the minister to take immediate action to ensure that families that have been placed on seemingly endless waiting lists are at last given the assistance they so desperately need.

The impact this chronic shortage of supported accommodation has on families is clearly illustrated by the plight of the Fitzgerald family of Box Hill North as they struggle to care for their 19-year-old son Trevor, who has been diagnosed with severe autism and an associated severe intellectual disability as well as epilepsy. The Fitzgeralds first contacted me in 2008, by which time Trevor had grown into a strong young man and had become impossible for his parents to manage. During increasingly violent outbursts, Trevor had repeatedly assaulted all members of his family, as well as carers, a toddler and an elderly family friend. Trevor's parents faced the heartbreaking reality that they were no longer able to properly care for him in the family home. The Fitzgeralds and professionals working with Trevor wrote to the minister and the department to explain the urgent need for Trevor to be permanently placed in out-of-home supported accommodation. They were told that Trevor was on the disability support register with priority status; however, it is now March 2010 and Trevor is still living with his family.

From very early every morning until late at night, this family's routine is driven by the need to care for Trevor. The impact this has had on the Fitzgerald's younger children is immense. Their teenage daughter feels unable to live with her family anymore and frequently arranges to stay with friends to avoid confrontations with her older brother. By the middle of 2009 the Fitzgeralds had reached breaking point. They contacted my office out of absolute desperation. They wanted someone to know that they felt like taking Trevor to the local police station and leaving him there. It was only then that the Department of Human Services offered the Fitzgeralds some temporary reprieve — an offer of an additional one day of respite care per fortnight until the end of the year.

One cannot begin to imagine the difficulties that families like the Fitzgeralds endure on a daily basis. The current approach to managing high-need clients like Trevor is clearly failing, and those failures are tearing Victorian families apart. As year after year goes by, parents begin to realise it was false hope they once felt when they heard terms such as 'priority status', 'every effort' and 'as soon as practicable'. Those terms are meaningless when they are not accompanied by action. I call on the minister to provide the support so desperately needed by the Fitzgeralds and other eastern suburbs families and to put real meaning into the term 'priority waiting list' instead of continuing with the current charade.

### Sport and recreation: community code of conduct

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Sport, Recreation and Youth Affairs, and I am pleased to see him in the house tonight. The action I seek from the minister is that he develop educational materials that can be distributed directly to my local sporting clubs and associations about the new Victorian code of conduct for community sport. Most members of this house will know that the new code was released earlier this month.

Under the new code sporting associations and clubs will be required to take a zero-tolerance approach to bad behaviour and to crack down on violence and ugly parent syndrome or risk losing millions of dollars in funding. On the day of the code's release, the sports minister stated:

> Victoria's 16 000 community sporting clubs would need to comply with the accord, which sets strong standards for players, spectators and officials.

These new standards are aimed at stamping out the actions of a small minority who from time to time cross the line and do the wrong thing. Breaches of the code will include violent or abusive behaviour; vilification of any kind towards another person; discrimination based

on age, gender, sexual orientation, race, culture or religion; sexual harassment or intimidation; and failure to maintain a safe environment. Given that many of the sporting codes have worked closely with the government to establish the new code, it is not surprising that they are now publicly endorsing the new approach.

Hockey Victoria states on its website that it embraces the new code. The Football Federation of Victoria has also stated on its website that it thinks the code will help create a positive environment for all people attending and participating in football matches across Victoria. Football Federation Victoria CEO, Mark Rendall, is quoted as saying:

> The code will make a positive impact on community participation in our sport as it encourages appropriate, positive and respectful behaviour.

AFL Victoria also welcomed the release of the code, stating:

> We applaud the state government's announcement in supporting what we as a sport are already doing, and that is creating welcoming, healthy and safe community football club environments.

Netball Victoria has also been a leader in stamping out bad behaviour in its sport. Netball Victoria CEO, Leigh Russell, said her organisation:

> … fully supports the implementation of the code. Most importantly for us, the code supports a zero tolerance stance towards violence against women.

In the past the minister has visited my electorate to speak at a community sporting club's night, so he has had a firsthand view of the popularity of sport in the inner west of Melbourne. These clubs in my electorate will be integral to the code's success and will benefit from having educational materials available to them to better promote the new code among players, spectators and officials. Finally, with the benefit of having the minister in the house, I congratulate him on developing that universal code of conduct for community sport. He should be very pleased with the initiative, as too should the sporting codes who have been involved in its development.

## Buses: city of Maroondah

**Mr R. SMITH** (Warrandyte) — I wish to raise a matter with the Minister for Public Transport regarding the review into bus services in the city of Maroondah conducted by the Department of Transport. The review commenced in October 2008 and submissions closed in February 2009. It has been well over a year since the deadline for submissions, yet the results remain a mystery to Maroondah City Council and the local community. This should not come as a great surprise, however, given the Brumby Labor government's propensity for making announcements and conducting reviews ahead of action. We often find that when a review is critical of government performance or reports that the government actually needs to do something to address community concerns, it is delayed or forgotten.

In June last year the former Minister for Public Transport announced with much fanfare that bus patronage was the highest in 40 years. Given that patronage is up, you would think that releasing the results of the review would be a priority. The Minister for Public Transport has stated that the Brumby Labor government is delivering on bus services; however, if you live in Ringwood or Croydon, these so-called improved bus services are something of a mystery. The Minister for Public Transport has recently announced that the bus review into city of Manningham services will be released by mid-April. All residents of the city of Maroondah ask is that the review into services in their area be made public and that they be shown that their input into the government's review was not a waste of their time.

There has been ample time to finalise this bus review, and it seems to be increasingly obvious that the review is already on the minister's desk but is being held up until the minister's media unit advises him of a time when it will generate the best public relations opportunity. The Brumby Labor government regularly shows Victorians that it is all about spin instead of substance, reviews instead of action and rhetoric instead of achievement. Unless this review is released without delay, the local community can only assume that the Maroondah bus review has been another of the Brumby government's sham consultations of the kind perfected by the Minister for Planning, Justin Madden.

A great deal of the local community's time and effort went into this review, and a number of problems are being experienced by local commuters on a daily basis. Whether it be the suitability of bus routes, the inability of students to get to school due to overcrowding on buses or the infrequency of services, all are issues that need to be addressed, not ignored. The Maroondah community is entitled to know if its many concerns are addressed by the review — —

**The DEPUTY SPEAKER** — Order! The member should ask for action.

**Mr R. SMITH** — I call on the minister to release the Maroondah bus review as a matter of urgency, as I did in the first sentence.

**The DEPUTY SPEAKER** — Order! I did not hear the member.

## Community development: outer suburbs

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Community Development. The action I seek is for her to have her department do all in its power to promote the positive attributes of a life living and raising a family in the outer suburbs of our great city of Melbourne. Many of my neighbours and local community members have told me how frustrated they are about the constant mistruths and myths that are peddled about the quality of life we enjoy in the outer suburbs. Whether it be by the silvertail set of Kew, Hawthorn and Toorak, by the faux Green inner city set, by the broadsheets or by many other uninformed sources, the community life of Melbourne's fantastic outer suburbs is constantly denigrated.

As a local Doreen resident — and I know that many inner city snobs will say, 'Where is that?' or, 'Where is Mernda, where is Epping North?' — I am terribly proud of what we have to offer in the outer north of Mernda, Doreen, Whittlesea and Epping North. We have a fantastic environment. We preserve our red gum forests. We have numerous state and national parks, including Plenty Gorge, Kinglake, Warrandyte and Yan Yean, and the Craigieburn grasslands, to name a few. We have schools and further education facilities that are second to none. The Lakes School has received a United Nations environment award in only its first year of operation. The Epping View Primary School received an architectural design award. We have great retention rates, and there are great investments that are delivering local jobs, including the wholesale fruit and vegetable market and the Donnybrook rail freight hub.

We also have great health and hospital services that are expanding, whether it is mental health, maternity services at the Northern Hospital, the Austin Hospital or the Mercy Hospital for Women. We have low rates of crime and high rates of volunteering and involvement in sport. We have new bus services. More than 90 per cent of people living within the urban growth boundary have access to bus services or train stations.

However, there are those who continually criticise and condemn our way of life. Last year we saw Damian Drum, a member for Northern Victoria Region in the other place, describe the growth suburbs as 'tumours'. Mr David Davis and Mr Dalla-Riva members for Southern Metropolitan Region and Eastern Metropolitan Region respectively in the other place, described Epping as a wasteland and a dustbowl. They went on to talk about why you would not want to put the wholesale fruit and vegetable market in Epping.

I urge the minister to make all in the area aware of the great programs that support life in our suburbs so that we can turn around this dreadful talking down, whether it is those on the other side, the uninformed people in the city or those in the media who do not understand what great lives we have living, working and raising families in the outer suburbs.

## Road safety: roadside vegetation

**Mr DELAHUNTY** (Lowan) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I request on behalf of the Lowan electorate is for the minister to initiate an action plan that will make our country roads safer by removing trees overhanging roadsides below the level of 5 metres.

The Lowan electorate, as many members would know, is the largest electorate in the state, covering 34 500 square kilometres. It is about half the size of Ireland. I travel the roads of the Lowan electorate regularly. There are many roads linking our country communities. Last week, during one of my regular visits to many of the towns in the electorate, a message I consistently received from people in the electorate was that the state of our roads was of concern, particularly the vegetation beside the roads getting closer to the roads. In fact in a lot of cases vegetation was crossing the white posts at the sides of the roads and this impacted on visibility. This also impacts on the ability to see wandering stock or wildlife, particularly kangaroos. The only ones who are happy to run into kangaroos are the panelbeaters.

Many concerns have been raised about overhanging trees impacting on safety. Concerns were raised with me about stock trucks hitting trees; this impacts on the stock themselves and damages trucks. These trucks hit trees and branches which then fall on the road and cause damage to following vehicles.

There are approximately 160 000 kilometres, or about 500 000 hectares, of roads in Victoria. About 2.5 per cent of Victoria's landmass is tied up in road reserves. A, B and C-classified roads are under the responsibility of VicRoads. They are often managed by councils under the authority of VicRoads. I have a letter from David Anderson, the chief executive of VicRoads, regarding warning signs and trees close to the road. It states:

> Warning signs are used throughout … Victoria for many and various purposes. The use of these particular signs is to alert the travelling public of the possible presence of trees, or tree

limbs, within the expected cleared areas both beside and above the traffic lane or shoulder of some roads, when identified in VicRoads' routine safety inspections.

VicRoads is not in favour of using these warning signs, but unfortunately it must. With the help of the parliamentary library I have found a number of VicRoads bulletins which talk about road safety. We know that loaded trucks can be anything from 2.7 metres wide to 4.6 metres in height. All truck drivers have a responsibility to ensure that they travel on the road safely.

Under the Road Management Act it is the responsibility of this government, through VicRoads, to ensure that the road is safe, not only the middle of the road but the entire area from white post to white post. The distance between the road and the tree canopy should be at least 4.6 metres; in fact it should be at least 5 metres to allow for a minimum 200-millimetre clearance. Again, I call on the minister to take action in this area.

## War memorials: restoration

**Mr STENSHOLT** (Burwood) — I raise a matter for the Minister Assisting the Premier on Veterans' Affairs. The action I seek is his support for local war memorial upgrades in my area. I know the minister is quite passionate about veterans affairs, and I appreciate his actions in the past, including arranging Anzac Day buses for members of my electorate. Local RSL members and their families appreciate the service that goes via Ashburton and Camberwell. I thank the minister and the Premier on behalf of members of my electorate in anticipation of the government providing these bus services again this year.

This bus service, of course, will go past the Camberwell RSL sub-branch and its cenotaph on Camberwell Road. As a local MP and associate member of the sub-branch I wrote to the secretary of the Camberwell RSL, John Daly, and suggested the sub-branch might wish to apply for a grant to upgrade the cenotaph. The sub-branch has applied for $2000 to place three plaques on the cenotaph: the emblems of the army, navy and air force. I urge the minister to support their application.

I also point out to the minister that the Camberwell RSL is the headquarters of the state branch of the National Servicemen's Association, which would welcome the upgrade of the Camberwell cenotaph. I am sure the minister will join me in congratulating the nashos on their new national memorial, which will be completed soon and dedicated on 8 September this year.

I also wish to raise with the minister the application of the Ashburton Primary School for an upgrade of its memorial to local diggers which is situated outside the front of the school. The memorial recognises local people from Ashburton who lost their lives — who made the supreme sacrifice — during the war. The school has a nice memorial to these people, with a flagpole.

The general grounds in front of the school have been recently refurbished thanks to the Rudd federal government's schools initiative. Unfortunately Peter Costello, a former federal member for Higgins, voted against this upgrade at Ashburton Primary School. The war memorial, however, has not been upgraded. I suggested to the school that it make an application to the Victorian government for a grant to upgrade its memorial and the flagpole.

The flag monitors at Ashburton Primary School do a wonderful job. Because it is very difficult to raise the flag, the monitors have to climb up on a set of temporary wooden stairs in order to raise the flag every day. I suggested to the school that it needs to redesign that area and take that difficulty into account, because a revamp of the memorial will ensure that it links in appropriately with the rest of the front of the school, which is now looking absolutely magnificent. I ask the minister to support this application as well. I ask that he put the case to the Premier to make sure that the memorial is upgraded.

## Cycling: Beach Road

**Mr THOMPSON** (Sandringham) — I seek the opportunity to lead a deputation of road safety advocates and local concerned residents to meet with the Minister for Roads and Ports to discuss cycling along Beach Road and other bayside streets within my electorate.

Three and a half years ago, following the death of James Gould, the state coroner made a remark that there is an incompatibility between sport cycling along residential streets and conjoint use, and there are a number of inherent dangers. Recreational cycling is a great activity, but dicing with death is not.

For years a number of people have taken a keen interest in road safety and pedestrian safety along Beach Road, and many observations have been made. One observation is that there is massive non-compliance with the law as it stands at the moment. One in particular is road rule 259, on the use of bike lights, and another is riding with safe distances between cyclists and between a cyclist and a motor vehicle. Another

observation relates to the rule that requires cyclists to ride two abreast, unless overtaking. A further aspect relates to the code of conduct where pack sizes of 20 are recommended, but regularly packs of 65 to 100 cyclists appear along Beach Road.

There is a range of other stakeholder interests along Beach Road, including those of the traders, the residents, fishermen, lifesaving clubs and other foreshore users. Recently, in order to organise motoring and work journeys, a number of motorists and truck drivers have broken the law and crossed over the white line in seeking to overtake the packs of cyclists.

It is also important that there be a strong correlation between reforms designed and introduced and to avert dangers. One such example is the proposed clearway between 6.00 a.m. and 10.00 a.m. Only a small proportion of accidents occur within that time when compared with the aggregate number of serious accidents in the local area. It is folly to encourage a high usage of Beach Road for cycling without making sure that wise safety measures are implemented.

The solution in visionary terms may be to provide a dedicated circuit in some circumstances, to enable serious cyclists and sports cyclists to pursue their recreation without having to contend with motor vehicles on the road at the same time. I understand that the Olympic circuit being developed near Manchester in the United Kingdom has good separation, and a visionary government might be able to do more in relation to land at Albert Park and Braeside Park.

## Consumer affairs: community education

**Mr SCOTT** (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs. It relates to the provision of information to the most disadvantaged members of our community concerning their rights under consumer law. The action I seek is that the minister facilitate the organisation of consumer education forums on consumer rights with local community groups by developing information kits and providing other resources as necessary.

Some of the most flagrant abuses of consumer rights that have come to my attention concern disadvantaged members of the community, including recently arrived migrants, the mentally ill and many members of the community who are uncomfortable with complex written communications. These people are generally unsure of their rights and often do not know how to go about finding information on consumer law. It is fair to say that some of the more unscrupulous local businesses see these people coming and take advantage of their ignorance or naivety. I could quote numerous examples of people having signed up to cable TV or with mobile phone companies or door-to-door energy retailers without a clear idea of their rights and responsibilities.

People in my office have had discussions on these issues with people in local community groups and the Spectrum Migrant Resource Centre. We believe that what is needed for people who are not comfortable with the written word are informal meetings or classes in which people can be told their rights under consumer law and they can ask questions without being embarrassed or feeling foolish. Members of local community groups that people in my office have spoken to are very keen to host such information events, and people at the Spectrum Migrant Resource Centre have indicated their enthusiasm for hosting consumer information events. I believe these information events will help provide information to those who do not read complex legislation or pamphlets to get access to their consumer rights, which all citizens deserve.

## Children: early childhood services

**Mr MORRIS** (Mornington) — Providing the services necessary to give our children the best possible start in life is the core business of government, and it is doubly so when a child has developmental delays or a disability. We know that early childhood intervention works and that it works best when it is provided early. The issue I raise this evening is for the Minister for Children and Early Childhood Development. The action I seek from the minister is that she provide additional early childhood intervention places to assist in meeting the higher demand currently being experienced in the southern metropolitan region.

In the last couple of years the minister has announced almost 1000 extra places, and of course that is a good thing. However, the distribution of those places has meant that the southern region has received only 40 of those 1000 places. That compares with some 290 in the western metropolitan region, 344 in the northern metropolitan region and 94 in the Loddon Mallee region. I do not have any precise knowledge of the needs of those regions, but I am very concerned about the imbalance between the proportion of the population in the southern region and the number of places provided.

On 2008 figures the cities of Casey, Frankston, Greater Dandenong, Kingston and the Mornington Peninsula shire between them have approximately 16 per cent of children in Victoria aged zero to 4 years of age, and

15.8 per cent of children aged between 5 years and 9 years of age. If you add Cardinia shire into the equation, that figure goes up to 17.5 per cent. But we have had only 4 per cent of the total number of places provided. I am sure the member for Frankston would be concerned that over that two-year period only three places have been provided in Frankston, given that there are some 8300 children under four years of age in that area. I am sure he shares my concern.

There are other pressures on the providers. The Victorian Early Childhood Teachers and Assistants Award, which came into effect on 3 May last year, added considerable cost to providers, but the government has provided extra funding only from 27 January this year. The award also provides for a further three rises in May this year and again in 2011 and in 2012. The award came into effect on 3 May last year, but the money is being provided only from 1 July, so there are cost pressures as well. There is considerable unmet demand on the Mornington Peninsula for early childhood intervention places. I know our local providers could fill 20 spaces tomorrow if the capacity was there, so I urge the minister to look at the challenges we have and see whether further places can be made available.

## Nepean Highway, Frankston: safety

**Dr HARKNESS** (Frankston) — I raise a matter for the attention of the Minister for Roads and Ports. Specifically the action I seek is that the minister provide funding for two intersections on the Nepean Highway in Frankston which need safety improvements. Members will know, and the member for Mornington will appreciate, that the Nepean Highway is a very busy road which a lot of people use each and every day to travel to work, to take the kids to school or simply to go to and fro. We need to make sure that traffic treatments at intersections along all of our stretches of roads, but in this case the Nepean Highway, are as modern and as safe as possible.

I know the minister takes enormous interest in roads and road safety, and the massive improvements to our network made by this minister and this government are paying enormous dividends. In fact roads right across metropolitan Melbourne and regional roads across Victoria are being improved. However, tonight I wish to identify two sections of the Nepean Highway which need improvements, being the stretch of the highway between Playne and Wells streets in Frankston, and the intersection of the highway with Overton Road in Frankston, a little further to the north of the Frankston central activities district.

Whilst fortunately neither section or intersection has seen a fatal crash occur over the past five years, they each have an accident history that needs to be addressed, in both cases I think by better road design. After reviewing the crash history of the Nepean Highway in Frankston, I can advise the minister that over the past five years the short stretch of the highway between Playne and Wells streets has seen seven casualty crashes, including three serious accidents, and the intersection of the Nepean Highway and Overton Road has seen eight casualty crashes, of which one was serious. As a former member of the Road Safety Committee, I know that sometimes simple improvements to road design and a bit of modification can provide enormous benefits to all road users. Both of the sites I have referred to could certainly do with this.

I recognise that the government has been taking very strong action to improve our road network. Indeed the government has invested $650 million over 10 years for road safety improvements through the Safer Road Infrastructure program, and we have seen the benefits of this program. Over the past five years run-off-road crashes have accounted for 40 per cent of fatalities and 28 per cent of serious injuries on Victorian roads, but we have also seen the lowest historic road tolls over the last seven years. The Brumby Labor government remains absolutely committed to further reducing road trauma.

Improving safety on outer metropolitan roads and regional roads is certainly a key focus of the government's Arrive Alive strategy, which aims to cut the road toll and reduce serious injuries on our roads by a further 30 per cent by 2017. In fact the government has spent more than $7.5 billion to improve roads since 1999.

Once again I urge the minister to find some additional funding and to work with VicRoads to fix these two sections of the Nepean Highway in my electorate for the benefit of the many motorists who use this highway each and every day, including the member for Mornington.

## Responses

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The member for Williamstown raised the matter of the new Victorian code of conduct for community sport, particularly the development of educational materials that can be distributed directly to local sporting clubs and associations. As I mentioned in the house during the last sitting week and as the member for Williamstown outlined tonight, the Brumby government has developed a new zero-

tolerance approach to bad behaviour in local sport through the formation of the Victorian code of conduct for community sport. Every Victorian sporting association must sign up to the code or risk losing millions of dollars in funding, in the order of $250 million over the last decade.

I can inform the member for Williamstown that the government will shortly send every single Victorian club — that is, some 16 000 clubs — information about the code, including an educational DVD, promotional material for clubrooms and detailed information on how the code will work and what the implications are of any breaches. There is a lot of interest in terms of closing that enforcement loop. One of the things we will be explaining to clubs in the promotional material that they will see is there will be a contact point in their state sporting association for dealing with any concerns anyone has about there being a breach. For example, if someone thinks there has been a breach of the code at the club level, they do not go and complain to the club president or club coach. Rather, there is a state sporting association contact, which ensures that clubs cannot just sweep the problem under the carpet. It has to be dealt with in a statewide manner. At the end of that process, on an annual basis — —

**Mr Delahunty** — What support are you giving them?

**Mr MERLINO** — State sporting associations must then report to me on an annual basis in terms of how they have implemented the code. That males sure the enforcement is fully closed.

The member for Lowan asked about what support we will give state sporting associations. He would appreciate that the largest state sporting associations — the AFL, Cricket Victoria, Basketball Victoria and Netball Victoria — would have the capacity to work with their clubs and associations. But smaller sports would have some difficulty, and we will certainly be giving them some support through the department in terms of templates and providing resources as well.

I say to the member for Williamstown that we want to get this information out post Easter as the footy and soccer seasons get under way. Sporting clubs have until 1 July to sign up to the code. I thank the member for Williamstown for his strong interest in the code and also for his very strong support for community sport in the west in particular. I will keep him informed over coming weeks as to the development of this important initiative. I am sure it is an initiative that will be welcomed by his local clubs.

All the other matters raised by members will be referred to the relevant ministers for their action and response.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.32 p.m.**